

COVER STORY

NYUNGGAÏ WARREN MUNDINE: WHY SAY ‘NO’ TO THE VOICE

Report by Patrick J. Byrne

PRECEDE

At the end of July, leading member of the Voice “No” case Nyunggai Warren Mundine AO addressed a public meeting of over 350 people in Wodonga organised by the National Civic Council.

One of 11 children, Mundine is a member of the Bundjalung, Gumbaynggirr and Yuin peoples. After graduating from the South Australian Institute of Technology, he worked in the New South Wales public service. He became deputy mayor of Dubbo, a candidate for ALP in state and federal elections, and President of the ALP in 2005.

After leaving the ALP, he chaired the Indigenous Advisory Council under the Abbott government and was the Liberal candidate for the seat of Gilmore.

He has been involved with Andrew Forrest’s Pilbara Mining Indigenous charity Generation One, and co-hosted a 12-part television program on successful Indigenous Australians in business.

He’s had an impressive business history. He’s been chairman of the Australian Indigenous Education Foundation, the Australian Indigenous Chamber of Commerce, the Conservative Political Action Conference Australia and CEO of NTSCORP Ltd, which is a native title service provider for Aboriginal traditional owners in New South Wales and the Australian Capital Territory.

INTRODUCTORY PARS

Patrick J. Byrne, former NCC national president and member of the NCC’s Senior Advisory Council, welcomed Mr Mundine, acknowledging “the traditional custodians of the land on which we meet today, the Indigenous people, and pay our respects to elders past, present and emerging.”

Deputy Leader of the Opposition and member for Farrer Sussan Ley also addressed the meeting. National Party senator Bridget McKenzie, Justin Clancy MLA for Albury in the NSW Parliament and Annabelle Cleeland, member for Euroa in the Victorian Parliament sent apologies.

Mr Byrne pointed out that the NCC’s sister political organisation from 1955, the Democratic Labour Party, was the first political party to call for the abolition of the White Australia Policy and in 1967 strongly and unreservedly supported the Aboriginal land rights referendum.

Mr Byrne said that, as Paul Santamaria KC recently acknowledged in *News Weekly*, in Australia there is a deep, deep reservoir of goodwill within the community about redressing past injustices and improving the dreadful *status quo* of many Indigenous communities and wanting to bring about a future in which we see Indigenous Australians performing leadership and mentoring roles in medicine, science, law, engineering, and maths and their extraordinary contributions to the community in sport, music and the arts generally.

THE MUNDINE FAMILY

Mr Mundine said there was both sadness and hope about the Voice Referendum. Polling is in the high 90s for recognition and reconciliation and nearly 100 per cent of the Australian public want to see practical outcomes – Indigenous “people moving from unemployment to work, safe communities, health and education”.

At the same time, Australians “don’t know about the Voice, they don’t trust the Government and they really don’t trust that this Voice is going to [deliver] practical outcomes”.

Illustrating what he meant by “practical outcomes”, Mr Mundine drew on his own family history. His parents had limited education, but they saw that “to work and be educated opened the door to a better life and they were very strong believers and had a work ethic”.

“They didn’t want us to be victims,” he emphasised.

He described how his mother taught him strong life skills while his father gave him a strong work ethic. “When the alarm clock goes off, you have a wash, put your clothes on and go to work. You’ve got to be resilient. And you’ve got to be focused on what you want to achieve that will aid the measure of a person. He believed that working was a virtue.”

It was necessary to save money, have a house for the family and to pay for the kids’ education. “That’s how we thought about things.”

After returning from World War II, an Australian Workers Union delegate managed to obtain equal pay for his father with other non-Indigenous workers. That laid the grounds for him and his wife to buy a house in South Grafton in 1947, which was very rare for an Aboriginal person in those days, and for educating their children.

He described how this “gave us a sense of purpose, a sense of security, a sense of ownership. It really empowered my parents.”

He said that one of his delightful memories as a child was welfare officers coming to check on the state of the house and the children. His mother responded by taking a broom and chasing the officers out of the house saying, “We own this house. This is our house and you can’t come in here without our permission.”

