

The 1967 Referendum:

Will you put it in the Australian 'Human Rights Hall of Fame'?

For an interactive approach to this issue go to www.australianhistorymysteries.info/ahm2/casestudies.html



Audio Visual Archive, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.
Copyright: Australian Women's Weekly. <http://www.rma.gov.au/indigenousrights/sectionb426.html?sslD=29>

Caption

1 LOOK at this photograph. Photographs provide good evidence for students to use in exploring issues. But they need to be critically analysed. Here is a photograph related to a significant event in Australian history. Discuss these questions:

- Who is in the photograph?
- What are they doing?
- What is the setting?

- What period of time would you say it was?
- What is the mood of the photograph?
- Why do you think it was taken?
- Who was the intended audience?

2 Provide a caption for this photograph in the box provided.

3 The photograph in fact shows members of the New South Wales Vote 'YES' Committee toasting their campaign director, Faith Bandler, after the success of the 1967 Referendum to change the Australian Constitution. **If you had only this photograph as evidence about this event, what would you say about it?**

From this photograph I would say that the 1967 Referendum ...

Fortunately we have a lot more information about the 1967 Referendum campaign, and in this unit you will be able to find out much more about this event, and make your own decision about its importance in Australian history.

Why focus on this event?

2007 is the 40th anniversary of the passing of this Referendum which many people see as a major turning point in the achievement of Indigenous citizenship rights in Australia. Others believe it was more show than substance, and did little to achieve real equality. This is an issue that needs exploring.



During 2007 the National Museum of Australia is providing several ways for teachers and students to do this:

A print and DVD/video classroom unit in <i>Australian History Mysteries 2</i>	Go to: http:// www.australianhistorymysteries.info
An interactive web-based approach that complements this unit	Go to: http://www.australianhistorymysteries.info and go to the 1967 Referendum interactive case study
A small display in the NMA for those who can visit Canberra	The exhibition is titled 'Spin, myths and meanings', and we will look at this exhibition later in this unit
A website Collaborating For Indigenous Rights	Go to: http://www.nma.gov.au/indigenoustrights/

All four approaches are based on **an inquiry approach to learning** — that students learn best when they work things out for themselves from a rich resource base.

This unit is a resource to help teachers use the small National Museum of Australia display and the very substantial website module at <http://www.nma.gov.au/indigenoustrights/> in their classrooms.

The structure of the approach is:

Activity 1	<i>Making rules in my classroom</i> — Understanding the concept of citizenship rights	Page 3
Activity 2	What citizenship rights existed in Australia by 1967?	Page 4
Activity 3	<i>Your petitioners humbly pray</i> — What attempts were made to change the Constitution by petitions?	Page 7
Activity 4	Changing the law — What was the role of Commonwealth Cabinet and Parliament?	Page 13
Activity 5	Changing the Constitution — What was the role of people, groups and ideas in the referendum campaign?	Page 14
Activity 6	What was the result of the Referendum vote?	Page 19
Activity 7	What have been the impacts of this result?	Page 20
Activity 8	How has the National Museum of Australia represented this event in its display?	Page 22

The National Museum of Australia is one of the nation's most important cultural institutions. The Museum employs a fresh and exciting approach to Australian history, culture and environment. Each Museum unit of work in **STUDIES** asks students to consider the stories and concepts behind Museum themes, objects and images and can be used with students in such curriculum areas as Society and Environment, History, Geography, English and Media Studies.

Making rules in my classroom

Understanding the concept of citizenship rights

The reason for the change to the Australian Constitution in 1967 was to try to promote greater equality of citizenship rights for Indigenous Australians.

What are citizenship rights?

Imagine that you have been asked to create a model set of citizenship rights for classrooms. This set of rights will be adopted in schools around Australia.

- 1 List the main rights you will include. For example, you might decide that every 'citizen' of your classroom has the right to eat lunch in that room rather than go outside. Only citizens of the class can do so in that room. Decide on at least five citizenship rules. Use the table below.

Now put the name of every student in your class in a container, and have one person draw out five names. Read out the names. These people, while still members of your class, are not full 'citizens', so do not have the rights you just created. They cannot do all the things that the rest of you can do.

- 2 How do the 'non-citizens' feel about this situation?
- 3 How do those who have full citizenship feel about it?

Citizenship means that members of a community have equal rights within the community. It also means that all members have a fair opportunity to exercise those rights. In effect the condition you created of having two categories of citizens — full, and excluded or unable to exercise part of some rights — was the situation that existed in Australia before 1967.

The rest of this unit explores the situation in Australia in 1967 where Indigenous Australians were second-class citizens, and the struggle to change that situation through a referendum to change the Australian Constitution. It also asks whether 1967 in fact really changed the situation for Indigenous Australians.

