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PRACTICAL  
RECOGNITION  
*from the*  
MOBS'  
PERSPECTIVE

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Enabling our mobs to speak for country

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Uphold & Recognise

2017



## One land, one mob

One of the first questions Indigenous people ask each other when we meet for the first time is “Who’s your mob?”

In 1788, there were hundreds of distinct societies across Australia, each with their own unique language, traditions, kinship systems and governance. They had trading routes and methods for navigating over long distances. They modified and intervened in the environment to improve food sources and availability. They had complex kinship systems defining both personal and civic rights and responsibilities. And each group knew what was their country and what was the country of another group.

The *Oxford English Dictionary* defines a nation as “a large body of people united by common descent, history, culture, or language, inhabiting a particular state or territory”. This describes those societies exactly.

And those societies endure in the mobs to which we belong today.

The pathway to constitutional recognition holds profound importance for today’s Australian nation and for all Australians. To understand its importance, however, requires us to understand the power of legal silence about the peoplehood of our mobs in our nation’s birth certificate. Silence may not seem harmful. But silence can validate invisibility. From 1788 until 1992, there was a great silence about each of our mobs’ country, and this silence persists in Australia’s constitutional arrangements. Non-Indigenous Australians need to go on a journey to understand why this silence is so harmful to our mobs and to the Australian nation.

Tim Wilson MP once told me that serving as Australia’s Human Rights Commissioner took him on a two-year journey with Indigenous Australia and its leaders. He said that together they worked on a number of issues, but none more important in bridging the cultural divide between two worlds than the need to strengthen the proprietary rights afforded to owners of native title lands. That experience was a bridge of cultures for him and, I suspect, for those he worked with, who had to find common ground with someone who had limited exposure to Indigenous Australia. Tim observed that all had to find mutual satisfaction in law reform that simultaneously advanced different causes they all felt passionate about; in the Indigenous leaders’ case the freedom to use their land, in the Human Rights Commissioner’s case property rights to advance the human condition through economic opportunity. Now the journey must cross another bridge; the bridge to constitutional recognition.

Rachel Perkins captured the essence of what constitutional recognition means for all Australians in her speech at the first RECOGNISE gala dinner in 2014. In her speech, she reflected on the story of her father, Charlie, and the journey of the Freedom Riders. Rachel argued that constitutional recognition was not about white Australia recognising black

Australia, but also black Australia recognising white Australia, and creating a shared future. In her speech she said, “It is for you to share, and acknowledging us in the Constitution will acknowledge that as part of your heritage too. It’s a two-way mirror, we acknowledge you, you acknowledge us, we become one. As we say in Arrernte country, one land, one mob.” The simplicity of this message speaks of unity, not division. It speaks to a yearning for unity that sees beyond the division of contemporary identity politics to a mutual recognition of common humanity and a shared future of equal investment in our country. It also speaks to finality and that the journey of reconciliation can end with ‘oneness’.

Polls show that Australians instinctively feel highly supportive of constitutional recognition. But that is before anything substantial has been put on the table. These statistics show intentions are good, but the support is likely to be soft. In the absence of connection to Indigenous peoples, non-Indigenous Australians need to be taken on a journey to understand the importance of the recognition path.

That journey involves understanding what it is about recognition that matters to Indigenous Australians. The push for recognition needs to capture the hearts and minds of Indigenous Australians. It must not be framed around the way others have looked at us, but how we look at ourselves; it must not be about recognising a race of people, but about recognising First Nations of our country and the mobs to which each of us still belongs.

In the lead up to the Referendum Council’s national conference at Uluru (24–26 May 2017), we all feel the symbolic impetus for a ‘yes’ case building. Indigenous Australians around the country have been having important discussions on options for constitutional recognition through the Referendum Council’s regional dialogues. These culminate at Uluru next week with an historic occasion and a vital opportunity for the First Nations of Australia to have their say on the reforms they want. I offer these thoughts in the hope that the ideas might contribute productively to these deliberations and to the wider national conversation.

