



Professor Peter Yu
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Committee Secretary
Select Committee on the Aboriginal Flag
E: aboriginal.flag.sen@aph.gov.au

Dear Committee Secretary,

RE: SUBMISSION TO THE SELECT COMMITTEE ON THE ABORIGINAL FLAG

Thank you for the opportunity for the National Centre for Indigenous Studies (NCIS) at the Australian National University (ANU) to make a submission to the Senate Select Committee on the Aboriginal Flag.

As Australia's national university, ANU has a particular obligation to provide advice on matters of national significance, particularly as it relates to Australia's Indigenous peoples.

Since its original recognition in the Flag Act, the Aboriginal Flag has continued to grow into a significant symbol which defines the struggles of, and brings real meaning to, the lives of Australia's First Nations peoples. It has also grown into a critical expression of Australia's First Nations peoples' identity.

However, the current ownership, commercial and legal arrangement for the Aboriginal Flag are out of step with community expectations for a national flag, and with the arrangements for other flags. To be properly and fairly treated as a flag of Australia, the Aboriginal Flag should be held on grounds similar to other national flags.

As such, while respecting the creative rights of the flag's designer, the most appropriate arrangement would be for the Aboriginal Flag to be held by the Commonwealth on behalf of Australia's First Nations peoples, and the community at large, to protect and promote its use as an Australian flag, and the Flag Act amended to hold the flag in trust in perpetuity.

It would appear the best course of action to achieve this would be for the Commonwealth to acquire all the acquirable rights and interests related to the Aboriginal Flag. These include all acquirable rights held by the creator of the flag, and any commercial or other interests held by third parties.

If the Commonwealth pursues acquisition, it should do so on the basis of good faith negotiations with both the creator and any other parties. If good faith negotiations with third party rights holders cannot come to a reasonable commercial outcome, the Commonwealth should pursue compulsory acquisition.

Thank you once again for the opportunity to make a submission on this issue.

Sincerely,

Professor Peter Yu
Vice President First Nations
Australian National University