The unit does this by looking at the 40th Anniversary commemorative display at the **National Museum of Australia**, and through the rich document collection on the Museum website: **Collaborating for Indigenous Rights** www.nma.gov.au/indigenoustrights.

This unit will guide you in using some of the information on that site in your classroom. At times we will ask you to go to the **Collaborating for Indigenous Rights** website to access the documents.

We have indicated this with this symbol:



CLASSROOM CITIZENSHIP RULES

a

b

c

d

e

The next step in the inquiry is to understand what citizenship rights existed for Indigenous and non-Indigenous people before 1967.

ACTIVITY 2

What citizenship rights existed in Australia by 1967?

This activity helps students explore the material in the *Australia in the 1950s* section of the website. <http://www.nma.gov.au/indigenoustrights/>

The tables below will help you summarise the **state of citizenship rights in Australia by 1967**.

- 1 Look at **Table 1**. What rights do you think a citizen of Australia **should have** for each of the areas listed in column 1? Summarise your answers in column 2. One example has been done to help you.

STATE OF CITIZENSHIP RIGHTS IN AUSTRALIA BY 1967

TABLE 1

TABLE 2

1 Area of rights	2 Desired rights: I think that ...	3 Situation Today You	4 Situation by 1967							
			4 Non-Indigenous	5 Indigenous					10	
5 NSW	6 NT	7 QLD		8 SA	9 VIC	10 WA				
State vote	<i>Citizens should be able to vote in State elections.</i>	✓	✓							X
Federal Vote										
Marriage										
Control of children										
Freedom of movement										
Ownership of property										
Right to fair wages										
Right to drink alcohol										
Right to social Services										

- 2 Now tick or cross if Australian citizens actually have these rights today (Column 3). You may know this, or you may need to undertake some research to find out. One example has been done to help you.
- 3 Now look at the documents below, and use the information to complete **Table 2** above, by ticking or crossing whether non-Indigenous citizens (column 4) and Indigenous citizens in the different States and Northern Territory (columns 5–10) had these rights by 1967. (Note that there is no column for Tasmania as it was believed that there were no Indigenous Australians in Tasmania at the time.) One example has been partly done to help you.

SOURCE 2.1

Aboriginal Australians' rights by 1967

Here is a summary of rights enjoyed by Aboriginal people by 1967. Most aspects of Aboriginal peoples' lives were controlled by State Governments and laws. In some areas, such as old age pensions, the Commonwealth controlled the laws. (The Commonwealth also controlled Aboriginal people's rights in the Northern Territory.)

	NSW	VIC	SA	WA	QLD	*NT (Cwth)
Areas of rights controlled by individual states						
Voting rights (State)	YES	YES	YES	NO	NO	YES
Marry freely	YES	YES	YES	NO	NO	NO
Control own children	YES	YES	NO	NO	NO	NO
Move freely	YES	NO	NO	NO	NO	NO
Own property freely	YES	NO	YES	NO	NO	NO
Receive award wages	YES	NO	NO	NO	NO	NO
Alcohol allowed	NO	NO	NO	NO	NO	NO
Areas of rights controlled by Commonwealth						
Invalid & Old Age Pensions (since 1959)	YES	YES	YES	YES	YES	YES
Australian Citizenship (since 1962)	YES	YES	YES	YES	YES	YES

- 4 Who had the greater control over most Aboriginal people's lives and rights — State Governments or the Commonwealth Government?
- 5 Did Aboriginal people have equal rights to other Australians?
- 6 Laws affecting Aboriginal people could be changed by State Governments (affecting the people who lived in that State), or by the Commonwealth Government (affecting all Aboriginal people in those areas of law-making covered by the Commonwealth). Discuss the advantages and disadvantages of relying on State Governments to make changes, and of relying on the Commonwealth Government to create equality.

It was not only legislation that could affect Aboriginal people's access to rights — it could also depend on the public servants whose job it was to enforce the law.

Look at the following example of West Australian man Norman Bilson and answer the questions that follow.

SOURCE 2.2

NORMAN BILSON, (Wangkai name Walaru) dictated a letter as follows to be sent to the Native Welfare Officer in Kalgoorlie applying for an Age Pension on 23 November, 1959:

