

Transcript of Presentation – CCJP Sunday Seminar and AGM

Dean Parkin, from the Quandamooka People of Minjerribah, was a facilitator for 12 regional dialogues and the Uluru Constitutional Convention. He's an investment analyst with Tanarra Capital and an advocate for the Uluru Statement from the Heart, which he helped compose.

DEAN PARKIN:

I'd like to start by acknowledging the traditional owners of the land on which we gather. I pay my respects to their elders past and present and I bring greetings from my peoples, the Quandamooka peoples from Minjerribah and Mulgumpin, that's North Stradbroke Island as well as Moreton Island, which we're very pleased and excited to get back the successful native title claim at the end of last year.

It's been a long hard road. Native Title is somewhat unsatisfying. It's a very, very limited form of recognition of rights. We don't consider it a full form of land rights but as we know in our history, we have to be pragmatic about these things sometime; take what we can fight for because nothing is ever freely given, and try and build the best future we possibly can off that. I'm guided by my mother on these issues and when she says 'yes' I go; and when she says 'no', I scurry back into the corner.

I do want to thank you for being here on a Sunday morning. It's a little bit of an unusual time for us to be talking about issues of constitutional reform and the recognition of Indigenous peoples but I know as Catholics you are more adept than most at discussing the big issues on a Sunday morning so thank you for being here. It also reminds me of the Referendum Council dialogues that I was heavily involved with. I co-facilitated every single one of those around the country in the lead up to the Uluru Convention in the lead up to the Uluru Statement from the Heart.

Sunday mornings were a really important time because our dialogues were run over two and a half days. We started Friday at lunch-time and worked all the way through to Saturday and then Sunday was crunch time. Sunday morning was where we sat down in big rooms like this, 100 people from all over a particular region, and I would sit up the front of the room with a projector and a laptop. I'd have a lawyer on my laptop and the lawyers basically had a couple of hours' sleep the night before because they'd stayed up all night pulling

together all of the different break-out groups and the plenary conversations that we'd had, pulling together the record of that meeting. Then on the Sunday morning I'd stand at the front of the room and go line-by-line through that record of the meeting and make sure that it was an accurate reflection of what people had said.

Two things were really important about that - 1) we weren't looking for consensus. The issues that we face are too complex and there's always different views on this so we weren't trying to smooth out and trying to jam in an artificial consensus on these issues. Some people were saying X and others were saying Y. The important thing was that we were capturing that and telling people that they'd been heard, that they'd been listened to and that this was feeding into the process.

The second thing is we knew very quickly at the beginning of this process whether there were any lawyers or teachers in the room because if there weren't it would go smoothly and calmly and get to the guts of it and if there were we would know when the i's were not dotted properly and the t's were incorrectly crossed! I acknowledge any teachers or lawyers in the room!

And then all of that information flowed into the Uluru Convention and then as a result of another two and a half days of complex sophisticated, emotional, intellectually challenging conversations, more often than not quite robust conversations, the Uluru Statement, 430 words of nation building, came out the other end and that's something I was very happy and very privileged to be part of. Along with Tom Mayor, I put my signature on that statement alongside some of the most significant people in this country.

I work closely with Thomas, have done since the Uluru Statement and continue to and will be going forward.

I do want to touch on the Closing the Gap Initiative and the report that was released this week. You know the important thing to acknowledge about Closing *the Gap is it's 12 years old. Out of the seven targets that are articulated in the Closing the Gap strategy, more than half of them actually refer to halving the gap between Indigenous and non-Indigenous Australians, not even the total closure, but just halving the gap. The fact is we are now 12 years on and only two of those targets are on track to be met.*

The Prime Minister did mention somewhere in his talk that there were good intentions when this started but perhaps the aspirations were too lofty. I think we just need to really call that out because halving the gap and then failing to close that half of the gap and, in some cases see the gap widen, should not be the extent of our ambition as a country and we should be demanding absolutely more. I don't want to get too bogged down on statistics because they quite often paint a very stark picture, one laden with deficit and disadvantage and that is not the totality of who we are as Aboriginal and Torres Strait Islander peoples. I do want to call out two other statistics that aren't part of Closing the Gap because these are the ones that speak to me as the real 'canaries in the coal mine'.

The first is that a third of Aboriginal and Torres Strait Islander peoples in this country are living below the poverty line. When we're talking about Closing the Gap, it is unavoidable that we have a conversation around class and the fact that too many of our people are living in poverty. We've started to talk about all the other issues that affect our people. We know that they're complex and they're systematic and that issue of poverty as a core statistic absolutely sits at the heart of that. And then also in the week we talked about and reflected upon the 2008 apology to the Stolen Generations, the apology to the children that were taken away from their families.

The stark reality of our situation is that since 2008, the number of children in out of home care has doubled. There was a report at the end of last year from the Family Matters Coalition that said if we stick to the status quo, to the same old broken ways of dealing with these issues that we continue to do, that number will double again in the next 10 years.

We can't just have things like the apologies clanging as a bell where the action's not actually taking place. When I think about those statistics and I think about everything else that's facing our people there's a 1963 speech from the Reverend Dr Martin Luther King when he talked about having a dream but he also said, and I think this encapsulates where we are right now, he said "*This is no time to engage in the luxury of cooling off or to take a tranquilising drug of gradualism.*" That is where we are right now so there is actually no choice to continue along the way that we have.

If we do, I'm going to be here in another 30 or 40 years talking about the same things and the destruction of a people and not only that, the loss of a sense of Australian identity that's so much better and rich for all of us, not just Aboriginal and Torres Strait Islander people. It's worth fighting for and it's great to be amongst you hearing a little bit about your work knowing that this is something that's very important to you as well.

