



Aboriginal and Torres Strait Islander Peoples Recognition Act 2013

No. 18, 2013

An Act to provide for the recognition of Aboriginal and Torres Strait Islander peoples, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 18, 2013

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[Assented to 27 March 2013]

Preamble

This preamble sets out considerations taken into account by the Parliament of Australia in enacting the law that follows.

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Section 1

The Aboriginal and Torres Strait Islander peoples were the first inhabitants of Australia.

The Parliament is committed to placing before the Australian people at a referendum a proposal for constitutional recognition of Aboriginal and Torres Strait Islander peoples.

The Parliament acknowledges the important work of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander peoples and its proposals for constitutional change.

The Parliament recognises that further engagement with Aboriginal and Torres Strait Islander peoples and other Australians is required to refine proposals for a referendum and to build the support necessary for successful constitutional change.

The Parliament is committed to building the national consensus needed for the recognition of Aboriginal and Torres Strait Islander peoples in our Constitution.

The Parliament believes this Act is a significant step in the process towards achieving constitutional change.

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Aboriginal and Torres Strait Islander Peoples Recognition Act 2013*.

2 Commencement

This Act commences on the day after this Act receives the Royal Assent.

3 Recognition

- (1) The Parliament, on behalf of the people of Australia, recognises that the continent and the islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples.

- (2) The Parliament, on behalf of the people of Australia, acknowledges the continuing relationship of Aboriginal and Torres Strait Islander peoples with their traditional lands and waters.
- (3) The Parliament, on behalf of the people of Australia, acknowledges and respects the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples.

4 Review of support for a referendum to amend the Constitution

- (1) The Minister must cause a review to commence within 12 months after the commencement of this Act.
- (2) Those undertaking the review must:
 - (a) consider the readiness of the Australian public to support a referendum to amend the Constitution to recognise Aboriginal and Torres Strait Islander peoples; and
 - (b) consider proposals for constitutional change to recognise Aboriginal and Torres Strait Islander peoples taking into account the work of:
 - (i) the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander peoples; and
 - (ii) Reconciliation Australia; and
 - (c) identify which of those proposals would be most likely to obtain the support of the Australian people; and
 - (d) consider the levels of support for amending the Constitution to recognise Aboriginal and Torres Strait Islander peoples amongst:
 - (i) Aboriginal and Torres Strait Islander peoples; and
 - (ii) the wider Australian public; and
 - (iii) the Governments of the States and Territories; and
 - (e) give the Minister a written report of the review at least 6 months prior to the day this Act ceases to have effect.
- (3) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of that House after the day the report is given to the Minister.

Section 5

5 Sunset provision

This Act ceases to have effect at the end of 2 years after its commencement.

Note: The 2 year sunset period in this section will provide Parliament and the Australian people with a date by which to consider further the readiness of Australians to approve a referendum to amend the Constitution to recognise Aboriginal and Torres Strait Islander peoples.

*[Minister's second reading speech made in—
House of Representatives on 28 November 2012
Senate on 25 February 2013]*

(227/12)