Dear Sir,

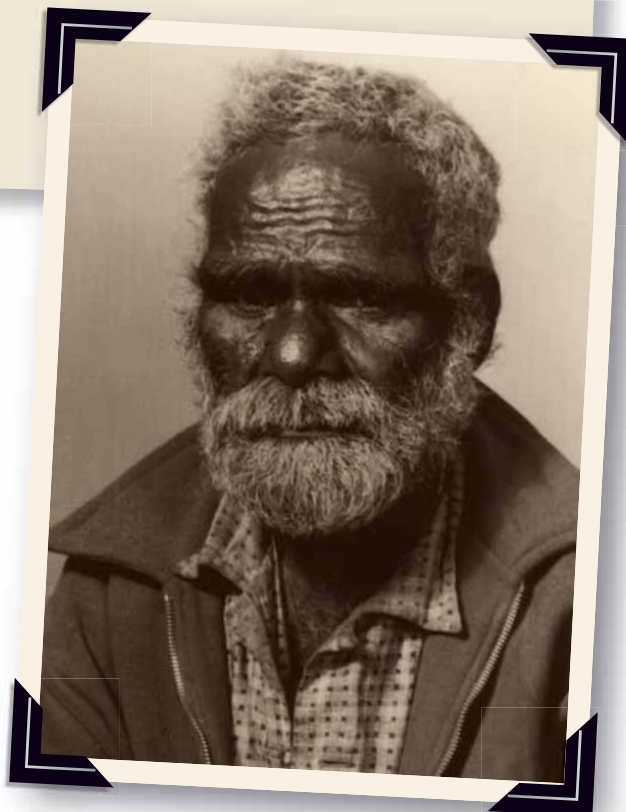
Please will you help me to apply for an Old Age Pension to be paid to me in money at the Post Office in Kalgoorlie.

I feel I am finished now and my eyesight is going. I can't do any more station work and there is no other work for me to do! My first work was at Old McComishes cattle station at Laverton after my brother Alec finished work there. It was all cattle work then, and when cattle were given up I broke in horses that were sent to Perth. I worked for Old McComish till he died. Then I went to work for Billy and Jasper Bright on their Kookynie Station, and I have worked there ever since, they have cattle and sheep and horses. I have always worked on the same station, first for McComish and then for Brights.

But I am not up to the work now. My age is seventy. I believe I am seventy because I was a man when the First War started.

Yours Truly,

Norman Bilson (his mark)



Box 12/6, Council for Aboriginal Rights (Vic.) Papers, MS 12913, State Library of Victoria
<http://www.nma.gov.au/indigenoustrights/subsection211b.html?sslID=73>

The District Officer for Native Welfare wrote in reply on 8 June, 1960 as follows:

NORMAN BILSON – is not seventy years of age as stated by Mrs Bennett and is not yet old enough for the Age Pension. He is engaged at pastoral work.

Norman Bilson still complained of his sight and when he met Mr John McInnes whom he had known in the early days of the goldfields he asked him what age he was. McInnes wrote the following letter:

31/10/1960

Referring to Norman Bilson in 1914 he would have been about twenty years of age, when I first got acquainted with him. He was always a smart industrious boy and as far as I know always led a sober industrious life. Because he appears to have a good constitution should not debar him from getting a pension to which I am sure he is justly entitled ...

Yours Sincerely,

(Signed) John McInnes.

A note on the file reads:

Norman has had trouble with his sight the whole of this year. Dr Illingsworth says Norman Bilson has cataract and wrote a letter for Norman to deliver to the District Officer for Native Welfare. It is understood that Norman will have an invalid pension and treatment.

<http://www.indigenoustrights.net.au/document.asp?ssid=1&isid=78>

- 7 Why did Norman Bilson have a right to a pension?
- 8 Why was he not able to exercise that right initially?
- 9 What had to happen before he could exercise that right?
- 10 What does this tell us about:
 - State and Commonwealth laws about Aboriginal people's citizen rights
 - having a right in theory and in practice?

The National Museum of Australia **Collaborating for Indigenous Rights** website summarises the situation in this way:

SOURCE 2.3

The 'two worlds' of Australia

Australia in the immediate post-war period consisted of two separate worlds. The vast majority of its people lived in a world of houses serviced with water and power, where laws ensured social order, where people on the whole had jobs to do and enough to eat and, if they didn't, the State helped them through hard times. Most people lived in or near cities. They were proud to be subjects of the Queen and believed that they lived in a fair and just democracy, unhindered by problems such as class distinctions in Britain, or racial tensions in the United States or South Africa.

The other world was inhabited by people whose ancestors had lived here for many generations – the Indigenous Australians. By the 1950s most had lost their lands and lived in poverty on the fringes of non-Indigenous society. Many were not eligible for the dole or other State or federal benefits which non-Indigenous people received. State laws controlled where many Indigenous people could live, where they could or couldn't move and whom they could marry. Many Indigenous Australians were not legal guardians of their own children and were not permitted to manage their own earnings.

There was little contact between the inhabitants of these two worlds and the majority were ignorant of or indifferent to the difficulties faced by Indigenous Australians. Some, who were both aware of Indigenous disadvantage and doing what they could to address it, recognised the possibilities of a grass-roots reform movement to bring the rights and protections of Australian citizenship to all Australians.