I want to also reflect on some of the things that the Prime Minister and the Leader of the Opposition said in their speeches about Closing the Gap. I agree with Thomas around the sense of frustration and the sense of alienation from what the politicians are saying to what's happening in our communities but actually the Prime Minister said something quite profound that has just slipped under the radar. It represents a significant shift in the Government's position with regards to the Uluru Statement and constitutional recognition and I'll speak to that a little bit later on, but it's something that should give us all hope.

It does say something about the state of reporting on Indigenous Affairs that not a single journalist picked up on this and we've actually had to write to some of them and ask 'do you actually realise what the Prime Minister said this week'? I also want to speak on something first of all from the Leader of the Opposition Anthony Albanese and I'd encourage you to either look up You Tube and watch the speeches or find a transcript and read them because Albo's speech was a cracker. It was very strong. It was very clear and I think certainly gives us a way to follow.

The Leader of the Opposition talked about this concept of self-determination and that is an important change. It's an important difference. It's something that should be noted because certainly for the last 15 or 20 years we have been peddled the tranquilising drugs of consultation, engagement, co-design. I've got to get rid of 'co-design' from my bio because it's actually been a term that we used properly and now it's used as a badge to justify the status quo. They're just words. They're just the status quo. It's a cycle of different words about how we partnership, 'working with'; they're just words, they don't mean anything.

But self-determination does. Self-determination and empowerment, they mean something, they're not just technical concepts. They're not just theories, they

actually have meaning and weight and they're the things that we've been talking about for decades. You know even if we just consider the last 30 years - the blink of an eyelid in terms of Indigenous advocacy in this country, going back to the 1991 Royal Commission into Aboriginal Deaths in Custody and all of the subsequent Commissions and reports and committees and inquiries and everything that has been said in between, they all say exactly the same thing. It's just a broken record - empowerment and self-determination.

We throw our hands up in the air and scratch our heads and say well what's the solution to closing the gap? It's been staring us in the face for decades but there's been a complete lack of political will to make that change because those words mean something. They change the relationship of power between governments and Aboriginal and Torres Strait Islander peoples. This concept of self-determination is the one outstanding policy lever that governments of both persuasions have steadfastly refused to pull.

I know the next time we do a report I can write the recommendations now. I don't have to know what the issue's going to be. I don't have to know who's going to commission it or who's going to write it. They're going to say the same thing - empowerment and self-determination. The old Catholic principle of subsidiarity – driving decision making closer to the people that are most affected by those issues. They are the ones that know where the answers are. They are the ones that know where those changes lie. That's the great part but what that means is a shift in power.

It means empowerment. You cannot avoid the conversation around the redistribution, the devolution of power to those people and that's the reason why we keep seeing the same things and we keep being ignored because the unavoidable conclusion is that there are some that are in power that would rather preside over decades of proven measured failure than actually share that power with Aboriginal and Torres Strait Islander peoples.

When the Uluru Statement from the Heart came out, was anybody surprised? Is anybody surprised that after all of this time when asked, 'what does meaningful

constitutional recognition look like to you?', the mob turned around and said constitutionally enshrined First Nation's voice. A voice that could speak to the Parliament. A voice that could be heard in our nation's democracy. There was a lot of commentary around it at the time that this is a new idea: "where did this come from? Where did this idea of a constitutionally enshrined voice come from"? Only people who have been wilfully blocking their ears for the last few decades can say that because we've been saying the same thing the whole way through.

Voice, Treaty, Truth. It was a logical response. It was a heartfelt response by Aboriginal and Torres Strait Islander peoples. Voice: a constitutionally-enshrined voice so that we can have a greater say over our own affairs, not the supplicants in this relationship but people taking an active role, people holding the governments to account, the Parliaments to account.

Treaty, you know this of the year of the 2050th anniversary of Cook's arrival on these shores. Tony McAvoy is the first and still only Indigenous senior counsel wrote a really interesting article - I'd encourage you to read it in The Guardian last week - when commenting on the High Court case around the question of aliens. He mentioned that Mabo raised, and left unanswered a very, very tricky conundrum in our political and legal system. Mabo dealt with the concept of *terra nullius*. It said no there actually were people here but that left open this question; if there were people here but there wasn't a settlement then how do we describe what's happened since? There has been no settlement in this country. There's been no reckoning. There's been no reconciliation of the outstanding question of First Nations' sovereignty and the sovereignty of the Crown. It is an unanswered question. It is the great unfinished business of our nation, so again, no real surprises why treaty was put forward and then truth.

And if I'm honest the reforms in the Uluru statement were considered sequentially - Voice first, Treaty, then Truth and I think that's also recognition that Truth is going to be the hardest. Truth is going to be the most confronting thing to the people of Australia. Look what's happening to Uncle Bruce Pascoe right now. Look what happens when you talk about truth and you challenge the falsehoods of the founding of this country and you put into the space the truth about the pre-colonial history. You get smashed. That's just the opening salvo. That's just an early warning, a blip on the radar and it says there's more to

come when we have this conversation around truth. And as I say it's not just about the post-colonial story. It's not just about the things that we know about in terms of the genocides and the massacres and the rapes and the dispossession and the taking away of the children and all of those things. It's not just that. It's the pre-colonial story as well - the fantasy, the fictions that we've been talking - all of us have been talking about the primitive savages that inhabited this country before the white fellas arrived.

