

Member discussion paper: Property Council position on the ‘Voice to Parliament’ referendum

Purpose

The purpose of this paper is to seek member views on what position the Property Council should adopt in relation to the Government’s planned referendum to enshrine an Aboriginal and Torres Strait Islander Voice to Parliament in the Australian Constitution.

The Property Council has no current member mandate on this issue and this consultation process is designed to provide a mandate for a position. This paper is being provided to all Division Councils, our member Diversity and Inclusion Committees, to all members via a Property Australia article and to the Property Council staff team. An online member information session will also be held early in the new year.

The Property Council Board intends to consider a Property Council position on the Voice proposal at its 23 February Board meeting. Please provide your comments to reconciliation@propertycouncil.com.au no later than 14 February.

What are the origins of the Voice to Parliament idea?

The [Australian Constitution](#) provides no recognition of Aboriginal and Torres Strait Islander people as the traditional custodians and occupiers of Australia prior to European settlement. In 1999 the Howard Government put a referendum proposal to the electorate to amend the Constitution’s preamble to (among other things) incorporate a statement of recognition, but this referendum was not carried.

In 2007 Prime Minister Howard committed to a new process to develop a fresh referendum proposal to provide indigenous recognition in the Constitution. This objective has been pursued by successive governments since that time, with consultation occurring with Aboriginal and Torres Strait people and in 2015 a Referendum Council was established by the Turnbull Government.

In 2017 the Referendum Council convened a National First Nations Constitutional Convention at Uluru. This convention crystallised the growing view among First Nations leaders that mere recognition in the preamble of the Constitution was insufficient. Instead delegates issued the [Uluru Statement from the Heart](#) to the Australian people. The Uluru Statement called for three key actions to advance reconciliation: voice, treaty and truth.

In 2018 a [Joint Select Committee of Parliament](#) considered the Uluru Statement and the [report](#) of the Referendum Council, and recommended that the Government initiate a process of co-designing the Voice to Parliament concept with Aboriginal and Torres Strait Islander people. This co-design process has continued since that time.

In 2022 the Albanese Government came to power promising to hold a referendum to enshrine a Voice to Parliament in the Constitution in its first term in office. No date has been set for a referendum, although the Government has stated that one will be held in the 2023/24 financial year. The Opposition is yet to take a position on whether it will support a referendum proposal.

What is the Voice to Parliament proposal?

A Voice to Parliament would be a body that would enable Aboriginal and Torres Strait Islander people to provide advice to the Commonwealth Parliament on policies and projects that impact their lives.

The Government is proposing to amend the Constitution to enshrine a Voice to Parliament in that document. In July 2022 the Prime Minister released the following [proposed referendum question](#) for public feedback: *“Do you support an alteration to the Constitution that establishes an Aboriginal and Torres Strait Islander Voice?”*

The Voice would provide advice to the Parliament on policies impacting Aboriginal and Torres Strait Islander people. This is likely to be broader than policies specifically directed at First Nations Australians. The Voice to Parliament would not exercise a right of veto or limit the power of the Parliament – rather the Parliament would have an obligation to consult with the body.

Detailed arrangements for the structure, membership, functions and operations of the body would be set out in legislation passed by the Parliament. There is yet no Government-endorsed final design of the Voice, although an [interim report from the co-design process](#) has canvassed key elements. The Government has not confirmed whether any of this detail would be finalised before a referendum is put to the people.

Why should the Property Council have a position?

The passage of a referendum is a difficult task. It requires the proposal to be passed in a majority of states (four out of the six) and by a majority of overall voters. To achieve this double majority will require an overwhelming mood for change.

Businesses and business organisations will be actively sought out to support the Voice to Parliament proposal to help generate this overwhelming mood for change. The [From the Heart](#) campaign body already lists a range of corporate supporters (including Mirvac, International Towers, ANZ and Minter Ellison). The BCA and some other business groups have also announced their support.

As a prominent business group, the Property Council will be asked whether we support the Voice proposal. Choosing not to have a position is a position in itself.