<http://www.nma.gov.au/indigenoustrights/subsection211b.html?ssid=73>

- 11 Based on all the information in this Activity complete a statement about citizenship rights in Australia in 1967. Your statement should explain why you think this situation was undesirable and unacceptable. Your answer should cover two areas: citizenship rights in theory, and in practice.

Citizenship rights in Australia were ...

- 12 Why do you think the situation existed that not all Australian citizens had equal rights?

One solution proposed for this situation was to give the Commonwealth Parliament power to make laws affecting Aboriginal people. Why might this make a difference? How could the legal situation, and the reality of Aboriginal citizenship rights, be changed? These questions will be the focus of the next Activity.

ACTIVITY 3

'Your petitioners humbly pray . . .' What attempts were made to change the Constitution by petitions?

This activity helps students explore the material in the *Earlier attempts to change the Constitution, Early petitions, National petition campaign 1962-63, and the FCAATSI Legislative Reform Committee* sections of the website <http://www.nma.gov.au/indigenoustrights/>

You will see from the previous Activity that by 1967 not all Australians had equal citizenship rights in practice. In 1967 there was an attempt to change this situation by changing the Australian Constitution.

The rest of this unit shows how you can use the rich resources in the National Museum of Australia's **Collaborating for Indigenous Rights website** to explore this reform.



One way that people tried to bring about a change in the reality of Aboriginal people's lives and rights was by **petitions**.

What is a petition? How and where are petitions used in Australia today?

A petition is a collection of signatures of people who are asking for a change, often to a law.

- 1 Imagine that you were organising petitions to change the situations set out in the table below. Who would you present the petition to? What would determine whether the petition was effective or not? Complete this table.

Change required:	Petition to be presented to:	Key factors that are likely to make it effective:
An aspect of your school		
Parking laws in a local street		
Reduce plastic use in supermarkets		
Increase (or decrease) refugee intake to Australia		
Increase (or decrease) Australia's adoption of international human rights laws		

How did people use petitions to try to bring about this change?

For a Commonwealth matter the petition had to be directed to the Commonwealth Parliament. Petitions are presented to Parliament by the members who represent a particular electorate (for the House of Representatives)

or a State (for the Senate). The MP presents the petition, even if he or she does not personally agree with it. Nothing actually happens with petitions after being presented to Parliament. The point behind them is to try to influence the Government by showing what the people want.

Petitions are regularly presented to Parliaments today. You can find information about them at several sites, including: <http://www.aph.gov.au/Senatepubs/odgers/chap1809.htm> and <http://www.edo.org.au/edovic> and go to Kits, then EDO Petition Kit.

You could also explore petitions presented to Parliament. Do an internet search for State or Commonwealth Hansard and you will find a record of those that have been presented recently. See if any have been presented by your local Member of Parliament.

Understanding the Constitution

Most of the petitions you are about to study called for a change to the Australian Constitution, created in 1901.

The Australian Constitution determines what power the Commonwealth and the States and territories have.

Soon you will see that the main aim of reformers was to have the Commonwealth Parliament able to make laws affecting Indigenous people. Before 1967 it could not do this in most areas of life.

2 Look at this table, and:

- summarise what sections 51(xxvi) and 127 as passed in 1901 meant for Aboriginal people;
- decide what effect you think the proposed changes to those two sections would make to Aboriginal people.



Before 1967		After 1967	
1901 Australian Constitution	Meaning and implications for Indigenous people	Proposed change to the 1901 Constitution	Meaning and implications for Indigenous people
51. 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 people in any State, for whom it is necessary to make special laws.		51. 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 people in any State, for whom it is necessary to make special laws.	
127. In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives should not be counted.		127. In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives should not be counted.	

CASE STUDY The 1962–63 petition campaign

Several petitions were presented to Parliament (and other authorities) before 1967. These petitions did not achieve their aim of changing the Constitution. Why not? The Group Research Task on page 10 is a good way of exploring this question.

However, we can still learn a lot about the issue and the times by looking at a case study of one of these petitions, the 1962 national petition campaign.

- 3 Look at the petition on the next page, and answer the questions in boxes around it.
- 4 Imagine that you are a Member of the House of Representatives in 1962.

You are aware that there is a national petition campaign about to start. You have to decide whether or not it will influence you.

Look at the following documents, and use them to answer these questions:

- What is the problem?
- What does the campaign want you to do?
- Why is it targeting you?
- The target is for 250 000 signatures out of an Australian population of 10 700 000. (In fact it will achieve about 100 000.) Does this influence you?
- Identify the strategies that the campaign is using.
- If the campaign is successful, what will follow?
- What are the main factors that will determine whether or not you are influenced by the campaign?
- What is your response to the campaign?



What effects was it designed to have?

National Petition

TOWARDS EQUAL CITIZENSHIP FOR ABORIGINES

Who is it being presented to?

TO THE HONORABLE THE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES IN PARLIAMENT ASSEMBLED:—

Who would present it?