On 27 May 2017, it will be the fiftieth anniversary of the 1967 referendum. Such milestones create an opportunity for Australians to unite forces for change toward a definitive end point within the next year. At this time, we should not be looking to legitimise the end of the process, but recognising it as the end of the beginning; as ushering in a new era to drive reform to deliver greater opportunity and responsibility for Indigenous Australia.

Symbols don’t deliver outcomes, however, even if they do help inform a narrative of what a referendum about Indigenous recognition is designed to achieve. Those of us who are committed to resolving this important issue urgently need to look beyond symbolism to Indigenous aspirations for constitutional recognition on the one hand, and mainstream concerns about it on the other. We need a model for constitutional change that will allow our fellow Australians to get past their own scepticism, but which also provides practical recognition for each of our mobs.

## Identifying Indigenous aspirations

There have been numerous attempts to establish a model for constitutional reform. In 2010, the Gillard Government established an Expert Panel led by Professor Patrick Dodson and Mark Leibler. The objective of the Panel was to develop a proposal that could provide the foundation for a referendum. It is fitting that Pat Dodson and Mark Leibler are leading this process as they have been leading the charge for change for decades, separately and in partnership. Their leadership and struggles have got us to where we are today.

In early 2012, the Panel handed down its report, which included recommendations to proceed with a referendum to remove the constitutional provision which contemplates banning people from voting on the basis of race (section 25), and to remove the race power (section 51(xxvi)) that enables the Parliament to make laws that can discriminate on the basis of race. The proposal also included the insertion of three new sections designed to advance the interests of Aboriginal and Torres Strait Islander peoples; a clause to ban racial discrimination by the Government; and a clause to recognise Indigenous languages alongside English.

While some of the Expert Panel's recommendations would be controversial for mainstream Australia, they provided the concrete foundations for a national discussion. Importantly, the Panel collated the broad expectations of Aboriginal and Torres Strait Islander peoples for the first time. It was an exercise in putting a proposal through the *Indigenous lens* of expectation.

The challenge of the Expert Panel's proposal was its ambition. Removing prejudicial sections from the Constitution is not controversial, though their removal raises potential legal questions surrounding the constitutionality of laws designed for the benefit of Indigenous Australians. Their removal necessitates a replacement power to support laws with respect to Indigenous affairs. This proposal can be manipulated to turn public sentiment against change at the ballot box through a debate about 'preferencing' Indigenous Australians ahead of others. Similarly, the proposed ban on racial discrimination could quickly turn into a debate about the freedom of the Government to decide immigration policy. Any debate surrounding languages is likely to be less controversial, but it may raise a broader question about a common language in an age of high immigration and multiculturalism.

Since referendums require a double-majority to succeed—a majority of people in a majority of States—it seems unlikely that such an ambitious, and arguably divisive, package could pass the Australian people. The history of referendums shows they're more likely to fail than not, especially with an organized opposition, which the Expert Panel's package would have attracted.

## Responding to conservative concerns

Recognising the goodwill and complementary shortcomings of the Expert Panel's proposal, Indigenous leader Noel Pearson developed an alternative proposal in collaboration with Julian Leeser MP and Damien Freeman, both active supporters of Australians for Constitutional Monarchy during the 1999 republic referendum.

Pearson, Leeser and Freeman, developed the 'Uphold & Recognise' proposal, which focused on devising an alternate approach that realized the ambitions of Indigenous Australians, but passed these ambitions through the *conservative lens*.

Like many Australians, I am a conservative on any changes to the Constitution. Noel's intervention was particularly important because it recognised the validity of the case against change, and sought to understand the basis of that change. In particular, he understood that considered conservative opposition doesn't stem from an indifference to the historical injustices against Indigenous Australians. Instead, the opposition stems primarily from the consequences of the proposed changes.

First and foremost, the Australian Constitution is a rulebook that provides the framework for a functioning democracy. The Constitution's beauty is that it says little to guide the outcomes of that democracy. It has faith in the people. Removing defunct clauses, but replacing them with new uncertain clauses, risks jeopardizing that framework.

