

Submission to the Senate Select Committee on the Aboriginal Flag

Sharon Gollan

Biographical information of the author

Sharon Gollan is a descendent of the Ngarrindjeri nation of South Australia, with family and cultural connections to many communities within and beyond South Australia. She is an active member of the broader Aboriginal community in South Australia and is recognised as a leader both within her Ngarrindjeri nation and the wider Aboriginal community.

In 2009, Sharon was awarded the South Australia Premier's NAIDOC Person of the Year Award for contributions to Aboriginal communities across the state. In 2019 she was a national finalist for the Australian Human Rights Commission Awards, 'Racism. It stops with me' Award.

Sharon has worked professionally and academically in a range of human services fields in Australia. She began her professional career with a strong focus on Aboriginal children, youth and families, working in an interdisciplinary team to address the social-emotional wellbeing and support needs of young Aboriginal children and families and communities. Sharon has over thirty-five years of experience in the health, youth, children and community services sector with a primary focus on creating better services for Aboriginal people. Through her leadership positions within the public and non-government sectors she has gained extensive experience in the development, implementation and review of government programs, policies and initiatives.

From 2001-2009 Sharon was a Lecturer and Senior Lecturer in The David Unaipon College of Indigenous Education and Research, University of South Australia. She contributed to the education of graduate and post-graduate social work, nursing, teaching and psychology students by supporting them to develop culturally accountable practice when working with Aboriginal people and communities.

Sharon practices as a Cultural Advisor, Trainer and Consultant. This work has taken her into both urban and rural regions, operating within and across government, non-government, university and private sectors. As a consultant she has designed and managed evaluation, research or planning projects at local, regional, state and national levels. Sharon has been a Board and/or Advisory member of two Aboriginal community controlled health services, as well as mainstream community health and human services, and a NAIDOC Ambassador. She is currently an ambassador for Quit Smoking campaigns in South Australia. This has given her unique insight into management, governance and service delivery issues for Aboriginal people, and she has developed both a keen interest and exceptional skills in leadership in Aboriginal contexts.

Sharon's work has taken her into research and conversations about partnership accountability work, in particular the concept of 'black-white' partnership work. In this capacity she has developed strong partnerships with non-Aboriginal people in addressing issues that non-Aboriginal people need to consider when engaging with Aboriginal people as consultants, researchers and/or practitioners. She is well known for, and under constant demand, to facilitate 'Cultural Respect and Safety' training workshops over the last 25 years. The workshops assist non-Aboriginal health, education and human services workers to understand the dimensions of racism, reflect on their cultural identity, and explore how to address racism in order to develop culturally respectful and safe services in working with Aboriginal people, agencies and communities.

Introduction

I welcome the establishment of the Select Committee on the Aboriginal Flag and support measures to enable the flag to be freely used by the Australian community.

It is my position that in order to truly serve as a symbol of unity among Aboriginal peoples, the history of the flag needs to be understood and recognized.

In this submission, I focus on concerns about the origins of the flag and implications of official and legal recognition of Harold Thomas as the flag's creator. As such, my submission has direct bearing on the following terms of reference of the Committee:

- inquire into and report on current and former copyright and licensing arrangements for the Aboriginal flag design
- who benefits from payments for the use of the Aboriginal Flag design and the impact on Aboriginal organisations, Aboriginal communities and the broader Australian community of the current copyright and licensing arrangements; and
- other matters relevant to the enduring and fair use of the Aboriginal Flag design by the Aboriginal and Australian community.

I assert that David George Brown, known by family and community members as George Brown, designed and created the flag, and I am unhappy with the process and outcome by which recognition was legally bestowed on Harold Thomas, who now holds copyright and profits from this miscarriage of justice.

I dispute the attribution of copyright of the Aboriginal flag by the Federal Court to Harold Thomas in 1997. The process did not take into account the knowledge from various family and community members who were either students at the time or knew the story of the design. Unfortunately, some of the students are deceased, however children of the deceased have shared on Face Book their story which was shared by their mothers.

I argue that Mr Thomas should not receive any financial benefit in relation to the flag. The flag has profited because it is a symbol recognizing all Aboriginal peoples, our rights, our identities, our histories and experiences. It is a travesty that the flag has become a source of profit for one man and even worse that it is licensed to non-Indigenous companies. It is our position that any and all funds generated in relation to the flag should be stopped until a process has taken place with family members of George Brown. The family have had no input up until now. Speaking with one of the daughters of George Brown on 14 September 2020 was very traumatic for her. She, like myself and many others, just want justice for George and that his name and contribution are rightfully acknowledged.

I am disturbed by the dismissal of evidence that that flag was in fact designed by Harold Thomas' former student, George Brown. I believe this to be an example of institutional discrimination on the part of the court, albeit perhaps unintentional. The system failed him.