His parents were strong Catholics and the Mundine children were able to attend the local Catholic school.

DEBUNKING MYTHS

Mr Mundine said that the 1967 referendum was not about giving Indigenous people voting rights. “Aboriginal people had voting rights already.” That was achieved at the federal level by the Menzies government in 1962, which forced Queensland and Western Australia also to grant voting rights. In the rest of Australia, Aboriginals already had voting rights.

CORRECTING RECEIVED BELIEFS

According to the [National Museum](#), in the 1850s under the constitutions of Victoria, New South Wales and South Australia, Aboriginal men had the same right to vote as other male British subjects aged over 21. In 1895, South Australia extended voting rights to women, including Aboriginal women. In 1896, Tasmania granted Aboriginal men the franchise.

The [Commonwealth Franchise Act 1902](#) granted men and women of all states the right to vote. Indigenous people were excluded unless they already had the right to vote before 1901. The *Commonwealth Electoral Act 1962* granted all Aboriginal and Torres Strait Islander people the option to enrol and vote in federal elections. Enrolment became compulsory for Indigenous adults in 1984.

Interestingly, South Australia had given voting rights to women and men in the 1800s, including Aboriginal men and women. “We found polling booths on Aboriginal reserves in South Australia, where men and women voted.” Under the Commonwealth Constitution, if people have voting rights in a state, they should also vote in federal elections.

This led to other states granting women the vote equal with men after 1901.

Nor was the 1967 referendum about citizenship, Mr Mundine said. “We had citizenship. But we were second-class citizens because the federal government couldn’t make laws about Aboriginals” while there were discriminatory laws at the state level, like the New South Wales *Aboriginal Protection Act*.

He said that 1967 was about ending segregation, “about all Australian citizens being treated equally and having equal opportunities.” He said that within four to five years of that referendum, all state and territory racial discriminatory laws and restrictions had “disappeared”.

Then, from 1968, Aboriginal studies opened up education opportunities for Aboriginal children. Today there are thousands of Aboriginals in universities. “We have professors of surgery, professors of law, professors of medicine.”

A whole wide range of laws to advance Aboriginal education and opportunities have been put in place. The establishment of Aboriginal medical and legal services began after that time, “to help Aboriginals be able to take up the full opportunities of citizens and citizenship.” Then Aboriginals like Neville Bonner were elected to Parliament.

Mr Mundine said that he wanted to dispel the myth that Aboriginals and Torres Straits Islanders had no voice. He provided an extensive list of about 25 major Indigenous organisations that had been established to advise the federal and state governments on Indigenous issues.

These have included the National Aboriginal Consultative Committee, the Aboriginal Development Commission, the Aboriginal Torres Strait Islander Commission, National Indigenous Council, the National Congress of Australia’s People, “all set up to advise government about Aboriginal Affairs”.

“In fact, today we’ve got the Coalition of the Peaks [comprised of approximately 50 Aboriginal and Torres Strait Islander community-controlled peak organisations], which sits at the national cabinet of the Prime Minister and the premiers and chief ministers. Then there are all the state and territory things that are happening. So, we’ve had a voice, no doubt about it.”

Mr Mundine quipped: “When I go to Canberra, quite often I’m tripping over the representatives of education groups or representatives of health groups or representatives of business groups or representatives of land councils and everything.”

He countered the view that nothing has changed for Indigenous Australians. Emphasising the progress made, Mr Mundine said that today there are about 700 Aboriginal doctors and about 700 lawyers. Aboriginal people sit on some state Supreme Courts, there are 11 federal parliamentarians and eight state parliamentarians around the country.

In sport, Aboriginals make up 10 to 12 per cent of players in the AFL and in the National Rugby League. “There is 42.3 per cent of home ownership in Aboriginal communities, still very low, but it’s a lot better than when my parents were around,” he said.

To this he added, we have Reconciliation Action Plans in every corporation in Australia, which is helping achieve results and getting Aboriginals into employment.

And the biggest one of all, there are no discriminatory laws. “You can’t name a discriminatory law against anyone in this country.”