The Property Council’s newly finalised [2025 Strategic Plan](#) recognises the need for the industry to consider and embrace broad social impact issues. It sets out ‘social impact’ as one of six key strategies in that plan. This social impact strategy seeks to create a “respected industry with a strong social license to operate” with one of the measures of success being “a reflective industry prepared to rise to challenges we face.” The strategy commits to undertaking a member consultation process to consider a position on the Voice proposal.

Earlier this year the Property Council launched our Reconciliation Action Plan. This is a ‘reflect’ stage RAP and does not include any reference to the Voice proposal. As part of our reconciliation journey, we are stepping up our visible engagement on reconciliation issues and acknowledgement of First Nations peoples.

A significant number of our members are also well advanced on their own reconciliation journeys, with RAPs common among larger members. It is likely that a significant number of property companies will choose to express public support for the Voice proposal.

What are potential arguments for and against supporting the Voice proposal?

Potential arguments in favour of the Property Council supporting the Voice proposal include:

- the merits of the Government's arguments in favour of the proposal, ie. that a Voice to Parliament provides a significant and powerful step forward in Australia's reconciliation journey,
- that this referendum will only enshrine the concept of the Voice to Parliament in the Constitution – it is not a referendum on the detailed design of the Voice, which would be addressed in legislation by Parliaments over time,
- supporting the Voice proposal showcases the property industry's desire to participate in reconciliation with Australia's first nation's people,
- the likelihood that many of our members will wish to support the proposal, and
- the likelihood that there will be widespread support from businesses and business organisations for the proposal.

Potential arguments against the Property Council supporting the Voice proposal would include that:

- this issue sits outside the Property Council's traditional areas of interest and supporting the Voice proposal may not be a good use of organisational time and resources,
- there may be potential concerns with the design of the detailed proposal itself (which would be set out in subsequent legislation, not in any amendment to the Constitution), and
- supporting the proposal may be divisive given that there would be some members who would not support the proposal or the Property Council expressing support for it.

Process to establish a Property Council position on the Voice proposal

The Property Council has no current member mandate on this issue and this consultation is designed to provide such a mandate. To adopt a position, the Property Council Board will need to be satisfied that support for that position was broadly based (as opposed to an absolute consensus in favour of that position).

The Property Council Board has approved the following member consultation process in relation to this issue:

1. The preparation of a short discussion paper (this paper) to canvass the issues as a basis for member consultation.
2. Dissemination of this discussion paper to all Division Councils for their views, as well as to our member Diversity and Inclusion Committees where these exist. Divisions may also wish to seek the views of other committees on this issue.
3. Advise members through Property Australia that the Board will be considering the Property Council's position on this issue, providing a link to this discussion paper and inviting comments directly from members.

4. Holding an online member forum on the Voice to Parliament proposal early in the new year to assist members to inform themselves of the issues and help them consider how their businesses may position on the issue. This forum would include appropriate indigenous voices.
5. Consulting with staff on their views on this issue.

Feedback received will be summarised and brought back to the Board for a decision at its 23 February meeting.

What would being a supporter of a Voice to Parliament look like?

If the Property Council were to decide to support the Voice to Parliament proposal, it is likely that this would involve the following actions:

- Issuing a media statement and member alert on our decision and including statements of this support on our website.
- Being identified as a business supporter of the Voice proposal by the official campaign.
- Talking to staff about the Voice proposal decision at appropriate times.
- Incorporating campaign information and our support for the Voice proposal into member communications when appropriate.
- Being supportive of the proposal in the media when appropriate (without seeking to be an active media campaigner on this issue).
- Providing social media support for the proposal when appropriate.

The Property Council would not seek to be a lead campaigner on this issue and would not divert industry-focused advocacy resources to this issue beyond the relatively limited set of actions above.

Next steps

Division Councils and members are invited to provide their comments on what position the Property Council should take on the Voice to Parliament referendum proposal. Please provide your comments to reconciliation@propertycouncil.com.au no later than 14 February.

The Board intends to reconsider the issue again at its meeting of 23 February in order to adopt a Property Council position.

Ken Morrison
Chief Executive