Section 127: removed in 1967

In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.

The Races Power: Section 51(26)

Parliament shall have power to make laws with respect to:

…

(xxvi) The people of any race, ~~other than the aboriginal race in any State~~, for whom it is deemed necessary to make special laws

Possible Changes to the Races Power

- ***Removal***

- ***Replacement:***

  laws ***with respect to*** *Aboriginal and Torres Strait Islander peoples*

- ***Replacement:***

  laws ***for the benefit of*** *Aboriginal and Torres Strait Islander peoples*

Agreement-Making: Section 105A

The Commonwealth **may make agreements** with the States about finances

-can validate **past** agreements

-can make laws to **carry out** agreements

-parties may **vary or rescind** agreements

-every agreement and variation is **binding** on the Commonwealth and States

Discriminatory Voting Laws: Section 25

"…if by the law of any State all persons of any race are disqualified from voting (at State elections):

- in reckoning the number of the people of the State or of the Commonwealth, persons of that race resident in that State shall not be counted"

Canadian Constitution: Section 35

"The existing **aboriginal and treaty rights** of the aboriginal peoples of Canada are hereby **recognized and affirmed**."

-includes rights that now exist by way of land claims agreements or may be so acquired

-rights guaranteed equally to male and female