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## A REFERENDUM

No aborigine can feel absolutely free and equal to other Australians whilst the Commonwealth Constitution contains the two clauses which exclude him from the Census (section 127) and from Commonwealth laws (section 51, placitum 26).

This placitum of section 51 was for a long time the excuse given by the Commonwealth for the exclusion of aborigines from Social Service benefits. It was not until a number of members of the Commonwealth Parliament challenged the logic of this in the House, that a new look was given to the old question, and this discrimination removed. It is, of course, a question of language. A law which excludes aborigines from a benefit is just as much a law about Aborigines as one which includes them.

The demand for the removal of these clauses from the Constitution is not just an academic one—it rests on two grounds. The first—that the implied discrimination is a reflection in fact

an insult to the aboriginal people; the second—that the specific exclusion of the Commonwealth from the right to make special laws about the aboriginal race means that the Commonwealth denies any responsibility (outside the Territories) and the State Governments therefore claim it. And in so claiming, they exercise rights and powers over the aboriginal people, which they would not dare to exercise over the last arrived migrant.

A great deal of the energies and thinking of organisations affiliated with the Aborigines' Advancement League outside Victoria is devoted to trying to have State acts altered.

So we find our friends in N.S.W. mounting campaigns to have the restricted clauses of the State act amended.

In Queensland, Western Australia and South Australia, the position is much the same. In Western Australia and Queensland, for instance, despite the grant of votes for aborigines at

Federal elections, aborigines are still excluded from State elections.

### **ABORIGINES STILL HAVE NO VOTE for State elections in Queensland and Western Australia.**

So 'all over Australia — outside Victoria — the Aborigine is beset with a more complicated set of laws than any other Australian.

### **The quickest and the most logical way to amend this position is to change the Constitution by Referendum.**

Remove from the States the right to make special laws for the aboriginal people, and the State acts which deprive Aborigines of fundamental rights and freedom must surely be invalid.

This does not mean, of course, that the Commonwealth has been full of sweetness and light on the Aboriginal question, but the Commonwealth carries out its activities under much closer public national scrutiny than any State Government or the totality of them.

At present, those of us concerned with the plight of the Aboriginal people have to fight six State Governments and the Commonwealth — seven legislatures and seven administrations — an enormous organisational task. (I include Tasmania here, because there is a handful of mixed race people on Cape Barron Island, for whom little is being done.)

Transfer the responsibilities to the Commonwealth and immediately every Federal parliamentarian and every Federal department has to accept its share of responsibility. And this must be said, "that whether one agrees with it or not, when the Commonwealth acts — it acts in grand manner".

Compared with the resources at the disposal of the States, when applied to a particular field, the resources of the Commonwealth are relatively limitless. (Compare the schools of Canberra, for

example, with those of Melbourne.)

Both the Federal Council and the Victorian Aborigines' Advancement League have adopted such an amendment of the Constitution as urgent policy.

We should therefore commence campaigning immediately — the task is in two stages:

- To convince the Commonwealth to conduct the Referendum, and
- Secure a majority of votes in a majority of the States when the Referendum is submitted to the people.

Of the two I think the first may be the more difficult task, but nothing must be left to chance — we should set up campaign committees in every Federal electorate now, and take the following steps:

- Approach prominent and active citizens for support;
- Send informed delegatories to explain the position to every member of the Federal Parliament, and ask for support in the Parliament;
- Commence stimulation of public interest by the circulation of petitions to be presented to the Parliament; and
- Form interim campaign committees.

It is important that we understand the nature of the task if we organise along normal election campaigning lines.

We will need 5,000,000 "how to vote" cards — costing perhaps £7,000.

We will need thousands of supporters at the polling booths on Referendum day. No stone must be left unturned — a vote approaching national unanimity on this question would give notice to all Governments that the conscience of Australia is stirred, and the public will brook no delay in tackling the other disabilities of the aboriginal people.

**COME THEN, LET US TO THE TASK.**

