

Janette Young

From: Janette Young
Sent: Friday, 28 August 2020 1:23 PM
To:
Subject: FW: From Janette Young for Indigenous Wellbeing Centre - important story for you email trail
Attachments: email trail WAM clothing with IWC Ltd.pdf; WAM CONFIDENTIALITY AGREEMENT 2019.pdf

From: Janette Young
Sent: Monday, 26 August 2019 12:18 PM
To: Lorena Allam
Subject: RE: From Janette Young for Indigenous Wellbeing Centre - important story for you

Hi Lorena

I attach the email trail and the confidentiality agreement. The email followed a phone call with them.

Best regards

From: Lorena Allam
Sent: Monday, 26 August 2019 10:04 AM
To: Janette Young
Subject: Re: From Janette Young for Indigenous Wellbeing Centre - important story for you

Hi Janette,

I can call you shortly.

Do you have a copy of the letter WAM Clothing sent you? Or any documents outlining why you needed to pay out the money?

Lorena

On Mon, 26 Aug 2019 at 09:59, Janette Young < > wrote:

Hi Lorena

I thought you might be interested in this story, which has gained a lot of support in our local community – both Indigenous and non-Indigenous.

Despite being a Aboriginal Community-Controlled Health Organisation (ACCHO), despite being the Aboriginal Medical Service (AMS) for Bundaberg region and despite being a registered charity working in a highly

disadvantaged area of Australia, IWC has been forced to pay out thousands of dollars in royalties for having the Aboriginal flag on the shirts we hand out free of charge to our Aboriginal and Torres Strait Islander patients who have their annual MBS 715 comprehensive health check at IWC Medical Centre.

A royalty of 20% plus GST per shirt has had to be paid out to the new owner of the flag's copyright, WAM Clothing.

We have now removed the Aboriginal flag from any future IWC 715 health check shirts. This is a real shame, because it was put there with pride by the Indigenous staff involved in developing this shirt.

More information is attached, and also a picture of Indigenous Health Worker Kane Chapman and IWC Medical Centre (AMS) receptionist Sharnese Mills wearing the 715 health check shirt.

Please feel free to call me on _____ if I can be of assistance.

Best regards



Janette Young

Communications Manager | Bundaberg

Bundaberg | North Burnett

www.iwc.org.au

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--

Lorena Allam
Indigenous affairs editor
The Guardian | Australia



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REMITTANCE

To:
WAM Clothing Pty Ltd

Date 08.08.2019

Remittance #:

#	Paid Doc.	Doc. No.	Date	Reference Number	Instalment ID	Amount
1	AP Invoice		05.08.2019		1 of 1	AUD 2,200.00

Bank Trans. Total: AUD 2,200.00

Total Amount: AUD 2,200.00

Janette Young

From: Janette Young
Sent: Friday, 28 August 2020 1:17 PM
To:
Subject: FW: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld
Attachments: Letter to WAM Clothing Pty Ltd 190902.pdf

From: Janette Young
Sent: Monday, 2 September 2019 3:37 PM
To: Lorena Allam
Subject: FW: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

Good afternoon

FYI.

Best regards

From: Janette Young
Sent: Monday, 2 September 2019 3:37 PM
To: Management
Subject: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

Good afternoon

Without Prejudice

Further to our phone and email correspondence with you up to 31st July 2019, and the remittance of \$2000+GST paid to WAM Clothing Pty Ltd by Indigenous Wellbeing Centre (IWC) Ltd on 5th August 2019.

It has been brought to our attention that under the Copyright Licence Agreement between Harold Joseph Thomas and WAM Clothing Pty Ltd which commenced 23 November 2018, the following clause applies:

11.3 The licensee acknowledges that the Design may be used by confirmed Aboriginal people for any non-profit purpose.

As discussed verbally and in writing with you, IWC Ltd is:

- An Aboriginal Community-Controlled Organisation;
- A Not-for-Profit organisation (registered charity); and
- The Aboriginal Medical Service (AMS) for the Bundaberg region in which we are based.

To ensure complete clarity around the situation, can I also reiterate that:

- The Aboriginal flag is used on our Aboriginal and Torres Strait Islander MBS 715 health check shirts which we had designed recently by Indigenous staff members.
- We operate in a high-needs area of central Queensland, and as an Aboriginal Community Controlled Health Organisation (ACCHO) IWC uses these shirts to support Indigenous people into the annual comprehensive health checks.
- The 715 health check shirts are provided free of charge, and only to Aboriginal and Torres Strait Islander patients of IWC Medical Centre who have their annual MBS 715 Health Check. They are provided to children from the age of 0, and adults of all ages.

