

'Pride not profit': A commercial determinants of Indigenous health case study from Australia

Received: 23 April 2025

Accepted: 18 February 2026

Published online: 27 March 2026

Cite this article as: Hill K., Walker T., Mitchell F. *et al.* 'Pride not profit': A commercial determinants of Indigenous health case study from Australia. *Global Health* (2026). <https://doi.org/10.1186/s12992-026-01197-w>

Karen Hill, Troy Walker, Fiona Mitchell, Alessandro Crocetti, Sarah Sheridan, Laura Thompson & Jennifer Browne

We are providing an unedited version of this manuscript to give early access to its findings. Before final publication, the manuscript will undergo further editing. Please note there may be errors present which affect the content, and all legal disclaimers apply.

If this paper is publishing under a Transparent Peer Review model then Peer Review reports will publish with the final article.

ARTICLE IN PRESS

**‘Pride Not Profit’: A commercial determinants of Indigenous
health case study from Australia**

Karen Hill^{1*}, Troy Walker^{1*#}, Fiona Mitchell^{1#}, Alessandro Crocetti¹, Sarah Sheridan², Laura Thompson^{2#}, Jennifer Browne¹

¹Deakin University, Geelong, Wadawurrung Country, Victoria,
Australia, Institute for Health Transformation, Global Centre for Preventive
Health and Nutrition, Faculty of Health

²Clothing The Gaps, Brunswick, Narm/Melbourne, Wurundjeri Country,
Victoria, Australia

*joint first authors

#First Nations affiliations: Troy Walker is a Yorta Yorta man, Fiona Mitchell
is a Mununjali woman, Laura Thompson is a Gunditjmara woman

Corresponding author: Dr Karen Hill Karen.Hill@deakin.edu.au

Abstract

Background: The role of the commercial sector in driving population health outcomes is gaining attention; yet the influence of commercial entities and practices on Indigenous health is underexplored. This case study examined the separate legal disputes between Clothing The Gaps (an Aboriginal business, social enterprise and B-Corp) and two for-profit commercial clothing companies, investigating their potential impact on Aboriginal health and wellbeing, and how Aboriginal business and advocacy can overcome powerful commercial interests.

Methods: This qualitative case study combined data from interviews with key informants (n = 3) and data extracted from media articles and stakeholder submissions (n = 74) to the Senate Select Committee on the Aboriginal Flag. Data were analysed for key themes with Aboriginal researchers central to the analysis process.

Results: Findings suggest that the legal avenues taken by two non-Indigenous companies were enabled by Australia's existing legal and regulatory systems, coupled with notable resource disparities. WAM Clothing and GAP Inc. asserted their legal rights against Clothing The Gaps to protect their respective branding and profits. The 'Free The Flag' campaign demonstrated how Aboriginal business advocacy can garner public and political support to counter profit-focused commercial interests.

Conclusions: This case study underscores the importance of recognising the impact of the commercial sector's lawful pursuit of their intellectual

property on Indigenous peoples' rights, culture, health and wellbeing, and on the transformative potential of Aboriginal-led advocacy campaigns. Further work is needed to safeguard Indigenous cultural and intellectual property rights, and to investigate the diverse industries influencing Indigenous peoples' health and wellbeing.

Keywords: Commercial determinants of health; Clothing The Gaps; Free The Flag; Indigenous cultural and intellectual property; Indigenous health; Advocacy; Aboriginal business

ARTICLE IN PRESS

Background

Over the past decade, public health literature has given increasing attention to the ways in which commercial entities influence health (1, 2). The commercial sector, through its products and practices, can affect human health either positively or negatively (2, 3). The recent Lancet series on the commercial determinants of health (CDoH) defined this concept as ‘the systems, practices, and pathways through which commercial actors drive health and equity’ (2). Most CDoH research has been undertaken from a western perspective and has predominantly focused on the health-harming practices of trans-national tobacco, alcohol and ultra-processed food companies (1, 4). The Lancet series emphasised that CDoH research should investigate a broader range of commercial entities than the so-called unhealthy commodity industries (4) and consider the full spectrum of strategies through which commercial entities exert their power to influence health (2). One aspect that is missing from the CDoH literature is attention to the commercial entities and practices influencing health justice for Indigenous peoples and the representation of Indigenous voices.

Aboriginal and Torres Strait Islander people are the Indigenous peoples of the lands now known as Australia. They comprise diverse nations and language groups, and represent the oldest continuous culture in the world (5). Before the arrival of Europeans, Aboriginal and Torres Strait Islander peoples maintained human and ecological health for millennia (6). With the invasion and subsequent colonisation of Australia, Aboriginal and

Torres Strait Islander peoples were dispossessed from their lands and denied access to their cultural and kinship systems (7). The industrialisation of Australia — including the introduction of commercial tobacco, alcohol and processed foods; exploitation of Aboriginal land for mining and agriculture; and replacement of relational, sharing economies with Western capitalist economic systems — has undermined health, cultural knowledge and self-determination for Aboriginal and Torres Strait Islander peoples (6, 8, 9). The persistent health and social injustices experienced by Indigenous peoples are a legacy of ongoing colonisation (10, 11).

Many Aboriginal and Torres Strait Islander peoples conceptualise health holistically, encapsulating physical, social, emotional, cultural and spiritual wellbeing (12). The conventional social determinants of health — including employment, income, housing and education — can co-exist alongside racism within public and private institutions so that Aboriginal and Torres Strait Islander people have reduced access to essential services necessary for health (10, 13). Indigenous scholars have critiqued social determinants frameworks, as they seldom acknowledge the important role of culture in Aboriginal and Torres Strait Islander health (14, 15). Aboriginal-led research has since attempted to conceptualise how Aboriginal and Torres Strait Islander cultural domains interact with other determinants of health considering both the risks and protective factors (14).

There is now growing evidence for how cultural determinants of health — such as connection to Country; Indigenous knowledge and practices;

Indigenous language; family, kinship and community relationships; cultural expression and self-determination — enhance health and wellbeing for Aboriginal and Torres Strait Islander peoples (16, 17). One symbol of cultural expression that will be explored in this article is the Aboriginal flag (18). The Aboriginal flag was first raised in 1971 during the land rights movement. It was officially proclaimed as a ‘flag of Australia’ under the Flags Act (1953) by the Australian Government in 1995. In 1997, the Federal Court determined that Harold Thomas, a Luritja man, was the flag’s creator and sole copyright owner.

A relatively unexplored area of Indigenous health, both in Australia and internationally, is the impact of profit-driven commercial practices on health and wellbeing. A recent scoping review identified multiple examples from Australia, New Zealand, the United States and Canada of the for-profit sector undermining Indigenous cultural wellbeing (19). In Australia, the impact of such commercial activities on Aboriginal and Torres Strait Islander communities is significant, ranging from the destruction of sacred caves at Juukan Gorge by mining giant Rio Tinto to attempts to build a Dan Murphy’s alcohol superstore in Darwin (20). Less is known about how the profit-focused commercial activities affect Aboriginal and Torres Strait Islander peoples living in major urban areas, or how Aboriginal businesses (defined as at least 51% Aboriginal owned, managed and controlled) influence health and wellbeing (21). To fill this gap in knowledge, this paper presents a case study of Clothing The Gaps

(formerly Clothing The Gap) who, in 2019, received legal notices from two non-Indigenous clothing companies: GAP Inc. and WAM Clothing.

