A failed referendum on indigenous reform would be a terrible step backwards, writes Greg Craven.

There used to be only three certainties in life: death, taxes and the irrelevance of South Australia. Now we have two more. The first is that the current initiative to recognise indigenous people in the Constitution is doomed to failure. The second is that the position can be retrieved, but only if we act quickly to produce a modest, precise proposal.

The ambit claim of the government’s expert panel had the chances of a three-legged wombat in a bushfire even before the Australia Day shambles in Canberra. After that public relations disaster, it would be easier to amend the Constitution to abolish Christmas.

All referendum opponents would need is five seconds’ vision of the riot, three of the flag burning, and enough brains to spell “Vote No”. But we should not be distracted by the antics of a few extremists, but the proposal is pathologically flawed.

At the crudest level, what on earth does it mean? The answer is, whatever the judges say. The examples of negative potential that will be used by the “No” case are so hideous they cannot even be responsibly canvassed, but they will be deployed to devastating effect.

Second, putting a whole new section into the Constitution to deal with indigenous people, then packing it with abstract, legally binding value statements, displays the sort of political naivety usually encountered in the Mosman branch of the Young Greens. Once again, the slogan will be “Don’t Know — Vote No”.

For Aboriginal academic Marcia Langton, another member of the panel, to suggest voting “No” to this proposal will be racist is as wrong as it is insulting.

Certainly, there will be a fair share of the chronically unenlightened among the naysayers. But they will be joined by legions of depressed Australians, entirely committed to reconciliation, yet not prepared to mail the Constitution to escape the lash of Professor Langton’s tongue.

The only glimmer of hope in this mess is that there is a clear way out. That is to produce a refined proposal as modest as it is sensible, and capable of attracting indispensable cross-party support. Even better, for once there seems to be a fair consensus as to what this would involve. Like dating, there are three easy steps.

First, by all means get rid of the couple of existing race-specific provisions in the Constitution, and make sure there is a safety net to preserve laws assisting our indigenous fellow citizens.

Whether this is a provision allowing for their “advancement”, “betterment” or any other variant is something we can workshop.

All of this would have at least a fighting chance at referendum because it would attract support from a wide range of political and constitutional conservatives anxious to secure just constitutional recognition for indigenous people.

At one blow, you convert reluctant opponents to determined supporters. The trick must be to move the debate from impotent and the worst own goal by a political staffer since Napoleon’s valet opined Waterloo was a good spot for a stoush.

The proposal was pathologically flawed before a drop of spittle landed on the national tea towel.

Put simply, the panel suffered a fatal attack of enthusiasm. Instead of producing something they thought would win, they concocted something they really, really liked.

There are at least two insuperable problems in their plan. First, the sweeping guarantee against discrimination on the grounds of race, ethnicity or colour is a one-clause Bill of Rights, no matter how Aboriginal leader Pat Dodson tries to spin it.

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