As such, we would ask that you refund the \$2000+GST paid by us to you and allow IWC Ltd to use the Aboriginal flag on our MBS 715 Health Check shirts into the future without payment of royalties. We look forward to receiving notification of the reimbursement from you by COB Friday 6th September 2019.

Our bank details are:

Attached is the letter from IWC CEO Ara Harathunian.

Regards

Janette Young

From: Janette Young

Sent: Wednesday, 31 July 2019 2:30 PM

To: Management

Subject: RE: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

Hi Semele

Many thanks for this. My Executive has decided that we will just pay the 20%. We don't wish to sign any agreements.

We also have instructed Struddy's to remove the flag from the shirts from herein, so the issue of royalties will not exist.

If you would like to send a revised invoice for the 20% as per my previous email with attached information, I will ask Accounts to process it.

Best regards

From: Management

Sent: Monday, 22 July 2019 1:39 PM

To: Janette Young

Cc: Management

Subject: RE: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

PRIVATE AND CONFIDENTIAL

Hi Janette,

I've **attached** a copy of the Agreement, Annexures and Invoice for you.

Any questions, please don't hesitate to contact me.

Cheers, Semele

Management



EXCLUSIVE WORLDWIDE LICENSEE FOR THE USE OF THE ABORIGINAL FLAG ON CLOTHING, PHYSICAL MEDIA AND DIGITAL MEDIA



Authorised manufacturer and supplier of the Torres Strait Islander Flag on products

Proudly 100% Australian Owned and Operated

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From: Management
Sent: Monday, 22 July 2019 10:14 AM
To: Janette Young
Cc: Management
Subject: RE: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

“Without Prejudice”

Hi Janette,

I hope you are well.

We’ve had a chat and although the flat percentage applied across the board is 20%, we’d like to work with you to assist, particularly given the nature of your Organisation.

We must make clear that any arrangements between us and your Organisation must be kept confidential and the Agreement we sign up will have a confidentiality clause.

Due to the type of organisation, we will offer a discount of 5%, making it 15%, rather than 20%. We would be prepared to offer that discount to you on an ongoing basis for the future use of the Flag on your clothing, until further notice.

We’ll draft up the Agreement and Invoice and send it over shortly.

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From: Janette Young
Sent: Monday, 22 July 2019 9:27 AM
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You will see the total cost of the items in the three invoices attached, going back into last year.

If you can provide a discount on the 20% + GST that would be appreciated. We are an Aboriginal community-run organisation and a registered charity, working in a region where 82.6% of the population is ranked by the Federal Government' social index as "Very Disadvantaged" or "Disadvantaged".

If you would like to speak to me directly, my mobile is

Best regards

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Janette Young
Communications Manager | Bundaberg

Bundaberg | North Burnett

www.iwc.org.au

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Communications Manager | Bundaberg

Bundaberg | North Burnett

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Bundaberg | North Burnett

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NEWS

FEE SHOCKER: Group hit with penalty to use flag on shirts



CHARITY'S COSTLY SHIRTS: IWC indigenous health worker, Kane Chapman and medical centre receptionist, Sharnese Mills wearing shirts that are distributed to patients. Picture: Simon Young

BUNDABERG'S Aboriginal community-controlled health organisation, IWC, says it has been forced to pay thousands of dollars in royalties to a clothing company, for using the Aboriginal flag on shirts.

IWC works to help improve the health and well-being of indigenous communities and patients on its 715 Health Check program receive a complimentary shirt, which showcases the Aboriginal flag.

So when WAM Clothing began reaching to organisations several months ago, IWC CEO Ara Harathunian said he became highly concerned and decided to contact WAM directly.

"As part of our medical centre, which is the Aboriginal Medical Service (AMS) for Bundaberg region, we provide Aboriginal and Torres Strait Islander people who are our patients with a free 715 Health Check shirt when they have their annual comprehensive check," he said.

"These comprehensive MBS (Medicare Benefits Scheme) 715 Health Checks are a very important part of the way we deliver our holistic model of care (and) they support early intervention and prevention around health and well-being, and also enable us to help our patients manage existing or emerging conditions."