Clothing The Gaps is a certified Aboriginal business, a B-Corporation and a social enterprise. Founded by both an Aboriginal and a non-Aboriginal public health professional, the business uses clothing as a vehicle to celebrate Aboriginal and Torres Strait Islander culture, promote self-determination, and develop educational resources that empower individuals and collective action to drive social change and better outcomes for First Nations people and communities. Between 2021 and 2024, they also operated a not-for profit foundation that delivered health promotion programs for Aboriginal communities. In 2019, GAP Inc., an American clothing giant, opposed registration of the name 'Clothing The Gap' as a trademark in Australia because it had an earlier registration of the word marked 'GAP'(22). Clothing The Gaps also received a cease and desist letter from Australian company WAM Clothing, who had recently acquired an exclusive licence from Harold Thomas to use representations of the Aboriginal flag on merchandise, amongst other things. Similar infringement notices were sent to other Aboriginal businesses replicating the flag's image, as well as to the Australian Football League (AFL) and National Rugby League (NRL), who used the Aboriginal flag on players' jerseys during their annual Indigenous rounds (23).

These legal threats sparked the 3-year Free The Flag campaign, led by Clothing The Gaps and a petition called 'Pride Not Profit' signed by 164,847 people. In 2020, a Senate committee was established to inquire into the

licensing arrangements for the flag and their implications for Aboriginal organisations, businesses and communities, and for the broader Australian community. Following the inquiry, the Australian government acquired the copyright for the Aboriginal flag from two of the three license holders in January 2022, enabling all Australians to use the flag and its image on merchandise, souvenirs, clothing, accessories, and in digital media (24).

This case study aimed to 1) examine the systems, practices and pathways through which large profit-focused commercial clothing companies were able to have an impact on Aboriginal and Torres Strait Islander organisations; 2) assess the potential health and wellbeing impacts on Aboriginal individuals and communities of restricting access to the flag; and 3) examine the ways in which Aboriginal business advocacy can overcome powerful commercial interests when it comes to advancing Aboriginal health and wellbeing.

Methods

This study was conducted in line with the CONSolidated critERia for strengthening reporting of health research involving Indigenous peoples (the CONSIDER statement) (25). The project was undertaken by a team of Aboriginal (TW, FM, LT) and non-Aboriginal (JB, KH, AC, SS) researchers and public health practitioners. All members of the research team were experienced in research and/or health promotion with Aboriginal communities. KH and JB had existing relationships with the founders of

Clothing The Gaps (LT and SS), who were approached to ascertain their interest in sharing their story via this case study. The organisation's research priorities and expectations were discussed, and a research proposal was developed, for which Clothing The Gaps provided a letter of support. This project served as a platform for future collaboration and research capacity building based on the organisation's priorities. The research team has subsequently partnered with Clothing The Gaps on projects related to the commercial determinants of Indigenous health. A representative from the Clothing The Gaps Foundation sat on the project advisory group, along with other Aboriginal organisations, for this larger program of work.

Methodological approach

A qualitative case study design was used to provide a comprehensive examination of Clothing The Gaps' experience within the broader social, political and regulatory context in which they operate (26). The research was grounded in a strength-based approach that sought to harness the Aboriginal community's strengths and assets (27). Data collection and analysis were guided by conceptual frameworks for the commercial determinants of health (2, 4, 20, 28).

Data collection

A data collection approach was employed that sought to minimise the burden on Aboriginal communities, while adhering to the principles of case study research (26). Recognising the various demands and

responsibilities faced by Aboriginal people, data were combined from interviews with a small number of key informants ($n = 3$) with data from publicly available documents and websites. Background information about the case was sourced from the Clothing The Gaps and WAM Clothing websites and a general internet search. The ProQuest Australia and New Zealand Newsstream databases were also searched for media stories, using terms 'Clothing The Gap', 'WAM Clothing', 'GAP Inc.' and 'Free The Flag'. Additional documentary data were sourced from the website of the Australian Parliament's Senate Select Committee on the Aboriginal Flag. The stakeholder submissions ($n = 74$) and Committee's final report were downloaded for analysis.

Semi-structured interviews were conducted by co-leading researcher (KH) with key informants ($n = 3$) who had been intimately involved in the case. Purposive sampling, based on advice from Clothing The Gaps, was used to recruit information-rich participants. Of the 10 invited individuals, three agreed to participate. Participants were Aboriginal ($n=1$) and non-Aboriginal ($n=2$) professionals with experience in the Aboriginal Community Controlled Health sector, Aboriginal business, and health policy. All had been actively involved in the advocacy campaign to free the Aboriginal flag, making their perspectives highly relevant to this case study. Interviews were audio-recorded and transcribed by KH. Transcripts were returned to participants to allow them the opportunity to review, modify or remove their data. To acknowledge their contribution to the

project, participants received an AU\$50 gift card to support an Aboriginal business.

Data analysis

Interview transcripts, media articles and Senate inquiry documents were uploaded into NVivo 20 qualitative analysis software (QSR International) and analysed using Braun and Clarke's reflexive thematic analysis approach (29). Following an initial period of immersion and familiarisation, KH inductively coded the entire dataset guided by the study's research questions. To strengthen cultural rigour, co-leading Aboriginal researcher (TW) cross-checked the initial codes against the interview transcripts and provided contextual insight and cultural interpretation. The research team met regularly to discuss interpretations, refine the codes and collate codes into preliminary themes. A third researcher (JB) contributed to the synthesis and naming of themes with KH and TW. Themes were then further developed and refined, informed by commercial determinants of health frameworks and the cultural standpoint of Indigenous team members (20, 28).

Ethics

This study was conducted according to the guidelines for ethical conduct in Aboriginal and Torres Strait Islander health research (30). The project was approved by the Deakin University Human Research Ethics Committee, who consult with Aboriginal representatives for projects involving Aboriginal and/or Torres Strait Islander peoples (approval

number 2022- 113). Written informed consent was obtained from all interview participants. To protect Indigenous intellectual and cultural property, it was explicitly stated in the ethics application that data would not be shared with third parties.

Results

Table 1 presents a chronological overview of significant events that took place during the case study period. Four key themes were derived from the data to provide insight into how the non-Indigenous clothing industry affected Aboriginal organisations and communities in this specific case, and how an advocacy campaign spearheaded by an Aboriginal business was able to overcome powerful commercial interests. Each theme is described below, using quotations from documents and interview participants to support the findings.

