

Law Council supports Constitutional Recognition of Aboriginal and Torres Strait Islander Australians

The Law Council today welcomed the release of the Report by the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Australians.

Law Council of Australia President, Ms Catherine Gale, said the landmark Report recommends the removal of out-dated, race-based provisions, including one which allows for the exclusion of certain racial groups from voting in state or federal elections and another which contemplates making laws on the basis of 'race'.

"The Law Council supports Constitutional change to recognise Aboriginal and Torres Strait Islander peoples, their cultures, history and languages, and to give substantive effect to that recognition through removal of provisions which allow racial discrimination," Ms Gale said.

The Report also recommends Aboriginal and Torres Strait Islander peoples be recognised as the first Australians, in a new provision, which includes a power for Federal Parliament to make laws with respect to Aboriginal and Torres Strait Islander peoples.

"This removes the notion of 'race' as a basis for making laws and simply reaffirms Parliament's existing power to make laws for Aboriginal and Torres Strait Islander peoples, without which the Native Title Act, heritage protection legislation and other laws designed to protect Indigenous land rights, heritage and culture would lose Constitutional foundation," Ms Gale said.

The Law Council is also pleased the Expert Panel has recommended the insertion of a guarantee against racial discrimination.

"Australia is one of the only developed countries which does not prohibit the making of racially discriminatory laws under its Constitution.

"In a society enriched by so many cultures, languages and racial groups, such protection is long overdue," Ms Gale said.

The Expert Panel's Report also recommends recognition of English as the national language of Australia and recognition of Aboriginal and Torres Strait Islander languages as the original Australian languages.

Ms Gale said while such a provision is only symbolic, it's a powerful statement about Australia's national heritage.

"The Expert Panel has consulted widely and has documented widespread support for its final recommendations among both Indigenous and non-Indigenous Australians.

"The Law Council urges the Government and Opposition to respond positively to the Expert Panel's recommendations, and to support and fund a public education and information campaign for all Australians concerning the benefits of Constitutional recognition of Aboriginal and Torres Strait Islander peoples.

“The Law Council calls on all state, territory and Commonwealth Parliamentarians to support a process to bring these important reforms to a referendum.

“This is the next step forward in Australia’s reconciliation process, toward a united nation in which we embrace our proud Aboriginal and Torres Strait Islander heritage,” Ms Gale said.

A copy of the Law Council’s submission to the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Australians is available on the Law Council [website](#).

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