IT’S ABOUT ACTIONS, NOT THE CONSTITUTION

Citizenship: Why the call for recognition in the Constitution? “This is one thing I can’t get in my head,” Mr Mundine said. “As citizens, we are in the constitution already.”

“We fought for equality. We got it. Yes. We have the same rights and opportunities as every other citizen. The problem is there are still some people who are really lagging behind.”

Hence: “The issue isn’t about constitutional recognition, or about a voice, it is about actions.”

Housing: Mr Mundine said that some of these communities where Aboriginals are suffering possess land under Land Councils, the *Native Title Act* and purchases. “Fifty-five per cent of Australia’s landmass is under Aboriginal and Torres Strait Islander people. In the next 10 years, it is probably going to be 70 per cent.”

But there is the bizarre situation that, because these lands are collectively owned, Indigenous people cannot own their own home, Mr Mundine said.

“There are about 7,000 Aboriginals in the mining industry earning \$150,000-\$200,000, but they can’t own their own home. So, who builds the homes? All of us, the taxpayers. It is a crazy situation.”

“In 2018, when I was advising Prime Minister Malcolm Turnbull, and previously, Tony Abbott, we tweaked those laws to make it possible for Aboriginal people to own their own homes on 99-year leases. We wanted businesses to be able to be set up, investment to happen and people to own their own homes, to get the same opportunities my parents and others got.”

But that legislation was later revoked. “The Land Councils campaigned against it because they didn’t have any control over it.”

Culture: Mr Mundine is chairman of a mining and exploration company that owns three mines. As traditional owners administer 55 per cent of Australia, “we cannot do anything

without consulting, without negotiating, without talking to the traditional owners and then coming to an agreement. That is a voice. That is a powerful voice.”

This voice is working “because a lot of those Aboriginal communities, despite what some people think in Melbourne and Sydney, like mining”.

Again, there are “7,000 Aboriginals in mining, 2,000 Aboriginal businesses working in mining; \$4 billion worth of industry for Aboriginal people. They want economic development and they want things to happen for them and their kids and their future.”

Language: “Dying or nearly dead languages are making a comeback in New South Wales. We’ve got 5,000 Aboriginals in schools learning their own language, just like people who are Croatian background learning Croatian. So, that’s making a massive comeback.”

Aboriginal history: “Aboriginal studies is a big issue”, with Aboriginal studies and history being taught widely in schools. “So, that’s all being taken care of and happening at the moment,” Mr Mundine said.

Aboriginals and the Voice: “There’s a claim that 80 per cent of Indigenous people support the voice. This is a myth; It’s based on two polls of 373 and 738 people.” He said that a GetUp poll found that “45 per cent of Indigenous people haven’t even heard of it. And 20 per cent are voting ‘No’.”

“That matches up with the experience we’ve had in Aboriginal communities, as a vast majority of people have never heard of the Voice; or, if they have heard of the Voice, like us, asking, what is it? and we don’t know how it’s going to help us. So, I dismiss those polls,” Mr Mundine said.

The Uluru Statement: Mr Mundine was critical of the Statement, explaining it was based on 12 dialogues of 100 people, of whom only 60 per cent were Indigenous. In the contributions to the Indigenous Voice report by Professors Tom Calma and Marcia Langton, “80 per cent of the surveys, 90 per cent of individual submissions were from non-Indigenous people. And a lot of them didn’t talk about a Voice.”

“They actually say in the Calma-Langton report that they did that because they wanted consensus. It’s like the Chinese People’s National Congress, they only pick the people that help them to have consensus.”

The scope of the Voice: Mr Mundine said that the Voice was not just some benign gesture, but involved far-reaching constitutional, political and policy matters. He was critical of Prime Minister Anthony Albanese one day referring to it as being a good gesture then, the next day saying it’s about everything. He made the same criticism of particular people – Marcia Langton, Noel Pearson and Professor Megan Davis – leading the “Yes” campaign. “One day they say one thing and then they say a different thing tomorrow,” he said.