Table 1 Timeline of events during case study period 2018-22

Date	Event
January 2018	Aboriginal health promotion company Spark Health created and launched clothing items under the brand Spark Merch.
August 2018	Spark Merch rebranded as Clothing The Gap. Clothing sales used to fund Spark Health programs in Aboriginal communities.
November 2018	Creator of the Aboriginal Flag sold exclusive licensing rights to WAM Clothing for clothing bearing the Aboriginal flag design.
April 2019	US company GAP Inc. opposed Clothing The Gap trademark application, citing trademark infringement over use of the word 'gap' in the name.
May 2019	Clothing The Gap began selling Aboriginal flag clothing products.
June 2019	WAM Clothing sent cease and desist letters for clothing branded with the Aboriginal flag, demanding sales of

	these items to stop within 3 days. WAM Clothing's licence expanded to physical and digital media. Clothing The Gap launched #FreeTheFlag campaign.
August 2020	Motion calling on Federal Government to ensure that First Nations peoples could use the flag was unanimously passed in the Australian Senate.
September 2020	Australian Senate established a Select Committee on the Aboriginal flag to examine copyright and licensing arrangements for the flag. Clothing The Gaps makes a submission to the Inquiry.
October 2020	Select Committee on the Aboriginal flag released its report, recommending that the Australian Government negotiate with the flag's designer and the current licence holders to acquire copyright.
November 2020	IP Australia found in favour of GAP Inc. over name dispute. Clothing The Gap chose to rebrand rather than appeal the decision. Limitations were placed on their branding style and there were trade restrictions outside of Australia.
April 2021	Negotiations with GAP Inc. finalised. Clothing The Gap rebranded as Clothing The Gaps. All items bearing original logo had to be sold by July.
January 2022	Federal Government struck a \$20 million copyright deal buying out 2 of the 3 licensing agreements attached to the Flag. Government announced that the flag was 'freed' and could be used by all Australians.

1. The legal and regulatory context favoured profit-focused commercial interests

This theme covers the national political and regulatory issues surrounding the legal disputes between Clothing The Gaps and two non-Indigenous businesses. Two separate and distinct legal disputes are described. The first was related to copyright and involved an Australian-owned private clothing company (WAM Clothing), and the second, related to trademark, was with an American-owned, publicly traded, international clothing retailer (GAP Inc.). As one interview participant explained, the legal and

regulatory context in Australia enabled these two non-Indigenous companies lawfully to pursue legal avenues against Aboriginal organisations and Aboriginal businesses for using culturally specific phrases and images:

One is an international worldwide company [pursuing Clothing The Gaps] for using the word 'Gap' and the other is for trying to share our culture (Participant 1)

WAM Clothing

The issues of copyright and Indigenous intellectual and cultural property pertaining to the Aboriginal flag gained significant national attention when WAM Clothing started issuing cease and desist letters to Aboriginal businesses, including Clothing The Gaps, and other organisations across multiple sectors. Under Australian law, intellectual property rights to the Aboriginal flag had been held by its designer, Harold Thomas, since 1997, when the Federal Court determined that he was the sole copyright owner. In practice, this meant that the flag was protected under the Copyright Act (1968) and could only be reproduced in accordance with the Act or with Mr Thomas' permission. This situation was unusual as, although the Aboriginal flag was recognised as an official flag of Australia, its copyright was owned by an individual, which is not the case for other flags.

Mr Thomas has entered into several licensing agreements for reproduction of the flag image since then, most recently with the non-Indigenous company WAM Clothing. WAM became the 'exclusive licensee for a range of clothing and apparel, towels, and digital and physical media products featuring the Aboriginal Flag' (Submission 2) (31). The Senate Select Committee on the Aboriginal Flag reported that the licence agreement also permitted WAM Clothing 'to take whatever action it sees for breach of Copyright of the Work' (32). Reflecting on the power of corporations over everyday people, a participant reflected that: 'We need to look at our laws, and we need to see where they are deficient'. The need for law reform was elaborated by another participant, who explained that a trademark application had also been filed in 2021 for the words 'Always was, always will be', an Aboriginal protest slogan that carries significant historical and cultural meaning.

I think something that has been missing for a very long time is a cultural lens and a cultural layer over that trademark and copyright space. There's a very big difference between collective custodianship of a phrase and capitalism (Participant 2)

A key tension in this case was the balancing of Mr Thomas' individual rights as the flag's creator and the Aboriginal community's collective right to cultural expression. Although advocates were campaigning to 'free the flag', they did not want to be seen as 'disenfranchising the original owner and artist of the flag' (Participant 3). In the context of protecting the intellectual property rights of Aboriginal artists, one submission argued:

Copyright is held by Mr Thomas, and he has asserted rights over ownership and is entitled to sub-license to another entity at his discretion and freedom of choice. As difficult and damaging this may be for community, it is Mr Thomas' choice (Submission 53) (33)

On the other hand, many submissions have advocated for the Australian Government to proactively acquire the licence for the Aboriginal flag. As one interview participant stated: 'government is going to need to fix this' (Participant 3). Despite the appetite for government action, interview and inquiry participants acknowledged that Mr Thomas owned the copyright and should be recognised and remunerated for use of the flag. In their submission to the Senate Inquiry, Clothing The Gaps recommended the following:

It is our recommendation that the Government seek out an arrangement where Harold Thomas can continue to hold ownership of the copyright to the Aboriginal Flag, while a licensing agreement is provided to enable free use by the Australian public (Submission 27) (34)

Ultimately, this is what occurred. The Senate Select Committee recommended that the Australian Government negotiate an agreement with Mr Thomas and the current licensees (including WAM) for future use of the Aboriginal flag (32). On 25 January 2022, the Prime Minister and Minister for Indigenous Australians issued a joint media release

announcing that ‘the Aboriginal flag is now freely available for public use’ (35)

GAP Inc.

During the same period (2019–21), Clothing The Gap was involved in a legal dispute with a second clothing company. This time, navigating trademark law after US clothing company, GAP Inc., raised objections when Clothing The Gap attempted to register its name, which was intended to be a play on words regarding the Australian Government’s Closing the Gap policy initiative. The co-founder of Clothing The Gap received a letter from lawyers representing GAP Inc., notifying lodgement of an opposition to Clothing The Gap’s trademark application on the grounds that using the word ‘Gap’ was deceptively like their own registered trademark. An interview participant explained the difficulty with registering the name:

The reason was the words ‘clothing’ and ‘the’ were too generic to trademark, which just left the word ‘gap’ and Gap owns the word ‘gap’ (Participant 1)

GAP Inc. is a global retail giant with access to well-resourced communications and legal teams. At the time of the legal dispute with Clothing The Gap, it had over 3,500 stores around the world, although none in Australia. Clothing The Gap, on the other hand, had existed as a small Aboriginal business for barely 12 months, and did not yet have a physical store. As one interview participant explained, GAP Inc. had ‘all

the resources at their fingertips that a big multinational company has' (Participant 3), while Clothing The Gap could not afford legal representation. Clothing The Gap 'hit the jackpot' when FAL Lawyers, a legal firm specialising in intellectual property, offered 'pro bono legal support' (Participant 2), enabling them to defend GAP Inc.'s opposition to the trademark application. The case was heard by the delegate of the Registrar of Trademarks in September 2020, and the Delegate found in favour of GAP Inc. two months later. Rather than appealing the decision to the Federal Court, Clothing The Gap opted to rebrand and 'decided not to escalate the battle further, opting instead to focus their efforts on a campaign to 'Free The Flag' (22). After five further months of negotiations with GAP Inc., Clothing The Gap rebranded as Clothing The Gaps in January 2021.