So that is going to be a very, very hard process and there'll need to be structure around that. This isn't going to be a process of sitting around a tree just saying, "oh yeah you know things weren't great but we're okay, now aren't we? How good's Australia?" It's going to be a different conversation. It's going to be a much harder conversation and so we need that constitutionally-enshrined Voice to give us some certainty and continuity in these conversations. We need to have the conversation around Treaty. To a certain extent there'll be an element of truth-telling throughout this whole process.

The reconciliation movement in this country has been really important. It's really important to recognise also that reconciliation wasn't called for by Aboriginal and Torres Strait Island peoples. We were talking about Treaty in the late eighties. We were talking to the Hawke Government at that point and Hawke was making all these promises. There was the Barunga Statement. There were all these things that were put forward. A Treaty became too hard so we had reconciliation thrust on us instead and again, we've been pretty pragmatic about that to try and take that forward. But as a nation we've tried to do reconciliation without first telling the truth.

We haven't actually answered the question ourselves why do we need to reconcile in the first place? We try to just block that part of it off like the patient that has the sore tooth knowing that it's just going to get worse but ignoring it. Eventually we're going to have to go to the dentist and that's what truth-telling is going to be. People say to me you need to be able to talk to people about truth-telling and not make people feel guilty.

It's not about deliberately making people feel guilty but if there isn't a prickle inside of us when we talk about these things, nothing will change. If we don't

feel the sense of a profound need to think about this differently and to acknowledge those differences in a very clear way, nothing will change.

The thing I say to people about truth-telling is this; if we're having these conversations and you start to feel that way don't fear it. Don't feel ashamed by it. Try not to feel angry but just let it sit for a little bit and spend some time with that feeling and think about why you're feeling that. What does that mean to you as a person? What does it mean for us as a nation? And then we can start to have a really constructive conversation about what it means for us going forward. It's absolutely necessary for this to work properly.

Another thing on the Uluru Statement; it is a soaring and very important piece of Australian written rhetoric. I mean that in the proper Aristotelian way, not the kind of cynical journalism way, and it does a number of things. Quite aside from articulating three very important reforms that are needed - Voice, Treaty, Truth - it reasserts First Nation sovereignty.

It also lifts the tone of the conversation because for the last 10 or so years this question of Indigenous constitutional recognition has almost been like a machinistic question. We've got this book; the rule book of the nation and we're trying to work out how to fit Indigenous peoples in there. Well the Uluru Statement takes it to another level and it says this isn't about just some sort of machinistic change. If we get this right, the prize is what goes with substantive constitutional change and structural reform. As the Uluru Statement says, "We believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood".

It's not about a change to a dusty old document. It's about a sense of who we are as Australians. This isn't just about black fellas, this is about all of us. This is about us having a sense of identity together as Australians that has at its core, Aboriginal and Torres Strait Islander peoples, their heritage, their languages, their stories. That's something all of you can connect with as Australians. If you know no other home, you know no other place, that's part of your heritage too. That's part of your identity too. That's part of our identity. That's the prize here. That's the prize that the Uluru Statement gives to all of us which is why it was so devastating that barely a day or two after it was first launched we got the nonsense of a third chamber in Parliament.

You've got people who have gone through everything that we've gone through in this history, who have had a very difficult relationship with this nation, standing there holding a hand out to say join with us, join with us in the real Australian story. How that hand is slapped away without any consideration at all was really, really hard to handle. And it has felt like that door has continually been closed on us this whole way through.

I do want to quickly touch on the Government's co-design process. Thomas Mayor is right - the voice to government is a new idea. We talked very specifically about a voice to Parliament as a result of the Uluru Statement. The Coalition's election platform for Indigenous Australians before the election last year made no mention of a Voice to Government, only about a Voice to Parliament.

The Voice to Government is a significant downgrade. Let's be really clear: a Voice to Government that is not enshrined in the constitution as currently proposed by Minister Ken Wyatt in this co-design process is not a response to the Uluru Statement. The Voice needs to be to the Parliament. It needs to speak to the democratic systems of our nation and we believe it is an absolutely modest, very pragmatic response to the question of Indigenous constitutional recognition. It already represents a significant compromise by Aboriginal and Torres Strait Islander peoples and in this sense, it is not being pragmatic by taking a watered-down version.

There's a line where we just cannot retreat below and a Voice to Government that does not have the constitutional protection is below the line. We just can't go there. I can't advocate for that because it's inconsistent with the Uluru Statement. The only mandate I have is the Uluru Statement from the Heart. I don't have a mandate to argue for something else so we need to stay staunch on that.

However, what the Prime Minister said in the Closing the Gap speech last week was really important. He said the Government had accepted the recommendations of the Joint Select Committee that was chaired by Senator Pat Dodson and Julian Leeser back in 2018. Their report last year to both the

Government and the Opposition made four recommendations. The first two are the only ones that are really relevant to this question.

The first one said there needs to be a process of co-design to work out what a Voice might look like. The Government has put this process in place which, while responding to this recommendation, is inconsistent with the Uluru Statement. But the second recommendation is really important. The Committee's report said that following that process of co-design, we should then have a conversation around the administrative, legal and constitutional mechanisms to bring that voice to life. First do the design work and once we have a bit of an idea of the shape, we talk about the legislative and constitutional arrangements.

