



**17 September 2020**

Dear Senators

**Re: Senate Select Committee on the Aboriginal Flag**

It is difficult to articulate the depth of meaning the Aboriginal flag has for the Victorian Aboriginal community. Over the past 50 years, the fabric of the flag has become a part of the fabric of the community. The flag represents a unique sense of identity for Aboriginal people, with the red, black and yellow colours of the flag now being very clearly associated with Aboriginal people, community and Country.

The Aboriginal flag emerged from struggle and survival. It carries the weight of our shared history. Yet, the unifying nature of the flag cannot be discounted. Aboriginal Victorians feel proud when they see the flag. It represents the sovereignty of Aboriginal people that was never ceded. Few colonised countries have recognised a unifying flag like Australia has done with the Aboriginal flag. This is something we can all be proud of, but it also comes with an added level of responsibility to protect such a symbol.

The impact of the current licencing of the Aboriginal flag is simply unacceptable for the Victorian Aboriginal community. The issues around larger sporting competitions, like the AFL, using the Aboriginal flag on their guernseys are well documented. Reconciliation Victoria also wants to highlight the significant financial burden that the current licencing has on smaller Aboriginal sporting teams. These small community run teams simply cannot afford to include the flag on their merchandise. The fact that Aboriginal-run sporting clubs are prevented from using the Aboriginal flag is all the evidence needed that a change is required. The impact on small Aboriginal-owned businesses is similar. Aboriginal Community Controlled Organisations, often small organisations that do incredible work in improving outcomes in justice, health and child welfare, cannot use the Aboriginal flag on staff uniforms or promotional materials unless they pay a significant fee to a non-Aboriginal company. It should be noted that the company that holds the sole licence for reproducing the flag on clothing has connections to Birubi Art, which was fined \$2.3 million for selling fake Aboriginal art. This connection makes the situation even more egregious.

Reconciliation Victoria believes the Federal Government have an essential role to play in protecting and promoting the Aboriginal flag. The Government must ensure that there is free availability of the flag by honouring the intent of the parliament when the flag was originally recognised in 1995 under the Flags Act 1953.

Reconciliation Victoria urge the Federal Government and the Senate to take a principled approach by accepting that the current arrangement is not sustainable or acceptable. Outcomes should be negotiated with licence and copyright holders, while also ensuring that the rights and interests of the flag's legally recognised creator are protected. The reconciliation agenda supports the notion that all Australians want to be proud of and be free to utilise the flag.

We note that this process would have been easier to resolve, and perhaps identified earlier, if there were a dedicated voice to parliament. We would also like to note that the timeframe of this Senate Inquiry is too short and has limited the opportunity for a transparent, consultative process. This is an issue that must be urgently resolved, but thorough community consultation takes time and cultural norms and values must always be respected in such a process.



The Aboriginal flag holds a unique and special place in the hearts and minds of Aboriginal Victorians. It deserves to hold an equally unique and special place in the laws of our nation. Reconciliation Victoria strongly encourages the Federal Government to take action to ensure all Aboriginal people are free to celebrate their unique culture, knowledge, and identity in our community. All Victorians, Aboriginal and non-Aboriginal, must be enabled to use this powerful symbol of the Aboriginal heritage of our country.

Kind regards,

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