



# Legal Issues relating to the Aboriginal and Torres Strait Islander Voice

**Date:** Thursday, 9 March 2023  
**Time:** 5:30 pm – 7:00 pm AEDT  
**Place:** Allens, Deutsche Bank Place, conference room, level 28, 126  
Phillip Street, Sydney and online – this is a free event and a link  
will be provided prior

*The Australian Academy of Law is pleased to present this public seminar, concerning legal issues relating to the proposed referendum to amend the Commonwealth Constitution to provide for a body, to be called the Aboriginal and Torres Strait Islander Voice, which may make representation to Parliament and the Executive Government on matters relating to Aboriginal and Torres Strait Islander Peoples.*

Issues to be addressed by the speakers include:

- Why amend the Constitution? What is the general effect of so doing?
- What are the legal requirements for a referendum?
- How many times is the Parliament involved in the process?
- Under the proposal, what are the words which would be added to the Constitution?
- Does the Parliament presently have power to enact those words without adding the proposed words to the Constitution?
- Does the amendment, if passed, ensure consultation?
- Does the amendment, if passed, ensure consultation on matters that *directly* affect Indigenous Australians?
- Under the amendment, if passed, would the Parliament or the Executive Government be under a legal obligation to consult the Aboriginal and Torres Strait Islander Voice?
- Under the amendment, if passed, would the Parliament or the Executive Government be under a legal obligation to act on/give effect to a representation to it made by the Aboriginal and Torres Strait Islander Voice?
- Does “matters relating to Aboriginal and Torres Strait Islander Peoples” mean matters which particularly specially affect such Peoples?
- What would be the role of the courts? For example, would the courts have a role in deciding whether a matter was one relating to Aboriginal and Torres Strait Islander Peoples?
- Do the words “Aboriginal and also Torres Strait Islander Peoples” have a specific meaning or would it be for the courts to decide?

The speakers will be: **The Hon Robert French AC**, formerly Chief Justice of the High Court of Australia; **The Hon Tom Bathurst AC KC**, formerly Chief Justice of New South Wales; **Ruth Higgins SC**, on the New South Wales bar and Senior Vice President of the NSW Bar Association  
The chair will be the **Hon Justice Anna Mitchelmore** of the New South Wales Court of Appeal

*Please join us for light refreshments after the presentations.*

[To register click here](#)