

The Case for YES

The purposes of these proposed amendments to the Commonwealth Constitution are to remove any ground for the belief that, as at present worded, the Constitution discriminates in some ways against people of the Aboriginal race, and, at the same time, to make it possible for the Commonwealth Parliament to make special laws for the people of the Aboriginal race, wherever they may live, if the Commonwealth Parliament considers this desirable or necessary.

To achieve this purpose, we propose that **two provisions of the Constitution be altered which make explicit references to people of the Aboriginal race.**

The first proposed alteration is to remove the words "other than the Aboriginal race in any State" from paragraph (xxvi.) of Section 51. Section 51 (xxvi.) reads:

"The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth 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."

The proposed alteration of this section will do two things. **First, it will remove words from our Constitution that many people think are discriminatory against the Aboriginal people.**

Second, it will make it possible for the Commonwealth Parliament to make special laws for the people of the Aboriginal race, wherever they may live, if the Parliament considers it necessary.

This cannot be done at present because, as the Constitution stands, the Commonwealth Parliament has no power, except in the Territories, to make laws with respect to people of the Aboriginal race as such.

This would not mean that the States would automatically lose their existing powers. What is intended is that the National Parliament could make laws, if it thought fit, relating to Aboriginals—as it can about many other matters on which the States also have power to legislate. The Commonwealth's object will be to co-operate with the States to **ensure that together we act in the best interests of the Aboriginal people of Australia.**

The second proposed alteration is the **repeal of Section 127 of the Constitution.** That section reads:

"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."

Why was this provision included in the Constitution in 1900? Well, there were serious practical difficulties in counting the Aborigines in those days. They were dispersed, and nomadic. Communications in inland Australia were poor, and frequently non-existent. Today the situation is very different and counting is practicable.

Our personal sense of justice, our commonsense, and our international reputation in a world in which racial issues are being highlighted every day, require that we get rid of this out-moded provision.

Its modern absurdity is made clear when we point out that for some years now Aborigines have been entitled to enrol for, and vote at, Federal Elections. Yet Section 127 prevents them from being reckoned as "people" for the purpose of calculating our population, even for electoral purposes!

The simple truth is that Section 127 is completely out of harmony with our national attitudes and modern thinking. It has no place in our Constitution in this age.

All political parties represented in the Commonwealth Parliament support these proposals. The legislation proposing these Constitutional amendments was, in fact, adopted unanimously in both the House of Representatives and the Senate. We have yet to learn of any opposition being voiced to them from any quarter.

Just as every available Member of the Commonwealth Parliament voted for the proposals outlined above, we believe that the Australian electorate as a whole will give strong support and endorsement to them.

We urge you to vote YES to both our proposals as to Aborigines by writing the word YES in the square on the ballot-paper, thus:

YES

This case has been authorised by the majority of those Members of both Houses of the Parliament who voted for the proposed law and was prepared by the Prime Minister, the Rt. Hon. Harold Holt, Leader of the Federal Parliamentary Liberal Party; by the Deputy Prime Minister, the Rt. Hon. John McEwen, Leader of the Australian Country Party; and by the Leader of the Opposition, Mr. Gough Whitlam, Leader of the Australian Labor Party.