

# TRANSCRIPT

## LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

### Inquiry into Anti-Vilification Protections

Melbourne—Wednesday, 24 June 2020

*(via videoconference)*

#### MEMBERS

Ms Natalie Suleyman—Chair

Mr James Newbury—Deputy Chair

Ms Christine Couzens

Ms Emma Kealy

Ms Michaela Settle

Mr David Southwick

Mr Meng Heang Tak

#### WITNESS

Ms Marsha Uppill, Co-founder and Director, Arranyinha

**The CHAIR:** I declare open the Legislative Assembly Legal and Social Issues Committee public hearing for the Inquiry into Anti-Vilification Protections in Victoria. Please ensure at this stage all mobile phones are switched off to silent and the background noise is minimised.

I acknowledge the traditional owners of the land on which we are meeting. I pay my respects their elders past and present and the Aboriginal elders of other communities who may be here today.

All evidence taken at this hearing is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Assembly standing orders. Therefore the information you provide during the hearing is protected by law. However, any comments repeated outside the hearing may not be protected. Any deliberate false evidence or misleading of the committee may be considered contempt of Parliament. All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing, and ultimately all transcripts will be made public and posted on the committee's website.

Thank you very much for being here, Marsha Uppill. You will be providing up to 10 minutes of your submission, followed by some questions from the committee members. Again, thank you for being here. I introduce Marsha.

**Ms UPPILL:** Good afternoon, thank you for having me. I just want to start off by saying that I sit today on the lands of the Wadawurrung. I pay my respects to their elders past, present and emerging. I also thank them for allowing me, an Adnyamathanha woman, to enjoy the richness of their culture; of their land, their country; and of their waterways that they are such amazing custodians of.

I just want to share a bit of my story today and my mum's story. I apologise if I get a bit emotional. I am actually a little bit nervous as well, so we will see how we go. My mum was part of the stolen generations. She was forcibly removed from country, culture and community at around seven years of age. Because she knew she was not an orphan, she spent the rest of her childhood and early teen years in children's homes with her sisters, and her brothers were taken to another home for the boys. There were times within that period where Mum was placed with non-Aboriginal families for a weekend or something like that, but she would always end up back at the children's home because she would continually say, 'I'm not an orphan. I have a family. I want to go home'. Because Mum knew where she came from, when she was around 14 years of age she was able to reconnect with country, community and culture, but obviously the implications of the stolen generations are longstanding.

I still feel those ramifications now. I recall when I was pregnant with my first child, for example, and I had given birth to him, I had a mother care nurse or someone from the health system come and visit me at home and ask me this series of questions that were there to support me as a mum. They actually made me feel shame and embarrassed. The question that said, 'Do you need any support from us?', actually triggered a response in me: 'If I say yes to this, you're going to take my child away'. They are the sort of impacts that happen to a person and Aboriginal people in terms of systemic failure. You do not know what systems to trust. You do not know where you can actually say, 'I need some support in this', because the lived experience of my community, my people, my family has obviously been one where we have constantly been failed by systems.

As a child I grew up in poverty and experienced homelessness. This was all because Mum did not know what she could do as a parent because obviously that was stolen from her, to have that parental guidance but also that cultural upbringing as a child. So I turned to the only place possible to identify who I was as an Aboriginal kid, and that was the media and the education systems. The media told me that as an Aboriginal person I was a criminal, I was obviously an alcoholic, I was a drug addict and I represented a huge proportion of poverty and homelessness. So it was kind of scary as a child growing up in a community where people believed this about me and I believed it about myself as well in terms of that discrimination and vilification as an Aboriginal kid.

It was not until I was around 15 years of age that my aunties and my nannas took me home to Adnyamathanha country and they actually told me that my name was Arranyinha, and 'Arranyinha' means first-born woman of

my mother. They spoke to me about the richness of my culture, of the heritage, of our history, and they spoke life into me and it instilled this fire in my belly of joy and knowing that I actually belonged and I had a reason to be here in this world as a child. That was really the commencement of my cultural connection and my decision to, from that point, challenge systems that continually failed us.

I got my first job in the state government of South Australia, in the public service, as a trainee at 16 years of age. I came through a program that was there to get youth employed in the public service. About 18 months after that I applied for a permanent position within one of the government agencies and I was successful. There was competition obviously for that position and I became a receptionist-administrative officer within a government department. I was really, really excited because it was a change from what I saw in my family about not actually getting employment because we were too scared to go for things like that because we were not sure. I remember my very first day. I had this non-Aboriginal woman come up to me and she said to me, 'You got this job because you're black'. Part of me was so excited; a 16-year-old, I have got this job—and I am here because I am Aboriginal. How does that make sense? She said, 'You'd better prove yourself'. So what I learned from that altercation as a 16-year-old was that, as an Aboriginal woman, I needed to work harder, I needed to work longer and obviously had a heightened expectation of accountability.