That's a really important sequencing because all we've heard so far is the door being closed on the constitutional option – that there won't be a constitutionally enshrined Voice. Then the Prime Minister in the last week said following the process of co-design, we will then consider - so the door's been opened. The door has been opened again and the opportunity for us now is to jam our leg in that door and keep pushing hard on it. That's our task now. Our task now is not to feel despondent. It's not to feel overwhelmed, that it's all too hard or it's not going to happen. Our task now is to see the opportunity that that presents and to push as hard as we possibly can. That's a really big shift for us and it's a fundamental change.

I'll finish on the people's movement because this is really important. When people ask me the question of whether we'll win or lose - yes we've got to win them, the politicians. At the end of the day, they have to pass the referendum bill through the parliament but they'll be guided by the people. And since the Uluru Statement, there's been an organic, unstructured, disparate people's movement. The conversation has continued. Rooms full of people like this, people meeting in the pub for political conversations, little conversations that have been happening around the community. It started with civil society like ACROSS, the Bar Association, the AMA and entities like that coming out in strong support. Corporate Australia has started making some really strong noises in support of the Uluru Statement. We've seen a whole bunch of public statements.

But it's been the little conversations, the letters to the editors in the rural newspapers that the people are continuing this conversation around the country and I have heard a lot of them myself. The thing that Australian's pride themselves on, something more than anything else, is a sense of fairness. This idea of a constitutionally-enshrined Voice is a very fair thing for Aboriginal and Torres Strait Islander people to put forward to the Australian people, for them to consider, to have that conversation and to push for a referendum.

I just want to finish before we have a bit of a break and then I can answer questions. People always ask well what can I do. You guys are really important, because you're here on a Sunday morning listening to this and clearly you have an agenda that supports this kind of work. The first thing you need to do is obviously read the statement but then you have to realise that one of the things that the Uluru Statement does is that it invites you. It is an invitation to you and on this question, you can't sit back and wait for governments to give the answers. You can't sit back and wait for the politics to evolve. To dignify the Uluru Statement, you have to respond to it. It's incumbent upon you. There's no other way around it because you will have to. When the time comes for us to vote you're responding in a very black or white way - yes or no.

But before we even get to that point it is incumbent upon you to consider your position and then respond and when you respond then we ask you, this group, to join with us in action through your own networks, through your own communities, through the people that you have conversations with, to spread that message. Because we can't wait for the politicians and we can't leave it to 2½% of the population to drive this movement of the Australian people. We need you. I ask you that you consider that. Some of you may turn around and say that's not something I believe in. That's fine but if you do and if that vision of a *fuller expression of Australia's nationhood* with Aboriginal and Torres Strait Islander peoples at its core appeals to you and you feel like that's something that you want as part of being Australian, then walk with us, that's all we ask. Thank you very much for your time...

[APPLAUSE]

Q&A

So we'll just now take a few moments for you now to talk around the table, anything that's come to you from that speech, from that talk, anything that you feel you would like to ask about.

[BREAK]

Now this time we usually have the chance for people to raise their questions or make their comments or ask for further clarification, and then he'll respond as he sees fit and it's an opportunity for Dean also to elaborate further on anything that you feel you need still to say. Dean also did say to me he doesn't care what you want to say, it's all open.

As long as you don't care what I say in return.

[AUDIENCE LAUGHTER]

I do want to reiterate that point though, because I appreciate that sometimes you don't want to be seen to be asking the dumb question or the insensitive question or whatever. At this stage right here, let's consider this a really safe space that you can ask whatever is there and I'll receive it in that spirit, so we'll just have a proper conversation around it.

Q. I'll just make a quick observation, if you think Catholics discuss important issues at church on Sunday mornings you haven't heard the homilies for quite a while. [AUDIENCE LAUGHTER]. What I wanted to ask was, how important do you think the treaties the states are trying to get with Aboriginals are?

The question on the state-based treaties I think they're quite limited and the problem is the federal system that we have, the federation that we have. The worry I have with the state-based treaties, and my own state Queensland is going down this route, is that yes we should be doing the work to have those conversations at that same level but I would prefer it to be seen to be done in concert with the conversation at the federal level.

Because of the way of the constitutional arrangements between the Commonwealth and the states and the territories in particular I'm worried that

we'll strike treaty agreements with the states. Then we'll start to operate those treaties and then we'll hit a road block and the states will say we can't do that because the feds aren't signed up. We'll just end up not moving because of the complicated and complex nature of those relationships that are not always clear.

You know the bushfires is one of those things that has shown the disconnect between state and federal relationships - who is responsible for what - this becomes a buck passing exercise and we end up no further along than where we are now. We may or may not have this conversation around the mutual recognition of sovereignty in this process. Then if we're going to go down that route then let's do this properly and I think we need the Commonwealth at the table on that. I also think my personal preference is not to have a state-based treaty.

My personal preference is not to have a national treaty. I think the treaties should be struck at the First Nation's level so there should be a Quandamooka Treaty with the various layers of government. And we may turn around and say we want to connect that at a regional level because that makes sense to South East Queensland, the groups. I would rather us start at that level and work our way up rather than start at the top because we won't work our way down and we need to be able to recognise that our individual groups need to be able to have a real say of their own on what's important to them.

But at least the state-based treaties are putting the issue on the table and it's moving it forward so there's space for it but the feds need to be there too.

Q. I'm very, very moved and pleased by what you said and by your commitment to work on this for a time now. Is it possible to hear a little bit more what this group that you were working with is? How it's shaped; how long it will exist; how it's supported; what are the aims? Because we need it urgently and I think all of it needs all of us to support it as best we can from the word go.

Yeah. I can't give you the exact details of it just yet. There will be an announcement in the not too distant future so keep an eye out for that. I'll put it to you that it'll be led by predominantly Aboriginal and Torres Strait Islander people but there'll be non-Indigenous peoples in there supporting us as well, that's really important.

