

# Aboriginal and Torres Strait Islander Peoples Recognition Act 2013



No. 18, 2013

**Compilation No. 1**

**Compilation date:** 20 March 2015

**Includes amendments up to:** Act No. 14, 2015

**Registered:** 8 April 2015

About this compilation This compilation

This is a compilation of the *Aboriginal and Torres Strait Islander Peoples Recognition Act 2013* that shows the text of the law as amended and in force on 20 March 2015 (the **compilation date**).

This compilation was prepared on 26 March 2015.

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law. Uncommenced amendments The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw ([www.comlaw.gov.au](http://www.comlaw.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law. Application, saving and transitional provisions for provisions and amendments If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes. Modifications If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law. Self-repealing provisions If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes. Contents

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<p>An Act to provide for the recognition of Aboriginal and Torres Strait Islander peoples, and for related purposes</p> <p>Preamble                      This preamble sets out considerations taken into account by the Parliament of Australia in enacting the law that follows.                      The Aboriginal and Torres Strait Islander peoples were the first inhabitants of Australia.</p> <p>                    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.</p> <p>                    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:</p> <p>1 Short title                      This Act may be cited as the <i>Aboriginal and Torres Strait Islander Peoples Recognition Act 2013</i>.</p> <p>2 Commencement                      This Act commences on the day after this Act receives the Royal Assent.</p> <p>3 Recognition</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>		
4	Review of support for a referendum to amend the Constitution	<p>(1) The Minister must cause a review to commence within 12 months after the commencement of this Act.</p> <p>(2) Those undertaking the review must:</p> <p>(a) consider the readiness of the Australian public to</p>

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.<sup>5</sup> Sunset provision This Act ceases to have effect at the end of 5 years after its commencement. Note: The 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.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law. The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

Abbreviation key—

Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—

Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history. The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation. The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history. If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

Endnote 2—Abbreviation key

A = Act	orig = original
ad = added or inserted	par = paragraph(s)/subparagraph(s)
am = amended	/sub-subparagraph(s)

amdt = amendment	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expires/expired or ceases/ceased to have	rep = repealed
effect	rs = repealed and substituted
F = Federal Register of Legislative Instruments	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LI = Legislative Instrument	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md) = misdescribed amendment	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not

Ord = Ordinance	commenced or to be commenced
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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions	
Aboriginal and Torres Strait Islander Peoples Recognition Act 2013	18, 2013	27 Mar 2013	28 Mar 2013 (s 2)		
Aboriginal and Torres Strait Islander Peoples Recognition (Sunset Extension) Act 2015	14, 2015	19 Mar 2015	20 Mar 2015 (s 2)	—	

Endnote 4—Amendment history

Provision affected	How affected
s 5.....	am No 14, 2015