She got away with saying that to me because the environment in which I worked, the culture of that organisation, very much I started to see that was what the culture of the organisation was. They are saying that as an Aboriginal person we expect so much more from you. So I actually did that. I worked harder, I worked longer, I had that heightened expectation of accountability on myself. I worked my way up through the bureaucracy to a senior principal consultant within the Premier's department, where I was very, very excited working in Indigenous employment and giving advice to the whole public sector about how we could do that better. I presented one day to a senior managers meeting, which were the CEOs of all the other government agencies, about the importance of economic independence and some of the challenges Aboriginal and Torres Strait Islander people face in this space.

After the meeting I was cornered by one of the managers, who told me that I basically should keep my mouth shut, that it is a very career-limiting move to make these statements and comments, and vilified me. I went back to that moment of being a 16-year-old teenager, even though now I was in my 30s and I had given birth to a couple of children and confidently had a reputation of being an amazing worker but also an amazing voice for my community. To have this person come and say that to me and try to steal that identity and what I had created was hard to explain. I remember going to my boss at the time and explaining to him about what had happened and pouring out to him about I am one person who is a very strong Aboriginal culturally respectful person and imagine what happens to those who do not have the strength I have.

Speaking out at that time was challenging for me because of the threats that she had made against me, and the response was, 'Let's do some mediation'. I felt really, really uncomfortable in that because the person had already made it very clear their thoughts about me, but I did it anyway because as Arranyinha I have cultural responsibility and what I do can pave the way for others to be easier. So my experience in grievance processes across a number of systems I have worked in is that Aboriginal and Torres Strait Islander people do not generally take advantage of those systems because they have failed them in the past. Just because we might not have put in complaints about things does not mean that we are not experiencing those things. What it means is that we do not know how to put a voice to those things without feeling the pain and the grief even more substantially put on us. I give an example of taking my mum to lunch one day when I was working. I said, 'Mum, come and have lunch with me'. We went into this delicatessen and she said, 'I'll go order the food. You go find a table', so I did. I sat at this table and I watched as person after person was being served over and above her.

I sat there really just trying to understand in my head why she would not be served by the shop owners. So I got up from my seat, went over to the counter and said to the person behind the counter, 'I've noticed this woman has been standing here for quite some time and you haven't served her', and the person called me closer and said, 'She probably doesn't even have the money to pay for the food'. I was horrified. Because they obviously did not see us walk in together, they did not realise that this woman was my mother. I went up to Mum, put my arm around her and said, 'How dare you say that. Her money is our money; it is collective money. You've said that because of how she looks and the colour of the skin'. The person was horrified. We left.

This is just one of the examples of what Aboriginal and Torres Strait Islander people go through on a daily basis. The racism or vilification might be explicit or it might be implicit; you might see it or you might not see it. A challenge for us each and every day is: how do we face what is coming against us that day? Those of us that understand our identity and have that cultural authority and responsibility stand up constantly, but then we get labelled. We get labelled ‘the angry black person’ or we get labelled ‘the disruptive person’, not ever ‘the person that wants to see change and wants to educate’.

A couple of years ago, when I was looking at starting my own business—and my own business is actually about challenging these systems and providing training and education about how we can change our society for the better for all people, not just for my community but for everyone—I went to this information session. It was not specifically focusing on Aboriginal people, just, ‘Hey, there’s a program that could support you starting your business’. I was approached by one of the board members of this organisation: ‘Tell me about your business’. So I told them about the business and they took a step back and said, ‘Wow, you don’t even look Aboriginal. That’s great, because you will not have to feel discriminated in this process’. I do not have to feel like I am going to be discriminated against by putting an application in for a program or am I not having to feel like I will be the token Aboriginal person that gets ticked off of the one of the five people that get offered a scholarship? Like, you should be looking at me and my business idea, not at what your systems you have put into place to check boxes for who is going to be representing your organisation.

I guess another experience in a workplace sense is being asked over and above the position I am employed to do to take up an Aboriginal-focused role. I was not employed to do an Aboriginal-focused role, but the person in that role had gone on leave. They came and approached me as the only Aboriginal person in the organisation to pick up this role but made it very clear that I would not be paid the same as the non-Aboriginal man doing the job. I questioned the pay equity around this, and they said, ‘Well, he’s a great negotiator’. And I said, ‘Well, I not only am an Aboriginal person—I bring a specialist skill to this role—I am actually more qualified than this person to do this role’. But I just got told that is the way it is. When you get told that stuff and you constantly hear that, the response takes a hit to obviously my spirituality, my connection, my mental health and my emotional state, but I do not allow that to steal who I am and my identity.