2. How the lawful pursuit of profits can affect culture

This theme details the practices of the profit-focused commercial entities involved in this case study, and the impact these had on Clothing The Gaps and other Aboriginal businesses and organisations, as well as non-Indigenous organisations. Both WAM Clothing, an Australian clothing brand, and GAP Inc., an American-owned multinational retail corporation, pursued legal avenues against Clothing The Gaps to safeguard their assets and, ultimately, their profits. Although IP Australia ruled in favour of GAP Inc., the company did not pursue costs against Clothing The Gaps. WAM Clothing sought to enforce its exclusive licence for the Aboriginal

flag against infringing parties, including Aboriginal individuals and organisations, who reproduced the flag's image without permission.

A broader range of organisations were affected when WAM Clothing's exclusive licence to reproduce the Aboriginal flag was extended by Harold Thomas, in 2019, from just clothing to all digital and physical media. The implication of this was that WAM under its authorised, extended licence could lawfully issue copyright infringement notices and charge licence fees to organisations using the Aboriginal flag on email signatures, business cards, websites, social media, flyers, booklets, annual reports, buildings, sports grounds and stadiums (32). As a result, the Senate Select Committee noted that Aboriginal people and organisations were 'ceasing use of the flag because of the complex flag use arrangements' (32). Many national sporting organisations also received cease and desist letters from WAM Clothing when they used the Aboriginal flag on uniforms or at sports venues to celebrate Aboriginal culture. The following quotations illustrate the frustration felt by many Senate Inquiry participants about WAM's lawful attempts to profit from the Aboriginal flag:

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 (Submission 25) (36)

This just gave them [WAM] the rights to go after the big dollars and sporting bodies such as the NRL, AFL, Rugby Australia, Cricket Australia, Soccer, Netball and all other National Indigenous Sporting bodies that would want to use the Aboriginal Flag (Submission 53)
(33)

The legal dispute over the Aboriginal flag generated considerable media attention. Many media articles were critical of WAM Clothing's conduct, albeit lawful. Media reports also suggested that the Government's deal to purchase the copyright for the flag had cost \$20 million, raising concerns about 'how much public money the non-Indigenous businesses were paid to relinquish their control' (24). Interview participants suggested 'I bet your bottom dollar they got paid a lot' (Participant 3), but ultimately, 'we're in a better situation now than we were before' (Participant 1). It was later revealed that the Federal Government paid \$13.75 million to Mr Thomas, \$5.2 million to WAM Clothing, \$1.1 million to Wooster Holdings, and \$500,000 in legal costs (37).

Unlike the profit focussed commercial clothing companies involved in this case, Clothing The Gaps is 'a certified Aboriginal business and social enterprise' that prioritises cultural pride (Participant 1). Although some larger non-Indigenous organisations received cease and desist letters at a similar time to Clothing The Gaps, a participant noted that these organisations 'didn't speak up about them at all', which was frustrating given 'how well-resourced they were with comms teams and legal teams and lots of time' (Participant 2). Being involved in two legal disputes

placed an enormous load on this new Aboriginal business as ‘really all the Clothing The Gaps team had were their customers, amazing goodwill, credibility, being ethical and energetic’ (Participant 3). However, the ‘pride not profit’ message took off, with many Aboriginal organisations and businesses advocating this principle in their submissions. For example:

No flag should be used to make a profit from, especially a flag that represented freedom fighting and the right to be self-determining. The use of the Aboriginal flag was led by people, which gave it our validity as a representation of Aboriginal identity (Submission 18) (38).

3. Our flag, our wellbeing

This theme explores the potential health and wellbeing impacts of the commercial activities reported in this case study. It considers both the impacts of the actions taken by GAP Inc. and WAM Clothing, as well as how the legal dispute affected Clothing The Gaps and other businesses and organisations that work to improve Aboriginal health and wellbeing. Both interview participants and media reports suggested that fighting two concurrent legal disputes was ‘really tough’ (Participant 1) and took ‘an emotional toll’ on the small team of individuals operating Clothing The Gaps (22). For the broader Aboriginal community, interview participants reflected on ‘the distress’ (Participant 2) and ‘the anger and pain that was being felt’ (Participant 3) about a non-Indigenous company acquiring and profiting from their flag.

I imagine that that would have had quite a terrible effect on some people mentally (Participant 3)

For many Aboriginal people, the Aboriginal flag represents a sense of identity and a deep connection to culture, Country and family. This was reflected in the evidence presented to the Senate Inquiry, with Community members explaining 'how important the flag was to them and how many of their loved ones were buried with the flag' (Participant 2). In one submission, an Aboriginal organisation expressed their concern about WAM Clothing's pursuit of its legal rights because the Aboriginal flag 'represents the Aboriginal people of Australia and their spiritual connection with the earth and sun' (Submission 59) (39). Another submission emphasised the importance of the flag to the identity of Aboriginal children placed in out-of-home care because:

Many of them aren't strong in culture, confident in who they are or connected to their Aboriginal Community. In this context the Flag becomes even more important. It becomes absolutely everything to who they are as Aboriginal children (Submission 27) (34)

As a social enterprise, revenue generated by Clothing The Gaps, through its clothing sales, is reinvested in advocacy education and health promotion, while strengthening Aboriginal employment and economic empowerment (40). The legal disputes and political advocacy impacted the organisation's capacity to deliver its health programs, as they were 'flat out campaigning' (Participant 2), and diverted attention from

planning health promotion to ‘thinking, how do we free this flag?’ (Participant 1). For other health organisations, being unable to display the Aboriginal flag on websites, staff uniforms and health promotion materials affected routine service delivery. For example, one non-Indigenous health organisation submitted that they displayed the flag to ‘promote a culturally safe environment for Aboriginal people’ (Submission 7) (41), while other organisations provided Aboriginal flag T-shirts as incentives for attending health checks. WAM’s pursuit of licensing fees, although lawful, prevented this.