The approach also recognised that the Constitution is a largely foreign document to most Australians. It has some broadly symbolic power—but mostly to lawyers—and if Australians know we have a Constitution at all, they are unlikely to know specifics. Instead, Australians are more likely to appeal to values reflected in cultural touch points, such as the national anthem, songs and amorphous concepts like 'fairness' and 'a fair go'.

The Uphold & Recognise proposal correctly grasped that any recognition of Indigenous Australians has to complement the operation of the Constitution, not direct it.

As a consequence, Uphold & Recognise recommended a partial solution was to adopt symbolic aspects of recognition in a new *Australian Declaration of Recognition*, outside the Constitution, which would be read and digested in civic and citizenship ceremonies in order to define our nationhood, by formally commencing our national story with its Indigenous past. This might afford an opportunity to recognise what Tony Abbott has called Australia's "Indigenous heritage, British foundations and multicultural character." Freeman and Leeser's preference wasn't just to avoid debates about whether there should be a preamble in the Constitution to recognise Australia's Indigenous past. It was also to recognise that such ideas have to live in the hearts and minds of Australians and be recited regularly to achieve inculcation.

One of the great challenges of constitutional recognition, as with all referendums, is establishing avenues for engagement with proposals before they are put. One of the opportunities presented by the Declaration is to foster a dialogue particularly with conservatives about the nature of citizenship in modern Australia. In his chapter in *The Forgotten People*, Tim Wilson proposed a possible Declaration:

#### **An Australian Declaration of Unity**

With this pledge we recognise we are all Australians,  
Aboriginal and Torres Strait Islander peoples  
Whose heritage, culture and languages we cherish  
And enduring connection to land and waters we respect,  
The first European settlers that followed  
whose institutions and traditions we preserve,  
The generations of migrants from across the seas  
Who come to contribute to our shared future  
Built on a liberal democracy that binds us as equals,  
With mutual respect and responsibility for each other  
For a free, fair, just and united Australia for all.  
We pledge our loyalty to Australia.

These words are only a suggestion, but they highlight the capacity for a Declaration to appeal to mainstream aspirations for shared nationhood by reflecting a common national story with a particular emphasis on a shared and united future. I'd like to see what Stan Grant, Les Murray, Thomas Keneally, John Coetzee or Clive James might suggest. Written well, a Declaration would not just focus on Indigenous Australians but a commitment from all Australians to our nation, our democracy and our values, and would be instructive for new Australians understanding how to be loyal to our nation.

Ken Wyatt is a friend and has devoted a lifetime of service to Australia and Indigenous Australians. So it was fitting that when the Australian Parliament established a Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, it was chaired by Ken. Australians for Constitutional Monarchy, an avowed constitutionally conservative organization, was always likely to be the vehicle for organized opposition. And yet ACM made a submission to the Joint Select Committee supporting Freeman and Leeser's proposal for a Declaration.

Consistent with the framework approach, the other Uphold & Recognise recommendation was the insertion into the Constitution of a national body to represent Aboriginal and Torres Strait Islander peoples. The proposal would address the 'elephant and mouse' problem articulated by Pearson: that the current population of non-Indigenous Australians ('the elephant') far outweighs Indigenous Australians ('the mouse'), who can never properly have political influence over the nation's direction; and particularly when the elephant designs laws that directly impact on the lives of the mouse.

Leeser and Freeman's representative body would be able to submit advisory reports to the Federal Parliament for consideration on legislation and programs that affect Indigenous Australians. Professor Anne Twomey has developed language that could be inserted into the Constitution at a referendum to give effect to the body proposal.

This is a clause that I have publicly opposed and still do. I come from the background of recognising Australia's First Nations, who can only speak for their country, and then working from there. That is not to say I'm against debating it, in fact I welcome the debate.

