

## Law Council releases discussion paper on Constitutional Recognition of Indigenous Australians

The Law Council today released a discussion paper outlining options for Constitutional reform, to recognise Indigenous Australians.

The discussion paper considers the continued existence of outdated provisions, which deny people the right to vote on the grounds of race and permit the Commonwealth Parliament to make laws adverse to Aboriginal peoples and Torres Strait Islanders.

The paper also considers whether the Constitution should guarantee equality, prohibit racial discrimination and enable the Commonwealth to conclude agreements with Indigenous communities, so they have Constitutional force.

Law Council of Australia President, Mr Alexander Ward said the discussion paper is intended to encourage discussion and debate around possible options for Constitutional reform.

"The Law Council recognises the important opportunity created by the recent bipartisan commitment to Constitutional recognition of Indigenous Australians and hopes the discussion paper will assist in informing the community and encouraging debate as the work of the Commonwealth Government's Expert Panel on Constitutional Recognition of Indigenous Australians continues.

"The Law Council's views about the substance of Constitutional reform are not conclusive and I expect our views will continue to evolve along with the present consultation process."

Mr Ward said Constitutional recognition of Indigenous Australians was an issue the nation needed to address as part of meaningful reconciliation efforts.

"Whilst there are still issues to work through with reconciliation, the Constitution was enacted 110 years ago, when attitudes toward Aboriginal peoples and Torres Strait Islanders were much different than they are today.

"Indigenous Australians were denied voting rights, denied fair pay and refused citizenship and unfortunately the vestiges of those attitudes continue to exist under the Constitution today.

"Constitutional recognition should also assist with overall reconciliation," Mr Ward said.

Australia is one of the few former British colonial states that has not entered into treaties with its indigenous population — New Zealand, Canada and the United States have all concluded treaties, covering a range of topics and offering greater self-determination to their respective indigenous citizens.

In addition to the release of the discussion paper, the Law Council will also be hosting a discussion forum in Canberra in late July 2011.

"The purpose of the forum is to facilitate discussion amongst experts from the Indigenous community, legal profession, judiciary, Parliament and academia around the issue of Constitutional recognition," Mr Ward said.

The Law Council is seeking submissions in response to the [discussion paper](#) by 31 August 2011.

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