The Petition of the undersigned citizens of the Commonwealth respectfully sheweth:—

What problem is it seeking to overcome?

THAT, in view of the fact that the Commonwealth Constitution discriminates against the Aboriginal people in two Sections (as set out below), it thereby limits their right to "peace, order and good Government under the Commonwealth Parliament", and

THAT such discriminations in effect give support to other laws and regulations which deprive Aborigines of equal wages and employment opportunities and deny them the right to own and develop their remaining tribal lands, and

THAT they have an inferior legal status compared with other citizens of the Commonwealth.

What is it asking this body to do?

Your petitioners humbly pray that the Commonwealth Government remove Section 127 and the discriminatory words in Section 51 (as underlined), by the holding of a referendum at an early date.

And your petitioners, as in duty bound, will ever pray.

Name

Address

Who would sign it?

What new words does it want?

Section 51: "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:—

Clause xvi: "The people of any race, other than the aboriginal races in any State, for whom it is deemed necessary to make special laws."

Section 127: "In reckoning the number of the people of the Commonwealth or of a State, or other part of the Commonwealth, aboriginal natives shall not be counted."

Who is involved in creating it?

This Petition should be returned to P.O. Box 59, Coburg, Vic. or to person from whom it was received.

Authorized by Mr. Stan Davy, general secretary for the Federal Council for Aboriginal Advancement, on behalf of 34 affiliated organisations from all Australian States and Northern Territory.

GREENSBOROUGH PRESS PTY. LTD., BEEWAH ST., GREENSBOROUGH. JP 2665.

GROUP RESEARCH TASK Attempts to change the Constitution

Many petitions were presented concerning the status and rights of Aboriginal people between the 1840s and the 1960s. Several are included on the National Museum of Australia's *Collaborating on Indigenous Rights* website:

SOURCE 3.2



1846 Petition to Queen Victoria

Bain Attwood and Andrew Markus,
The Struggle for Aboriginal Rights: A Documentary History, Allen & Unwin, Sydney, 1999, pp38-39
<http://www.indigenoustrights.net.au/files/f85.pdf>



SOURCE 3.3



Petition for a Referendum, 1958

Barry Christophers papers,
MS 7992, box 16, National Library of Australia, Canberra
<http://www.nma.gov.au/indigenoustrights/subsectionb538.html?ssID=24>



SOURCE 3.4



1933 Petition to King George V

Bain Attwood and Andrew Markus,
Thinking Black: William Cooper and the Australian Aborigines' League, Aboriginal Studies Press, Canberra 2004, pp 35–36
<http://www.indigenoustrights.net.au/files/f74.pdf>



SOURCE 3.5



Referendum Petition, FCAATSI 1966

Barrie Pittock personal papers
<http://www.nma.gov.au/indigenoustrights/subsectiond539.html?ssID=72>



SOURCE 3.6



Aboriginal-Australian Fellowship, Petition to amend the Constitution, 1957

Fitzpatrick papers, MS 4965/1/5273,
National Library of Australia
<http://www.nma.gov.au/indigenoustrights/subsectionb538.html?ssID=24>



As a class, allocate these petitions and demands among groups. Complete this table of questions for each, and report back to the class — summarising the answers for those petitions you did not personally research.

Questions	1846	1933	1957	1958	1966
Who is organising it or involved in creating it?					
When?					
Who has signed it?					
Who is it being presented to?					
Why present it to that person/organisation?					
What problem or situation is it seeking to overcome?					
What change does it want to bring about?					
What effects does it expect this change will have?					

250,000 SIGNATURES TO BE SOUGHT ON NATIVE-RIGHTS PETITION

The Federal Council for Aboriginal Advancement hopes to collect 250,000 signatures for a petition, to be submitted at the opening session of Federal parliament next year, calling for improved rights for Aborigines.

The petition calls for the amendment of two clauses of the Commonwealth Constitution.

The council claims the clauses give support to other laws and regulations depriving aborigines of equal wages and employment opportunities and denying them the right to own and develop their remaining tribal grounds.

It also claims that natives have inferior legal status to other Commonwealth citizens, and that the two clauses limit their right to 'peace, order and good government'.

Aboriginal leaders from every State would speak at the Sydney meeting. Representatives from Brisbane, Perth, Darwin and Cairns will come to the Melbourne meeting. The main speaker in Melbourne would be Mrs Kath Walker, Queensland secretary of the Federal Council for Aboriginal Advancement. The Melbourne campaign committee of eight includes Mr Gordon Bryant, Federal member for Wills, and Pastor Doug Nicholls.

The main line of attack in the campaign would include the trade unions and church bodies.

Petition forms would be returned on February 23.

- 5 Language changes over time. Identify words used in this article that would not now be used. Discuss why such words would no longer be used.