I have three children who I am very, very proud of. Unlike me, they have known from the moment they were born who they are culturally, how they are connected, what their identity is across the board. They make me proud each and every day. With everything that has been taking place on a worldwide level recently I have had to read obviously through social media and also through being sent messages to my inbox things like, ‘Wow, you must be really, really happy that finally your children are light-skinned enough to assimilate into this world’ or ‘Aborigines should just take what they get, because that is more than they deserve’ or that they are sick of hearing about generational trauma because it is a made-up term to distract people from the real issues and we should just get over it.

This is the stuff that my people experience on a daily basis. We are constantly educating over and above our lives, because it is not 9 to 5; this is who we are, this is our lived experience, this is what we bring to the table. We honour those who came before us who challenged some of those systems but remained voiceless, and we honour that by putting their voice on the table now and obviously for our generation to come. For me, personally, although there is a lot of pain and hurt and grief around still experiencing this kind of conversation in 2020, I also take the words that people say to me and I flip them on their head and use them to educate on why that is inappropriate. Not necessarily to that person at the time—it has got to be a situation in which I feel safe to do so—but certainly in my education programs that I run, even to the point of starting to develop the active bystander racism-type training programs for people.

So this is just, I guess, a small snapshot, because I know I have only got 10 minutes and I have probably already spoken too long. But as you can see, this is my life, this is my mum’s life, this is my children’s life and it is the life of my community. There are thousands and thousands of other stories of the impact that racial vilification has on us—some that have been put in the media, some that have been put on screens and some that are hidden in the depths of our sadness—and it is about time for change.

**The CHAIR:** Thank you so much, Marsha, for presenting to us today and really explaining yours and your family’s experience to us. It is very special.

**Ms COUZENS:** Thank you so much, Marsha, for that really powerful presentation. You have certainly done your mum and your family very proud. I suppose the First Nations people, obviously, have experienced racial vilification for over 200 years now. What do you see as being some of the answers to dealing with this sort of racial vilification in terms of education? I know that you are running your amazing business, which is fantastic, but can you just expand a little bit maybe on the work that you are doing and how that could be relayed across the whole community in some way?

**Ms UPPILL:** Yes, absolutely. Thanks, Chris. For me, and hopefully it came out in some of what I was saying, the importance is with education. It is important to change the foundation on which this country has been built, because unfortunately the systems that fail me also give a voice to those who are unconsciously biased because the system has allowed them that; they are regurgitating the education that they receive throughout their schooling or throughout their environment and that allows them to dehumanise Aboriginal and Torres Strait Islander people. But there is nothing in the system that stops them from doing that.

We know what the constitution of Australia says, and we know what happened in 1967 with the referendum. And we know that even with treaty and the Uluru statement and things like that, every time the Aboriginal and Torres Strait Islander community stands up to educate and to speak about who we are and what we want to see happen, they are not unreasonable requests. They are actually requests, really, where if you are benefiting us, you are benefiting everybody. If you are doing it right with the First Nations people of this continent, you are benefiting everybody, not just those that already live here but those that we welcome across the seas to come and experience the richness of this continent from a number of different angles.

Education systems really need to be changed, and I think one of the things that I have been really challenged with of late is that people created these systems. People created the constitution. It was not some spiritual being that put this constitution or this system in place; people created it. So you know what? As people, we can change it. It can be changed. And it can be changed respectfully and with a level of authority that ensures that humanity benefits. My kids constantly say to me, 'Mum, how can I do this when this is written, and people regurgitate what is written to me to put me back in my place?'. And I am like, 'That's a really good question'. Why are we not changing what is written now? Because I think we have this prime opportunity because we have Aboriginal warriors that are standing up and actually giving that information.

Someone asked me the other day, 'Do you want to be called Indigenous or do you want to be called Aboriginal?'. They said, 'Do we just ask?'. I said, 'Yes, ask, but we have also spoken. We don't have an Indigenous flag. We have an Aboriginal and we have a Torres Strait Islander flag. That's our identity'. We have spoken in ways that have been not just with words but with actions, but we are still not listened to. So education is a key thing, but also changing the foundation on which this nation is built is so important.

**Ms COUZENS:** So from what you are saying it sounds like you think our leadership needs to play a significant role in this, as well as education.

**Ms UPPILL:** Absolutely, absolutely. They are the ones at the table making decisions. We cannot always be there either because we do not get the opportunity to or because when we are there, there are other things in play that stop the conversations from progressing. Or with a continued minority, what weighting gets put on conversations when you have one Aboriginal person sitting at a table and they speak on something that is their cultural authority but then the 12 other people at the table have a different opinion that is a collective opinion? Where is the weighting? Those are some of the conversations I have with people on a daily basis. You are talking about matters of country and yet you have allowed 12 people to outvote the one who actually had the authority to speak on that matter.