Despite the Aboriginal flag being only 48 years old, the symbolism behind it and the heritage of indigenous people goes back thousands of years.

The flag's designer is Luritja artist Harold Thomas.

WAM Clothing's website says the company has the copyright licence for a range of clothing bearing the Aboriginal flag design with Mr Thomas getting royalty payments.

Mr Harathunian said IWC contacted WAM Clothing to explain the situation, as well as the significance and special meaning behind the Aboriginal flag appearing on the shirts.

He said the company suggested a discount instead.

WAM offered a five per cent discount on the 20 per cent-plus-GST standard royalty fee, if IWC agreed to sign a confidentiality agreement, Mr Harathunian said.

"To say we are horrified by the whole situation is an understatement," he said.

'Hypocrisy': Photo sparks heated debate
3 minutes ago

Woolies responds to...

Queensland Boys Bball...

Queensland Girls Bball...

Police probe dress rind can solve identity of mystery woman
an hour ago

through to the elderly, and hundreds were distributed throughout the year.

"This is a real shame, because it was put there with pride in the latest design by the indigenous staff involved in developing this shirt," Mr Harathunian said.

"Both indigenous and non-indigenous employees of IWC are very disappointed at this situation but we simply cannot justify adding these royalties being charged by WAM onto the cost of every shirt given away."

A spokesperson for WAM Clothing said IWC was not fined for using the Aboriginal flag on clothing.

"IWC did not ask to be exempt from paying a fee," the spokesperson said.

"IWC asked for a discount and were offered one, but they declined the offer.

"The Aboriginal Flag has had licensing Agreements attached to it since 1998 which have been enforced since that time.

"We are merely a licensee meeting our obligations under our Agreements and we offer our assistance to other organisations wishing to use the Flag under our licence.

"WAM pays Harold Thomas a royalty from its own sales of Aboriginal Flag clothing."

More Stories

[+ New treatment for Australia's deadliest cancer](#)



Janette Young

From: Janette Young
Sent: Friday, 28 August 2020 1:20 PM
To:
Subject: FW: From Janette Young for Indigenous Wellbeing Centre - important story for you
Attachments: IWC Media - ABORIGINAL FLAG FURORE HITS CHARITY GIVING AWAY FREE HEALTH CHECK SHIRTS August 2019.docx; IWC Indigenous Health Practitioner Kane Chapman and IWC Medical Centre receptionist Sharnese Mills wear the 715 shirts with pride..jpg

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A royalty of 20% plus GST per shirt has had to be paid out to the new owner of the flag's copyright, WAM Clothing. We have now removed the Aboriginal flag from any future IWC 715 health check shirts. This is a real shame, because it was put there with pride by the Indigenous staff involved in developing this shirt.

More information is attached, and also a picture of Indigenous Health Worker Kane Chapman and IWC Medical Centre (AMS) receptionist Sharnese Mills wearing the 715 health check shirt.

Please feel free to call me on _____ if I can be of assistance.

Best regards

Head Office:

Phone:

Fax:

Website: www.iwc.org.au



Attn: Semele Moore

WAM Clothing Pty Ltd

Dear Ms Moore

Without Prejudice

Further to our phone and email correspondence with you up to 31st July 2019, and the remittance of \$2000+GST paid to WAM Clothing Pty Ltd by Indigenous Wellbeing Centre (IWC) Ltd on 5th August 2019.

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As such, we would ask that you refund the \$2000+GST paid by us to you and allow IWC Ltd to use the Aboriginal flag on our MBS 715 Health Check shirts into the future without payment of royalties. We look forward to receiving notification of the reimbursement from you by COB Friday 6th September 2019.

Our bank details are:

Yours

Ara Harathunian
CEO, Indigenous Wellbeing Centre Ltd

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Janette Young

From: Management
To: Janette Young
Sent: Monday, 2 September 2019 3:38 PM
Subject: Read: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

Your message

To: Management
Subject: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld
Sent: Monday, September 2, 2019 5:36:41 AM (UTC+00:00) Monrovia, Reykjavik

was read on Monday, September 2, 2019 5:37:12 AM (UTC+00:00) Monrovia, Reykjavik.



