

# Tony Abbott rejects proposal to hold Indigenous conventions on recognition

Patrick Dodson and Noel Pearson had proposed government-funded conventions to ensure Indigenous understanding of constitutional recognition



Dodson informed the audience of the PM's decision at the annual Garma festival in the Northern Territory. Photograph: Neda Vanovac/AAP

[Helen Davidson](#) at Garma festival and [Shalailah Medhora](#) in Canberra

Monday 3 August 2015 14.17 AEST Last modified on Monday 3 August 2015 18.52 AEST

[Tony Abbott](#) has rejected an application by leaders of the constitutional recognition debate to hold nationwide conventions for Indigenous people to ensure they understand the referendum question when it is drafted.

Professor Patrick Dodson informed the audience of the prime minister's decision at the beginning of a panel on constitutional recognition at the annual Garma festival in the Northern Territory.

“We've had some news to say the current application by the Indigenous leadership to the prime minister and Mr Shorten has been turned down,” said Dodson. “That really makes it challenging.”

Dodson and Indigenous lawyer [Noel Pearson](#) had proposed a series of government funded conventions around the country solely for Indigenous people and communities, to ensure the issues around constitutional recognition and its eventual referendum question were fully understood.

A spokesman for Shorten told Guardian Australia the opposition leader remained in full support of the proposal for independent conventions, and pointed to letters the opposition leader had written to Pearson, Dodson and the prime minister saying as much.

Pearson said: “The PM has written to us saying Indigenous consultation will essentially be interwoven with [the] wider community, and that there will be opportunities for Indigenous conference but not in the manner we proposed.”

“I think the PM harbours a reservation about the idea that we could go through a set of Indigenous conferences involving everyone around the four corners of the continent and come up with something that is hard-headed, politically realistic, but also faithful to the history of Indigenous advocacy for recognition that is at least a century old.

“There’s a lack of faith that something coherent could emerge from our community.”

Pearson said another 10 to 12 months of consultation needed to happen within the Indigenous community, but the process was now “like an Apollo mission, but it’s not 11, it’s 13.”

Abbott wrote in his letter that he was anxious about separating out the Indigenous meetings from wider consultations because it could be seen as divisive.

“I am in favour of building a consensus, but strongly believe that this should be a national consensus in favour of a particular form of recognition, rather than simply an Indigenous one,” the letter said. “The risk with an Indigenous-only – or even an Indigenous-first – process is that it might produce something akin to a log of claims that is unlikely to receive general support.”

The prime minister told reporters in South Australia on Monday he was seeking a “bipartisan approach” to reform.

“It is important that it’s something that can be supported not just by Indigenous people but by Australians generally, because while it is vital that we do acknowledge and recognise Indigenous people in the constitution, ultimately our constitution has to belong to every Australian. It has to belong to every Australian not just to any one section of our community,” he said.

The “log of claims” line was “probably the most dismal part of his whole letter,” Pearson told Radio National on Monday evening.

“As if we are going to go back and compile a new list of demands that are not already out there in the marketplace, that are not already subject of two reports, one by an expert panel and one by a joint select committee of the parliament,” he said.

“This expectation that this Aboriginal process will go completely feral and construct a list of demands from outer space? It really got my goat when I read that. I thought, what are you taking Indigenous leaders to be?”

Pearson said the incident would not stop the process, but it had confirmed his criticisms of the Kirribilli meeting, and he was concerned the agenda was just being “punted off into the never never after the next election.”

He said Labor was showing more unanimity on the push for recognition, and it wasn’t clear the prime minister has a game plan.

“There’s a lot of madness but there’s not a great deal of method.”

Social justice commissioner Mick Gooda questioned how consultation with Aboriginal and Torres Strait Islander people could occur without the conventions.

“It’s hard not to feel despair when two of our greatest leaders put up a proposal and it’s just shot down,” he said.

“I sometimes think I meet the definition of insanity – I keep saying the same thing expecting different outcomes – but the thing I keep saying is you have got to engage Aboriginal and Torres Strait Islander people respectfully, and that’s what was proposed here.”

Labor senator Nova Peris, who was also deputy chair of the joint select committee on constitutional recognition, said the news was disappointing and the conventions needed to happen.

Dodson told Guardian Australia after the panel that he was unsure if the letter implied a complete rejection of independent consultation, but it appeared the prime minister wanted it brought within the scope of what he and Shorten put forward.

“It doesn’t support the concept that we put forward that there be these discrete Indigenous conventions to deal with the complexities,” he said outside the forum.

“He thinks it ought to be run concurrent or at the same time as broader meetings take place in town halls. That’ll bring a whole range of other matters to the debate, and lessen the focus on trying to distil what an Indigenous position around recognition would mean.”

Dodson said it was fine to talk about other matters around “the narrative of dispossession” but this was a narrow and complex issue which “most of our people have no idea about and have very little opportunity to grapple with, let alone arrive at a consensual view on either one of the ... propositions.”

He said he would be seeking a meeting with Abbott and Shorten to clarify the way forward.

Dodson said he didn’t think the political leaders were “big picture people” and he wasn’t entirely surprised by the move. He said he hoped he was wrong.

Anger at the prime minister’s letter dominated the Garma panel discussion, which looked at the various options available for constitutional change and what the real world impacts would be on both Indigenous and wider Australia.

Dodson said the two proposals – of recognition in a preamble, or changing or removing specific sections within the constitution – came down to whether change is inside or outside the constitution.

“If outside it doesn’t have any impact on the constitution or on the machinery of government or on the role of the courts, fundamentally,” he said. If the change occurs inside the constitution, particularly governing section 51A, then it does impact the capacity of parliament and the courts.

“Symbolism isn’t a Disneyland concept here. It’s actually a fairly vital set of words that may have other sets of consequences,” he said. “This is about fixing up a 200-year-old problem where we’ve been the playthings of governments.”

Pearson described two choices in constitutional recognition as having both supporters and opponents.

Marcia Langton said the constitution was a “racist constitution”.

“Because Aborigines are treated in the constitution as a race for whom it is deemed laws might need to be made, we are necessarily tackling this issue of race and not just the fact of our being here for millennia,” she said.

Langton said “one clear question” was needed, which removed racist powers in the constitution and created a mechanism for Indigenous people to have a voice in parliament.

“Put simply, Australians have to accept that we are the first peoples, remove the racism powers and stop discriminating against us, and come to grips with British heritage, Indigenous heritage and our multicultural heritage all sitting alongside each other,” she said.