The Prime Minister and Leader of the Opposition jointly established a Referendum Council in 2015 to consider what question should be put to the Australian people at a referendum. The Council is yet to deliver its final report, and it is considering these proposals for an Indigenous advisory body and an Australian Declaration of Recognition among a range of other proposals.

## The challenge and the opportunity

The strength of the Uphold & Recognise proposal lies in the development of an Australian Declaration, because this enables the principal vehicle for driving cultural recognition of Indigenous Australians to sit outside the Constitution. In doing so, it also removes a considerable risk from this debate, by shifting the emphasis away from voting on recognition of the separateness of others, and towards the discussion to our country's past, and shared present and future. It is about unity, not division.

The challenge of the proposal is a national body to represent all Indigenous Australians. As articulated most strongly by Pearson, the intention of the body is that its inclusion in the Constitution would confer credibility as a voice. But the establishment of a national body logically raises questions about how it is configured, what its powers are, who will serve on it, and who elects them.

Some of these questions can be easily answered. But that does not mean the proposal will be perceived as benign at the ballot box.

When running a referendum campaign, advocates need to think like their detractors.

The principal criticisms that can easily be directed at such a body are that it will replicate the failed, abolished (and allegedly corrupt) Aboriginal and Torres Strait Islander Commission; that it will amount to a new and separate Indigenous Parliament; and that Indigenous Australians will have two votes, while every other Australian will only get one.

Each is a distortion on the truth. But that is all it takes. The proposal requires refinement if it is to meet with success at a referendum.

A core reason that a national body is favoured is precisely because of the voice it gives to Indigenous Australians in decisions made about them; and the guarantee that comes from situating it in the Constitution, which makes it harder for future governments to abolish it in the way that ATSIIC was. This is understandable: the right to have a say in decisions made about you is understandably important to Indigenous Australians aspiring to a better future.

Whilst Pearson has a point about the significance of the Constitution for creating a *guarantee*, his approach misdiagnoses how *credibility* is created. Credibility for a voice does not come because of its codified existence in the Constitution. A body that exists in the Constitution, but which is not fulfilling its purpose, or which is mired in disputes, loses credibility. Similarly, a body outside the Constitution that is representative and effective enjoys legitimacy. Credibility comes from being a voice that is considered, measured and represents our will and ambition as Indigenous Australians seeking to improve the welfare of the people we're responsible for. So Pearson might have proposed a solution to the guarantee problem, but he has not yet found a solution to the credibility problem.

As a Declaration outside the Constitution can be the antidote for a proposed preamble, amendments to parliamentary processes can do the same for an Indigenous advisory voice to Parliament. Like the Declaration, it can be dissolved, however, its cultural adoption and regularity of practice makes it far more likely to gain traction.

There is a large reserve of goodwill from non-Indigenous Australians toward Aboriginal and Torres Strait Islander peoples, and a genuine desire for real improvement in policy outcomes for Indigenous Australians. But any honest assessment would recognise that this large reserve is wide but shallow, and that it easily evaporates once consequences are attached to actions. There is also 'reconciliation fatigue'. Polls show Australians support reconciliation, but their ambition is focused on settlement and outcomes, rather than on treaties and symbolism. For a successful fight to be mounted, any support will be significantly strengthened by the proposal's capacity to deliver improvements in health, education and welfare outcomes.

## Accommodating liberal values

Nothing will demonstrate the large but shallow pool of goodwill toward Indigenous Australians more than a failed referendum. This isn't just a problem for Aboriginal and Torres Strait Islander peoples. A referendum enjoys public support until the detail is released and debated. It is at that point that it faces substantial criticism and the case for inaction becomes the default, rather than the case for change remaining the default. That has been the consistent trajectory of almost all referendums, especially when there is an organized opposition. The slogan, "If you don't know, vote no!" has justifiable resonance with mainstream Australians.

Risk does not justify absent ambition. There will always be opposition to change. Success lies in minimizing opposition for change, so mainstream voices are indifferent or supportive, and fringe voices can only make their arguments on the periphery of the debate.

