

'It's all or nothing' on Uluru statement

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The pushback against Malcolm Turnbull's dismissal of indigenous constitutional recognition has begun in earnest, with Referendum Council co-chair Mark Leibler telling a parliamentary committee there are only two options — either abandon efforts altogether or fully adopt the Uluru Statement from the Heart's recommendations.

Mr Leibler said the proposal for an indigenous "voice" to parliament — ridiculed by the Prime Minister in October as a "radical change" — was "a far more modest, reasonable and achievable option than any other that has emerged over the last decade".

It also had the advantage of according with the wishes of Aboriginal and Torres Strait Islander people, he told the committee.

The joint select committee is co-chaired by Liberal MP Julian Leeser, a constitutional lawyer who has previously supported the voice to parliament, and Labor senator Pat Dodson, who last year described Mr Turnbull's dismissal of it as "a real kick in the guts".

Addressing Mr Turnbull's claim that the voice would "inevitably be seen as a third chamber of parliament", Mr Leibler said this was "misconceived" and it was "imperative that this myth be dispelled once and for all" to build support for a successful referendum.

"Proponents ... including vastly experienced lawyers from different ends of the political spectrum, have also emphasised that because it will be up to the parliament to determine the roles, composition and powers of the advisory body, there is no risk whatsoever that it would undermine current parliamentary processes," he said.

"It would create the opportunity for a dialogue with parliament but leave parliamentary sovereignty completely and utterly undiminished."

He also dismissed Mr Turnbull's suggestion the advisory body would create a special category of citizenship for indigenous Australians, saying there was already a "unique place and constitutional position" for Aboriginal and Torres Strait Islanders.

The fact there was provision in the Constitution to make "special laws" for indigenous Australians meant there was compelling force for that distinct power to be "coupled with the opportunity and authority to seek to influence how that power is used".

He predicted that Australian civil society would not view this as favouritism, "unless of course that is the way the politicians choose to frame it".

The Referendum Council's nationwide consultation process was the first in several attempts at defining indigenous constitutional recognition over more than a decade to widely consult with indigenous Australians.

Mr Leibler said that given no one had questioned the legitimacy of this exercise, and that Mr Leeser had said the joint committee would not repeat it, the only two options were either to recommend the parliament not proceed "at this time", or adopt the model proposed in the Uluru Statement from the Heart. "I sincerely believe the second option is the only viable option for the committee, for the federal parliament and for the sake of the whole nation," he said.

The committee will report by the end of November.