ASIC

Australian Securities & Investments Commission

Business Name Details

Extracted from ASIC's database at AEST 14:07:11 on 02/09/2019

Business name: Aboriginal Flag Clothing

Status: Registered

Registration date: 23/12/2018

Renewal date: 23/12/2019

Address for service of documents: Park Regis 214 293 North Qy Brisbane City QLD 4000

Principal place of business: 2 38 Beach St Kippa-Ring QLD 4021

Holder(s) details: Holder name: WAM CLOTHING PTY LTD

Holder type: Body Corporate

ABN: 93 630 147 330

Debtor representative(s): not applicable

Notified successor(s): not applicable

Regulator: Australian Securities and Investments Commission



ASIC

Australian Securities & Investments Commission

Australian Company

WAM CLOTHING PTY LTD

ACN 630 147 330

Extracted from ASIC's database at AEST 14:04:41 on 02/09/2019

Company Summary

Name: WAM CLOTHING PTY LTD

ACN: 630 147 330

ABN: 93 630 147 330

Registration Date: 21/11/2018

Next Review Date: 21/11/2019

Status: Registered

Type: Australian Proprietary Company, Limited By Shares

Locality of Registered Office: REDCLIFFE QLD 4020

Regulator: Australian Securities & Investments Commission

Further information relating to this organisation may be purchased from ASIC.

Wam Clothing defends position

FOLLOWING a story in the *News/Mail* last week, WAM Clothing has responded to claims Indigenous Wellbeing Centre was asked to pay to use the Aboriginal flag its clothing.

A spokesperson for WAM Clothing said this was not the case.

"IWC asked for a discount and we offered one, but they declined the offer," the spokesperson said.

"The Aboriginal flag has had licensing agreements attached to it since 1998 which have been enforced since that time. We are merely a licensee meeting our obligations under our agreements and we offer our assistance to other organisations wishing to use the flag under our licence."



WAM HITS BACK: IWC were forced to pay \$2200 and remove the Aboriginal flag from all future shirts.

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0800 61284

7016730eb

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Diabetes fright

RHYLEA MILLAR
rhylea.millar@news-mail.com.au

LITTLE Lawson loves Lego, soccer, unicorns and sitting in his grandparents' garden, where he sings to tomatoes and encourages them to grow.

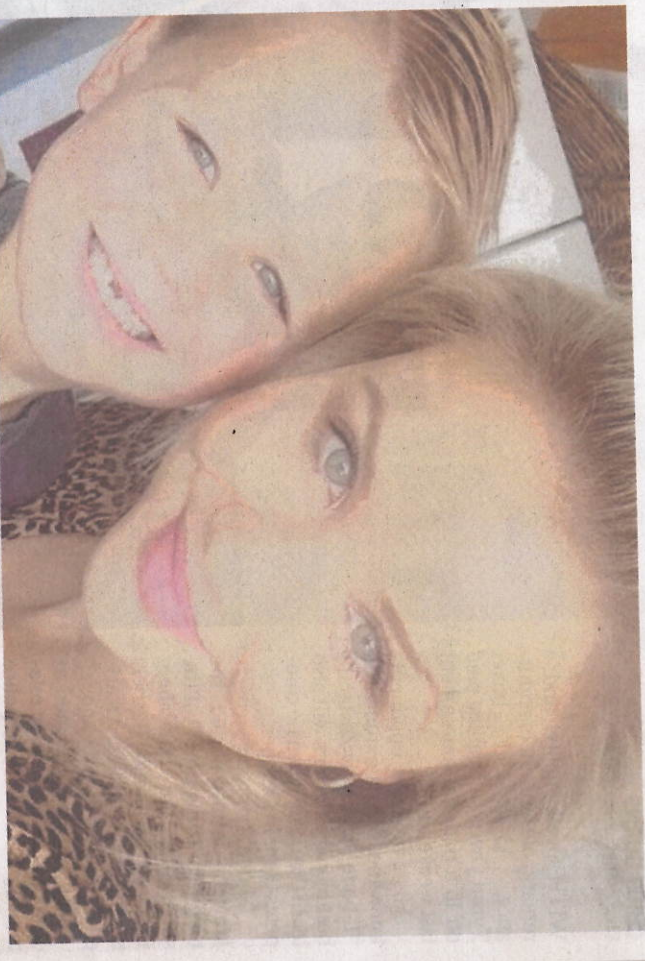
But after celebrating his third birthday, Lawson's mum, Jenna Langerak, noticed Lawson drinking a lot of water and wetting the bed each night, so she took him to the doctor.

