

**MEEHAN, Mr Andrew, General Manager, Policy, Research and Government Affairs, Reconciliation Australia**

**MUNDINE, Ms Karen, Chief Executive Officer, Reconciliation Australia**

**CHAIR:** I welcome representatives from Reconciliation Australia. Indulge me for a bit. I want to express the apology of my co-chair, Mr Leeser, and a number of our members and senators who weren't able to be here. You'll find a number of them coming in from lunch, because we were running behind time.

Thank you for meeting with the committee today. The committee has been asked by the Commonwealth parliament to look into constitutional recognition relating to Aboriginal and Torres Strait Islander peoples. The resolution of appointment outlines in more detail the aspects for the committee's consideration. As co-chairs of the committee, we've made statements expressing our wish to hear more from First Nations peoples as we start our work. We've also explained that we will continue to receive submissions and to hear more views around Australia in the coming months.

We need to ensure that everyone present is aware of the procedural considerations. Today the committee is taking a *Hansard* record of the proceedings, but it is not broadcasting. Microphones aren't broadcasting or amplifying your words in the room, but they are likely to be on and recording at any given time. The committee may wish to make the *Hansard* record public at a later date, but we will seek your views on this before doing so. If you feel strongly that you do not want your views recorded in any way, we'll give consideration to that.

As you may be aware, when you provide information to a committee of the parliament you are covered by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage you on account of the evidence given, and such action may be treated by the parliament as a contempt. It is also a contempt for you to give false or misleading information. If you make an adverse comment about an individual or organisation, that individual or organisation will be made aware of the comments and given a reasonable opportunity to respond to this committee. Would either of you like to make a brief opening statement?

**Ms Mundine:** Thank you for the opportunity. Certainly Reconciliation Australia welcomes the establishment of the joint select committee. For those who perhaps don't know us as well as others, we're the national organisation, which is independent, looking at the relationship with Aboriginal and Torres Strait Islander people. We believe in a just, equitable and reconciled Australia. We've been involved with this idea and concept of constitutional recognition from the very early statements. We grew out of the Council for Aboriginal Reconciliation. One of the final recommendations of that council, apart from setting us up, was about the recognition of Aboriginal and Torres Strait Islander people in the Constitution. That's something that we've carried as part of our work for the last 15 years—16 years now—at Reconciliation Australia.

We've stood ready to be part of the most recent processes that have gone on with the expert panel looking into constitutional recognition. We auspiced the You Me Unity public awareness campaign and, coming out of that, the Recognise campaign, which was about creating public awareness of the need for and purpose of constitutional recognition of Aboriginal and Torres Strait Islander people. We've certainly been party to all the processes to date, and we continue to stand ready to participate and be of support to move this forward.

**CHAIR:** Anything further? No. Does anyone wish to start?

**Mr SNOWDON:** I'll start, but only because people have their mouths full! I don't mean that in a disparaging way! What's your summation of the outcomes of the Statement from the Heart, and what do you think we as a committee should be recommending in relation to constitutional change?

**Ms Mundine:** We participated through the Referendum Council's final report and are also supportive of the Uluru Statement from the Heart. Through our work, we've been continuing to progress the ideas that have come through that process, particularly with our Reconciliation Action Plan organisations—corporates, the community sector and education sectors. We very much believe that this is in keeping with the idea of what a reconciled nation looks like: self-determination, Aboriginal and Torres Strait Islander people having a say over the issues that affect them, and an opportunity to create a new relationship with the states.

**Mr SNOWDON:** So—

**Ms McGOWAN:** Sorry!

**Mr SNOWDON:** No, that paper crumpling is a very nice noise! That's good.

**Ms McGOWAN:** It's done now!

**Mr SNOWDON:** We used to have those radio programs: what is this noise? I know what that one was!

One of our terms of reference says that we've got to make a recommendation which is broadly supported by the Aboriginal and Torres Strait Islander community. Would you, from your knowledge and experience, say that the statement of the heart had broad support across the Aboriginal and Torres Strait Islander community?

**Ms Mundine:** I certainly would. The numerous processes that have gone on since the beginning of the expert panel's process—I think there has been a constant thread or theme that has come through those dialogues and consultations, certainly those that I participated in and also sat through, of self-determination and wanting to reset. I think it's come through very clearly in those processes. It's probably narrowed in its thought, which is what's resulted in the Uluru statement. There's been a lot of consultation around this and there have been lots of opportunities for people to have their say. It was a robust process that was put in place through the Referendum Council and their dialogues. There have been a number of things put on the table.

