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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012

No. , 2012

(Families, Housing, Community Services and Indigenous Affairs / Attorney-General)

**A Bill for an Act to provide for the recognition of
Aboriginal and Torres Strait Islander peoples, and
for related purposes**

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1 **A Bill for an Act to provide for the recognition of**
2 **Aboriginal and Torres Strait Islander peoples, and**
3 **for related purposes**

4 **Preamble**

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

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

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

Section 1

1 The Parliament acknowledges the important work of the Expert
2 Panel on Constitutional Recognition of Aboriginal and Torres
3 Strait Islander peoples and their proposals for constitutional
4 change.

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

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

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

14 **The Parliament of Australia enacts:**

15 **1 Short title**

16 This Act may be cited as the *Aboriginal and Torres Strait Islander*
17 *Peoples Recognition Act 2012*.

18 **2 Commencement**

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

21 **3 Recognition**

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

25 (2) The Parliament, on behalf of the people of Australia, acknowledges
26 the continuing relationship of Aboriginal and Torres Strait Islander
27 peoples with their traditional lands and waters.

- 1 (3) The Parliament, on behalf of the people of Australia, acknowledges
2 and respects the continuing cultures, languages and heritage of
3 Aboriginal and Torres Strait Islander peoples.

4 **4 Review of support for a referendum to amend the Constitution**

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

30 **5 Sunset provision**

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

Section 5

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