



## **Australian Government**

Australian Government response to the report of the  
Senate Select Committee on the Aboriginal Flag

OCTOBER 2020

## **Government's response to the Senate Select Committee on the Aboriginal Flag**

The Government thanks the Senate Select Committee on the Aboriginal Flag (Committee) for tabling their report on 13 October 2020.

The Government's response to the Committee's two recommendations and suggestion is as follows:

### **Committee Recommendation 1**

That the Commonwealth Government does not compulsorily acquire the copyright for the Aboriginal flag under section 51(xxxi) of the Australian Constitution.

#### **Government's response**

The Government's consistent position has been that it has no intention of compulsorily acquiring Mr Harold Thomas's copyright in the Aboriginal flag. Any potential assignment of copyright to the Commonwealth will be with the full consent and agreement of Mr Thomas.

### **Committee Recommendation 2**

That, in the negotiations underway with Mr Harold Thomas and the current licensees, the Commonwealth Government aims to achieve a model for the future use of the Aboriginal flag by members of the community that is independent from government, that involves and consults with Aboriginal people, and that ensures that the body selected bears responsibility for:

- (a) maintaining the integrity of the Aboriginal flag;
- (b) upholding the dignity of the Aboriginal flag; and
- (c) making decisions about the Aboriginal flag's use.

#### **Government's response**

The Government notes the Committee's recommendation. As was articulated in evidence from the National Indigenous Australians Agency (NIAA) during the inquiry, much of the consideration of the future use of the Aboriginal flag will depend on any conditions that Mr Thomas places on how the flag might be managed into the future. The Government seeks to achieve a fair and reasonable model that balances the various interests surrounding the use of the flag.

### **Committee Suggestion**

The committee further suggests that subject to the rights of Mr Thomas, a parliamentary committee may be of assistance in framing the structure of a body that could have custodial oversight of the Aboriginal Flag.

#### **Government's response**

The Government notes the Committee's suggestion.