What we're seeing and hearing through our networks is: people want to see progression; people want to start narrowing this down—what is open to be negotiated? What are we starting to talk about? Our polling has constantly said that people are open to the concepts and the idea of it. They're supportive and agree that Aboriginal and Torres Strait Islander people should have a say and that there should be mechanisms for that. But now what we want to see is progression to the next stage: what does that look like in practice?

**Mr SNOWDON:** Do your discussions with people that you relate to include what a voice might look like?

**Ms Mundine:** Not to that level of detail. I think there has been general support for what came out of the Referendum Council as a potential way forward. The thing that has been missing through these processes to date is a response from the parliament about what is likely and what could be taken forward in a practical sense. Certainly, from Aboriginal and Torres Strait Islander people, there is an acknowledgement that this needs to be negotiated. It's not just a 'Here it is.' But I think there's a frustration that is starting to come forward with the lack of progress or the lack of a 'How can we progress these many learned ideas that have been put forward?'

**Mr SNOWDON:** When you communicate with your partners who have RAPs, what do they say?

**Ms Mundine:** They're equally frustrated by the lack of progress. Again, they've been supportive. They came onboard very publicly, supporting the Recognise campaign. They see this as very much a part of the reconciliation journey, but they equally want to see some response from parliament as a key partner in moving this forward.

**Mr SNOWDON:** Do you see yourself as having an ongoing role in prosecuting the arguments for constitutional change?

**Ms Mundine:** We certainly do, and we certainly have been to date.

**Senator STOKER:** Given the involvement in the Recognise campaign, has there been any change or evolution in the approach of Reconciliation Australia in light of the statement from the heart?

**Ms Mundine:** I wouldn't say that there's been a particular change. It is in keeping with our vision and our advocacy work in this space. What it has done is reinforce the messages that we have. It's certainly reflected in our state of reconciliation report and our five dimensions—self-determination, equality and equity are part of that. The Statement from the Heart was an illustration of what that means or what that could look like in practice.

**Senator STOKER:** One of the things we'll need to explore is what shape that sentiment could take if it were to take the form of constitutional reform. With that in mind, are there aspects of the expert panel's recommendations that Reconciliation Australia supports or doesn't support?

**Ms Mundine:** We've supported the expert panel's recommendations and their report in whole. The principles that they laid out at the beginning of that process and through their final report are the principles that we've subscribed to around this being a reconciling event—that it should take into account and represent the aspirations of Aboriginal and Torres Strait Islander people and that, in being a reconciling event, it can be supported by the broader Australian community.

**Senator STOKER:** That's really helpful.

**Ms Mundine:** Just on the point of the broader Australian community, our research tells us that people want this. People are looking for something different and a different mechanism for change, so we believe that the appetite is there. People are looking for leadership on what that starts to look like.

**Senator STOKER:** Do you have any views on the value of the deletion of section 25 of the Constitution and the change to section 51(xxvi)?

**Ms Mundine:** For us, these are dead-rubber things. If you were to take things to a referendum, that may be in the mix, but where the process has led us to now, with the Referendum Council, is a broader conversation about what that resetting relationship is between Aboriginal and Torres Strait Islander people and the state.

**Senator STOKER:** Thanks.

**Ms McGOWAN:** There are two parts to my questioning. First, could we have access to your polling? What questions you ask and what your results are would be very useful evidence for us to have.

**Ms Mundine:** We can certainly put that together.

**Ms McGOWAN:** And if you've got any polling in the near future, could you let us know? It would be very useful for us to have that sent, so we can understand better the sentiment of the community and then, maybe, as we progress our work, find a way there. That's the first thing. The second question is not related to what you've been talking about. It's about truth and justice. My colleagues have told me you've got some experience in this area. Can you talk to me a little bit about the processes that you've been working with in communities around this area. I come from north-east Victoria and I'm particularly conscious of a massacre that took place in my community some time ago. As a member of parliament, I can link into processes around what is good practice.

**Ms Mundine:** Absolutely. As part of our state of reconciliation report, we talk about five dimensions of reconciliation. One of those dimensions is historical acceptance. The idea is that these five dimensions are essential to this concept of reconciliation within this country. When we talk about historical acceptance, it's not just about knowing history; it's about accepting what's happened in the past. It's then about taking account of that and making a commitment that, where there have been wrongs, we actually do atone for those and we commit to creating a new future. It's not about wiping out the history or the past; it's about acknowledging it, learning from it and creating a new way forward. What we see with a number of our reconciliation action plan organisations—and local governments and community groups are doing this particularly well—is acknowledging massacre sites and the input of military service. These are all part of telling a broader story and history of Australia that includes Aboriginal and Torres Strait Islander people. It's about weaving that story through an Australian history—not an Aboriginal history, not a non-Indigenous history. It's about something that we can all own and creating a unity piece out of.

