

Malcolm Turnbull's treaty attack on Bill Shorten out of line and out of touch



June 14 2016

The nation's peak Indigenous bodies joined forces last week to deliver an historic plea for Aboriginal and Torres Strait Islander voices to be heard and respected in the election campaign.



Adding another element - a treaty - to the constitutional recognition process would see bipartisanship 'at risk', says Prime Minister Malcolm Turnbull. Vision ABC News.

Called the Redfern Statement, it laid out a plan to address the profound disadvantage of the most marginalised Australians and appealed to the parties to engage in discussion on it. It very nearly sank without trace.

Now Indigenous affairs has entered the campaign, but not in a good way, with Malcolm Turnbull accusing Bill Shorten of putting constitutional recognition of the first Australians at risk.

The two most emotive words in this fraught and contested space are "invasion" and "treaty" and both were raised when [Bill Shorten made his solo Q&A appearance on Monday night](#).

Shorten said little more than the obvious on the former, observing that, if he was an Aboriginal or Torres Strait Islander person, he would regard the arrival of the British as an invasion.

As Professor Megan Davis, director of the Indigenous Law Centre at the University of NSW, has noted, the key points here are not contested. "The British did not ask permission to settle. Aboriginal people did not consent and no one ceded. This is the source of disquiet. This is the grievance that must be addressed."

When it came to treaty, Shorten was more nuanced, but what he said was unremarkable. "Do I think that there should be a separate Aboriginal state?" he asked himself. "No.

"But do I think that we should have our first Australians mentioned in the national birth certificate, the constitution? Yes. Do I think we need to move beyond just constitutional

recognition to talking about what a post-constitutional recognition settlement with Indigenous people looks like? Yes I do."

"Could it look like a treaty?" asked host Tony Jones. "Yes," replied Shorten.

This was as much a statement of opinion as a reflection of the reality. Five years into the debate about recognition, the discussion among Indigenous Australians is as much about constitutional reform as it is about treaty.

In Victoria, a formal discussion on a treaty (or treaties) is underway, independent of the recognition debate. Across the country, starting in Broome, Indigenous conferences are about to debate both issues.

As Tanya Hosch, joint campaign director of Recognise, has observed: "For me and so many other Aboriginal and Torres Strait Islanders peoples who support treaty and constitutional recognition, we know that this is not an either/or choice."

Indeed, there is an inescapable logic to the proposition that you cannot have recognition without having a relationship, and you cannot have a relationship without having some form of understanding or settlement.

Underpinning Shorten's remarks was the admission that this country is not handling Aboriginal and Torres Strait Islander people well, an understatement, if ever there was one.

"I actually think it is a disgrace of some mammoth proportions that a young Aboriginal man in this country who's aged 18 is more likely to go to jail than to go to university," he said.

This could have segued into a non-partisan discussion about the Redfern Statement and the way forward on empowerment and reconciliation. It didn't. When Turnbull was asked about Shorten's remarks, he accused the Labor leader of being out of line.

"To introduce another element, a treaty, the terms of which is unknown, the nature of which is unknown, adds a level of uncertainty that puts at risk the constitutional recognition process," the Prime Minister declared, adding that Shorten should have been "more discipline and more focused".

No, Prime Minister. It was you who should have been more disciplined and more focused. It was you who risked politicising a question that should be above politics.