I knew some health organisations if you came along and had your health checks and got your babies immunised or this sort of stuff, you would get a T-shirt with the flag on it. The organisations had to stop giving those out (Participant 3)

4. Making noise, making change

The Free The Flag campaign embodied Aboriginal business advocacy against powerful for-profit commercial interests and, according to participants, was instrumental in facilitating government action. When reflecting on the success of the campaign, interviewees reported that, for Government to act ‘a movement of people’ (Participant 1) was required, and that Clothing The Gaps ‘got the community on side [...] and they didn’t let up the political pressure’ (Participant 3). The fact that Clothing The Gaps were, themselves, a clothing business enabled them to raise funds for the campaign by selling Free The Flag t-shirts. The sustained

momentum of the Aboriginal-led campaign created a sense of urgency, and the community's widespread support for Free The Flag campaign was acknowledged throughout the Senate Select Committee's report:

Free The Flag has garnered support from individuals and organisations that have been issued with cease and desist notices as well as from the broader community. The campaign is supported by a number of prominent Aboriginal Australians [...] A number of professional sporting organisations have also expressed support for the movement (32)

Taking immediate action after receiving the cease and desist letter from WAM, Clothing The Gaps worked with change.org to launch a petition using the slogan 'Pride not Profit'. According to Participant 1, 'the petition gained enormous momentum and support really, really quickly', providing immediate evidence that many other people had also been affected by and cared about this issue. It gained support from former Senator and Olympian, Nova Peris, who was 'influential in opening the doors [...] to different politicians and gave the campaign more profile' (Participant 1). The petition attracted over 160,000 signatures and was acknowledged in the House of Representatives in July 2019, attracting further political attention to the issue.

We just did our best to get as many politicians around the issue as possible [...] We started to think of ways that politicians would

actually take notice of things [...] they started a petition because politicians take notice of petitions' (Participant 3)

The Free The Flag campaign emphasised 'pride not profit', while also demonstrating the power of business to create social change. As an Aboriginal business, Clothing The Gaps 'did lots of media' (Participant 3) and focused on 'giving people a super clear call to action - five things you can do to help free the flag' (Participant 2). As a purpose-driven brand, they launched the Free The Flag T-shirt to raise community awareness about the copyright dispute, and funds for the campaign. They kept their message simple and 'really shareable on socials' (Participant 2) and found that non-Indigenous businesses were sharing the content on their own social media platforms, which 'gave the campaign more credibility' (Participant 1). National sporting organisations, which had also received cease and desist letters from WAM Clothing, also publicly supported the Free The Flag campaign. For example, the AFL 'made a decision not enter into a commercial arrangement with the licence holders' (23). Instead, during the annual Indigenous round, 'all the footballers were wearing that Free The Flag T-shirt' (Participant 1).

The Free The Flag campaign involved 'over two and a half years of really tough campaigning' (Participant 2) but it was ultimately successful. Participants noted the role that Clothing The Gaps played in supporting the Government's work behind the scenes by campaigning externally and generating both political and public support. According to Participant 1, 'people inside the Government, they said they loved how respectful the

campaign was'. Participant 3 also noted the integrity with which Clothing The Gaps conducted themselves: 'People feel it, they can see genuineness, I think, and the whole campaign just oozed that it was genuine' (Participant 3). Although participants reported that the Government's decision came somewhat as a surprise, they noted:

It's a good reminder that we do live in a democracy and unless people raise their voice about things and tell government where they want to see change, there's no motivation or need for them to do it (Participant 2).

Discussion

This case study provides a unique insight into how commercial interests can affect Aboriginal people and organisations, and how Aboriginal-led advocacy can safeguard Aboriginal cultural expression and wellbeing. While international research has highlighted the negative health effects of poor working conditions in the commercial clothing industry and the environmental impact of 'fast fashion' (42), recent work has also demonstrated the empowering role of Aboriginal fashion in cultural healing, resistance and self-determination (43). This study extends this emerging literature by examining, through a CDoH lens, how the practices of the clothing industry can influence Aboriginal wellbeing. Our analysis of key informant interviews, media articles and stakeholder submissions related to the legal dispute between Clothing The Gaps and two non-Indigenous clothing companies provides new insights into the intersection

of commercial and cultural determinants of Indigenous health in the Australian context.

These findings suggest that the political, legal and regulatory context in Australia, coupled with notable resource disparities, enabled two non-Indigenous for-profit commercial clothing companies to assert their legal rights against Aboriginal businesses and organisations. What is unique about the Australian context is that Australia does not have a national treaty with its First Peoples and, although the Aboriginal flag is recognised as a national flag, the copyright was owned by an individual. The licensing arrangements required third parties to pay a fee for use of the Aboriginal flag, presenting difficulties for many not-for-profit Aboriginal health and community organisations, as they could not afford these licensing fees and thus were effectively prevented from using the flag in health promotion and service delivery. Additionally, the stress associated with receiving cease and desist letters had potential implications for the social, emotional and cultural wellbeing of the Aboriginal community. The Free The Flag campaign, led by Clothing The Gaps, demonstrates how Aboriginal business advocacy against profit-focused commercial interests can garner community, industry and government support for advancing Aboriginal wellbeing and social change.

This case study highlights the interplay between Indigenous cultural and intellectual property rights and the commercial determinants of health for Indigenous peoples. Indigenous cultural and intellectual property encompasses Indigenous peoples' rights to protect and control all aspects

of cultural practice, traditional knowledge and resources developed by Indigenous peoples as an integral component of their identity (44). Indigenous cultural and intellectual property is recognised in the United Nations Declaration on the Rights of Indigenous Peoples (45); however, it is not adequately reflected in Australian law (44). The Nagoya Protocol, to which Australia is a signatory, offers some protection against commercial exploitation of biological resources; however, this protocol is yet to be ratified by the Australian Government (46). Indigenous cultural and intellectual property and the related concept of Indigenous data sovereignty are gaining attention in Aboriginal and Torres Strait Islander health research as part of a cultural determinants approach to health (47). The current findings reinforce the need to protect the inherent rights of Indigenous peoples to cultural expression and prevent commercial exploitation of cultural objects, an approach consistent with the emerging priorities of the World Health Organization's Global Plan of Action for the Health of Indigenous Peoples (48).

There is broad recognition that culture plays a pivotal role in Aboriginal and Torres Strait Islander health and wellbeing (14-17, 47). The ongoing dispossession and erosion of Aboriginal and Torres Strait Islander cultures has had a profound impact on mental health and social and emotional wellbeing (17). Previous research has emphasised the importance of cultural connection for wellbeing and identity development among Aboriginal and Torres Strait Islander children (49-51). The current case study extends this evidence, underscoring the specific importance of the

Aboriginal flag for fostering cultural connection and collective identities. Our findings complement those of a previous systematic review of the commercial determinants of Indigenous health (19), highlighting the potential impacts on social and emotional wellbeing that arise from scenarios of legal disputes that have the impact of limiting Aboriginal peoples' cultural expression through use of their flag.

The legal pursuit of intellectual property rights, which many of those subject to the cease and desist letters would undoubtedly have found intimidating, as a means of safeguarding profits is a well-documented strategy within the commercial determinants of health literature (2, 52, 53). A prime example is the tobacco industry, which frequently utilises litigation to challenge public health legislation aimed at reducing smoking rates (54). For instance, in Australia, four major tobacco companies challenged the world-first plain packaging legislation in the High Court, arguing that their intellectual property rights were being infringed upon by the Australian government (55). Although the tobacco industry has lost almost all of its legal challenges, these cases usually come at a substantial financial cost for governments (54). This case study provides a unique example of profit-focused commercial entities using the strict enforcement of their intellectual property rights to pursue legal avenues against organisations, including Aboriginal businesses and organisations, for whom the cost of legal representation is prohibitive.