We've also been looking at the experience of other countries around truth and reconciliation processes and very much looking at the Canadian experience, and there's a whole section around the importance of that storytelling, of those acknowledgements, whether they are memorials, and of how you create that history into today. It's not something that is in the past. It's something that has created who we are today, and it colours who we are as we go forward.

**Ms McGOWAN:** My colleagues were talking about the Myall Creek massacre and some really good work that's been happening there. Could you outline some of the practical things that have happened in that regard?

**Ms Mundine:** We haven't had a lot to do with that directly, but from what I understand this is one of those moments of reconciliation in action. It's about communities coming together to work through collectively what that means for that community. It has very much been about healing. It's about families and relatives from both sides owning that history, talking about it and creating moments to share the negative, the hurt and the pain in order to heal and move forward. That is the relationship part of creating respectful opportunities for that relationship to be what it needs to be and then collectively deciding how that then gets acknowledged, and I think that's so integral to everything that we do. Our relationships need to be solid and built around mutual respect. We each have something to say, we each bring something to the party and, whether we want to hear it or not, we have to allow people to have those feelings, emotions and pain at times.

**Mr Meehan:** Just to add to what Karen was saying, there are around 66 local government councils that have a Reconciliation Action Plan. We're increasingly seeing engagement in that and we've identified that as a real opportunity to push forward with that sector in particular. There's that opportunity at a local level to develop other sorts of actions, including memorialising of massacres et cetera.

**Ms Mundine:** We see that also with corporations and businesses. As they're moving into new spaces—we see it in Sydney with Barangaroo—how do those corporations work collectively to acknowledge that space, acknowledge what places are named after and make it visible?

**Ms McGOWAN:** Thank you.

**Ms BURNEY:** Thanks, Karen and Andrew. One of the enormous challenges, among many, that this process has is to try to end up with recommendations to the parliament that are acceptable to First Nations people but also acceptable to the parliament, all its iterations and so forth. That's going to be enormously difficult. Can you talk to us about the notion of bipartisanship—whether you think it's important and what if it's not achievable?

**Ms Mundine:** At Reconciliation Australia, bipartisanship, or non-partisanship, is absolutely essential to the work that we do, notwithstanding and appreciating that different people and different political parties will come at

this differently. If we are to create a reconciled and just nation, there has to be a common goal in sight for us to work towards.

**Ms BURNEY:** I agree with that. That's the spirit with which everyone has embraced this process. One of the concerns that I have is that sometimes bipartisanship does not serve Aboriginal people well because it ends up being what everyone can agree on, and that's often not very much.

**Ms McGOWAN:** The lowest common denominator.

**Ms BURNEY:** The lowest common denominator. So I am beginning to question that notion. Well, I have for a long time—many, many years. True bipartisanship, of course, serves us best. Whether what we understand to be bipartisanship is true bipartisanship is for another day. What you're saying to us is that you believe it's crucial for this process?

**Ms Mundine:** I think it's important to this process. We will work towards, and we will have, an outcome that meets the aspirations of Aboriginal and Torres Strait Islander people in this process. For us, the outcome of the process is the important part.

**Ms BURNEY:** Sure.

**Senator SIEWERT:** I would like to go to the issue around the Recognise campaign, which you auspiced. While I acknowledge there were various levels of concern expressed, the campaign probably visited more communities than had been visited for previous events. What were the key things that came out of that that you think are essential for us to take on board?

**Ms Mundine:** Being able to inform and educate people became so crucial to people's understanding of the proposals that were being put forward and, again, that bigger outcome of what was trying to be achieved. We saw, when people had more knowledge and awareness of the idea and the concepts behind constitutional reform are about, they were more open to the proposals that were being put forward. So, taking anything forward and being able to bring the community, both Aboriginal and Torres Strait Islander and non-Indigenous, become essential for creating that awareness and also support and positivity.

**Senator SIEWERT:** I don't want to bring the change the date issue into this discussion per se, but that's the same process we've seen when you're talking around change the date. Once people understand some of the history—and it quite frankly shocks me that people literally don't know what 26 January is—

**Ms Mundine:** We see it in our data all the time.

**Senator SIEWERT:** I find that incredible—people are more prepared to change their mind. To me, this links into the whole truth telling, truth and justice or truth, justice and healing, which is part of the Uluru statement. Do you think that that process, or a process, needs to happen before constitutional change because it links into people understanding our history?

**Ms Mundine:** It's a chicken-and-egg conversation, and I honestly am not 100 per cent wedded to one or the other. I think certainly the way that we approach this is looking for the opportunities and where they lie and where we can create those opportunities. If that opportunity is to start the conversation around truth telling and storytelling of our history, that may lead into constitutional change. That's a great starting point. If the opportunity is constitutional change as a way to then tell a story—and, to be honest, I've looked at processes around the world, and I've spoken to people from South Africa, from Canada, from South American countries, and there is no conclusive agreement or evidence that says one or the other. But it's certainly something that we want to explore more as a way to progress these ideas.