Tim Wilson MP has said that proposals to date have passed through the lens of Indigenous and conservative Australians, but that there is still another critical lens that, he believes, any proposal must pass through: the *liberal lens*. Wilson's liberal lens is different from the others because it focuses less on process, and more on formal equality before the law and specifically not creating a division between classes of citizens.

This argument was best put forward by Greg Sheridan, who wrote in the *Australian* of the need for the Constitution to be "colour blind, race blind and heritage blind" with a codification of universal citizenship. Similar expectations have also been raised by organizations like the Institute of Public Affairs' 'Race has no place' campaign that focuses on removing the race power, but not inserting new sections into the Constitution.

The liberal lens is equally hostile to the idea of creating new constitutional protections and any measure that can amount to creating special legal privileges for one group within the community, such as the creation of a non-discrimination protection based on race. Similarly, the liberal lens is not interested in symbolism. Outcomes must be practical and improve the economic, social and cultural welfare of Indigenous Australians. That is what gives any proposal justification for consideration and passage. In short, the liberal lens focuses on how any reform proposal can take the whole of Australia forward together.

## Focusing on the voices of Australia's Indigenous mobs

The merit of Leeson and Freeman's model is that a national body respects the intention of the Constitution: to create a framework for the operation of a democracy, without directing its outcome. The shortcoming is that it raises questions of legitimacy, the process of its representation, and a perceived threat that it gives Indigenous Australians an additional—or second—voice in our democratic system.

Although a guarantee that the Indigenous voice will be heard is justified where political decisions are being made specifically about Indigenous matters, the perceived threat of a second voice is particularly dangerous at a referendum as opponents can easily turn it into a political narrative of 'special rights' for Indigenous Australians. While rights are rarely zero sum (at the expense of each other), in practice many people believe *If someone else gains something, I am probably losing something, even something minor*. That's why it is important that any proposal is perceived to have—as well as actually having—a neutral impact on the Australians we are calling to vote for it, and not fan perceptions of division.

One of the best ways to ameliorate criticism of any constitutional change is to avoid granting additional powers or rights to any group within the community. The Federal Parliament already has the power to legislate for Aboriginal and Torres Strait Islander peoples under Section 51(xxvi), which gives it the power to make laws for "the people of any race for whom it is deemed necessary to make special laws". Modest revision of that power provides the best possibility for achieving the ambition of constitutional recognition with practical, political, and human outcomes.

The solutions to the problems posed by a national body lie in explicitly recognising the existing power of the Federal Parliament to legislate for the creation of local representative bodies for Indigenous communities. The change from a constitutional centralized national body to statutory decentralized representative bodies may not appear to be substantial, but it may be both effective and credible.

In practice, non-Indigenous Australians have little interest in localized bodies in which they do not participate. Unlike a national body whose membership and participation would regularly invite public debate, the membership of a local body only impacts a local community based on the mutual acceptance of members. Local bodies, as opposed to a single national body, would represent recognised 'peoples' or 'nations', to ensure that they are anchored and accountable to an identifiable group of people; but will not validate the idea of a nation divided between Indigenous and non-Indigenous Australia. Doing so also makes it less likely future governments may legislate for State-based bodies or a singular national body that undermines the spirit of local representation.

Creating local bodies also dilutes the criticism of whom these bodies represent. Through native title claims, determinations have already been made for claimant groups and these allocate individuals into 'peoples' and 'nations'.

Logic says that, once local bodies are created, they'll affiliate in representative State and Federal bodies. But, unlike a constitutionally created national body, any State or Federal body will be accountable to community through its connection to constituent 'peoples' or 'nations'.

Importantly, in creating these bodies, the Constitution can either define their powers, or leave the Parliament to do so. One of the great challenges of removing the races power is that it brings into question the legal certainty of the *Native Title Act 1993*. Native title was once controversial, but its existence rarely raises an eyebrow now. The races power provides the Federal Government with the legislative power for native title (though there is some argument that it may have been established through the use of the external affairs power). If the Constitution required the Parliament to establish local representative bodies, the Parliament could give them the function of managing native title lands, which would require the exercise of nothing more than the existing legal power of the Federal Parliament to legislate accordingly.