This case study highlights how Australia's commercial and legal systems can constrain the work of Aboriginal health promotion social enterprises operating within market-driven environments. Unlike Aboriginal Community Controlled Health Organisations and non-Indigenous health services that receive government funding, Clothing The Gaps, at the time of this study, operated as a small social enterprise that delivered health promotion programs through its not-for-profit foundation (56). Advocacy is central to Clothing The Gaps' identity as a 'for purpose' Aboriginal business; however, the campaign to 'Free The Flag' diverted scarce resources from these health programs. In addition, all health organisations who received warning letters were required to stop using the flag in their branding and health promotion materials, disrupting routine practices designed to promote cultural safety. Using a commercial determinant of health lens, this case illustrates how Australia's intellectual property systems and market-based models can expose small organisations to legal disputes, commercial exploitation and diversion of resources away from core activities. Similar experiences have been reported by other public health practitioners in Australia who received legal threats from industry actors, resulting in significant stress and redirecting time and resources away from their work (57). Together, these examples highlight the need for system-level reforms that prioritise health and Indigenous rights over commercial profits.

This study demonstrates the efficacy of Aboriginal business advocacy in countering powerful profit-focused commercial interests. The Free The

Flag campaign, initiated by Clothing The Gaps, serves as a prime example of a strengths-based, culturally grounded advocacy campaign that generated nationwide community momentum and political attention. Aboriginal leadership, a coordinating home base, working in coalitions, using evidence, strategic communication and capitalising on policy windows have previously been identified as key elements for effective Aboriginal and Torres Strait Islander health advocacy (58). The 'Free The Flag' campaign included all of these components, empowered the Aboriginal community and was ultimately successful. The *pro bono* legal support received for both cases was vital, and highlights the role that non-Indigenous organisations, such as law firms, play in supporting Aboriginal-led advocacy. This case study adds to the emerging body of literature documenting Aboriginal organisations and Indigenous communities internationally, such as the Standing Rock Sioux tribe and the Wai 262 claim in Aotearoa/New Zealand (59, 60), challenging commercial interests and asserting their rights to health, cultural and intellectual property, and self-determination (20, 61). This case study also highlights the potential for purpose-driven businesses, like Clothing The Gaps, to positively influence Indigenous wellbeing, an aspect often overlooked in the commercial determinants of health literature.

This study had several limitations. First, the small number of interview participants may have reduced the diversity of perspectives informing the findings. Interviews were not undertaken with the creator of the Aboriginal flag or representatives from WAM Clothing or GAP Inc. Although only three

interviews were conducted, these were complemented by a large volume of documentary data, including 74 stakeholder submissions, which included input from WAM Clothing. This approach increased the range of perspectives in the analysis and enhanced the credibility and trustworthiness of the findings. Finally, although Aboriginal voices were foregrounded throughout the findings, the diversity of the Aboriginal and Torres Strait Islander population was acknowledged, and it was not assumed that this case study represented the views and experiences of all First Nations peoples.

A strength of this study was the involvement of Aboriginal people throughout the research process. Research grant funding was used to employ and support the capacity of Aboriginal early career researchers, who were central to data analysis, interpretation and preparation of this manuscript. Furthermore, the study was undertaken in partnership with Clothing The Gaps and led to further opportunities to collaborate and develop research capacity within this Aboriginal organisation. The research outcomes were shared with Clothing The Gaps, who approved this manuscript prior to submission. The authors are continuing to work with Clothing The Gaps and other Aboriginal organisations on research to advance knowledge about the commercial determinants of Indigenous health in Australia.

Conclusions

This case study provided a unique perspective on the impact of three clothing companies on Aboriginal social, emotional and cultural wellbeing, as well as the effectiveness of Aboriginal business advocacy. Several implications for research, policy and practice can be drawn from the findings. Firstly, this study underscores the need to acknowledge the impact of the commercial sector, including the clothing industry, on the health and wellbeing of Aboriginal and Torres Strait Islander peoples. As the commercial determinants of Indigenous health represent an emerging field of inquiry, future research should further explore how different industries influence health and wellbeing for First Nations peoples. Such research should also consider the positive impact of indigenous businesses on the health and wellbeing of their employees, clients and local communities. Secondly, this study highlights the tension between individual and collective Indigenous cultural and intellectual property rights and commercial interests. Current legal and regulatory frameworks should be reviewed to ensure that Aboriginal and Torres Strait Islander peoples' cultural and intellectual property is safeguarded from commercial exploitation. Finally, the success of the Free The Flag campaign exemplifies the potency of Indigenous-led advocacy in countering powerful profit-focused commercial interests. Health researchers, practitioners, policymakers and allies should support and amplify the voices of Aboriginal and Torres Strait Islander peoples and organisations in advocating for their rights, culture, health and wellbeing.

Clinical Trial No: not applicable

Declarations

Human ethics and consent to participate

This study was approved by the Deakin University Human Research Ethics Committee (approval number 2022- 113). Written informed consent was obtained from all interview participants.

Data Availability

The data used in this study cannot be shared due to the conditions of the ethics approval.

Declaration of interests

LT and SS are the co-founders and CEO and Deputy CEO of Clothing The Gaps. They were not involved in data collection or analysis but contributed their lived experience to the preparation of the manuscript. Since this study was conducted, the research team (KT, TW, FM, AC, JB) successfully applied for an external grant on which Clothing The Gaps is a partner. Additionally, after this study was conducted, the Deputy CEO of Clothing the Gaps (SS) completed an Honours program at Deakin University under the supervision of one of the authors (JB).

Funding

This work was supported by a Deakin University Institute for Health Transformation Seed Funding Grant and an NHMRC Ideas Grant

[GNT2027736]. The funding sources had no influence on any aspect of study design, analysis or reporting.

Author contributions

KH undertook data collection. KH and TW undertook the formal analysis. KH performed writing – original draft preparation. TW, FM and AC conducted writing – reviewing and editing. JB was involved in conceptualisation, supervision and writing – second draft preparation. LT & SS provided two rounds of critical review and edits.

Acknowledgements

The research team is grateful for the support of Clothing The Gaps in undertaking this case study. We acknowledge that this research was undertaken on the unceded lands of the Wurundjeri, Yorta Yorta, Gunditjmarra and Palawa peoples. The authors are very grateful to Peter Fracis and Grant Walker who provided critical feedback on this article.

References

1. de Lacy-Vawdon C, Livingstone C. Defining the commercial determinants of health: a systematic review. *BMC Public Health*. 2020;20(1):1-16.
2. Gilmore AB, Fabbri A, Baum F, Bertscher A, Bondy K, Chang H-J, et al. Defining and conceptualising the commercial determinants of health. *The Lancet*. 2023;401(10383):1194-213.