It is my position that many (if not most) mainstream Australian institutions are ill-equipped to truly listen to Aboriginal people and hear and understand our experiences. Decisions and the rules of evidence used in mainstream Australian courts and other settings are largely premised on an

adversarial model or argument that favours those with education, resources, experience and connection in interacting with these institutions.

Little wonder then that evidence in support of recognition of George Brown as the first and rightful creator of the Aboriginal flag was dismissed as unreliable.

Because of observations of how the Australian justice system treats Aboriginal people, and indeed my direct experiences with it, we did not come forth earlier with evidence that George Brown was the creator of the Aboriginal flag -- we just kept it in our families and communities. Some of us were too frightened to speak up and some were not even aware of the court case at the time.

I present this evidence now because it came to my attention that issues related to the Aboriginal flag are being investigated by this Senate Select Committee. This is an opportunity for the truth to be heard.

My Story - Evidence of Sharon Gollan

I was aged 17 when my cousin and I went to the site of the Aboriginal Tent Embassy and met up with George Brown and my brother, Lawrence "Lawrie" Webster. George told us that he won a competition for drawing /designing a flag, which came to be known as the Aboriginal flag. We went with them to a flat where George lived with his wife and children. Our grandmother was there and they were all excited when we came into the flat. George then showed us a drawing which was pasted on the wall – it was the design of the Aboriginal flag.

We were all proud of George for winning the competition. George gave us some money and my cousin (George's sister, Michelle Brown) and I left and went back to the boarding house in North Adelaide where we were staying.

We didn't hear immediately that Harold Thomas claimed to have designed the Aboriginal flag, and rights associated with it, but soon the news was everywhere. The only thing that differed between George's and Harold's was the description of the meaning of the colours. I am distressed, disturbed and dismayed that a teacher could steal the work of a student and represent it as his own.

George had many challenges in his life and he regarded design of the flag to be a great achievement.

I know that George was dealing with a number of difficulties in his life at the time, especially with alcohol, which took a toll, but all through the court case and right up to his death in 2019, George never gave up on his claim as the rightful owner of the design and winner of the competition for the design of the Aboriginal flag.

So why now? I feel strongly that I need to speak up in his memory; to try and right a wrong; and to correct the fallacies that surround the history of the flag.

Since posting this version of the story of the Aboriginal flag on Facebook with the intent to just get the Truth out there, many others in the community have come forward and shared their memories of events.

Following are responses to my initial Facebook post in August 2020. Amanda Brown, George Brown's daughter contacted me on Friday 11 September with her story and is wanting the wrong to be made right for her father.

We hope that this submission will assist in starting a process to successfully challenge Harold Thomas' claim to copyright, and that George will be recognised as the original designer of the flag.

From Sharon Gollan's Face Book Page:

Face Book post 1

[Sharon Gollan](#)

[August 21 at 5:10 PM](#) ·

Shared with Public



I've been thinking about this for a very long time and now it is time for action.

I will need the voice of others who know the story of the real original designer of the Aboriginal Flag.

The Aboriginal Flag was designed by David George Brown, known to many family and friends as George. I saw the design pasted on his wall in the flat that he was living in with his family. I saw it and he gave some of his prize money to myself and his sister. We were going to school here in Adelaide at that time.

If someone who reads this post could help in any way to address this matter.

The Aboriginal Flag was first flown at the tent Embassy at North Adelaide in the parklands across from the old Hotel Australia ...

Then taken to Victoria Square, now known as Tarntanyangga, named by the Kaurna people.

[Response to my Post](#)

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Face Book post 2

[Sharon Gollan](#)

[August 23 at 10:49 AM](#) ·

Shared with Your friends



I won't be adding any further information to my post about the original designer of the Aboriginal Flag.

I do invite responses from people who know the story.

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Face Book post 3

George my brutha you stood in silence knowing the truth of your work that went to creating a sense of Pride, belonging and identity. That day we visited you and Lawrie at the tent embassy site you told us what had just happened about being notified by a telegram of your small prize winning as winner of the Flag competition. We walked back to your flat where your design was pasted on the wall. Nanna Brown and your wife was so happy. We were all happy.

It really hurt when a story of a man was beginning to circulate as the designer of the flag. You, us, we didn't really know what to do. We were a family from the mission just living to get by. We spoke about the lie and the truth and I guess just hung onto your story George because it seemed that was enough. Little did we know that the other story would grow to how it is today.

George if only I had the courage back then to shout out in the court room what we knew about what you did. I rang and spoke to Lawrie the other day and said that I was glad that I spoke out on FB.

I shared your story at your nukkan you ceremony for your grandchildren to hear.

There are a lot more people who now know your name

David George Brown.

The yellow is for the sun, the black is for our people, the red is for the blood that was shed by our people.

[INFORMATION NOT ACCEPTED BY THE COMMITTEE]

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Signature

Sharon Gollan

Name

Signature

Address

Email address