One of the Expert Panel's proposals was the recognition of Aboriginal and Torres Strait Islander languages. A second function of a local body could be the preservation of languages and culture. To do so acknowledges their importance without promoting them as superior to modern history, Western culture, or the English language. Importantly, both the native title function and the languages and culture function acknowledge Indigenous Australia's pre-European history in a practical way.

Finally, local bodies need to realize the ambition of Indigenous Australians for self-determination and the mainstream ambition that Indigenous Australians take responsibility for improving their welfare. By affirming the plenary power for the Parliament to legislate for local bodies, the Constitution will ensure that these bodies can be given the function of taking responsibility for the advancement of Indigenous health and welfare. Doing so will give a direct pathway for the Federal Government to fund local bodies to deliver services within the control of community and increase the expectation of responsibility of community-based organizations. It will also provide the vehicle to employ people to address the skills gap that often exists in remote communities.

Additionally, by only requiring the Federal Parliament to create local bodies, the proposal will diminish the capacity for Federal money to be directly granted to State and Federal representative bodies, minimizing the risk that they will become service delivery agencies, or be tainted with the problems that plagued ATSIC through questionable use of Federal Government grants.

This new constitutional provision would give no more power to the Federal Parliament than it already possesses. The Parliament would establish a statutory framework to give effect to this new constitutional provision. What this statutory framework would do is recognise:

- Indigenous Australia's past, through a mechanism for the acknowledgement and preservation of cultures and languages, as well as the legacy of native title's past to ensure enduring custodianship;
- The need for formal representative structures for Indigenous Australians today and tomorrow; and
- A vehicle for the Federal Government to partner with Indigenous Australians towards empowerment and to realize control and responsibility for the advancement of Indigenous health and welfare.

It is the last point that also fuses the ambitions of liberals, conservatives and Indigenous Australians through a focus on responsibility to address the systemic problems facing Indigenous Australia.

## Constitutional amendment

In *The Forgotten People*, Anne Twomey provides a suggestion for an amendment to the Constitution that might give effect to the proposal for an Indigenous advisory body. The drafting is intended to overcome the concerns of constitutional conservatives, whilst also giving effect to the aspirations of Indigenous advocates.

Professor Twomey's drafting is on the right track, but a revised version of her drafting could give effect to the suggestions that I have made for establishing local bodies, rather than a national body. Another way of creating a constitutional guarantee that the Parliament will establish credible local Indigenous bodies would be to repeal section 51(xxvi) and insert a new section 51A, along the lines suggested by Professor Twomey and some other constitutional lawyers, but which also incorporates a clause dealing with the establishment of local bodies:

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

- (1) Aboriginal and Torres Strait Islander heritage, cultures and languages and the relationship of Aboriginal and Torres Strait Islander peoples with their traditional lands and waters; and
- (2) the establishment, composition, roles, powers and procedures of local Aboriginal and Torres Strait Islander bodies which shall be established to manage and utilize native title lands and waters and other lands and sites, preserve local cultures and languages and advance the welfare of the local Aboriginal or Torres Strait Islander peoples.

An even more modest approach that leaves Parliament to decide what functions to give these bodies, and which retains a broader plenary power for Indigenous affairs, might involve amending section 51(xxvi), so that it reads:

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

Aboriginal and Torres Strait Islander affairs, and the Parliament shall establish bodies for each of the Aboriginal and Torres Strait Islander peoples, the composition, roles, powers and procedures of which bodies shall be determined by the Parliament.

The simplicity of the proposal also invites straightforward suggestions about the style and nature of a referendum question, such as:

Should the power of the Parliament to make laws specific to a person's race be removed from the Constitution, and replaced with the capacity for Aboriginal and Torres Strait Islander peoples to take responsibility for their communities?