One of the big tasks is that we need to educate Australian people on what the Uluru Statement is because there's been so much misinformation put into the sphere that we need to put that information out there and provide the resources so that they can then continue to have the conversations like this CCJP group here.

One of the things we're not going to try and do is set up a great big kind of command and control mother ship that controls the whole thing because the beauty of what's happened since Uluru has been that organic grass roots movement. They're little flames around the country and we want to keep giving them more oxygen and equipping and empowering them to get that message out there so that's what we're going to be doing. That'll be the main task but there will be an announcement soon that's coming.

Q. I was very moved by your talk this morning too and I just wondered if you could just tell us from your point of view what was it in Anthony Albanese's statement that gives you heart.

It was the reference to self-determination and why that's so important because there was a real noticeable shift in the mid-2000s. It was after the 2004 Howard election. It hadn't been necessarily friendly in the Indigenous space but they pressed a red button after 2004. In 2005 ATSIC was abolished. Not long after the Northern Territory Intervention was launched. It got a lot worse and before that, while ATSIC was there and other structures were there, self-determination, self-governance, self-management were concepts that were being actively pursued in the public sphere. Then after that mid 2000s it just disappears off a cliff. The word, the naming of it just goes and with it goes the concept of actually genuinely empowering people. So, for Albanese to reference back to that now, and I'm starting to see it more in the official documents, it's really important.

The other thing that he did open and close his Closing the Gap talk with references to a Voice to Parliament, a constitutionally-enshrined Voice to Parliament. He made the direct link. We hear this concept sometimes in the language around what the government's saying and it says, 'yes we support constitutional recognition but we're actually more focused on the practical issues'. And it is a false distinction. It is a false binary choice. It misses

completely the importance of a constitutionally-enshrined Voice into that space of practical change. It is the most practical lever that can be pulled right now. Albanese's speech understood that and spoke to that change. It was good. It was very strong and it was very clear.

I have a real problem with Indigenous Affairs being the only policy space in this country where the parties try to be bipartisan. Bipartisanship has failed us. What it's done, in my opinion, is that to get bipartisanship, we just lower the bar. That's too high, we both can't jump over that. How high? And we end up with the 'tranquillising drugs of gradualism'. That's what happens with bipartisanship. And if there is one policy area in this national space that needs a contest of ideas it is Indigenous Affairs. So, I think it's good that at this point in time there is a clear distinction and a contest in that space.

When it comes to a referendum, yes we will need bipartisanship and we'll have to bridge as many different groups together as we possibly can but that doesn't mean we just desert things because we can't get one side over the line.

Q: My question might have been a bit earlier but I was wondering if you could give us a specific example of how an Indigenous voice in parliament would work.

I mean this is just a personal opinion and just to give some colour to what it might look like so don't hold this as a particular truth. The best idea that I've heard is for First Nations around the country, and we need to also make space for the Stolen Generations as well who have been removed through no fault of their own, to be able to elect their own representatives into a kind of national assembly. That assembly would then delegate a small supportive executive that would then interact with the parliament and it would look at Bills that come across the parliament, laws and policies. It wouldn't just operate at the end point of the parliament it would necessarily have to get a role at the policy end so it would be working with the executive as well.

There are obviously laws that are subject to the races power in the constitution. Section 51(xxvi) is the power in the constitution that gives the Commonwealth the power to make laws about Aboriginal and Torres Strait Islander peoples but

it doesn't actually say that. It says it gives the parliament power to make laws on the basis of race and that was the great triumph of the 1967 Referendum. Before that the constitution had explicitly prevented the Commonwealth from making laws about Aboriginal people. It said you can make laws with regards to any race except for Aboriginal peoples. So, the people that are saying there's no place for race in the constitution conveniently ignore the fact that it's been in there since inception. In fact, race was woven into the Australian Constitution from the beginning.

1967 took away that exception and said the Commonwealth can make laws on the basis of race, including Aboriginal people. That clause has only ever been used to make laws with regards to Aboriginal and Torres Strait Islander peoples and it's the clause that allows laws like the Native Title Act, cultural heritage laws, the creation of ATSIC and other laws like that that applies specifically to Aboriginal and Torres Strait Islander peoples.

But there are whole bunches of laws that don't depend on that clause that disproportionately impact Aboriginal and Torres Strait Islander peoples. Laws like income management and the so-called Healthy Welfare Card. Arguably they're not race focused but they're applied to unemployed people in places like Kalgoorlie and Kununurra and places like that where 90% of the recipients of that particular process are going to be Aboriginal and Torres Strait Islander people. So, there are a bunch of laws that sit outside that head of power that affect Aboriginal people, remote housing, remote anything really and so we want to be able to have a say over those laws that disproportionately impact our people.

If the government decides now that they want to change the laws as a result of a High Court Case last week around alien status and circumnavigate the High Court's decision and try and make changes elsewhere, well that'd be a live example of how we want to have a say on that too because it explicitly impacts Aboriginal and Torres Strait Islander people. That'd be the kind of process and it would be a process of, in my view, of working with the executive before a Bill hits the floor. Then when the Bill does hit the floor being able to table reports and recommendations.

The parliament could still ignore those recommendations. We'd never have a veto. We'd never be able to bind a government on a particular decision but it would make them stop and think. At the moment there is no compunction on any government to stop and think and that's caused us great distress. A lot of really bad laws and policies have been made because people haven't stopped and thought about what the consequences are going to be. And so just to have the option for our mob to put our views down is necessary. The government could ignore it but they'd have to give a reason.

