

Nigel Scullion says Indigenous voice to parliament ‘would not fly’ with voters

Minister defends Coalition’s rejection of key proposal of Uluru statement and suggests Referendum Council should’ve consulted with non-Aboriginal Australians



Nigel Scullion said ‘if this notion of a [Indigenous voice to parliament] was put to a referendum it would certainly fail and that is the government’s judgment’. Photograph: Mick Tsikas/AAP

[Calla Wahlquist](#)

[@callapilla](#)

Friday 27 October 2017 15.00 AEDT Last modified on Friday 27 October 2017 15.01 AEDT

Indigenous affairs minister Nigel Scullion has defended the [dismissal of the key proposal of the Uluru statement](#), saying the government was “surprised” by the Referendum Council’s report and suggested non-Indigenous people should have been consulted.

On Thursday the prime minister, Malcolm Turnbull, [confirmed the government](#) had rejected the proposal in a joint statement with Scullion and attorney general George Brandis after cabinet discussions describing it as “too radical” were [leaked to the media](#).

In a heated Senate estimates hearing, Scullion said the government had made a judgment call that the proposal of a constitutionally enshrined Indigenous voice to parliament “would not fly” and would potentially set back the reconciliation cause.

“We have given our view that reconciliation ... will go back a step if we just recklessly decide to test this option on the Australian people when our judgment is that it would fail,” he said.

Scullion said the government did not have any evidence and had not done any polling to support its decision, saying: “It’s not always about evidence, it is about the government’s judgment ... if this notion of a voice was put to a referendum it would certainly fail and that is the government’s judgment.”

He indicated the government was broadly supportive of other proposals put forward at [Uluru](#), such as the push for a Makarrata commission and some form of settlements.

He also said the council, which was established to report to Turnbull and the opposition leader, Bill Shorten, on the outcome of a series of national consultations on options for recognising Aboriginal and Torres Strait Islander peoples in the constitution, had failed to meet its terms of reference because it only recommended one option.

Scullion said [the final report of the council](#), which was handed down on 30 June, “departed severely” from the committee’s terms of reference.

“They significantly went off the rails in terms of what we expected,” he said. “Certainly my expectation was a bringing together of all the reports and some words to put to the Australian people.”

Scullion also suggested that the council should have consulted with non-Indigenous Australians, not just Aboriginal and Torres Strait Islander peoples, to ensure the proposal would have the support of all Australians.

“The task for the Referendum Council was to talk to Australia, to consult with Australia, and I think the Referendum Council’s view was that was speaking to Aboriginal and Torres Strait Islander people,” he said. “Speaking to 3% of the population when you are actually trying to deal with a national issue was part of the fail.”

He added: “There was very little work done with the mainstream, non-Indigenous part of the community. I’m not arguing whether it should or shouldn’t have been.”

The Referendum Council held 12 regional dialogues, each attended by more than 200 Aboriginal and Torres Strait Islander peoples, before the national convention of about 300 people at Uluru in May. It reported regularly to government throughout that process.

The convention produced the Uluru statement, which rejected “symbolic” recognition of the first peoples in the form of a declaration in the constitution, in favour of a constitutionally enshrined representative body called the Indigenous voice to parliament; and a Makarrata commission to negotiate treaties between Aboriginal and Torres Strait Islander peoples and Australian governments and work towards a truthful account of Australian history.

“You’ve asked the Aboriginal people of Australia what they wanted, they told you they wanted a voice, and you reject it,” Western Australian senator [Pat Dodson](#) said. “What a waste of time that is.”

Gayle Anderson from the Department of Prime Minister and Cabinet said the council did not meet the requirement to present “options for a referendum proposal, steps for finalising a proposal, and possible timing for a referendum”.

Anderson said that wording suggested multiple options for reform would be presented.

Scullion said he expected the council would build on the recommendations of the 2012 expert panel on Indigenous recognition and the 2015 joint parliamentary committee on Indigenous recognition.

“We were all very surprised when all of that was rejected and something outside of the terms of reference occurred,” he said.

Both those reports proposed, among other reforms, a statement formally recognising Aboriginal and Torres Strait Islander peoples in the constitution.

That model was rejected in a consensus statement from about 300 delegates at Uluru.

Scullion told the New South Wales senator Jenny McAllister that he did not undertake any consultations on the proposals in the Uluru statement other than a first meeting with the Referendum Council when it handed down its report in June, and a later on-country meeting at Garma.

McAllister said it was “extraordinarily disrespectful” not to conduct any consultation with Aboriginal and Torres Strait Islander peoples before making a submission to cabinet, the outcome of which was the rejection of the Uluru statement’s central proposal.

Scullion said the government would have spoken to the cross-parliamentary Indigenous committee before publicly dismissing the proposal, but the cabinet leak had prevented that.

The question of how to proceed on Indigenous recognition has been put back to a parliamentary joint select committee.

The draft terms of reference for that committee, proposed in a letter from Turnbull to Shorten on Thursday, are that it will consider the recommendations of the Referendum Council, the previous parliamentary joint select committee and the expert panel, and “work to recommend options for constitutional change which meet the expectations of Aboriginal and Torres Strait Islander peoples and can secure both bipartisan parliamentary support and the support of the Australian people”.

The Indigenous voice to parliament will be one of the options on the table, but Scullion would not say whether the government would be inclined to accept it if it was recommended by the committee.

Dodson said the request for a voice to parliament was about recognising both the “appalling history” of how Aboriginal and Torres Strait Islander peoples have been treated in Australia, and recognising the unique place of first nations peoples in Australian society.

“This [rejecting the voice to parliament] seems to say we deny this history, we deny this uniqueness, and really you have to meet this bipartisan test, and some other test, before we contemplate what your wishes are,” Dodson said. “And when you tell us what your wishes are, we’re not going to do that.”

Meanwhile, the Victorian government announced on Friday that it had established the Victorian Treaty Advancement Commission, which will support Aboriginal people in [negotiating a treaty with the state government](#).