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### Select Committee on the Aboriginal Flag

To whom it may concern,

Mindaribba Local Aboriginal Land Council (**LALC**) welcomes the opportunity to provide comment on the Senate inquiry on the Aboriginal Flag. As one of 120 Local Aboriginal Land Councils (**LALCs**) across NSW, we represent a collective membership of over 23,000 Aboriginal people in our State. One of the key responsibilities assigned to LALCs under the NSW Aboriginal Land Rights Act 1983 is to advance the protection of Aboriginal culture and heritage interests.

Since it was first created in 1971 by Luritja man Harold Thomas, our red, black and yellow flag representing our land, our people and our sun has been our standard through triumphs and enduring tragedies. The flag is used to represent us, to each other and to others, right around the world. It goes to the identity of all First Nations people and is now an intrinsic part of our heritage.

In particular, for our LALC the Aboriginal Flag stands as a symbol that we are still here, that First Nations Peoples have not been eradicated from **OUR** traditional lands and we maintain **OUR CONNECTION TO COUNTRY**.

We note and support the terms of reference of the inquiry and encourage the committee to consider all options available that protect the rights and interests of Harold Thomas while freeing the flag for use by Aboriginal people, Aboriginal Community Organisations and Aboriginal Businesses.

In relation to who benefits from payments to use the flag and the impact on Aboriginal Organisations and Communities, while we respect the individual rights of Harold Thomas and his family we want to see our Community's common and collective rights to our flag respected over its commercialisations by others. Current arrangements have the effect of further disconnectedness. No longer can we celebrate our difference in coming from many Nations whilst reflecting our connection as one mob and one people, the oldest living culture and people on earth as the Aboriginal Flag that linked us all across the lands now known as Australia has been taken from us. It is also distressing for our communities that an individual whose business has been fined \$2.3million for selling fake Aboriginal Art is seeking to profit from the current arrangements.

We echo the calls of the #FreeTheFlag campaign for Aboriginal people to have equal rights and access to the flag. The flag is an important part of our contemporary heritage and identity as First Nations people.



# MINDARIBBA

LOCAL ABORIGINAL LAND COUNCIL

In relation to options available to the Government to enable the Aboriginal Flag design to be freely used by the Australian community, we welcome the support from several Members of Parliament, including Coalition MPs, for the government to buy the flag. We note reports that Minister Wyatt is currently in talks to purchase the copyright to the flag.

We believe that there are opportunities to ensure the rights and interests of Harold Thomas and his family are protected while ensuring Aboriginal Organisations and Communities are free to use the flag. We strongly encourage the Government to take steps to secure our collective rights to our flag for our community to hold in common and to commercially compensate Harold Thomas and his family for their rights and contribution to our people.

Finally, this is a matter of National significance to First Nations people and also has interest in the broader Australian community. The Government should do everything within its power to free the flag for the enduring and fair use by Aboriginal people while ensuring the rights and interests of the flags creator Harold Thomas.

Should you require further information regarding the content of this letter please contact the author on the attached numbers.

Sincerely,

**Tara Dever**  
Chief Executive Officer  
Mindaribba Local Aboriginal Land Council

18<sup>th</sup> September 2020