

INDIGENOUS

Drive for indigenous recognition knocked off course by treaty demands

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- STEPHEN FITZPATRICK

Constitutional recognition of indigenous Australians has been blindsided by more radical demands, with an official forum in Hobart insisting that plans for a referendum must be accompanied by treaty talks.

The gathering, the first of 12 such invite-only indigenous community meetings nationwide, concluded that all delegates were “firmly committed to pursuing treaty” and that this must deal with “among other things, sovereignty, a land and a financial settlement” as well as an agreed time frame.

“A discussion of constitutional recognition (can) only take place simultaneously with a proper consideration of treaty,” states a written communique issued yesterday — and sighted by *The Australian* — setting the tone for fiery negotiations at the upcoming gatherings.

These will be held over several weeks in Perth, Broome, Dubbo, Brisbane, Adelaide, Sydney, Melbourne, Cairns, Darwin, Alice Springs and Thursday Island, ahead of a national convention in April at Uluru.

Yesterday’s resolution included a demand that a treaty be squarely on the agenda at each.

The 16-member Referendum Council, which has control of the consultations, will use its findings to report to Malcolm Turnbull and Bill Shorten by July on the best way forward for a referendum proposal.

Council co-chair and Lowitja institute head Pat Anderson, who was at the Hobart meeting, told *The Australian* treaty was “the No 1 topic” in a “very robust” discussion but praised conveners Rodney Gibbons and Wendy Moore, and said perhaps it was “time to have that uncomfortable conversation”.

Ms Anderson said a treaty had been “put on the agenda” since the council’s formation last December, including through the Victorian government’s formal talks on the matter, “and you can’t pretend it’s not on the agenda”.

“Maybe there’s a little bit of education that has to happen among non-Aboriginal and Torres Strait Islander people on this, because treaty does scare people a little bit”.

“But however it does come about, it’s a matter of completing unfinished business, and Aboriginal and Torres Strait Islander people know that ‘recognise’ can mean a whole range of things.”

Mr Gibbons said treaty had been “top of the card” at the meeting and was “one of those things that will be a really good option for Aboriginal people with regard to things like health and education and other programs that people think are ordinary for non-Aboriginal people”.

A treaty has been a key sticking point in the debate so far, with the Prime Minister criticising the Opposition Leader during the election campaign when Mr Shorten raised the possibility of “post--recognition agreements”.

Mr Shorten last week called for “some Australians to move beyond kneejerk panic and unthinking outrage every time the word ‘treaty’ is mentioned”.

He said constitutional recognition was “not a roadblock to treaty” and did not “close the way, or stand in our path”. However, the Hobart communique went further and there are fears its wording could leave open the option for government to dismiss its claims generally.

The 100-person Hobart summit also resolved that any so-called “minimalist” statement in the Constitution acknowledging the existence of Aboriginal and Torres Strait Islanders before European settlement “would be unacceptable” unless it was accompanied by substantive changes.

These would include the insertion in the Constitution of a racial non-discrimination clause specific to indigenous Australians and the creation of a constitutionally protected indigenous representative body that would be “stronger than just an advisory body to parliament”.

There was also discussion of the possibility of creating reserved parliamentary seats, to address the fact that at just 3 per cent of the population, Aboriginal and Torres Strait Islanders can expect a smaller natural constituency than other Australians.

On the other key question of whether a change should be made to how the Constitution allows laws to be made with respect to indigenous Australians, the meeting resolved that “provided that any amendment is accompanied by a limitation that protects against adverse use of the power, there was ... strong support for the removal of the term ‘race’ and support for it to be replaced with ‘Aboriginal and Torres Strait Islander peoples’”.

<http://www.theaustralian.com.au/national-affairs/indigenous/drive-for-indigenous-recognition-knocked-off-course-by-treaty-demands/news-story/23f2376018697c9349345acb498cdc93>