

**Legislative Council—No 125**

As received from the House of Assembly and read a first time, 5 March 2013

South Australia

**Constitution (Recognition of Aboriginal Peoples)  
Amendment Bill 2012**

A BILL FOR

An Act to amend the *Constitution Act 1934*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Constitution (Recognition of Aboriginal Peoples) Amendment Act 2012*.

#### 5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Constitution Act 1934*

#### 3—Insertion of section 2

10 After section 1 insert:

#### 2—Recognition of Aboriginal peoples

(1) The Parliament on behalf of the people of South Australia acknowledges that—

- 15 (a) the Parliament of the United Kingdom in 1834 passed a Bill called *An Act to empower His Majesty to erect South Australia into a British Province or Provinces and to provide for the Colonisation and Government thereof* and that by Letters Patent dated 19 February 1836 His Majesty established the Province of South Australia; and
- 20 (b) the making of the above instruments and subsequent constitutional instruments providing for the governance of South Australia and for the making of laws for peace, order and good government occurred without proper and effective recognition, consultation or authorisation of Aboriginal
- 25 peoples of South Australia.

- (2) Following the Apology given on 28 May 1997, the Parliament, on behalf of the people of South Australia—
- (a) acknowledges and respects Aboriginal peoples as the State's first peoples and nations; and
  - 5 (b) recognises Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that—
    - (i) their spiritual, social, cultural and economic practices come from their traditional lands and waters; and
    - 10 (ii) they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; and
    - (iii) they have made and continue to make a unique and irreplaceable contribution to the State; and
  - 15 (c) acknowledges that the Aboriginal peoples have endured past injustice and dispossession of their traditional lands and waters.
- (3) The Parliament does not intend this section to have any legal force or effect.