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# Aboriginal flag can unite Australia

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*The Aboriginal flag is a powerful and respected symbol for all Australians.*

- By Ken Wyatt
- September 4, 2020

The abhorrent practices undertaken by those who produce fake Indigenous Art unquestionably erode Aboriginal and Torres Strait Islander cultures and diminishes economic opportunities for our people.

This is why this week, the Morrison government launched a consultation process to grow the Indigenous Visual Arts Industry, and with it, specifically look at ensuring relevant legal protections for Indigenous artists.

It comes at a time that Australians are seeking better understandings of Indigenous culture and our contribution to the fabric of this great nation.

In 1995, the Australian government granted the Australian Aboriginal flag the status of 'Flag of Australia', recognising the flag of Aboriginal peoples of Australia and a flag of significance to the Australian nation generally.

The flag has been a powerful symbol over a long period.

It has flown at the Tent Embassy in Canberra, it was carried by thousands across the Harbour Bridge in the name and hope of reconciliation, and it is etched in our minds from some of our nation's greatest sporting achievements.

It has unified our nation at times when it's been fractured – and I strongly believe that it should be available to all Australians.

And rightfully, all Australians are free to fly the flag – any suggestion that it is being ‘held hostage’ is wrong.

The unifying design, representing the Aboriginal people of Australia, the sun, the giver of life and protector and the red earth, signifying peoples’ spiritual relation to the land was the work of Harold Thomas, an Indigenous artist.

Fearful that the flag would be reproduced overseas Mr Thomas sought to protect his work by seeking copyright over the design, subsequently this was granted by the Federal Court of Australia in 1997.

This was an extremely significant decision, one that would ensure the work of an Indigenous artist was protected under the law of our nation.

The Australian Aboriginal flag is a powerful and respected symbol for all Australians.

The Morrison government is aware of the concerns around the copyright of the Aboriginal flag and we want to see a resolution to this matter in a way that respects the rights of the flag’s creator while ensuring the flag continues to be a symbol of unity for Aboriginal people.

It is a delicate and sensitive matter.

And in keeping with our efforts to battle inauthentic Indigenous art, the Morrison government respects the copyright of Mr Thomas and the interests of all parties.

We do not want to see efforts of the government, which are currently underway to resolve the matter and address community concern jeopardised in anyway.

In doing so, we all need to be very aware of the role of government; particularly in relation to the rights of individuals, and in this instance the rights of an Indigenous artist who is protected by Australian law.

Legal protections for copyright speaks to our nation’s entrepreneurship and the ambition of economic empowerment that we know is fundamental to providing greater opportunities and security for Aboriginal and Torres Strait Islander people.

We must delicately balance the wishes of all Australians for free use of the Australian Aboriginal flag with the law of our land, designed to uphold and protect the intellectual property of every Australian.

To put on trial individuals who are exercising their legal rights and asking them to act in good faith presents a risk to the protections we all hold dear.

Those who seek to force an outcome are disrespecting both the copyright holder and the basis in which we legally protect the intellectual property of Australians.

A Private Members Bill will not help this issue, nor would a Parliamentary Inquiry.

We shouldn’t bully our way to a satisfactory outcome.

We must display leadership, and do what we can – we must resolve ourselves to deliver an outcome that respects Aboriginal Australians – both as a community and as an individual.

This may take time.

But we have an opportunity before us to again unify our nation.

The flag is more than a symbol, and it is more than a piece of art.

It is who we are – both as individuals and as a nation.

I commit to doing everything I can to bring about a resolution that respects not only the artist of the flag, but a resolution that respects the rights, enterprise and opportunity of all Australians.

Ken Wyatt is the Minister for Indigenous Australians