



Uluru Central Australia
- Is it now dividing our country?

SUMMARY

The Voice referendum is arguably the most important of any since Federation and has the clear potential to permanently split the nation instead of bringing it together, whichever the result. In fact, one must question the motives behind having this referendum at all, given the detrimental effect either way. *Sleeping dogs should have been left to lie.*

Its gestation has been since and based on the Uluru Statement from the Heart in 2017. However, the Uluru Statement is not an innocuous document. It harbours a future of exactly what its advocates and activists say it does – the Voice, treaty, truth – which, as he has often said, the PM would implement in full, given a successful referendum.

So far, the Yes case being made by the PM, the Labor government, the representatives of the ATSI peoples and other major proponent bodies have been based 100 percent on emotional appeal, as the ‘right thing to do’, on the ‘vibe’ of it all, rather than to advance concrete examples of how an enshrined Voice would make any significant improvement to the lives of aborigines living in poverty and distress in remote communities. Note that there is a reported \$30 billion a year going into the ATSI communities somewhere, including a 1,300-person government organisation (the NIAA) under the Minister for Indigenous Australians, apparently with little effect on closing the so-called ‘gap’ in ATSI well-being. So why is a Voice in the Constitution needed when several already exist – at great expense? It does not make sense!

On the other hand, the No case addresses the many, most probable, serious ramifications of the Voice should it succeed, as currently worded for the referendum. In particular, it addresses the two crucial points at the centre of the debate that must be thoroughly aired in the weeks ahead:

First, that a successful referendum would give the Voice the right to make representation to all levels of executive government (from the Governor-General down), as well as to all components of Parliament (including the Cabinet); and,

Second, that representation could be on any matter before Government, or even after legislation, and not just on those matters affecting only ATSI persons.

The potential for governmental and judicial bedlam and frustration is enormous as well as the massive cost of a bureaucracy and attendant infrastructure that would be needed to support the Voice with its representations. A third major concern of the Voice succeeding could well be initial actions by the Voice to appoint sympathetic people to critical government and judicial positions.

Yet critics of the No campaign continually accuse it of running a ‘scare’ campaign. *Pot calling the kettle black?*

Much water has passed under the bridge over the past 12 months or so concerning the Voice, i.e., the embodiment of the Uluru statement from the Heart. The debate has already turned nasty and divisive.

The Labor Government, headed by an ambitious PM, has been most unethical and quite undemocratic in its promotion of the referendum, in discriminating against the No vote, in any way that it can, and counting on the un-questioning support and continuing good will of the populace for the new Labor Government, in:

- initially not permitting tax deductions made to the No campaign, refusing to issue Yes and No pamphlets and refusing to release the Solicitor- General's opinion on the Voice– but relenting under public and media pressure;
- contrary to previous practice, refusing to equally fund the Yes and No cases – leaving it to grossly lopsided public donations;
- contrary to previous practice, ruling out a constitutional convention to debate the wording of the referendum question, in leaving it to various hand-picked groups to advise;
- by endorsing the Australian Electoral Commission's (AEC) decision to permit ticks as valid votes by Yes voters but making invalid the use of crosses by No voters, but not a word about ticks and crosses in the Referendum Booklet or the ballot paper; and
- to top it off, asking a single referendum question that implies that the referendum is only about recognition of ATSI peoples in the Constitution, quite contrary to the second and third parts of the proposed wording for the Constitution, dealing with implementation of a Voice.

This is exemplified by the single question

“A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?”

No other information will be provided on the ballot paper. The question is misleading by deliberate omission. Note well that this question reflects only Section 129 (i) of the three parts of the proposed Constitutional amendment. Unfortunately (but counted on by the Yes proponents), a great many voters will simply read this as “*Do you agree with recognition of aborigines in the Constitution*”, in complete ignorance of the ramifications.

Irrespective of political proclivities, the PM's approach does not or should not pass the 'pub test'. As has been said “*The standard you walk past is the standard you accept!*”

Regardless, the PM is pushing ahead on the “vibe,” aided and abetted by the left-wing media, by many big business organisations and sporting bodies. *Except, on 7 September 2023, the AFL withdrew its support and became neutral.* The Yes campaign continues to promote its emotional campaign of “the right thing to do” and simply ignores continual criticism for not disclosing how the Voice would operate. It simply dismisses the arguments of the No case in saying that there is “*nothing to worry about, nothing to see here*” and that fears that the Voice would be justiciable (subject to lawfare) are completely unfounded.

It is telling also that the PM ignores opposition to the Voice by some ATSI groups and their spokespersons, for example, the Minister for Indigenous Australians, Linda Burney, and the PM refusing to meet with a full-blooded representative group from the Northern Territory.

In short, the PM and Yes proponents are asking voters to ‘buy a pig in a poke’ – to trust this government.

One may correctly ask what right big business, sporting bodies and Government-funded organisations have to use share-holder, members and taxpayer funds to push the Yes barrow. One must ask, what is in it for them – certainly not to help the disadvantaged ATSI peoples.?

The Opposition parties and the No proponents have attempted to lay bare the serious ramifications of a successful referendum. The No case pamphlet concludes by saying “*If you don't know, vote No.*”

The acid test

The acid test is whether an enshrined Voice would make any difference to 'closing the gap'. The answer is a clear no, given that the means already exist in the NIAA and its 1,300 staff under Minister Burney's control, with a charter that reads exactly like what that of a Voice would look like.

In simple terms, the need for a Voice entrenched in the Constitution is not needed and, at best, is highly questionable.

M.R. Flint, Canberra, 11 September 2023