In doing so, the question can be framed around the important conservative and liberal aspirations of unity and responsibility.

## Letting our mobs speak for their country

The only people who speak for country are traditional owners. Each of our mobs needs to get governance in place. It's got to be transparent, and it has to be very clearly directed. Then the Government should start negotiating with the mob to reach an agreement which could be the basis for the Parliament establishing a local body for each mob according to the agreement it has reached with the Government. The Constitution should require the Parliament to do this. That would provide true recognition for each of our mobs.

The Indigenous lens focused the debate about recognition of Aboriginal and Torres Strait Islander peoples on the need for a constitutional guarantee. The conservative lens focused the debate on the need for constitutional certainty around this guarantee. The liberal lens focused the debate on the need for a guarantee that has credibility. When all of this is passed through the mobs' lens, it becomes apparent that recognition will be achieved through a constitutional guarantee that the Parliament shall establish local Indigenous bodies.

## A new proposal for recognising Indigenous Australians

In this essay, Warren Mundine argues that the Australian Constitution can best recognise Indigenous Australians by stipulating that the Australian Parliament shall establish local Indigenous bodies. In this way, he argues there will be a guarantee that traditional owners will always be able to speak for their country.

**NYUNGGAI WARREN MUNDINE** is the Chairman and Managing Director of Nyungga Black Group, which specializes in strategic business advice, corporate and public affairs, Indigenous engagement and governance. He was educated at Marist Brothers College, Auburn, and the South Australian Institute of Technology, Adelaide, and holds the honorary degree of Doctor of the University from Southern Cross University. He served as CEO of NSW Native Title Services Ltd from 2003 until 2012, when he became CEO of Generation One. In 2013, he was appointed Chairman of the Prime Minister's Indigenous Advisory Council, which appointment he held until earlier this year. He has served as the Chair of NAISDA since 2008. His previous community service includes serving as National President of the Australian Labor Party and Deputy Mayor of Dubbo City Council, and involvement with a range of other communal organisations. He was awarded the Centenary Medal in 2003 and the Bennelong Medal in 2004. In the 2016 Queen's Birthday Honours, he was made an Officer of the Order of Australia for distinguished service to the community as a leader in Indigenous affairs and advocate for enhancing economic and social public policy outcomes for Aboriginal and Torres Strait Islander people. His previous writing on Indigenous recognition includes a chapter, "Unfinished Business", in Megan Davis and Marcia Langton (eds), *It's Our Country* (MUP, 2016). He is a member of the Bundjalung First Nation of Australia and a descendant of the Gumbaynggirr and Yuin First Nations of Australia.

**UPHOLD & RECOGNISE** is a non-profit organization committed to its charter for upholding the Australian Constitution and recognising Indigenous Australians. It was established by Julian Leeser MP and Damien Freeman when Noel Pearson launched their monograph, *The Australian Declaration of Recognition: Capturing the nation's aspirations by recognising Indigenous Australians* on 13 April 2015. It strives to find an approach to constitutional recognition of Aboriginal and Torres Strait Islander peoples that addresses the concerns of commentators on the right and centre-right of the political spectrum. This approach is developed in *The Forgotten People: Liberal and conservative approaches to recognising indigenous peoples* (MUP, 2016), which is edited by Damien Freeman and Cape York Institute's Shireen Morris, and was launched by the Hon. Jeff Kennett AC on 1 June 2016. In 2017, Sean Gordon, CEO of Darkinjung Local Aboriginal Land Council and Convenor of the Empowered Communities Leadership Group succeeded the Hon. Lloyd Waddy AM RFD QC as Chairman of Uphold & Recognise. For more information, visit [www.upholdandrecognise.com](http://www.upholdandrecognise.com) or contact the Executive Officer, David Allinson.



*Practical Recognition from the Mobs' Perspective* is the second paper in the Uphold & Recognise Monograph Series. It and the first paper, *The Australian Declaration of Recognition*, can be downloaded from the Uphold & Recognise website.