

Friday, 18 August 2023

Council of the Law Society of NSW - Statement on the Voice

The Law Society of NSW acknowledges the Traditional Custodians of the lands on which we live and work.

We also acknowledge that the paramount voices in respect of issues concerning Aboriginal and Torres Strait Islander peoples are the voices of Aboriginal and Torres Strait Islander peoples themselves. We urge Australians to prioritise these voices in discussions of the Voice to Parliament, which was called for in the Uluru Statement from the Heart. The Uluru Statement from the Heart was the result of a series of regional dialogues, the purpose of which was to consult and educate on constitutional reform, resulting in a consensus statement developed and led by Aboriginal and Torres Strait Islander peoples.

One of the pillars of the Law Society of NSW's Strategic Plan is to enable a just and accessible legal system, and, to this end, we encourage debate and actively drive law reform issues through our policy advocacy. The Law Society's advocacy on law reform in this area has been consistently informed by an understanding that the best policy outcomes on matters relating to Aboriginal and Torres Strait Islander peoples are achieved when the principles of self-determination, shared decision-making and genuine partnership are observed. In our view, the Voice to Parliament represents a clear and historic opportunity to enshrine in the Constitution a formal mechanism to give voice to those principles.

We recognise that there are many views held across the country, by Indigenous and non-Indigenous people alike, regarding the merits of the enshrinement in the Constitution of a Voice to Parliament. We acknowledge that debates about the composition, resourcing, political authority, and enduring impact of the Voice will not be resolved until after the referendum process is complete, and that that is a source of concern for some. We particularly respect the views of Aboriginal and Torres Strait Islander people who have been waiting for decades for reconciliation and policy reform.

We hope that, over coming months, debate on the referendum can be conducted in a respectful and courteous way, and that those who do not currently understand the proposal have the opportunity to understand it before the referendum takes place. To this end, the Law Society has prepared and collated a range of information, available on its [website](#), to ensure our members and their clients have access to accurate and useful information regarding what is, and is not, being proposed, and to place the process of constitutional reform in context.

In our view, the constitutional amendment proposed is a modest one, that appropriately leaves detailed questions of design on 'composition, functions, powers and procedures' up to Parliament. This approach accommodates the need to allow for the Voice as a body to evolve and improve over time, and to respond to the issues of the day.

We recognise the deeply compelling nature of the authentic, humble and practical request, contained in the Uluru Statement from the Heart, to be entitled to make representations on matters relating to Aboriginal and Torres Strait Islander peoples. Following consultation with our Indigenous Issues Committee, and the many solicitor members of our policy committees, the Council of the Law Society of NSW supports the proposal to enshrine an Aboriginal and Torres Strait Islander Voice in the Australian Constitution.

In providing this support, the Council of the Law Society acknowledges the diversity of opinion in the community, and within the Law Society's membership, on this important matter, noting that all Australians will have the opportunity to express their view when asked to vote on the Referendum.