



the
Lowitja
INSTITUTE
Australia's National Institute
for Aboriginal and Torres Strait
Islander Health Research

*Incorporating the Cooperative Research Centre
for Aboriginal and Torres Strait Islander Health*

Media Release

Friday 2 December 2011

***Legally Invisible*—Lowitja Institute study finds Australian laws and lack of constitutional recognition impedes progress to close the health gap for Australia's First Peoples.**

This coming Monday 5 December, former Social Justice Commissioner Dr Tom Calma will launch a paper that poses another challenge to the Australian Government to recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution. The launch will take place at 11am at the [7th Health Services and Policy Research Conference](#) in Adelaide.

Legally Invisible—How Australian Laws Impede Stewardship and Governance for Aboriginal and Torres Strait Islander Health is a review commissioned by the Lowitja Institute, Australia's National Institute for Aboriginal and Torres Strait Islander Health Research. The Institute commissioned the study in response to widespread recognition of problems in the policy and administrative arrangements for health and health care for Australia's First Peoples, including lack of clarity about the responsibilities of governments at various levels.

The review found that Australian laws allocating responsibility for the health of Aboriginal and Torres Strait Islander peoples fail to set up a structure in which system-wide stewardship and good governance may be undertaken.

The author of the study is optimistic that it will promote action in the right places. Adjunct Associate Professor Genevieve Howse said she hopes 'that *Legally Invisible* stimulates policy makers and legislators to break free from the prison of history in which we have been so slow to recognise Australia's First Peoples in law and to embrace them in every part of our laws governing health, beginning with our Constitution.'

Similarly, Dr Calma, founding Chair of the Close the Gap for Indigenous Health Equality Campaign, sees the value of the study and its contribution to the debates about health and wellbeing and constitutional change. 'This study highlights another issue brought about by the absence of recognition of Aboriginal and Torres Strait Islander people in our Constitution. Recognition would provide the basis for clarifying responsibility for the health of Australia's First Peoples in legislation. Now is a good time to consider how things might be different,' said Dr Calma.

To obtain a pdf of *Legally Invisible* go to www.lowitja.org.au. For hardcopies email publications@lowitja.org.au.

Dr Tom Calma, Adjunct Associate Professor Genevieve Howse and Professor Judith Dwyer, on behalf of the Lowitja Institute, will be available for interview by arrangement immediately following the launch.

ENDS

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