3. World Health Organization. Commercial determinants of health fact sheet 2021 [cited 2022 September 11th]. Available from: <https://www.who.int/news-room/fact-sheets/detail/commercial-determinants-of-health>.
4. Lacy-Nichols J, Nandi S, Mialon M, McCambridge J, Lee K, Jones A, et al. Conceptualising commercial entities in public health: beyond unhealthy commodities and transnational corporations. *The Lancet*. 2023;401(10383):1214-28.
5. Rasmussen M, Guo X, Wang Y, Lohmueller KE, Rasmussen S, Albrechtsen A, et al. An Aboriginal Australian genome reveals separate human dispersals into Asia. *Science*. 2011;334(6052):94-8.
6. Pascoe B. *Dark Emu: Aboriginal Australia and the Birth of Agriculture*. Broome: Magabala Books; 2018.
7. Sherwood J. Colonisation-It's bad for your health: The context of Aboriginal health. *Contemporary Nurse*. 2013;46(1):28-40.
8. Altman J. Indigenous communities, miners and the state in Australia. *Power, culture, economy: Indigenous Australians and mining*. 2009;30:17-50.
9. Lyons K, Fredericks B, Bradfield A, Mayes C, Koerner C. Nano White Food and the Reproduction of Whiteness. *Borderlands Journal*. 2021;20(1):207-35.
10. Calma T. Social determinants and the health of Indigenous peoples in Australia - a human rights based approach. *International symposium on the social determinants of Indigenous health; Adelaide2007*.

11. Poirier B, Sethi S, Haag D, Hedges J, Jamieson L. The impact of neoliberal generative mechanisms on Indigenous health: a critical realist scoping review. *Globalization and Health*. 2022;18(1):61.
12. National Aboriginal Community Controlled Health Organisation. Constitution for the National Aboriginal Community Controlled Health Organisation Canberra: NACCHO; 2011 [15 May 2023]. Available from: https://f.hubspotusercontent10.net/hubfs/5328468/NACCHO_April_2020/PDFs/NACCHO-CONSTITUTION-Ratified-Ver-151111-for-ASIC-.pdf.
13. Larson A, Gillies M, Howard PJ, Coffin J. It's enough to make you sick: the impact of racism on the health of Aboriginal Australians. *Australian and New Zealand journal of public health*. 2007;31(4):322-9.
14. Lovett R, Brinckley M, Phillips B, Chapman J, Thurber K, Jones R, et al. Minyawaa ngiyani yata punmalaka; wangaaypu kirrampili kara [In the beginning it was our people's law. What makes us well; to never be sick. Cohort profile of Mayi Kuwayu]: the National Study of Aboriginal and Torres Strait Islander Wellbeing. *Australian Aboriginal Studies*. 2020;2:8-30.
15. Finlay S, Canuto K, Canuto K, Neal K, Lovett R. Aboriginal and Torres Strait Islander connection to culture: building stronger individual and collective wellbeing. *Medical Journal of Australia*. 2021;214:S12-S6.
16. Bourke S, Wright A, Guthrie J, Russell L, Dunbar T, Lovett R. Evidence Review of Indigenous Culture for Health and Wellbeing. *International Journal of Health, Wellness & Society*. 2018;8(4):11-27.

17. Salmon M, Doery K, Dance P, Chapman J, Gilbert R, Williams R, et al. Defining the indefinable: Descriptors of Aboriginal and Torres Strait Islander Peoples' cultures and their links to health and wellbeing. 2018.
18. Gallois M. The Aboriginal Flag as activist art. *Australasian Journal of Popular Culture*. 2016;5(1):19-32.
19. Crocetti AC, Cubillo B, Lock M, Walker T, Hill K, Mitchell F, et al. The commercial determinants of Indigenous health and well-being: a systematic scoping review. *BMJ Global Health*. 2022;7(11):e010366.
20. Crocetti A, B C, Walker T, Mitchell F, Paradies Y, Backholer K, et al. 'A recipe for cultural disaster!' – a case study of Woolworths Group's proposal to build an alcohol megastore in Darwin, Northern Territory. *Globalization and Health*. 2023;[in press].
21. Kinaway Chamber of Commerce Victoria. Membership Overview 2023 [Available from: <https://www.kinaway.com.au/membership-overview>].
22. Yusuf A. Aboriginal fashion brand Clothing The Gap to rebrand after two-year legal battle with US clothing giant Gap: ABC News; 2021 [Available from: <https://www.abc.net.au/news/2021-04-16/aboriginal-fashion-brand-rebrand-after-legal-fight-us-gap/13305336>].
23. Hytner M, Ryan H. AFL clubs back #freetheflag campaign as copyright row over Aboriginal flag labelled a 'disgrace': The Guardian; 2020 [Available from: <https://www.theguardian.com/sport/2020/aug/19/afl-clubs-back-freetheflag-campaign-as-copyright-row-over-aboriginal-flag-labelled-a-disgrace>].

24. Allam L. Deal to 'free' Aboriginal flag welcomed – but questions remain: The Guardian; 2022 [Available from: <https://www.theguardian.com/australia-news/2022/jan/25/deal-to-free-aboriginal-flag-welcomed-but-questions-remain>].
25. Huria T, Palmer SC, Pitama S, Beckert L, Lacey C, Ewen S, et al. Consolidated criteria for strengthening reporting of health research involving indigenous peoples: the CONSIDER statement. BMC Medical Research Methodology. 2019;19(1):173.
26. Yin RK. Case study research : design and methods 2014.
27. Askew DA, Brady K, Mukandi B, Singh D, Sinha T, Brough M, et al. Closing the gap between rhetoric and practice in strengths-based approaches to Indigenous public health: a qualitative study. Australian and New Zealand Journal of Public Health. 2019.
28. Baum FE, Sanders DM, Fisher M, Anaf J, Freudenberg N, Friel S, et al. Assessing the health impact of transnational corporations: its importance and a framework. Globalization and health. 2016;12(1):27-.
29. Braun V, Clarke V. Using thematic analysis in psychology. Qualitative research in psychology. 2006;3(2):77-101.
30. National Health and Medical Research Council. Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities: Guidelines for researchers and stakeholders. Canberra: National Health and Medical Research Council; 2018.
31. Select Committee on the Aboriginal Flag. Report of the Select Committee on the Aboriginal Flag: WAM Clothing Pty Ltd Submission 2 Canberra: Australian Senate; 2020 [Available from:

<https://www.aph.gov.au/DocumentStore.ashx?id=c40fa3b5-773f-4de9-979c-d835256aed70&subId=691677>.

32. Select Committee on the Aboriginal Flag. Report of the Select Committee on the Aboriginal Flag Canberra: Australian Senate; 2020 [Available from:

www.aph.gov.au/Parliamentary_Business/Committees/Senate/Aboriginal_Flag/AboriginalFlag/Report.

33. Senate Select Committee on the Aboriginal Flag. Report of the Select Committee on the Aboriginal Flag: Dreamtime Art Submission 53 Canberra: Australian Senate; 2020 [Available from:

<https://www.aph.gov.au/DocumentStore.ashx?id=01b68c33-b72b-407d-97b5-9f9230b8ad5f&subId=692092>.

