



Indigenous Treaty Would Divide Australia Into Two Nations According To Race

Publish Date:

May 2017

All Australians are equal. This principle is the basis of our freedoms and a cornerstone of the Australian constitution.

Our nation's founding document should unify us – not divide us.

Any proposal that seeks to enshrine division between Australians on the basis of race should therefore be rejected. And it is why any suggestion of a treaty between Indigenous and non-Indigenous Australians should also be rejected.

Rarely has such a powerful defence of equality and the value of the individual been expressed as on a hot afternoon in Washington DC on 28 August 1963.

At 3pm that afternoon in front of the Lincoln Memorial, Martin Luther King jnr created history when he uttered the words: "I have a dream that my four little children will one day live in a nation where they will not be judged by the colour of their skin, but by the content of their character."



These words are as real and as relevant in 2017 as they were 53 years ago.

It is this sentiment of equality that Australians should bear in mind when considering proposals to change the Australian constitution.

The most recent proposal for constitutional change is contained in the Uluru Statement, released last week.

The Uluru Statement is the culmination of three days of discussions amongst Indigenous leaders at Uluru last week. The meeting in Uluru follows six months of community consultations with Indigenous leaders held by the government-appointed Referendum Council.

The Uluru Statement is a response to the key issue these deliberations were established to address: whether Indigenous leaders support the proposal to “recognise” Aboriginal and Torres Strait Islanders in the Australian constitution, and if so what form the change should take.

The Statement calls for a treaty between Indigenous and non-Indigenous Australians, and also proposes the establishment of a new constitutional body to represent Indigenous Australians: “We call for the establishment of a First Nations Voice enshrined in the constitution.”

These are radical proposals that will divide Australians on the grounds of their racial identity. These proposals are the manifestation of radical identity politics.

Formally dividing Australians by law is a dangerous idea, doubly so when that division is done on the basis of race, skin colour, ethnicity or indigeneity.

The Commonwealth parliament represents all Australians. This is why an advisory body for Aboriginal and Torres Strait Islander Peoples enshrined in the constitution cannot be accepted.

A separate body, whether it is called an Aboriginal and Torres Strait Islander peoples advisory body, a new chamber of the Commonwealth parliament, an Indigenous parliament, or a First Nations Voice undermines the idea that all Australians are equal under our democratic system. All policy decisions are Indigenous policy decisions, because Indigenous Australians are Australians.

Treaty, which is sometimes referred to by the Yolgnu word for treaty, “Makarrata”, would divide Australia into separate nations. Aboriginal and Torres Strait Islander peoples are Australian. The idea that they are separate from Australia is dangerous, and a treaty between Indigenous and non-Indigenous would divide Australians according to race.

Australia is one of the oldest and most successful democracies because our constitution is based on the idea of the equality of all Australians.

If any constitutional changes are to be contemplated they should make the constitution truly colour-blind and remove all references to race in the document.



There are two current sections in the Australian constitution that refer to race – sections 25 and 51 (xxvi). Section 25 was intended to prevent state governments from restricting the right to vote according to a person's race. Section 51(26) gives the Commonwealth government the power to pass race-based laws.

Section 25 is unnecessary because equal voting rights are already guaranteed under the constitution. Section 51(xxvi) is discriminatory and illiberal. Race-based laws are incompatible with the equality of all people.

Taking out these sections removes the Commonwealth government's constitutional power to divide Australians.

If these two sections are removed, no new references to race, or skin colour, or ethnicity, or indigeneity should be added.

The Institute of Public Affairs believes there should be no references to race in the constitution. The constitution should not divide Australians according to race.

Australia's success as a free and prosperous country is founded on the idea that all humans are of equal worth. Regardless of race or ethnic background, all Australians must be treated equally by the government and by the law.

In the constitution, all Australians should have the same rights and should share the same responsibilities.

Race has no place in the Australian constitution.

Originally published in:

The Sydney Morning Herald

Original Link:

<http://www.smh.com.au/comment/indigenous-treaty-would-divide-australia-into-two-nations-according-to-race-20170530-gwgcjm.html>