**Ms BURNEY:** I think I probably see that issue around, but I've covered off that.

**CHAIR:** What do white folks fear most about recognising First Nations people?

**Mr Meehan:** From the Recognise work, the largest argument to some of the expert panel's recommendations against them was this idea of treating one group differently to the other. But that was often overcome, again, with education and awareness raising, once you explain the issues and explain why it's important to acknowledge First Peoples in the Constitution. That education part became critical then, and the expert panel found this in their discussions around the country as well, but that was the most knee-jerk response: why do you treat one group of people differently? There was this perception that they're treated differently. But the polling, on the whole, that Recognise has taken is people are very open to this, including non-Indigenous people. We also took some, albeit at a higher level, some polling following the Uluru statement on the voice, without knowing the details of what that might look like, and people, including the broader community, were overwhelmingly supportive of that proposal.

**CHAIR:** The other side of that is: why, in your view, do First Nations people want their own separate voice?

**Ms Mundine:** The unique position of Aboriginal and Torres Strait Islander people in this country is absolutely essential to this idea of reconciliation within this country. As the First Peoples of this nation, there are inherent rights that are accorded to us as Aboriginal and Torres Strait Islander people. What we want to see is those rights recognised in a range of different ways—formally, but also in the ability of an Aboriginal person to work in a corporation but be recognised as Aboriginal and not have their culture questioned, still being able to practise within a modern society. These are all part and parcel of these things. It's what we try and work through with our RAP organisations. It's what we try and instil through any of the work that we do that progresses us towards a reconciled nation.

**CHAIR:** This may be a ludicrous question, but I'm just asking for the sake of putting it on the record, really. I've heard what you said about being the First Nations, but time has moved on. We're in the 21st century now. Why is the pain continuing? Why haven't we come to a shared narrative about the occupation or the invasion or the settlement or the accommodation or whatever it is? There are white folks and there are First Nations peoples here. What is stopping us from finding a pathway forward here? And it may not be one thing, let me tell you.

**Ms Mundine:** There certainly isn't one thing. I would say it's fear—fear of change, fear of giving up a perceived idea of power or say—and an inability to acknowledge that terrible things happened and taking responsibility for that, and because of the fear that that is somehow a negative thing. Rather than deal with it, we just want to wipe it, get past it and start afresh, but Aboriginal and Torres Strait Islander people can't start afresh. That pain, that history is inherent in who we are, where we live and the circumstances that we find ourselves in today. Those circumstances won't change until we collectively address these issues and find a way forward.

**CHAIR:** How do we find the common ground?

**Ms Mundine:** I think part of that is these conversations at a national level. It is about those community conversations, about what happened in this place and affected the people who are here today, and then a commitment out of that that we actually want things to be different, and working together to figure out what that looks like and how we work collaboratively for a greater good that everyone gets to enjoy and be part of.

**CHAIR:** In essence, it's what's come from the Uluru statement—an understanding of the history, an acknowledgement, as you have outlined, and the beautiful way you described the Myall Creek families that are involved on both sides that have resolved their antagonisms. One of the challenges we've got is whether there be a legislative response to creating a voice or whether there be a constitutional entrenchment and then a legislative response. Do you have a view about either way?

**Ms Mundine:** I see the value of both processes. I understand that constitutionally enshrining this takes it out of the day-to-day politics that a legislative process can be taken through, but I also acknowledge that constitutional change is quite a high barrier to get to.

**CHAIR:** My last question is: what value is there—and Ms McGowan has raised this in different ways—in another committee like this committee trying to deal with the challenges that many others have, as you have said, over a long period of time? What is it that's going to give hope to the people that you deal with on both the non-Indigenous side and the Indigenous side? What's going to give them hope about the future of this country if we can't find a consensus amongst ourselves?

**Ms Mundine:** I think the consensus would be the hope. This is a microcosm of the conversations and the relationships that are happening in communities all around the country. A lot of people, both Indigenous and non-Indigenous have put good faith into this process to date. They've offered proposals, solutions and ideas. People want to know that the parliament is taking this seriously, and they want to be part of the solution. I think those are certainly the overarching things that are coming out of our polling. People want to see change for the better and they want to see that everyone, whatever their role is, is playing a part in that. So, given the processes that have happened to date, given the number of recommendations and proposals that are already on the table and not excluding anyone from continuing that conversation, what is something we can take forward to progress this and create some momentum?

**CHAIR:** Thank you both very much.