"The GP sent us to the hospital straightaway because his blood glucose levels were extremely high for a little boy and read 42, when they should have been between four and eight," Ms Langerak said.

"It was so shocking and scary — how he wasn't completely unconscious is beyond me."

Lawson was diagnosed with type-1 diabetes.

Ms Langerak admits she did not understand the gravity of the condition initially. Now her entire life revolves around it.



FAMILY OF FIGHTERS: Jenna Langerak with son Lawson, 3, who has diabetes. Picture: Contributed

When Lawson received his diagnosis, Ms Langerak had to cease studying nursing. She started her own beauty business, as she was unable to commit to typical working hours.

The single mother and

business owner quickly went back to a life of sleepless nights, in case Lawson's blood sugar levels dropped, something that can happen suddenly.

But the devoted mum tries to look on the bright side.

"I hate that I have to do this to him and that he relies on a machine to survive, but we're also very lucky," she said.

"My parents are incredible and we have access to great medical care."

LIQUOR STAX

 <p>\$44.99 ea</p>	 <p>\$47.99 ea</p>	 <p>\$53.99 ea</p>	 <p>\$54.99 ea</p>
 <p>\$47.99 ea</p>	 <p>\$47.99 ea</p>	 <p>\$9.99 ea</p>	 <p>\$55.99 ea</p>
 <p>\$42.99 ea</p>	 <p>\$19.99 ea</p>	 <p>\$42.99 ea</p>	 <p>\$34.99 ea</p>
 <p>\$77.99 ea</p>	 <p>\$35.99 ea</p>	 <p>\$39.99 ea</p>	

SOUTH CENTRAL CELLARS
Learnmonth's Foodwork's Shopping Centre,
6/56 Walker Street, South Bundaberg
(07) 4154 1254

SUGARLAND TAVERN
52 Johnstone Street
Avoca, Bundaberg
(07) 4150 5999

NORTHWAY CELLARS
IGA Shopping Complex
7/23-33 Queen Street, Nth Bundaberg
(07) 4151 3362

LIQUOR STAX
BUNDABERG

Outlet prices may vary due to regional freight rates. While stocks last. Limited rights reserved. Trade not supplied. Selected varieties only where indicated. Specials available 28/8/19 - 3/9/19

Liquor Stax supports the responsible service and consumption of alcohol

EXECUTED as an Agreement by the parties on the day and year first mentioned

Signed, sealed and delivered by)
 WAM Clothing Pty Ltd (ACN 630 147 330) _____
 In accordance with Section 127 of the) Director
Corporations Act 2001 on)
 ____/____/____)

 Witness Signature:

 Witness Name:

Signed, sealed and delivered by)
 INDIGENOUS WELLBEING CENTRE LTD) _____
 In accordance with Section 127 of the) Director
Corporations Act 2001 on)
 ____/____/____)

 Witness Signature:

 Witness Name:

INITIALS: _____

Janette Young

From: Management
Sent: Tuesday, 3 September 2019 12:08 PM
To: Janette Young
Cc: Management
Subject: RE: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

Dear Janette,

Thank you for your email.

We hereby put you on notice that:

- The Licence Agreement relied upon with respect to the use of the Aboriginal Flag on clothing by IWC does not contain a clause 11.3. Therefore, we strongly believe you have been provided with either a fraudulent document or one which we do not seek to rely on;
- The terms of any licence agreements between WAM Clothing and Harold Thomas are confidential and legally privileged and only for the benefit of the parties to that agreement;
- We say any documents you have received with respect to any terms of our licence agreement/s have been obtained illegally;
- Without our review of any documents/communications you allege to have received, we say that those documents may have been fraudulently created and, further, any dissemination of any information will make you an accessory after the fact;
- Release of any information will cause WAM Clothing loss and damage together with Harold Thomas;
- WAM Clothing does not authorise release of the information you seek to rely on.

We require that you provide us with details as to the identity of the person/s who disclosed any information to you, by 4:00pm tomorrow, 4 September 2019.

We otherwise do not agree to a refund as requested and reiterate that if you wish to use the Aboriginal Flag on clothing, we will arrange permission with you on the terms previously offered.