34. Senate Select Committee on the Aboriginal Flag. Report of the Select Committee on the Aboriginal Flag: Clothing The Gap Pty Lty and Spark Health Australia Pty Ltd Submission 27 Canberra: Australian Senate; 2020 [Available from:

<https://www.aph.gov.au/DocumentStore.ashx?id=f95f1b25-1cbd-45e1-835d-f78acb2d4dcb&subId=691873>.

35. Department of Prime Minister and Cabinet. Free use of Aboriginal Flag secured for all Australians. Media release, 25 January 2022 2022 [Available from: <https://pmtranscripts.pmc.gov.au/release/transcript-43755>. .

36. Senate Select Committee on the Aboriginal Flag. Report of the Select Committee on the Aboriginal Flag: Reconciliation Australia Submission 25 Canberra: Australian Senate; 2020 [Available from:

<https://www.aph.gov.au/DocumentStore.ashx?id=6278cc21-ccd6-44de-826f-54c81e1225eb&subId=691867>.

37. National Indigenous Television. Details of Govt's Aboriginal flag deal revealed: SBS Australia; 2022 [Available from:

<https://www.sbs.com.au/nitv/article/details-of-govts-aboriginal-flag-deal-revealed/q1lfjx92v>.

38. Senate Select Committee on the Aboriginal Flag. Report of the Select Committee on the Aboriginal Flag: Bubup Wilam Aboriginal Child and Family Centre Inc Submission 18 Canberra: Australian Senate; 2020 [Available from:

<https://www.aph.gov.au/DocumentStore.ashx?id=20edac16-8f52-4c4c-8f74-5b7995d0b4e5&subId=691863>.

39. Senate Select Committee on the Aboriginal Flag. Report of the Select Committee on the Aboriginal Flag: National Aboriginal Community Controlled Health Organisation Submission 59 Canberra: Australian Senate; 2020 [Available from:

<https://www.aph.gov.au/DocumentStore.ashx?id=d69f380f-2424-45fc-82a9-d8ab63aca8da&subId=692175>.

40. Lowitja Institute. Close the Gap Campaign Report: Close the Gap Campaign Alliance Group for Indigenous Health Equity; 2024 [Available from: <https://cdn.shopify.com/s/files/1/0042/7740/3718/files/Close-the-Gap-Report-2024-final-FOR-ONLINE.pdf?v=1710908169>.

41. Senate Select Committee on the Aboriginal Flag. Report of the Select Committee on the Aboriginal Flag: Diabetes Australia Submission 7 Canberra: Australian Senate; 2020 [Available from:

<https://www.aph.gov.au/DocumentStore.ashx?id=fe8a2677-ffcf-4c18-b7df-786c3e0962b7&subId=691802>.

42. Bick R, Halsey E, Ekenga CC. The global environmental injustice of fast fashion. *Environmental Health*. 2018;17:1-4.

43. Clark T. The Role of Fashion and Art in First Nations Healing, Decolonisation, and Cultural Practice. *Genealogy*. 2025;9(1):5.

44. Kearney J, Janke T. Rights to Culture: Indigenous Cultural and Intellectual Property (ICIP), Copyright and Protocols: Terri Janke and Company; 2018 [Available from:

<https://www.terrijanke.com.au/post/2018/01/29/rights-to-culture-indigenous-cultural-and-intellectual-property-icip-copyright-and-protoc>.

45. United Nations. United Nations Declaration On the Rights of Indigenous Peoples 2007 [Available from: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

46. Buck M, Hamilton C. The Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the Convention on Biological Diversity. *Review of European Community & International Environmental Law*. 2011;20(1):47-61.

47. Lowitja Institute. Culture is Key: Towards cultural determinants-driven health policy – Final Report, . Melbourne: Lowitja Institute; 2020.

48. World Health Organization. Global Plan of Action for the Health of Indigenous Peoples 2025 [Available from: <https://www.who.int/initiatives/global-plan-of-action-for-health-of-indigenous-peoples>.

49. Larkins S. Strengthening Culture, Strengthening Identity: Keys to healing for Aboriginal and Torres Strait Islander children and young people and securing their social and emotional wellbeing. *Family Relationships Quarterly*. 2010;17:10-3.
50. Colquhoun S, Dockery AM. The link between Indigenous culture and wellbeing: Qualitative evidence for Australian Aboriginal peoples. *he Centre for Labour Market Research, Curtin Business School, Curtin University, Perth*. 2012.
51. Priest N, Mackean T, Davis E, Briggs L, Waters E. Aboriginal perspectives of child health and wellbeing in an urban setting: Developing a conceptual framework. *Health Sociology Review*. 2012;21(2):180-95.
52. Lima J, Galea S. Corporate practices and health: a framework and mechanisms. *Globalization and Health*. 2018;14(1):1-12.
53. Ulucanlar S, Lauber K, Fabbri A, Hawkins B, Mialon M, Hancock L, et al. Corporate political activity: Taxonomies and model of corporate influence on public policy. *International Journal of Health Policy and Management*. 2023.
54. Steele SL, Gilmore AB, McKee M, Stuckler D. The role of public law-based litigation in tobacco companies' strategies in high-income, FCTC ratifying countries, 2004–14. *Journal of public health*. 2016;38(3):516-21.
55. Liberman J. Plainly constitutional: the upholding of plain tobacco packaging by the High Court of Australia. *American Journal of Law & Medicine*. 2013;39(2-3):361-81.
56. Mulder S, Thompson L, Sheridan S, Charles L, Munro-Harrison E, Kennedy H, et al. 'Wellah planted a good seed': How an online health and

wellbeing program supported Aboriginal and Torres Strait Islander peoples during the COVID-19 pandemic. *First Nations Health and Wellbeing-The Lowitja Journal*. 2023;1:100005.

57. AMA Queensland. Govt must explain why it has prioritised pharmacy owners over Aboriginal health services 2024 [Available from: <https://nacchocommunique.com/wp-content/uploads/2024/03/Media-Release-AMA-Qld-ATSI-hlth-srvs-locked-out-of-pharm-ownership-20.3.24.pdf>].

58. Browne J, Gleeson D, Adams K, Minniecon D, Hayes R. Strengthening Aboriginal and Torres Strait Islander health policy: lessons from a case study of food and nutrition. *Public health nutrition*. 2019;22(15):2868-78.

59. Wagner M. Standing Rock Sioux Tribe: Why Winning Vacatur under NEPA May Not Be Enough to Limit Damage to the Environment. *Energy Law Journal*. 2023;44:139.

60. Waitangi Tribunal. Ko Aotearoa Tēnei: Report on the Wai 262 Claim Released 2011 [Available from: <https://waitangitribunal.govt.nz/en/news/ko-aotearoa-tenei-report-on-the-wai-262-claim-released>].

61. Poirier BF, Hedges J, Soares G, Jamieson LM. Aboriginal community controlled health services: an act of resistance against Australia's neoliberal ideologies. *International Journal of Environmental Research and Public Health*. 2022;19(16):10058.