



New South Wales

Constitution Amendment (Recognition of Aboriginal People) Bill 2010

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Constitution Act 1902* to provide for the recognition in that Act of the Aboriginal people of New South Wales. Similar legislative recognition has been conferred in Victoria (by way of a similar substantive enactment) and in Queensland (by way of one of the statements in a constitutional preamble).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 amends the *Constitution Act 1902* to declare that the Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations, and recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales:

- (a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and

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- (b) have made and continue to make a unique and lasting contribution to the identity of the State.

The provision also makes it clear that this recognition does not create any legal right or liability, or give rise to or affect any civil cause of action or right to review an administrative action, or affect the interpretation of any Act or law in force in New South Wales. This is similar to provisions included in legislation relating to the recognition of Aboriginal people in Victoria and Queensland.

The proposed legislative recognition in New South Wales is contained in a replacement section 2 of the *Constitution Act 1902* that will be the first substantive enactment after the short title or citation of the Act. The existing section 2 (and related provisions of the First Schedule) that will be repealed contain spent provisions relating to the repeal of Acts and associated savings provisions enacted in 1902.

First print



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No. , 2010

A Bill for

An Act to amend the *Constitution Act 1902* to provide for the recognition in that Act of the Aboriginal people of New South Wales.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Constitution Amendment (Recognition of Aboriginal People) Act 2010</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Constitution Act 1902 No 32	7
The <i>Constitution Act 1902</i> is amended by inserting after section 1 the following section (and repealing existing section 2 and the First Schedule):	8 9 10
2 Recognition of Aboriginal people	11
(1) Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.	12 13 14
(2) Parliament, on behalf of the people of New South Wales, recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales:	15 16 17
(a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and	18 19 20
(b) have made and continue to make a unique and lasting contribution to the identity of the State.	21 22
(3) Nothing in this section creates any legal right or liability, or gives rise to or affects any civil cause of action or right to review an administrative action, or affects the interpretation of any Act or law in force in New South Wales.	23 24 25 26 27