

Senator THORPE: I have one last question, and it's the same question I asked earlier. It's a hypothetical. I'm just getting a feel for how people feel about an Aboriginal community controlled organisation having the licence to the flag and Mr Thomas having copyright. What are your thoughts around that arrangement? Do you have any other ideas of another arrangement that might work?

Mr Stokes: No. I think that would be an arrangement, if he were in agreement with an organisation that could look after the copyright of the flag. At Tandanya, we believe that, at one stage, that copyright was going to come under Tandanya, from talks that happened through this institute a few years ago. It was a discussion we were going to have with him when I came on board about two years ago, but it just didn't eventuate. We were thinking about talking to him about managing that for him a while ago, and that was something we were hoping to do, but it never eventuated, as I said.

The understanding from myself, the current CEO, and the current General Manager, Ms Gemma Page, is that the copyright of the Aboriginal Flag was going to be gifted to Tandanya at some stage. Gemma Page was informed by the previous CEO, Mr Tim Richie that that offer was on the table at one time.

As Tandanya has been experiencing a time of upheaval and transformation, which I will not go into in detail here for obvious reasons, there is no documented evidence of that onsite at Tandanya. There was, we are led to believe, documentation at some stage and we are sure Tandanya would be able to get that evidence with some investigation in certain areas.

This information was made available to me at the beginning of my tenure here at Tandanya and has been something Tandanya as the National Cultural Institute will keep on looking at and hopefully finding.

It could be that Tandanya has further discussion with the Select Committee as there is further information we may have but due to confidentiality issues would not put out in the public arena just yet.

CHAIR: Mr Stokes, I might continue with that line of questioning from Senator Thorpe. Is it too late for Tandanya to have that discussion with Mr Thomas, in terms of you holding copyright there?

Mr Stokes: No. It was something that I was going to follow up. We were going to follow it up very soon because of this situation. This happened before I came on, and it never happened within Tandanya. So, with my coming on, and coming from the Northern Territory as well, I thought it would be a good idea to get in contact with him and see if he was still interested in that arrangement. Obviously, everything happened with WAM. We would be very happy to go and have a chat with him again and see if he would be interested in some sort of arrangement with us, the reason being that he has a long history with Tandanya, and we were hoping that we could use that and maybe see what we could do.

This is something I, as the CEO of Tandanya will be doing. I believe as would the administration here at Tandanya be very capable of holding the copyright at the institute.

The copyright would be dealt with ethically, respectfully and in the best interest of the Aboriginal and Torres Strait Islander people. I mention both First Nations people in my response as I believe both flags go side by side together as a unified symbol of Indigenous people in this country.

CHAIR: Mr Stokes and Ms Bigelow, I'm going to ask some questions consistent with questions I have put to earlier witnesses. In terms of the government's options here, what are your thoughts on the government compulsorily acquiring Harold Thomas's copyright?

Mr Stokes: It's a difficult question. I'm not quite sure. It is his copyright, it is his art. A lot of thought would have to go into that.

This is a difficult question but Tandanya as an organisation which is part of Arts Code and very much in the business of protecting the rights of artists, especially the Intellectual Property of those artists, it could be deemed as hypocritical for us to be in a situation where we are agreeing to take those rights away from Harold Thomas. The more favourable option would be for Mr Thomas to keep his copyright but the government was able to move towards acquiring the rights of the licensees.