

Noel Pearson calls for a national competition to recognise Indigenous Australians

Date: April 14, 2015



[Michael Gordon](#)

Political editor, The Age

New Indigenous recognition proposal draws support

A recognition of Indigenous Australians outside of the Constitution would be a 'less objectionable' proposal says libertarian Senator David Leyonhjelm.

Australians would be given the chance to draft a declaration recognising the place of Aborigines and Torres Strait Islanders in the nation's history and culture under a bold plan backed by Noel Pearson.

Under the proposal by two constitutional conservatives, Damien Freeman and Julian Leeser, the words of the declaration would be chosen through a national competition, voted on by all Australians in a referendum and used at national, civic and religious events.



Noel Pearson with Prime Minister Tony Abbott during the PM's visit to North East Arnhem Land last year. *Photo: Alex Ellinghausen*

The day the declaration was adopted - potentially in 2017 - could then become a public holiday and an annual commemoration and celebration of Australia's Indigenous peoples, but the declaration would sit outside the Constitution and have no legal force.

Mr Pearson has supported the plan as a "breakthrough idea", warning that the current plan for constitutional recognition is a "recipe for a conflagration between conservatives and other Australians".

But the Indigenous leader and lawyer has stressed that it is not a solution by itself and should be linked to constitutional changes, including a provision to give Indigenous Australia a voice to government.

He has called for a series of Indigenous conventions across the country to debate his preferred model for change and the model he helped craft as a member of the expert panel established by the Gillard government in 2010.

Indigenous leaders have reacted cautiously, saying more than five years of consultations have been predicated on recognition being within the nation's founding document, which some have dubbed "the birth certificate of the nation".

Aboriginal and Torres Strait Islander social justice commissioner, Mick Gooda, said it was a "big ask" to now be promoting a declaration of recognition outside the Constitution. There is also strong support from Indigenous leaders for the expert panel's call for a prohibition on racial discrimination to be inserted into the Constitution.

Prime Minister Tony Abbott welcomed Mr Pearson's intervention, but stressed the importance of securing bipartisan support for a model and working with Indigenous Australians is fundamental. "Unless we are together on this, we will fail," he said. Labor leader Bill Shorten, agreed and renewed his call for Mr Abbott to convene a meeting of Indigenous leaders to discuss the issue.

Mr Pearson says it is clear that constitutional conservatives will ensure the defeat of any racial discrimination prohibition on the grounds that it would diminish the power of the Parliament.

He is also convinced that the concern that recognition within the Constitution would be subjected to interpretation by the High Court would result in a set of "mealy-mouthed, miserable and minimalist" words.

The architects of the new plan agree, saying a declaration outside the Constitution would have "greater capacity for rhetorical flourishes, sweeping statements and soaring poetry".

"The constitutional conservatives have the power to hold the country's future to ransom," Mr Pearson told Fairfax Media. "What I'm interested in is to convince constitutional conservatives that there is a way they can uphold the Constitution and recognise indigenous Australians at the same time.

"The second group that could kill this are those who rightfully insist that racial discrimination has been a defining feature of our relationship to the national Parliament and that recognition must in a substantive way address that."

He believes his proposal for a Constitutional amendment requiring the Parliament to consult with, and consider advice from, an Indigenous body is the better way to address this concern.

"I just think the important thing now is to make sure constitutional conservatives don't foreclose on this and advocates of an expert panel don't blindly insist on a position that is very obviously going to result in trenchant opposition."

Under the plan drafted by Mr Freeman and Mr Leeser, the process to formulate a declaration would draw on the public competition approach employed to choose the Australian national flag more than a century ago.

"In order to ensure popular participation, the government should ask Australians, through a national competition, to compose a potential Australian Declaration of Recognition of no more than 300 words," they say.

A committee would then select a shortlist of five versions to be put to a referendum, with a preferential voting system deciding the most popular.

The text of the declaration could then be carved into the fabric of Parliament House "in the same way that the Declaration of Independence is carved into the Jefferson Memorial in Washington DC".