<http://www.nma.gov.au/indigenousrights/subsectionc58a.html?ssID=25>

SOURCE 3.8

Gordon Bryant,
'Arguments for a Referendum',
1962

by G. M. BRYANT, M.H.R.,

President, Aborigines' Advancement League.



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

2

SMOKE SIGNALS

OCT 1962

Continued on next page >>

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 politics 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.



Smoke Signals, October 1962
<http://www.nma.gov.au/indigenoustrights/subsectionc58a.html?sslID=25>

SOURCE 3.9 Alick Jackomos, FCAA state secretary for Victoria, recalls his street campaigning in the 1960s

We were given petitions and it was our job to get names on 'em. And Doug [Nicholls — a prominent Aboriginal ex-athlete, footballer and eventually Governor of South Australia] and I . . . used to go up to Smith Street, Collingwood with a little card table outside of old Foy and Gibson's . . . And Doug'd be yelling out 'give Aborigines citizenship rights!' And he'd be dragging people. And Doug was like chewing gum to anyone because if he put his hand on them they'd come right to the table, you know? He could mesmerise them, Doug and get them there. And it was Doug's job to lead 'em to the table, and there's me sitting at the table getting people to sign.

We signed those petitions there but we also had a good spot outside the Collingwood football ground on home matches — outside the Collingwood members' stand. Now Collingwood supporters are black and white one-eyed. Normally they'd just rush into the grandstand to get their seat. But this particular day Doug Nicholls, again as they were walking in — and everybody knew Doug, I mean Doug was a household name. He was better known than Henry Bolte who was the Premier at the time. Soon as they see Doug, they couldn't resist Doug. So he leads 'em to the table and we'd get these petitions. And we got a lot of petitions signed and so did all the other workers in Victoria.

Alick Jackomos, Federal Council for the Advancement of Aborigines and Torres Strait Islanders Oral History Project, 12 December 1996, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.
<http://www.nma.gov.au/indigenoustrights/subsectionc58a.html?sslID=25>

The campaign did not achieve its aim of having Federal Parliament introduce a bill to authorise a referendum to change sections of the Constitution.

6 Why do you think it did not succeed? List the reasons.

For the petition to succeed it needed to have a bill introduced into Parliament. Most bills are introduced into Parliament by the Government of the day. It is rare for Opposition or Private Members to introduce bills. For a Government bill to be introduced it needs the approval of Cabinet — a group of Senior Ministers.

So to understand what happened we need to focus on Cabinet and Parliament in the next Activity.

ACTIVITY 4

Changing the law — what was the role of Cabinet and Parliament?

This activity helps students explore the material in the *Parliamentary and Cabinet debates 1964–66* and *Cabinet Decision 1967* sections of the website <http://www.nma.gov.au/indigenoustrights/>

As you have now seen the main aim of the Aboriginal reform organisations and their supporters was to bring about a change to two parts of the Constitution — s.127, which stopped Aboriginal people from being included in the census, and s.51 (xxvi) which stopped the Commonwealth Parliament from passing legislation specifically relating to Aboriginal people.

These changes to the Constitution could only be made after a referendum — a popular vote — showed that a majority of total voters in Australia, and voters in a majority of States (four out of six, ACT and NT residents did not have a vote at this stage), voted in favour of the changes.

Parliament had to pass an Act to authorise the referendum; and Cabinet had to authorise the Government to introduce and pass the legislation.

So, let's see how this process was achieved. The **Collaborating for Indigenous Rights** website includes much material from Commonwealth Parliament and Cabinet. Much of it will be difficult for students to work through. Here we have suggested a way of minimising the reading of the sometimes difficult and dense material so that you get the best information in the easiest way.

The 1964 legislation

Several Bills were introduced into Commonwealth Parliament — in 1964, 1965 and 1966 — before one was passed in 1967 authorising the referendum.

The debates that reveal most about parliamentarians' attitudes on the issue are those during the 1964 Bill. That bill was introduced by the ALP Opposition (O), and included the two changes that were eventually voted on in 1967. At this time, however, the Government (G) opposed them.

- 1 Go to the Bill on the **Collaborating for Indigenous Rights** website, and allocate each of the references in the table below to a small group. That group should then summarise and report on the politicians' arguments, ideas and attitudes. The reports should follow the sequence in the table. Where several politicians made comments on the one issue or question, then the groups should report in that order. This will help the whole class to appreciate the differences of opinion that existed in some cases.



