

# George Brandis issues warning over Labor's Indigenous treaty plan

Attorney general says plan would put at risk a 'meaningful but modest' change through constitutional recognition



*Attorney general George Brandis has warned against Labor's consideration of a treaty with Indigenous Australians. Photograph: Paul Miller/AAP*

[Paul Karp](#)

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The attorney general, George Brandis, has joined Malcolm Turnbull in warning that Labor's consideration of a treaty with [Indigenous Australians](#) puts at risk a "meaningful but modest" change in the form of constitutional recognition.

The government's warnings come despite numerous Indigenous leaders expressing support for both a treaty and constitutional recognition.

On Monday opposition leader, [Bill Shorten, said Labor would consider a treaty with Aboriginal Australians](#) alongside constitutional recognition, [something new Labor senator Pat Dodson raised at the beginning of the campaign.](#)

Turnbull rebuked Shorten, saying he "should have more discipline and more focus on ensuring we maintain support for constitutional recognition rather than introducing other concepts which will, in my view, undermine the prospects of getting the very high level of public support" needed to change the constitution.

Indigenous Advisory Council chairman, Warren Mundine, [told Sky on Tuesday he supports both treaties with the first nations and constitutional recognition.](#)

"A treaty is about uniting the nation," he said.

"Australia is probably the only country of the British Empire that hasn't signed off a treaty with its Indigenous owners, so I think it's something that's been missing and needs to be discussed."

Mundine said arranging treaties with different Indigenous nations were “not as hard as people think it is”, because native title and land rights agreements have already been signed with traditional owners and their elders already.

Earlier in June [Mundine said the Australian government can “chew gum and breathe at the same time”](#) and constitutional recognition and a treaty were complementary.

On Wednesday Stan Grant, Guardian Australia’s Indigenous affairs editor and a member of the government’s constitutional recognition referendum council, [stated his support for both a treaty and constitutional recognition](#).

“Aboriginal people though have made it clear that recognition and treaty must be things of substance. At the moment they exist as ideas yet to be fully realised. There is much discussion still ahead before any potential referendum,” said Grant.

Tony McAvoy SC, Australia’s first Indigenous senior counsel barrister, told Radio National constitutional recognition could lead into a treaty.

“The optimum model I think would be constitutional recognition which provided for an agreement-making process,” he said.

“What needs to happen is we need to have these discussions and until the comments of [Bill Shorten](#) on Q&A on Monday night we have not been able to get the discussion of treaty into the political debate at all, and if it has to happen in an election campaign then so be it.”

On Wednesday Brandis said he and Indigenous affairs minister Nigel Scullion had worked closely with the opposition and Recognition Council “to ensure we develop a proposal that is sufficiently meaningful, while at the same time sufficiently modest that it will command broad assent from the Australian people”, of both conservative and progressive disposition.

“You don’t get referendums passed unless there is a broad consensus in favour. I think it’s very regrettable that Mr Shorten ... has potentially put at risk our capacity to develop a broad community consensus.”

Mathias Cormann said the Coalition and Australia’s priority was constitutional recognition.

“By Bill Shorten, in our view, quite irresponsibly putting another dimension on the table before we have been able to cross that bridge and secure the change to the constitution that has bipartisan support, it does put that project at risk. We think that that is disappointing,” he said.

On Wednesday deputy Labor leader, Tanya Plibersek, told Radio National Shorten had shown a treaty and constitutional recognition were not mutually exclusive and recognition was “not the end of our reconciliation journey”.

“It’s very important to say constitutional recognition is one step along many to a future where Indigenous and non Indigenous Australians are truly reconciled.”

Plibersek said Labor and the government could work in a bipartisan way on recognition without having settled the question of a treaty. “I think saying that constitutional recognition is not the final step ... means that both things are in prospect in the future.”

Shorten said: “I am up for the conversation on a treaty, absolutely, but what I’m not going to do is impose paternalistic top-down solutions.”

“I, for one, am not going to tell Aboriginal and Torres Strait Islander people what they’re allowed to talk about, what they’re allowed to put on the agenda.”