

**Constitution (Recognition of Aboriginal People) Act  
2004**

**Act No. 73/2004**

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Victoria

No. 73 of 2004

## Constitution (Recognition of Aboriginal People) Act 2004<sup>†</sup>

[Assented to 9 November 2004]

**The Parliament of Victoria enacts as follows:**

### **1. Purpose**

The purpose of this Act is to amend the **Constitution Act 1975** to give recognition within that Act to Victoria's Aboriginal people and their contribution to the State of Victoria.

### **2. Commencement**

This Act comes into operation on the day after the day on which it receives the Royal Assent.

See:  
Act No.  
8750.  
Reprint No. 16  
as at  
8 April 2003  
and  
amending  
Act Nos  
2/2003,  
37/2003,  
39/2003,  
66/2003,  
110/2003,  
38/2004 and  
39/2004.  
LawToday:  
www.dms.  
dpc.vic.  
gov.au

**3. New section 1A inserted**

After section 1 of the **Constitution Act 1975**  
**insert—**

**"1A. Recognition of Aboriginal people**

- (1) The Parliament acknowledges that the events described in the preamble to this Act occurred without proper consultation, recognition or involvement of the Aboriginal people of Victoria.
- (2) The Parliament recognises that Victoria's Aboriginal people, as the original custodians of the land on which the Colony of Victoria was established—
  - (a) have a unique status as the descendants of Australia's first people; and
  - (b) have a spiritual, social, cultural and economic relationship with their traditional lands and waters within Victoria; and
  - (c) have made a unique and irreplaceable contribution to the identity and well-being of Victoria.
- (3) The Parliament does not intend by this section—
  - (a) to create in any person any legal right or give rise to any civil cause of action; or
  - (b) to affect in any way the interpretation of this Act or of any other law in force in Victoria."

**4. Entrenchment of new section 1A**

Before section 18(2)(a) of the **Constitution Act 1975** insert—

"(aa) section 1A; or".

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**ENDNOTES**

† *Minister's second reading speech—*  
*Legislative Assembly: 26 August 2004*  
*Legislative Council: 13 October 2004*

The long title for the Bill for this Act was "to amend the **Constitution Act 1975** to give recognition within that Act to Victoria's Aboriginal people and their contribution to the State of Victoria."

**Constitution Act 1975:**

*Special majorities:*  
*Legislative Assembly: 7 October 2004*  
*Legislative Council: 4 November 2004*