

10 February 2020

The Governor-General
Government House
Dunrossil Drive
Yarralumla ACT 2600

Your Excellency

The purpose of this letter is to seek your guidance and engagement in a matter of national importance.

As of course you would be aware the Australian Aboriginal Flag was officially recognised as a flag of Australia in 1995.

Post that recognition and continuing today, the Flag has been marred in copyright and licensing controversies which are eroding its legitimacy and causing great distress in Australia's Aboriginal and wider communities.

For your convenience links to various media accounts of the situation are reproduced below:

<https://www.smh.com.au/national/free-the-flag-aboriginal-businesses-told-not-to-use-aboriginal-flag-over-copyright-20190611-p51wkn.html>

My clients, Laura Thompson (CEO of Spark Health, a special enterprise working in the Aboriginal community), Nova Peris, former Olympian and Australian Senator and Michael J Connolly a well-recognised Aboriginal artist, are leaders in the Free the Flag movement which has over 50,000 supporters. The Free the Flag website link is reproduced below:

<https://clothingthegap.com.au/pages/free-the-flag>

The essential premise of the Free the Flag movement is that the rights of all Australians to use the Flag should not be constrained by the claims of copyright infringement and the cease and desist correspondence being issued to various Aboriginal charities by WAM Clothing Pty Ltd the claimed litigation agents and licensees of Harold Thomas, the copyright holder of the Flag.

One possible way forward through these challenges appears to be provided by sections 6 and 7 of the Flags Act 1953 (Cth) which for you convenience are reproduced below:

6 Warrants to use flags

The Governor-General may, by warrant, authorize a person, body or authority to use a flag or ensign referred to in, or appointed under, this Act, either without defacement or defaced in the manner specified in the warrant.

7 Rules as to use of flags

The Governor-General may make, and cause to be published, rules for the guidance of persons in connexion with the flying or use of flags or ensigns referred to in, or appointed under, this Act.

Accordingly, my clients and I would be grateful of the opportunity to meet with you and all your representatives to explore the opportunity, processes and requirements for you to make a warrant under either or both of these provisions that would allow any person to make any legitimate use of the Flag without being exposed to the claims and restrictions that are now, unhappily, a part of life in Australia.

Yours sincerely

**PETER FRANCIS
PARTNER
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4 March 2020

The Governor-General
Government House
Dunrossil Drive
Yarralumla ACT 2600

Your Excellency

I refer to my letter to you dated 10 February 2020 (copy enclosed for your convenience) regarding the Australian Aboriginal Flag and the Free the Flag movement and would be grateful if you could indicate when I might expect a reply.

Yours sincerely

**PETER FRANCIS
PARTNER
FRANCIS ABOURIZK LIGHTOWLERS**

cc: Mr Paul Singer, MVO
Official Secretary to the Governor-General

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