SOURCE 4.1

1964 Hansard pages 1902–17

<http://www.nma.gov.au/indigenoustrights/subsection0ff1.html?ssID=26>

Aspects – what the politicians said about:	Calwell (O) Pages:	Snedden (G) Pages:	Bryant (O) Pages:	Barnes (G) Pages:	Beazley (O) Pages:
Why s.127 was included in the 1901 Constitution.	1902				
Why it was no longer appropriate.	1903				
But did it cause problems? Was it having any harmful effect?		1905		1913	
Why s.51(xxvi) was introduced. Consider the role of Queensland and Pacific Islands labour.	1903-4				
Was it causing any problem now? Was it appropriate or not? Was it even a positive benefit?	1904	1906			
What was meant by positive and negative discrimination.		1907			1916-17
Attitudes to what was happening to Aboriginal people – assimilation. How would changes affect this?	1904-5	1905	1910-11	1915	
International considerations.	1904				
Public opinion.		1906	1909-10		
Attitudes to role of the Commonwealth and its resources.			1912		
Problems caused by trying to create a uniform law.		1907-8			

- 2 When all groups have reported on their individual elements you should be able to complete the following summary sheet:

A SUMMARY OF THE IDEAS AND ATTITUDES IN THE 1964 COMMONWEALTH PARLIAMENTARY DEBATES

- 1 The legislation of 1964 was introduced by _____
- 2 His role in Parliament was _____
- 3 The aim of the legislation was to hold a _____ to change the _____
- 4 The two parts to be changed were section _____ which _____
And section _____ which _____
- 5 Mr Calwell explained that the reason for the existence of s.127 in the 1901 Constitution was to do with Queensland and Pacific Islanders, that is: _____
- 6 His attitude to this section was that it was no longer appropriate because _____
- 7 He believed that it was important to get rid of it because _____
- 8 Calwell also explained that the reason for the existence of s.51 (xxvi) in the original Constitution of 1901 was _____
- 9 His attitude to this section now was that it was not necessary because _____
- 10 He believed it was important to get rid of it now because _____
- 11 He also felt that there was an international element – that because Australia was a member of the United Nations Organisation other countries could say that Australia was _____
- 12 Calwell also believed that Australians had to examine their consciences because _____
- 13 His attitude to the issue of assimilation, that is the inclusion of Aboriginal people into white society, was _____
- 14 Mr Calwell was followed by Mr Snedden. His position was _____ which means that he was in charge of _____
- 15 He agreed with Calwell that s.127 was _____
- 16 But he believed that the effect of s.127 in practice was _____ and therefore it did not need to be removed.
- 17 His attitude to s.51 (xxvi) was, not that it was dangerous to Aboriginal people, but that it was in fact a safeguard to make sure that laws could not be passed that _____
- 18 Snedden believed that the assimilation of Aborigines meant that any law should affect all races _____
- 19 His attitude to discrimination, whether positive and helpful or negative and hurtful was _____
- 20 He also argued that since the Aboriginal people of one State were likely to have very different needs to those in another State, it was not possible for the Commonwealth to pass a law that _____
- 21 The next speaker was Mr Bryant. His attitude was _____
- 22 He argued that in terms of freedom, Aboriginal people, in comparison to other citizens, were _____
- 23 He made his point about the complexity and unfairness of laws by saying that any Aboriginal person needed a staff of three people, whose job was:
one to _____
another to _____
and a third to _____
- 24 He said that a main reason to pass over the power to make laws about Aboriginal people to the Commonwealth was financial: that the resources of the Commonwealth to deal with problems, compared to the resources of the States, was _____

The process of introducing a referendum

While our main concern is a study of the legislation as passed and put to a referendum in 1967, that legislation had to be authorised by a process of Cabinet.

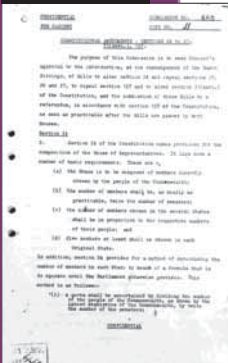
You can follow the Cabinet process through the documents on the ***Collaborating for Indigenous Rights*** website.

Cabinet is the meeting of senior Ministers of the Government who make various decisions, including what legislation to allow to be introduced into Parliament.

In 1964 the Opposition, the Australian Labor Party, introduced legislation to authorise a referendum to change the Constitution by repealing s127, and amending s 51 (xxvi). That legislation was not passed.

In February 1965 Attorney-General Billy Snedden put a proposal to Cabinet that the Government should introduce similar legislation, together with a proposal to break the 'nexus' — that rule in the Constitution that the numbers of members in the House of Representatives should always be as near as practicable double the number of members in the Senate. The Government wanted to be able to change the numbers of members in the House as required as the population grew and population distribution shifted, without always having to adjust the number of Senators as a consequence.