Regards,

Management



EXCLUSIVE WORLDWIDE LICENSEE FOR THE USE OF THE ABORIGINAL FLAG ON CLOTHING, PHYSICAL MEDIA AND DIGITAL MEDIA



Authorised manufacturer and supplier of the Torres Strait Islander Flag on products

Proudly 100% Australian Owned and Operated

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From: Janette Young
Sent: Monday, 2 September 2019 3:37 PM
To: Management
Subject: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

Good afternoon

Without Prejudice

Further to our phone and email correspondence with you up to 31st July 2019, and the remittance of \$2000+GST paid to WAM Clothing Pty Ltd by Indigenous Wellbeing Centre (IWC) Ltd on 5th August 2019.

It has been brought to our attention that under the Copyright Licence Agreement between Harold Joseph Thomas and WAM Clothing Pty Ltd which commenced 23 November 2018, the following clause applies:

11.3 The Licensee acknowledges that the Design may be used by confirmed Aboriginal people for any non-profit purpose.

As discussed verbally and in writing with you, IWC Ltd is:

- An Aboriginal Community-Controlled Organisation;
- A Not-for-Profit organisation (registered charity); and
- The Aboriginal Medical Service (AMS) for the Bundaberg region in which we are based.

To ensure complete clarity around the situation, can I also reiterate that:

- The Aboriginal flag is used on our Aboriginal and Torres Strait Islander MBS 715 health check shirts which we had designed recently by Indigenous staff members.
- We operate in a high-needs area of central Queensland, and as an Aboriginal Community Controlled Health Organisation (ACCHO) IWC uses these shirts to support Indigenous people into the annual comprehensive health checks.
- The 715 health check shirts are provided free of charge, and only to Aboriginal and Torres Strait Islander patients of IWC Medical Centre who have their annual MBS 715 Health Check. They are provided to children from the age of 0, and adults of all ages.

As such, we would ask that you refund the \$2000+GST paid by us to you and allow IWC Ltd to use the Aboriginal flag on our MBS 715 Health Check shirts into the future without payment of royalties. We look forward to receiving notification of the reimbursement from you by COB Friday 6th September 2019.

Our bank details are:

Attached is the letter from IWC CEO Ara Harathunian.

Regards
Janette Young

From: Janette Young
Sent: Wednesday, 31 July 2019 2:30 PM
To: Management
Subject: RE: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

Hi Semele

Many thanks for this. My Executive has decided that we will just pay the 20%. We don't wish to sign any agreements.

We also have instructed Struddy's to remove the flag from the shirts from herein, so the issue of royalties will not exist.

If you would like to send a revised invoice for the 20% as per my previous email with attached information, I will ask Accounts to process it.

Best regards

From: Management
Sent: Monday, 22 July 2019 1:39 PM
To: Janette Young
Cc: Management
Subject: RE: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

PRIVATE AND CONFIDENTIAL

Hi Janette,

I've attached a copy of the Agreement, Annexures and Invoice for you.

Any questions, please don't hesitate to contact me.

Cheers, Semele

Management



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From: Management

Sent: Monday, 22 July 2019 10:14 AM

To: Janette Young

Cc: Management

Subject: RE: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

“Without Prejudice”

Hi Janette,

I hope you are well.

We've had a chat and although the flat percentage applied across the board is 20%, we'd like to work with you to assist, particularly given the nature of your Organisation.

We must make clear that any arrangements between us and your Organisation must be kept confidential and the Agreement we sign up will have a confidentiality clause.

Due to the type of organisation, we will offer a discount of 5%, making it 15%, rather than 20%. We would be prepared to offer that discount to you on an ongoing basis for the future use of the Flag on your clothing, until further notice.

We'll draft up the Agreement and Invoice and send it over shortly.

Cheers,

Management



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You will see the total cost of the items in the three invoices attached, going back into last year.

If you can provide a discount on the 20% + GST that would be appreciated. We are an Aboriginal community-run organisation and a registered charity, working in a region where 82.6% of the population is ranked by the Federal Government' social index as "Very Disadvantaged" or "Disadvantaged".

If you would like to speak to me directly, my mobile is

Best regards

Janette



Janette Young
Communications Manager | Bundaberg

Bundaberg | North Burnett

www.iwc.org.au

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

Janette Young

From: Janette Young
Sent: Friday, 28 August 2020 1:16 PM
To:
Subject: FW: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

From: Janette Young
Sent: Tuesday, 3 September 2019 1:22 PM
To: Lorena Allam
Cc: Executive
Subject: FW: From Janette Young for Indigenous Wellbeing Centre Ltd, Bundaberg, Qld

Hi Lorena

Email as requested.

Best regards

From: Management
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