



The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MS20-000558

Senator Malarndirri McCarthy
Chair
Senate Select Committee on the Aboriginal Flag

Aboriginal.flag.sen@aph.gov.au

Dear Senator McCarthy

Public Interest Immunity Claim - Negotiations with the Copyright Holder and Licensees of the Aboriginal Flag

I am writing to claim public interest immunity in respect of negotiations with the copyright holder and licensees of the Aboriginal Flag ('the negotiations').

The public interest immunity claim covers all communications with all parties involved in the negotiations. This includes all communications involving the National Indigenous Australians Agency (NIAA), Departments and Ministers. This claim also includes all communications with the Copyright Holder and all licensees, as well as all parties' legal representatives and advisers involved in the negotiations.

I take the view that at this time it would be not in the public interest for the matters covered by this claim to become public. The specific harm to the public interest that could result from disclosure of the negotiations are as follows:

- There is public interest in the ability of the Australian community to be able to freely use the Aboriginal Flag. The negotiations are for the purpose of providing that ability to the Australian community, particularly the Aboriginal community.
- To make any aspect of these negotiations public could seriously jeopardise the ability to conclude these negotiations. The very nature of such negotiations requires trust and goodwill from all parties. It requires an ability to be able to freely and confidentially disclose sensitive, confidential commercial information for such negotiations to be concluded.

- To require public disclosure could seriously impact on the ability to reach agreement on terms acceptable to all parties including the Commonwealth.

Yours sincerely

The Hon KEN WYATT AM MP
Minister for Indigenous Australians

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