This is the reason why we're choosing to ignore that advice. They don't have to do it that way now so that's where the power comes in - that political standing informed by more than 8 million Australians voting 'yes' in a Referendum gives that voice a legitimacy that parliaments would find hard to ignore.

Q I'm wondering in terms of awareness raising among non-Aboriginal people. It's good we now hear the acknowledgement so much more often that we used to before meetings and gatherings. I was at a wake recently and one of the speakers acknowledged the Gadigal people, paid his respects to the Elders past, present and the burgeoning and said at the end "And I support the Uluru Statement from the Heart." As I said it sounds a bit petty but is it a way just to remind people that it's out there?

It's not petty at all, the complete opposite. It's really important.

It's powerful.

It's very powerful because it keeps speaking into those spaces. One of the law firms that signed the statement as a supporter is doing that now, exactly the same thing. They're doing it when they stand up in a room working with their clients or at an event or whatever and they're doing it with their staff. I'd say it's an important awareness raising thing but it's also a point of resistance as well, saying we're not going to let this just slide off the agenda. We're going to keep putting it in there so it's not petty and if you choose to do that, I think if it's something you believe in and want to do then I'd encourage you to.

Q. Thomas Mayor said there's a secret protocol they have does not allow the Commission to come back with things about constitutional recognition. And

there was another thing he mentioned which I can't remember that they're forbidding them to do. If you know about that could you mention it to us here?

There's been a lot of up and down on this. There's been a lot of backtracking and people ruling things in and ruling things out and we can get excited about all that sort of stuff and get caught up in it. The Prime Minister said something very publicly to the parliament this week and for me, we've got to focus on that. There'll be a lot of diversion and distraction throughout this campaign and people will want to get excited by whether we can or can't say anything.

We've got to just focus on the strategic game here. One of the things I think I take heart from is the marriage equality campaign. I've spoken to some of those people that were involved in that. There were so many different issues that could've diverted them and people wanting to attach more things to it and they kept it really simple, very strategic and straight to the point. What can we win? And they focused in on it. And we're going to have to do the same. So yes, the politics around this are going to be really, really messy, they already are. But for me I'm just focusing on 8 million Australians and that's my goal so we'll just keep focusing in on that.

Q. Thomas recommended that we write to Ken Wyatt and Morrison giving our opinion of what they should be doing, and I just wanted to ask what would you recommend that if persons from our group were to write to them, what should they encourage or state or push or whatever?

I think I'd welcome the Prime Minister's commitment to listening to Aboriginal and Torres Strait Islander peoples. I'd say that the first tangible step to do that is Aboriginal and Torres Strait Islander peoples have spoken very clearly through the Uluru Statement from the Heart about their preferred option for constitutional reform. They've spoken very clearly in rejecting symbolism. Comprehensively rejecting symbolism in the constitution and that a constitutionally-enshrined Voice is the sole option for changing the constitution and that we support that. And that we as Australians, we as Catholics, I would reference as many other sectional groups that you have to create a sense that you hold the key to Central and Western Sydney electoral prospects at the next election! And that you are locked in with Aboriginal and Torres Strait Islander

peoples and their supporters on seeing the vision of the Uluru Statement come to life.

It's really, really clear. I'd just keep focusing on that and let us not get distracted. It's not like what's happening in Canberra is of a high quality or standard or moral or ethical standing that gives many of us hope amongst a whole range of issues and it's not good. I don't think we need to get dragged down into that. The Uluru Statement was about hope and vision - grand vision. Let's keep going with that and be very clear about what we are supporting and what we are rejecting.

Q. On Survival Day, the 26th of January, I went to the wonderful Yabun Festival at the Sydney University and there was a whole stall of the Uluru Statement. There was Reconciliation NSW and wonderful people and there was a whole stall. Now I don't know who was behind it but there were many, many people there signing and I signed it three or four times.

[AUDIENCE LAUGHTER]

...Thank you. Yes that was important. Don't be afraid to do that stuff yourselves. Don't sit around and wait for permission. In saying that there are some Aboriginal and Torres Strait Islander people that have a different view. Let's acknowledge that. There are some, is that any surprise?

Do you all agree across the whole Catholic spectrum from the Pope down on issues? No. Nobody expects you to. Nobody should expect us to. But I know it's hard when you say you support something and another Aboriginal and Torres Strait Islander person says that they don't and I know that there's a tension there. That happens to me when I walk into rooms and I've been very, very strongly opposed and standing up in front of everyone and making this where the majority of the room is against. You've got to do it anyway. If it's a conviction and it's something you believe in and you're accepting invitation I'm sorry but that's just what you have to do. You can't shirk it and I ask you to say because the invitation has been extended to you that that is you accepting that invitation and that's hard but there is no easy way through this. If you accept it and you have that conviction and you believe then do so and don't wait, just act and get out there and help us push along.

Q. Objections that are sometimes raised is the notion that we are creating a different group within the nation who have more rights than anybody else. That's one of the things being raised, that by democracy we're all the same. Why should one group have preference in some way than another? And it's a pretty powerful argument that some shock jocks are using and other people listen to them, unfortunately. So would you make some comment on that if you've heard that?

