

Turnbull's Uluru statement rejection is 'mean-spirited bastardry' – legal expert

PM has reportedly voted against embedding Indigenous voice to parliament in constitution, calling it 'too ambitious'



Rejecting the Uluru statement, Malcolm Turnbull reportedly suggested a return to symbolic recognition. Photograph: Paul Miller/AAP

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Senior Indigenous and legal voices have criticised [Malcolm Turnbull](#) for reportedly rejecting the Uluru statement in favour of a symbolic model of constitutional recognition, calling it “a despicable act of mean-spirited bastardry”.

News Corp [has reported that Turnbull voted against a submission](#) in favour of the Uluru statement recommendations, which include embedding an Indigenous voice to parliament in the constitution, at a cabinet meeting this week, saying a referendum proposing that change was “too ambitious” and would not get majority support.

He instead reportedly suggested a return to a symbolic recognition of Aboriginal and Torres Strait Islander people in Australia’s founding document.

News Corp said Turnbull was drawing on recommendations made by a [parliamentary joint select committee on constitutional recognition in 2015](#) but it is not clear whether he supported the other changes proposed in that report, which include a new constitutional provision prohibiting racial discrimination.

The cabinet submission was co-sponsored by the Indigenous affairs minister, Nigel Scullion, and the attorney general, George Brandis. A spokesperson for Scullion said he did not comment on cabinet discussions.

Turnbull is expected to make a formal statement on his government's position soon.

The Uluru statement was drafted following [a three-day summit of more than 300 Aboriginal and Torres Strait Islander community leaders and legal experts in May](#), following a year of consultation. The process was conducted by the Referendum Council, which was funded by the federal government to develop a model for constitutional recognition that had support from Aboriginal and Torres Strait Islander people, following opposition to the process being led by the Recognise campaign.

The overwhelming message of the summit was a [rejection of symbolic constitutional reform](#) in favour of a constitutionally enshrined voice to parliament, which would sit outside the parliamentary structure but provide advice and consultation on issues and legislation affecting Aboriginal and Torres Strait Islander people.

The Uluru statement also proposed establishing a Makarrata commission with a view to establishing a treaty, or treaties, between Indigenous people and Australian governments.

Sean Gordon, the chief executive of the Darkinjung Aboriginal Land Council and one of the main spokespeople in support of the Uluru statement proposals, said he was "extremely disappointed" by cabinet's rejection of the reforms.

"At a time when Indigenous people need governments and cabinet to lead, we end up with a bunch of followers," he said [on Twitter](#).

Dylan Lino, a law lecturer from the University of Western Australia and one of the legal experts who worked on the Referendum Council's proposals, said it was "a despicable act of mean-spirited bastardry".

Suzanne Thompson and Josie Crawshaw, the co-chairs of the Uluru Statement Working Group, which was formed after the dialogues to flesh out the proposals and continue gathering grassroots support, said they were surprised and disappointed by cabinet's reported rejection of the statement.

"The people have spoken," Thompson told Guardian Australia. "That is one of the things that is quite frustrating ... I am confident that it would get up through referendum. I think it's just fear-mongering."

Thompson said the working group was holding consultations next month to flesh out what the proposed voice to parliament might look like and said cabinet's reported rejection of the proposal was premature.

"He is making a decision on something that hasn't even been put up, it's just an idea," she said.

Crawshaw said the working group would continue the process it had begun in speaking to Aboriginal and Torres Strait Islander people and trying to get through to Turnbull.

"We are a patient people," Thompson said. "We have been waiting for over 200 years to be seen and heard in this country and wanting to be part of a document that was written for this country."

She said she and other Indigenous people “will be no voters” if Australia has a referendum on a symbolic form of constitutional recognition.

Symbolic recognition has already failed at referendum once, in 1999, when 60% of Australians voted against a preamble proposed by the Howard government. That was the same referendum that proposed a republic, an argument that Turnbull, who was then outside parliament and leading the pro-republican movement, lost.

One of the key opponents of the 1999 reforms, the constitutional conservative Julian Leeser, supports the Uluru statement proposal.

Leeser, now a backbench Liberal party MP, [spoke in parliament](#) in support of the proposed Uluru statement reforms, saying: “What [Indigenous people] are giving us instead is a direction, an important direction. They are telling us that they want to be consulted and have a voice in the way in which policy is developed, and consultation is good.”

Leading legal organisations, including the Law Council of Australia and the New South Wales Bar Association, also support the Uluru statement reforms.

In [a statement this week](#), the Law Council gave its “full and unqualified support” to the proposal of a voice to parliament, which its president, Fiona McLeod SC, said was “a necessary and important step towards Aboriginal and Torres Strait Islander peoples’ self-determination”.

Jane Needham SC, the former president of the NSW Bar, was among those who voiced their disappointment at cabinet’s reported rejection on social media on Thursday, saying: “Again, we are telling the Indigenous community ‘we know what’s best for you’. We don’t.”

The opposition leader, Bill Shorten, who [spoke in support of the Uluru statement reforms at the Garma festival](#), and the Western Australian senator Pat Dodson, released a joint statement saying the Turnbull government was “walking away from Indigenous recognition”.

“All of this indicates that Malcolm Turnbull is seeking to impose his own view of what recognition of First Nations people should be and does not seem willing to listen to First Australians about what recognition and reconciliation means to them,” the statement said.

The Greens’ Indigenous affairs spokeswoman, Rachel Siewert, said cabinet’s reported rejection of the proposal was “deeply distressing and disappointing”.

“This is a callous rejection of the Referendum Council’s recommendations, that was so unanimously supported by the First Nations’ delegates that met at Uluru and produced the Uluru Statement from the Heart,” Siewert said. “The Uluru Statement from the Heart was unanimous – a strong, clear voice – and it should not be ignored.”