

# Indigenous recognition sticking point is racial discrimination in constitution

Consensus on how to deal with racist provisions within the document itself is proving more difficult than agreement on recognition clause



Tony Abbott and Bill Shorten pose with Indigenous leaders before meeting to consider model for referendum on Indigenous recognition. Photograph: David Moir/AAP

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The treatment of racial discrimination within the constitution remains the main sticking point of a historic national summit on the recognition of [Indigenous Australians](#) in the nation's founding document.

The prime minister, Tony Abbott, and opposition leader [Bill Shorten](#) are part of a group of about 40 community leaders meeting to work out the pathway to change the constitution to recognise Australia's first peoples. They met at Kirribilli in Sydney on Monday.

The meeting also attracted up to 50 protesters who want sovereignty over recognition with one man arrested for spitting at a Commonwealth government vehicle.

Speakers at the protest were flanked by a dozen police officers who barricaded the gate of the conference centre.

Ken Canning, who addressed the crowd, pointed the finger of blame at Indigenous leaders taking part in the meetings.

"We have to start calling these things for what they are," Canning said. "This is not just a meeting; this is an act of treason against their own people."

“They are legitimising everything he [Abbott] has done [to Aboriginal people] by sitting down with him,” Canning said.

One woman yelled outside the window where the leaders were meeting. “You don’t speak for 65% of Indigenous people, you sell-outs!”

Another speaker, Albert Hartnett, said the voices of Indigenous people have not been heard.

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No more tricks, we want a treaty: Protesters disrupt meeting on changes to constitution – [link to video](#). Source: AAP

“A dictatorship like this Australian government has been running in this country for 227 years,” Hartnett said.

Some protesters heckled police officers but the demonstration was largely peaceful.

A proposal to include a clause acknowledging Aboriginal and Torres Strait Islanders as the first inhabitants of Australia appears to have widespread support.

“There is common accord in having recognition within the constitution,” Australia’s first Indigenous lower house MP, Liberal backbencher Ken Wyatt, told reporters on Monday morning.

But achieving consensus on how to deal with racist provisions within the document itself is proving more difficult to obtain.

One option is to delete existing racially discriminatory clauses and add a clause that prohibits any future discrimination.

“I sincerely hope we can get past the political hurdles on things like non-discrimination, and that there is a real positive outcome in terms of substantial recognition of the Aboriginal and Torres Strait Islander peoples. It’s well overdue,” academic and community leader Pat Dodson said.

“Political hurdles are by definition not easy to overcome. They [the existing racist clauses] are there, they’re part of reality. But this is a time for maturity.”

He told reporters recognition was not worth pursuing unless it dealt with these clauses, saying the nation would be “selling itself short” if it did not deal with it.

“Two hundred years of discrimination is about as much as we can bear, quite frankly,” Dodson said.

Indigenous Labor senator Nova Peris was more blunt. “Symbolism doesn’t cut it with me,” she said.

Tanya Hosch, head of advocacy group Recognise, said Indigenous people had overwhelmingly said symbolic change was not enough. “I don’t see that changing,” she said.

The head of the prime minister's Indigenous Advisory Council, [Warren Mundine](#), said symbolic change went hand in hand with substantive change.

"I don't see how taking laws out of the constitution that stop people from voting because of race – I don't see that as very symbolic at all. I think that's substantive change in the constitution. And that's what we're on about – how do we get race out of the constitution, because we've been suffering under that since 1901," Mundine said.

Wyatt acknowledged the discussion on discrimination would be "one of the challenging points" of the summit. "There is still significant debate on this issue," the Western Australian MP said.

But he did not outwardly support the inclusion of new clauses banning future discrimination. "I don't see discrimination included in the constitution. I think there are elements that will be discussed, and other ways of dealing with that," Wyatt said.

Parliamentary secretary to the prime minister Alan Tudge implied so-called constitutional conservatives – those who do not want to see radical change to the founding document – should be included in the conversations.

"We've also just got to be sensitive that we've got to take broader mainstream Australia with us as well on this journey," he said. "There's still several months before we can consider any final model of course."

Indigenous leaders were hopeful.

"Compromise is always possible," Aboriginal and Torres Strait Islander social justice commissioner Mick Gooda said.

"We're all going in here with open hearts and open minds," Gail Mabo added.

Shorten said the meeting was one of the few that accurately fit the description "historic". He said the point of the meeting was to "build momentum, trust and unity to the overdue recognition of our first Australians in the national birth certificate.

"Can this nation, and can some of our best Indigenous leaders, working with the prime minister and myself, correct the great silence of the Australian constitution," the opposition leader asked.

An Ipsos Fairfax poll released on Monday showed that the overwhelming majority of Australians – 85% – are in favour of a clause being added to the constitution recognising Australia's first peoples. That is up from 77% in 2013. Only 11% of respondents were against recognition.