Yes. It's the perceived equality issue. First and foremost, the definitive writing on this is Murray Gleeson. He gave a speech back in July last year, the former Chief Justice of the High Court. The most pre-eminent Constitutional lawyer in the land appointed by the conservatives writes and spoke with devastating clarity around why that argument just does not hold up. One of the examples he says is that there's inequality already written throughout the constitution. Tasmania sends the same number of Senators to the Senate that NSW does so a Tasmania voter has a disproportionately higher say over issues with regards to the Senate than you do. They've got more power through there than what you do so there's already inequality in the way that the federal system is constituted.

This idea that the most marginalised, dispossessed and disadvantaged people in the country are now going to start wielding disproportionate impact over the parliament is just a nonsense that continues to get perpetuated.

Look what happened with the Native Title Act and Mabo. We were going to steal all their backyards. We were going to be kings in grass castles. History shows that it never ever pans out that way. There is a gross overreaction to anything that looks like a concession to Aboriginal and Torres Strait Islander peoples.

I think the Australian Parliament is robust enough and our democracy is strong enough for it to accept non-binding advice. Non-binding advice. It's not as if the Parliament's record is glowing in terms of Closing the Gap. This is not only not a discriminatory proposal, this is going to be an asset to the parliament to make better laws and policies. You want better bang for your \$34 billion bucks spent every year in Indigenous policies? Get our voices in there closer. So, there's a

number of levels I'd use to go at that equality piece but I'd start with Murray Gleeson's speech and work from there.

Q: Could I ask a question about Makarrata? We're very conscious of the whole history of reconciliation. Could you talk a little bit about Makarrata and what it means? How it works and how we would use it in this context of the Uluru Statement?

Makarrata is a Yolngu term from the peoples from North East Arnhem Land. It's a very specific term. There's two ways of describing what it means 1) it is **their** term for what it actually means and I want to preface this by saying they're not my mob so I can't speak on their behalf and I'm not going to pretend to be an expert because it's theirs. But there's an article in The Monthly from a couple of years ago by Galarrwuy Yunupingu. It is another one of the great articles again I'd highly recommend you read where he talks about Makarrata and what it means. It effectively means coming together after a struggle and it's the process of genuine reconciliation between two parties that have currently been in significant conflict with each other.

It's not just an agreement. It's not just a transaction between two parties trying to solve something. It's not about vengeance or retribution. It's about coming to peace.

Makarrata has been used for the last few decades, lent very generously by the Yolngu people to Aboriginal and Torres Strait Islander various causes to represent treaty. I actually think this is part of what I really want for us. I liken it to the point I made before about state-based treaties. They can't just be like a Native Title Agreement. Native Title Agreements are confrontational, they're attritional. The powers are unequal because government's here with all the power and you have very little power and you're trying to scrap and get something.

Agreement making processes are horrible and I've been through one. I've been through a couple now and we can't do treaties that way because it's not just about a question of compensation or a question of some sort of formal agreement. It's about the way that we bring ourselves to that - with hope and

forgiveness; with truth and honesty and with a genuine desire to make this right. And to be honest that will require something of us again, Aboriginal and Torres Strait Islander peoples, to come with forgiveness.

Personally, I want to engage in this process and walk away from a treaty with a feeling of peace. It doesn't mean I stop then advocating for the things that still need to be changed practically in our lives. But I want this outstanding question - I want there to be, not my own, I'm very strong on my own, but this **outstanding question of Australian identity** to have a more just and peaceful understanding of what it actually means.

So that for me is a really important part of Makarrata. Then when we turn that to treaty that's as important as striking the compensation settlements and reparations that I think necessarily have to be part of this question too.

Q. A question regarding the voice to parliament. How representative of urban, remote Torres Strait Islander peoples will it actually be? Will one group like every political party bubble to the top and have a bigger say than somebody from Arnhem Land? And just as an aside we attended a Welcome to Country on Thursday and he went a little bit further to describe that there were 27 or 29 clans in Sydney. The boundaries were the ocean, the Nepean River, the Georges River, the Hawkesbury River. Somebody actually took the time to describe to us what that meant. The Eora Nation was made up of multiple clans. Our education is sadly lacking. Is there some way and actually through the voice get that into the education system so that my grandchildren learn?

Absolutely. To your first point I think it's a concern probably shared by first and foremost Aboriginal and Torres Strait Islander peoples that the structures are genuinely representative. We have to find a way. The design challenge in my mind is representing the authority of the individual groups but bringing them together in such a way that the collective power actually pushes for change and that's a hard thing to do. I don't underestimate that.

When the Referendum Council submitted their final report to the Government and the Opposition then back in 2017 they said we need a process of design working with the parliament, working with the mobs to then work out what these

structures would look like. We haven't done that process yet. You know, very frustratingly, the accusations that the Uluru Statement didn't come out with the detail, like it somehow failed because it didn't have the detail of the voice really makes me quite angry because the Uluru Statement and the process that led to it is something that nobody ever expected. We got a consensus. We got an overwhelming historic consensus of what the options should be. Nobody had ever got to that point.

We've sort of moved on as if that was just a fait accompli. I can guarantee you most people thought the wheels would've fallen off long before we got to Uluru and it didn't. So the Uluru Statement was massive. But we recognise that we needed to put more structure around what the Voice would look like so we actually proposed that. This co-design process now is like, 'well we told you that you needed more design'. I said well actually that was the proposal to start with. But anyway, sometimes you've just got to let those things slide to focus on the bigger picture.

So, we need a process to go. We also have to recognise that there are a whole bunch of structures that are already there now. We don't want to ride roughshod over the Native Title groups and the different bodies that are set up now so we've got to find a way to bring those in. I don't have any answer for that. The only way that we can do that is by a proper process and I'm hoping that this process will actually do that work to find out how you actually set these structures up so that one voice doesn't dominate the others. Nobody wants that.

