



Fraser minister critical of Turnbull's rejection of indigenous voice



Former Aboriginal affairs minister Fred Chaney.

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- Rick Morton

Malcolm Turnbull and his government, in their swift rejection of a proposed indigenous voice to parliament, have either “misunderstood or misrepresented” the idea in a way that tried to “turn the clock backward,” the former Aboriginal affairs minister Fred Chaney said.

Mr Chaney, a minister in the Fraser government and a deputy leader of the Liberal Party, said there was “confusion” in the government’s response to the Referendum Council’s recommendations on constitutional recognition. “I found the government’s response very troubling because it talked about equal citizenship, an idea this nation has already addressed with a previous referendum and full legal citizenship,” he said.

Speaking particularly about an indigenous body that would act as a “voice” to parliament — something some Coalition MPs dismissed as a “third chamber of parliament” — Mr Chaney said it was a “generous” concession to constitutional conservatives.

“Through this whole process, Aboriginal people have removed the logs in the path, this idea that there would be a bill of rights, that it would disturb the balance between the parliament and the courts, all of these things have been removed,” he said.

“All we are asking is for the specific existence and survival of Aboriginal people to be acknowledged. We essentially tried to annihilate them, to wipe their culture and language from the country, and they survived. It is a heroic story. This is a very gentle proposal ... which would allow Aboriginal people to be heard on legislation that affects them.”

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University of NSW professor of law and constitutional lawyer Megan Davis, who is also a Referendum Council member, said there had been a “fundamental misunderstanding” of the issue in government. “It is bewildering to many involved in the first indigenous constitutional deliberative process since Australia’s nationhood that a deeply complex and sophisticated pathway forward was rejected outright — not so much on very thinly veiled political calculations, because that’s to be expected, but on the basis of poor, fallacious legal analysis,” Professor Davis said.

“The Voice to the Parliament is utterly consistent with liberal democratic norms. To characterise (it) as a third chamber and a veto when the Voice is neither of these things, raises serious questions about the quality of Australian governance.”

Mr Chaney conceded Australians have a “strong, instinctive assimilationist bent” that helped bring equality to indigenous people decades ago but has made it easy to muddy the waters on recognition. “The proposal is not talking about some fearful future possibility, these are things happening now,” he said.

“That is why there is a certain puzzlement on the part of Aboriginal people who have worked so hard on this process. The government is either misunderstanding or misrepresenting this. The idea that Aboriginal people had property rights was settled with Mabo, essentially, and these were not destroyed by the running up of a flag. That is actually the status quo.

“So any recognition that falls short of that is to try to move the clock backward, not forward.”