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Both cases have been published on the AEC website pending typesetting and without amendment.

REASONS TO VOTE NO – A SUMMARY

This Referendum is not simply about “recognition”. This Voice proposal goes much further.

If passed, it would represent the biggest change to our Constitution in our history.

It is legally risky, with unknown consequences. It would be divisive and permanent.

If you don’t know, vote no.

RISKY

We all want to help Indigenous Australians in disadvantaged communities. However, this Voice is not the answer and presents a real risk to our system of government.

This Voice specifically covers all areas of “Executive Government”. This means no issue is beyond its reach.

The High Court would ultimately determine its powers, not the Parliament.

It risks legal challenges, delays and dysfunctional government.

UNKNOWN

No details have been provided on how members of the Voice would be chosen or how it would operate. Australians are being asked to vote first before these details are worked out.

Australians should have details before the vote, not after.

We don’t know how it will work, we don’t know who will be on it, but we do know it will permanently divide us as Australians.

Some Voice supporters say this would just be a first step to reparations and compensation and other radical changes. So, what would come next?

DIVISIVE

Enshrining a Voice in the Constitution for only one group of Australians means permanently dividing our country.

It creates different classes of citizenship through an unknown body that has the full force of the Constitution behind it. Many Indigenous Australians do not support this.

PERMANENT

Putting a Voice in the Constitution means it’s permanent. We will be stuck with negative consequences.

The content of this argument (which can be viewed at aec.gov.au/referendums/pamphlet.htm) was authorised by a majority of those members of Parliament who voted against the proposed law and desired to forward such a case. This text has been published without amendment by the Electoral Commissioner.

TEN REASONS TO VOTE NO

1. THIS VOICE IS LEGALLY RISKY

Australia's Constitution is our most important legal document. Every word can be open to interpretation.

Australia hasn't changed its Constitution since 1977. **This would be the biggest change to our democracy in Australia's history.**

It is a leap into the unknown. This Voice has not been road tested. There is no comparable constitutional body like this anywhere in the world.

Enshrining a Voice in the Constitution means it is open to legal challenge and interpretation by the High Court.

Legal experts don't agree, and can't know for sure, how the High Court will interpret such a constitutional change.

"I would foresee a decade or more of constitutional and administrative law litigation arising out of a voice..."

*(Jan Callinan AC KC, former High Court Judge)*¹

This opens a legal can of worms.

2. THERE ARE NO DETAILS

This is a big decision. However, **the Government won't reveal key details before the vote.**

We don't know how it will help disadvantaged communities and close the gap.

We don't know how many members this Voice would have.

We don't know if they would be elected or chosen, or how this would occur.

We don't know how it would make representations or be held accountable.

These details would only be worked through after Australians have voted.

According to the Yes campaign, it "*doesn't make sense*" to have details before the vote:

"It doesn't make any sense to do that detailed consultation until we have the support of the Australian people to change the constitution."

(Yes23 Brochure)

¹ The Australian, 17/12/2022

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This is the wrong way around.

You wouldn't buy a house without inspecting it or a car without test driving it.

Yet you are being asked to vote to change our Constitution without details.

Australians shouldn't be asked to sign a blank cheque.

“How can Australians possibly agree to something where we don't know the detail?”
(Senator Kerryanne Liddle, Shadow Minister for Child Protection and the Prevention of Family Violence and Arrente woman)

3. IT DIVIDES US

Enshrining in our Constitution a body for only one group of Australians means permanently dividing Australians. Many Indigenous Australians do not agree with this.

“**This Voice will not unite us, it will divide us by race.**”
(Senator Jacinta Nampijinpa Price, Shadow Minister for Indigenous Australians and Warlpiri woman)

This goes against a key principle of our democratic system, that all Australians are equal before the law.

“The inclusion of the proposed s 129 would mean that we become a nation where, whenever we or our ancestors first came to this country, we are not all equal.”
*(David Jackson AM KC, former Federal Court Judge)*²

Our Constitution belongs to all Australians. Our Parliament is there to represent all Australians. It now includes a record 11 Indigenous Members and Senators.

Our national anthem was recently changed to reflect the fact we are “one and free”.

By contrast, this Voice would permanently divide Australians, in law and spirit.

“We're all Australians. And that's the way it should end up. It shouldn't be divided by this so-called Voice which is going to split this country right down the centre.”
(Ian Conway, Central Arrente Senior Custodian)

4. IT WON'T HELP INDIGENOUS AUSTRALIANS

We all want to help Indigenous Australians in disadvantaged communities, to close the gap and achieve reconciliation.

However, more bureaucracy is not the answer.

² Parliamentary Inquiry Submission, 11/04/2023

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There are currently hundreds of Indigenous representative bodies at all levels of government, along with the National Indigenous Australians Agency, which has 1,400 staff.

A centralised Voice risks overlooking the needs of regional and remote communities.

“A national voice cannot speak for country.”

(Nyunggai Warren Mundine AO, Australians for Unity board member and Bundjalung man)

Right now, many voices are crying out for help in tackling devastating social problems in some remote communities. What’s needed is action.

“What we need in Canberra is ears, not a Voice.”

(Senator Jacinta Nampijinpa Price, Shadow Minister for Indigenous Australians and Warlpiri woman)

5. NO ISSUE IS BEYOND ITS SCOPE

This Voice model isn’t just to the Parliament, it goes much further – to all areas of “Executive Government”. **That includes all government departments, agencies and other bodies (like the Reserve Bank).**

Decisions in relation to the economy, national security, infrastructure, health, education and more, would all be within its scope.