The education piece - people have always said what does success look like? For me success looks like every single Australian kid is learning an Indigenous language at school. And let's just get over this nonsense of which language is it going to be. That's a mechanism for deferral and defeat. There are languages there. There's a time imperative here. The longer we spend the old people are passing and their inherent knowledge is disappearing. There's a whole bunch of work that's going on to keep that alive. Let's use those languages that are really, really strong and whole that we can teach. They don't have to be of that place. Some people's languages have been smashed beyond repair others are in the process, like we are, of reconstructing and starting to rejuvenate.

Let's just be sensible about putting those languages into the schools and Australian kids can sing the Australian anthem in both an Indigenous language and English and we say that these are Australian languages. We have Australian languages and the Australian languages aren't English. That's the English language. We've got Australian languages. Let's celebrate them and own them as our own. That would be success for me, huge success. And we understand those languages, we think about things completely differently. We think about our relationship to land differently. We think about a whole bunch of sustainability, climate, everything. It changes more than just the language piece.

Q. Two little things here. One is, we have the same language of Galarrwuy Yunupingu regarding Makarrata printed on the back side of the Uluru Statement. If anybody is interested, here is a whole bundle of copies. It's a wonderful gift in addition to the Uluru Statement, so we can pass that along.

And I was wondering is there any hope you have for the Wyatt Commission, that has begun... Is Ken Wyatt's group getting all together with appointed people?

Look, there's some pretty serious people on those committees, Marcia who I respect enormously, Noel, Pearson, Pat Turner, June Oscar, Galarrwuy, Peter Yu. There are some pretty heavy hitters on there and so I don't underestimate how difficult it is for them to navigate through this but yes there's hope. You don't survive very long in this game by losing hope too quickly. It's not always dished out. Sometimes you've just got to hold it.

Q. I was just going to thank you for your time. It's really inspirational. In the workplace I've encountered situations where some Aboriginal customers are discriminated against eg I'm a pharmacist and I have worked in many different workplaces but one incidence was in a methadone clinic and everyone who comes into the clinic, it might be 200 people a day, have to pay \$6 a day for their dose. Now I know the government has a scheme for Aboriginal people where if they can't pay for some medication that's subsidised by the government. But I think the most needy group in my opinion are these people on methadone and Suboxone.

I wrote to the Pharmacy Society and also the Medical Pharmaceutical Benefits Committee about this but they just sent back my email with an apology saying sorry, we can't address this issue. But I think if there was a body that actually did care for the Aboriginal people issues like this would be addressed and heard in parliament and changed.

It's interesting you say that because from a non-pharmaceutical background the Pharmaceutical Guild feels like it's one of the strongest most effective influencing lobbies in the country. I take your point, I absolutely take your point but I think it's really important to not outsource these things because what happens is they then get outsourced to a non-core entity like an Indigenous reference group or some other thing that's an add on and they become too easily ignored. The structural power in your industry to change resides within the industry itself and so maybe it's a matter of joining with pharmacies and people in the space to influence from within.

It's hard to do that I know but the sustainable changes do have to come through those points. I advise some companies on this sort of stuff and what I say is if it's not part of your core business, the minute you hit a downturn or the minute things get a bit tough or the CEO changes, those things just get cast aside. I'd really encourage them to say you need to think more about your internal structures and why this is important to us as an organisation.

It takes longer, it's harder but in the long run it's more effective. I'd say keep at it and look at others that might share your view and really keep pushing. It becomes a bit daunting because you're looking up a hill going gees that's a big one to climb but that's how we make change.

Vote of thanks.

You have left us with a huge challenge, which is good, that's why we're here, because we want to take on those challenges. Hopefully we are already doing that by having these groups and these meetings and asking people such as you to come along and talk with us and tell us about the whole process and the journey. Now I think the thing that struck me to start with when you clearly, and

this is what you did all the way through and thank you for it, you clearly clarified so many matters and so many issues and so many processes. Judging by some of the questions I think there's a lot of things that we're yet, as non-Indigenous people, to understand and this morning you've helped us enormously.

I think one of the things that's been important you haven't romanticised any of it. You've really explained and told us that there's so much more to do and we have a lot to do and we also have a lot to learn to understand the process. There's just a few issues I'll mention for example, or a few matters - the emphasis on reconciliation Voice Treaty and Truth Telling. Now that is just another challenge but it's also something that we need to talk about with the people that we know. We also need to get on to those politicians. CCJP is a writing group. This group does write letters and so we'll just keep it up and embark on another issue.

So thank you for answering those knotty questions and particularly for that challenge to us. I like that word you used "We cannot shirk the matters". I haven't heard that word for a while. I think it's one my father used to use but I think it's such a strong word and it's such a challenging word to us so thank you for that. I think we're all going to go home and perhaps look at ourselves a bit more, look at and be more aware. You've certainly raised a lot of awareness today. I'm looking forward very much to the design and the outcomes of that project that you've hinted at. I have a feeling that there's going to be something in that for us to use and that will be very useful as we go about our everyday life - our groups that we talk with, our coffee groups, our walking groups, all those sorts of things that we're part thereof.

So Dean thank you very, very much. Obviously, you work very, very hard at this and you'll be rewarded hopefully by something really coming together and if it's not in my lifetime (I hope it is) for my grandchildren who are doing these issues at school already which is great.

*Just before I finish, I have a friend whose daughter has co-written a teachers' guide to Pascoe's book **Dark Emu** in Victoria.*