

Tuesday, 24 October 2017

Law Council throws support behind referendum on the creation of new Indigenous representative body

The Law Council of Australia has given its “full and unqualified support” to the Referendum Council’s recommendation for a referendum to be held on the creation of a representative body that gives Aboriginal and Torres Strait Islander First Nations a voice to the Australian Parliament.

“The Law Council considers the constitutional reforms recommended by the Referendum Council to be a necessary and important step towards Aboriginal and Torres Strait Islander peoples’ self-determination,” Law Council of Australia President, Fiona McLeod SC, said.

“The right to self-determination is a fundamental and non-derogable principle of international law, enshrined in the UN Charter. Australia has committed to this principle under the International Covenant on Civil and Political Rights.

“The package of reforms proposed by the Referendum Council is an important step forward in the process toward reconciliation.

“We are now calling for genuine commitment from all Federal Parliamentarians to implement the Referendum Council’s recommendations swiftly.

“The Law Council has long held that the Australian Constitution should formally recognise the distinct identities of the Aboriginal and Torres Strait Islander peoples and their unique status as Australia’s first peoples.

“The Referendum Council’s work in pursuing change has been essential and, on behalf of the Australian legal profession, I thank its members,” Ms McLeod said.

On 30 June 2017, the Referendum Council delivered its Final Report to the Prime Minister and the Opposition Leader.

The Referendum Council recommended:

“That a referendum be held to provide in the Australian Constitution for a representative body that gives Aboriginal and Torres Strait Islander First Nations a Voice to the Commonwealth Parliament. One of the specific functions of such a body, to be set out in legislation outside the Constitution, should include the function of monitoring the use of the heads of power in section 51 (xxvi) and section 122. The body will recognise the status of Aboriginal and Torres Strait Islander peoples as the first peoples of Australia.”

The Australian Government has yet to formally respond to the Referendum Council’s Final Report.

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