In the words of a member of the Government’s Referendum Working Group:

“The voice will be able to speak to all parts of the government, including the cabinet, ministers, public servants, and independent statutory offices and agencies – such as the Reserve Bank...It can’t shut the voice up.”

*(Professors Megan Davis and Gabrielle Appleby)*³

In the words of a constitutional law professor who supports the Voice:

“I think it’s fatally flawed because what it does is retain the full range of review of executive action. This means the Voice can comment on everything from submarines to parking tickets...We will have regular judicial interventions.”

*(Professor Greg Craven AO)*⁴

Many legal experts have expressed concern about its scope, however their concerns have simply been overlooked.

³ The Australian, 1/4/2023

⁴ Daily Mail, 24/3/2023

6. IT RISKS DELAYS AND DYSFUNCTION

The Australian Parliament deals with hundreds of pieces of legislation a year.

This Voice's scope goes beyond Parliament, covering departments, agencies and all areas of "Executive Government".

How would the Voice handle this?

If the Voice is not satisfied with the way it has been consulted, or a decision that is made, it could appeal to the courts. How long would this take?

Many legal experts have warned this would cause considerable delays in decision making.

"The Voice will almost certainly become a lightning rod for protracted debate about a vast array of current issues. Nearly every matter of current concern on the national agenda will be seen as having an Indigenous component of some kind."

*(Nicholas Hasluck AM KC, former WA Supreme Court Judge)*⁵

The risk of legal appeals and delays means a risk of dysfunctional government.

That is not good for Australia.

7. IT OPENS THE DOOR FOR ACTIVISTS

The legal uncertainty and the absence of details raises the question: what comes next?

Some Voice supporters are upfront in saying this Voice will be a first step to reparations and compensation and other radical changes.

"This is the first step, it's a vital step and it puts all the explanation behind it. 'Pay the Rent' for example, how do we do that in a way that is transparent and that actually sees reparations and compensation to Aboriginal and Torres Strait Islander people...?"

*(Thomas Mayo, Referendum Working Group)*⁶

The Uluru Statement from the Heart says a Voice is a first step, before a treaty and truth telling.

By definition, a treaty is an agreement between governments, not between one group of citizens and its government.

A member of the Government's Referendum Working Group has described "truth" as "leverage" to lead to "the abolishment of the old colonial institutions".

⁵ Parliamentary Inquiry Submission, 16/4/2023

⁶ SEARCH Foundation speech, 12/2/2020

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“It is a way to further what we need for our people in any negotiations for treaties and for other things like legislation, reform and abolishment of the institutions, the old colonial institutions that harm us.”

*(Thomas Mayo, Referendum Working Group)*⁷

Already, many activists are campaigning to **abolish Australia Day, change our flag and other institutions and symbols** important to Australians.

“It’s always been #abolishAustraliaDay, changing the date is a cop out.”

*(Teela Reid, Referendum Engagement Group)*⁸

If there is a constitutionally enshrined Voice, these calls would grow louder.

“Australians need to understand that the Voice will be used to support the demands for recognition of coexisting sovereignty, a Makarrata commission designed to produce a treaty and monetary compensation, and a rewriting of Australian history...

The potential for great irremediable harm to Australian society means the voice should never be incorporated into the Australian constitution...”

*(Terence Cole AO RFD KC, former NSW Supreme Court Judge)*⁹

8. IT WILL BE COSTLY AND BUREAUCRATIC

We don’t know how much additional funding would be allocated to this Voice.

That’s another detail that would only be determined after the referendum.

There are currently hundreds of Aboriginal and Torres Strait Islander representative bodies at all levels of government.

This year, the Government has allocated \$4.3 billion for the National Indigenous Australians Agency, which has 1,400 staff.

This Agency’s website and corporate plan says: “We... ensure Aboriginal and Torres Strait Islander peoples have a say in the decisions that affect them.”

There is no suggestion this Voice will replace any of these. It will operate as one bureaucracy among many.

⁷ SEARCH Foundation speech, 12/2/2020

⁸ Twitter, 24/1/2023

⁹ Spectator Australia, 6/4/2023; Parliamentary Inquiry Submission, 19/4/2023

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9. THIS VOICE WILL BE PERMANENT

This Voice is not a trial or pilot program. It will not be in legislation that can be reversed.

Once it is in the Constitution it won't be undone.

Once the High Court makes an interpretation, Parliament can't overrule it.

We will be stuck with the negative consequences forever.

10. THERE ARE BETTER WAYS FORWARD

This referendum is not about simply recognising Indigenous Australians in the Constitution.

That can be achieved without tying it to a risky, unknown and permanent Voice.

Recognition has the widespread support of Australians. However, this Voice proposal is the problem.

There are many Australians who oppose a Voice on principle.

Others might be willing to consider a less risky Voice option, but the Government has not given you this choice.

When previous changes to the Constitution have been proposed, there has been a Constitutional Convention to properly consider options and details.

No such process happened here. This process was rushed and heavy-handed.

This approach isn't unifying, or effective. It's divisive.

THIS DECISION IS YOURS

This is a very important decision. Unfortunately, the legitimate questions and concerns of many Australians have been dismissed.

Fortunately, this referendum won't be decided by politicians, corporations or celebrities.

It will be decided by every Australian. It affects every Australian.

If you don't know, vote no.

MORE INFORMATION

For information and updates go to:

- www.riskyvoice.com
- www.oneandfree.au
- www.australiansforunity.com.au

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