



30 September 2020

RESPONSE TO QUESTIONS ON NOTICE

Relevance of questions

We refer to the questions on notice from Senator Thorpe.

WAM has previously objected to answering Senator Thorpe's questions on the grounds of relevance, prejudice to the privacy of WAM and Mr Thomas' dealings and the continuing discussions with the Australian Government regarding the licences.

WAM notes there is an approved claim for public interest immunity in relation to those discussions.

Subject to the above objections, and to assist the Committee generally, WAM provides the following responses to Senator Thorpe's questions:

- In respect of question 1 (a), (b) and (c), WAM maintains the intention to share a portion of its profits with grassroots Aboriginal programs and organisations. WAM's first licence agreement with Mr Thomas was only entered into in late 2018. In that short period of time WAM has supported a number of organisations with discounted or waived sub-licence fees, although has not yet made any direct donations of profits. WAM reiterates its intention to do so.
- In respect of question 2(a) none;
- In respect of question 2(b) N/A;
- In respect of question 2(c) yes. Very few cease & desists. The total would be less than 10. There have been a range of correspondences issued to third parties with respect to our licences. Being cease and desists, notices to potential consumers, notices to manufacturers and general information letters on processes for reproducing the Flag under our licences, including details of clothing ranges which we offer for sale.

The total correspondences WAM Clothing have issued under its licences is significant. A lot of which however have not been cease and desist letters. It would be an extensive task to calculate the total amount of communications we have had with third parties regarding our licences.

- In respect of question 2(d) yes.

WAM hopes this information is of assistance to the Committee.



As for the "Written Questions on Notice to WAM Clothing" received from Senator McCarthy, WAM maintains the objections to answering the questions on the basis set out above. Notwithstanding that objection:

- In respect of question 1, Ben has known Harold Thomas since in or about 2004. Semele first met Harold Thomas in 2018.
The circumstances in which Ben first had contact with Harold Thomas was in 2004 to discuss the availability of a licence, due to Ben's knowledge that such a licence was to become available. Semele was introduced to Harold through Ben.
- In respect of questions 2 and 3, this question is irrelevant to WAM Clothing.
Ben Wooster provides his response in a different capacity to WAM Clothing, being as follows:
There was a licence agreement held between Ben Wooster and Harold Thomas which commenced on 1 January 2005. Later, Birubi Art and Harold Thomas entered into a licence agreement commencing on 1 January 2010.
- In respect of question 4, WAM Clothing first entered into a copyright agreement with Harold Thomas on 23 November 2018.
- In respect of question 5, there have been a range of correspondences issued to third parties with respect to our licences. Being cease and desists, notices to potential consumers, notices to manufacturers and general information letters on processes for reproducing the Flag under our licences, including details of clothing ranges which we offer for sale.

The total correspondences WAM Clothing have issued under its licences is significant. A lot of which however have not been cease and desist letters. It would be an extensive task to calculate the total amount of communications we have had with third parties regarding our licences.

WAM hopes this information is of assistance to the Committee.

Yours faithfully

Semele Moore and Benjamin Wooster