The Constitution: Mr Mundine was highly critical of writing a Voice to Parliament in the Australian Constitution because of the legal mire it will create. “Most people agree that, if it’s in the Constitution, the High Court will make the decisions about what’s going to be done. And no one can stop that from happening, because that’s the High Court’s prerogative. They’re the ones who interpret the Constitution, no one else can. They will interpret it.”

Undermines traditional owner authority: Mr Mundine emphasised that “in our culture, you cannot speak for someone else’s country. I’m a Bundjalung, so, I can’t speak for the Yorta Yorta country. Only the Yorta Yorta people can speak for the Yorta Yorta country. So, this idea that you can speak for someone else’s country just doesn’t work in our culture.”

He pointed to a map showing the hundreds of Aboriginal tribes, clans and peoples across the Australian continent and asked the big question: “How are three people elected in each state going to represent the array of Aboriginal groups, when a person from one group cannot represent and speak for people from other tribes, clans, groups?”

“Yet this is what the Calma-Langton report wants. I can’t see that it’s going to happen.”

He warned that such a structure will “undermine traditional owner authority” and be open to political influence. He is “worried that the Greens or some other people, third parties” will overly influence the Voice to Parliament and get what they want, while undermining what Aboriginal communities on the ground want.

Massive bureaucracy: He said the Calma-Langton design is “going to be a bureaucratic nightmare. Then we’ve got to hire a whole group of people to advise and administer this thing.” It is going to be a huge and costly bureaucracy, he said.

Reversing the 1967 referendum: Mr Mundine lamented that “the Voice reverses the vision of the 1967 referendum, which was about economic participation, financial independence and self-determination, equality, with no one citizen better than another citizen, and focus on jobs and education, social stability and practical change.

“The Voice is about bureaucratic oversight, centralised government dependence, segregation; again, we’re segregating Aboriginals away from the rest of Australia, with the mindset focus on grievance, historical wrongs and identity politics.

“My little saying is no country in the world has had a good beginning. They had revolutions, invasions, colonisation and everything like that. My thing is, it’s not about that history, because it’s just fact, we’ve just got to live with that.

“It’s about how do we have a vision for now and the future? What are we going to do as a nation and where are we going ahead as a nation?”

“On that standard, we have a multi-ethnic, multicultural, multifaith country. We even have atheists in this country.

“We’ve brought all these people together in this country. Perfect? No! We have a bit of a punch-up and a bit of a laugh, but we’ve been very successful. Look at France lately. The place is burning down. Look at the United States, the place is burning; and it’s all over racial identity and cultural identity.

“In Australia, yes, people are able to express their cultures, express their faith, are able to bring up their families. I don’t go next door and throw bricks through my neighbour’s window or kick his garbage bin over.

“It’s about us working together as a community and making things better. And on that standard, Australia did really well.”

Mr Mundine commended the generosity of Australians “who always want to help someone who has fallen in hard times”.

Accountability: He was critical of the “billions of dollars” being spent on Aboriginal affairs without accountability for the outcomes.

“Why aren’t we pulling those people up who are spending that money and saying, ‘Hey, what’s your outcome?’

“We need that accountability. If we got measles in a community and it takes seven years to get rid of the measles, the response should be: ‘Here’s the money to get rid of it in seven years. If you don’t, you’re in big trouble.’”

THE ACTIONS NEEDED

Mr Mundine concluded by saying that education, economic participation and social change are the keys to the future.

Education: Education has “always been the key. It’s about a better life. It opens that door to a better life and makes things happen. We’ve gotten your kids to school. That’s the beginning.”

Economic participation: “I don’t know any country in the world where they built economic prosperity for their citizens without a valid economy where jobs and businesses can operate.”

Social change: “The hard one is social change. We’ve seen the problems in Alice Springs and that no government and no committee is ever going to fix that.”

That requires “us working with those communities to fix their problems. They have to take responsibility. They have to want a better future for their kids. They have to get jobs and we can help them do things better. That’s where the chance for social change has come from.”

Finally, Mr Mundine said, “I remind people, it’s OK to say ‘No’” in the Voice Referendum!

Used with permission from the National Civic Council (who organised the event with Mr Mundine) and *News Weekly*, which published the article in its August 19, 2023, edition.