



Australian Government

Department of the Prime Minister and Cabinet

ANDREW FISHER BUILDING
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BARTON

Ms Sophie Dunstone
Committee Secretary
Senate Select Committee on the Aboriginal Flag
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Ms Dunstone

I would like to provide a correction to evidence I provided at the hearing of the Senate Select Committee on the Aboriginal Flag held on Wednesday, 16 September 2020.

During the hearing, I was asked about the copyright history of the Torres Strait Islander Flag (Proof Hansard reference page 8).

I advised: "The Torres Strait Islander Flag was designed by the late Mr Namok. On his death, rights over the flag passed to the Torres Strait Island Regional Council – or the Island Coordinating Council, as it then was – and so they hold copyright of that flag."

Senator Davey asked: "Did he will those rights to them or were those rights ceded as part of the competition entry?"

I replied: "My understanding is that he willed them to the council, but I will correct that if I'm wrong."

I have subsequently been advised that copyright in the Torres Strait Islander Flag was ceded to the Island Coordinating Council as a condition of the flag design competition conducted by the Council, prior to Mr Namok's death.

This matter has been addressed more fully in answer to Question on Notice 0003 provided by the National Indigenous Australians Agency (18 Sept 2020) in the following terms:

The Torres Strait Islander Flag was designed by the late Bernard Namok of Thursday Island in January 1992. It was the winning entry in a design competition, held as part of a Cultural Revival Workshop, organised by the Island Coordinating Council (ICC, a Queensland statutory body representing the community councils in the Torres Strait at that time).

One of the conditions of the flag competition was that the successful applicant would assign copyright to the ICC.

The Torres Strait Islander Flag was adopted at an ICC Council meeting on 24 March 1992.

The ICC was replaced by the Torres Strait Island Regional Council (TSIRC) in 2008.

The TSIRC and their 15 communities own the copyright of the Torres Strait Islander Flag.

The TSIRC grants permission to reproduce the flag, subject only to the following conditions:

- (a) where appropriate, recognition is given to the original designer, the late Mr Bernard Namok
- (b) the original PMS colours are used
- (c) permission is received in writing from the TSIRC prior to reproducing the flag.

The TSIRC do not seek reimbursement for overseeing the flag's use and reproduction and have never charged a royalty for use of the flag.

I trust this is of assistance to the committee.

Yours sincerely

John Reid
First Assistant Secretary
Government Division

21 September 2020