**Ms COUZENS:** And do you think that people are aware of the legislation? I suppose they can make a complaint; getting that through successfully is the other question. But do you think Aboriginal and Torres Strait Islander people are aware that there is legislation?

**Ms UPPILL:** I think we are aware that there is legislation about discrimination and in terms of, obviously, it is wrong to discriminate on race—that is what we are talking about at the moment—but I am not sure it is very clear what action can be taken to bring that to a place of a complaint or grievance procedure. I am not sure that is readily understood, available or even being promoted. So you will see a lot of things. Social media is the place to take grievances. A lot of people will film their experiences. We have seen the huge impact that it has

had recently in the world. Racism has always been there; people are just filming it. So it is actually impacting more people because people are starting to believe what we have been saying for years. So, yes, I do not know that it is very well promoted, and maybe if someone goes to search for it, it may not be easily found either.

**Ms COUZENS:** Thank you very much for your presentation and for answering the questions today and contributing to hopefully some really significant change by this committee.

**Ms SETTLE:** Hi, Marsha. I would like to thank you very much for sharing your and your mother's stories. There is something about hearing a story that really brings it home, and that was a very strong presentation, so thank you. I just wanted to pick up a bit on Chris's question there. We have heard from a lot of other groups that engaging in the processes is very difficult, so it is hard to navigate and so forth. I noticed when you were speaking earlier you said that there is a distrust of these systems, which I completely understand. Is there some way that we can do these processes through an Aboriginal lens that would make people feel more able to engage? What do you think we can do with this process?

**Ms UPPILL:** I guess the short answer is yes, most definitely. There is always something you can do through a cultural lens that will support better understanding, whether that is ambassadors or advocates in terms of that space getting the word out. A lot more people, in terms of who I have spoken to in community, feel strengthened particularly because Adam Goodes came forward and that has been put on the big screen. They feel strengthened in terms of there could be some support there for them. So definitely, yes, the answer is yes. It definitely needs to be put through a cultural lens because, like I explained in one of my stories, the questions that were put there by the health nurse were actually there to supposedly support me, but the way they were being asked—and she was a lovely person; it was not actually about her—she did not see it through my eyes and my lens, which triggered my mum's experience in my lifetime.

So that is a huge thing, actually putting something through a cultural lens with the appropriate people who are able to give that advice and then, yes, even promoting it in a cultural way so that people feel safe. And obviously that does not mean just the promotion and the lens that needs to be put on it, but it also means that the system is culturally safe—that they can feel comfortable in going past the marketing material, looking at the actual documentation itself and feel like they belong here, they exist here, that their voice is actually valid in that space.

**Mr SOUTHWICK:** Thank you also, Marsha, for that very real account. It is important to hear those stories, and we really appreciate you sharing that with us. I just wonder, in terms of some of the work that you do, whether you intersect with some other emerging communities that are coming and making Australia their home and finding their paths very difficult as well. Taking the point that there is a lot of work that needs to be done to help support First Nations people, in the journey for you are there some learnings and some, I suppose, wins that you have had? You know, I think of things like in the corporate world where there is a lot more recognition and support than there was say 10 years ago. Are there some learnings that we can do for the new emerging communities that are coming in?

**Ms UPPILL:** Thanks for that question. I guess to answer the first part, do I intersect with communities: being a community development person in my background, I do have a lot of connection with the broader communities, new arrivals to Australia and things like that. But I have not actually done any work in that space, because obviously for me my agenda is to ensure that Aboriginal and Torres Strait Islander people are first and foremost. Like I said in the beginning: if you cannot do it right for us, then how can we do it right for anybody? It completely breaks my heart the way that people are treated, humans are treated, that come to this country on a number of levels, and it breaks my heart that they experience such a heightened racism based on some of the issues that I have presented to you today that they are experiencing as well. And yes, there are learnings that can be had from the work I am doing. At this point in time it is not my focus, but it has always been on my agenda as the social justice warrior that I am to ensure that the work that I do can then be adapted to supporting other cultures as well.

**The CHAIR:** Again, Marsha, can I thank you very much for participating today and sharing your experiences and the experiences of your community. It was very powerful and extremely important for committee members to hear your story. Again thank you. It has been absolutely moving to hear from you. The next steps will be that all evidence will be deliberated by committee members, and as Chris said, we will be

providing the Parliament with some strong recommendations for change, and you will be kept up to date with the progress of the committee. Again thank you for spending the time with us today.

**Ms UPPILL:** Thank you very much.

**Witness withdrew.**