SOURCE 4.2



CABINET: February 1965

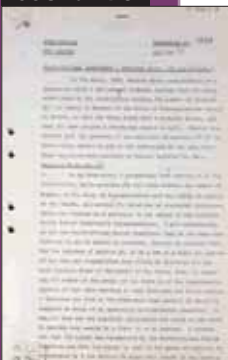
National Archives of Australia, A5827/1, vol. 20
<http://www.nma.gov.au/indigenoustrights/subsection0ff1.html?ssID=26>



- 1 Look at pages 11–12 paragraphs 24–26, 28–30:
 - What was Snedden's attitude to public opinion on changing the constitution?
 - What does this suggest about the results of the petition campaigns of the early 1960s?
 - What was the reason for the existence of s.127?
 - How had its reasons for existence been changed by a) modern conditions, and b) the 1962 legislation giving Indigenous people the right to vote in Commonwealth elections, and c) international developments?
- 2 Look at pages 13–14, paragraphs 37–38:
 - What does Snedden see as the attitude of the public towards issues of discrimination?
 - What is Snedden's own attitude towards the effect of s.51 (xxvi) as discrimination?
 - What are his reasons for supporting its amendment?
- 3 Look at page 14 paragraph 39:
 - What did Snedden see as the likely practical effect of the change on the balance of power between the Commonwealth and the States?

Snedden recommended that changes to s.127 and s.51(xxvi) be put, but Cabinet only agreed to s.127.

SOURCE 4.3



CABINET: August 1965

National Archives of Australia, A5827/1, vol. 31
<http://www.nma.gov.au/indigenoustrights/subsection0ff1.html?ssID=26>



- 4 Look at page 5 paragraph 13:

Snedden again argued to include s.51(xxvi) in proposed constitutional changes. Summarise his main arguments about a) public opinion, and b) the attitude of the Opposition.
- 5 Look at pages 6–8 paragraphs 15–19:
 - What are Snedden's arguments about discrimination, and about the use of Commonwealth powers?
 - What does Snedden see happening with Commonwealth involvement in Indigenous matters if the Constitution is amended?
- 6 Look at page 11 paragraph 30:
 - What argument does Snedden stress now to Cabinet to have them accept the changes?
- 7 Look at pages 11–13 paragraphs 30–34:
 - Snedden outlines three different possible approaches. Which does he recommend, and why?

SOURCE 4.4



PARLIAMENT: November 1965

Hansard, Parliamentary Debates, House of Representatives, 11 November 1965, pp. 2635-2640
<http://www.nma.gov.au/indigenoustrights/subsectionOff1.html?ssid=26>



Cabinet again rejected Snedden's proposals. To see the reasons Prime Minister Robert Menzies gave for this, look at pages 2638–2640 of the debates on the 1965 Bill.

SOURCE 4.5



PARLIAMENT: March 1966

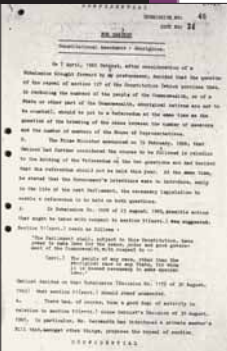
Hansard, Parliamentary Debates, House of Representatives, 10 March 1966
<http://www.nma.gov.au/indigenoustrights/subsectionOff1.html?ssid=26>



Government backbencher William Wentworth introduced a bill to include the change to s.51(xxvi) in the proposed set of referendums to be held. He did so for two main reasons: because he believed the Commonwealth should have the freedom and power to act in the area and legislate against existing State discrimination, and to prevent further racial discrimination. Look at pages 121–125 to see Wentworth's explanation of these ideas.

Look also at pages 125–136 and the speeches of Beazley, Erwin, Bryant, Robinson, Cross and Cleaver to see liberal attitudes at the time, and for many anecdotes that help us understand people's behaviour, opinions and values at that time.

SOURCE 4.6



CABINET: January 1967

National Archives of Australia, A5842/2, vol. 1, submission 46, decision 1979
<http://www.nma.gov.au/indigenoustrights/subsection9bad.html?ssid=27>



The issue was raised again, this time by the new Attorney-General, Nigel Bowen.

Look at pages 1–5 paragraphs 1–12 for a good summary of events between 1965 and 1967.

- 8 Look at pages 5–7 paragraphs 13–16:
 - Why does he reject this idea?
- 9 Look at pages 7–8 paragraphs 18–19:
 - What is the importance of public opinion in Bowen's recommendation?

Cabinet now agreed to put the changes to both s127 and s51(xxvi) in a Bill authorising a referendum, and this was passed.

- 10 What does this process tell you about:
 - The role of Cabinet in the process to bring about change through a referendum on the Constitution?
 - The role of Parliament in this process?
 - The role of individual members of parliament in it?
 - The role of parties?
- 11 Why do you think the Government finally decided to allow a proposed change to the Constitution to be put to the people?

Would the voters now accept the proposed changes? To explore the campaign to convince voters to support the proposed change look at the next Activity.

ACTIVITY 5

Changing the Constitution — what were the roles of people, groups and ideas in the referendum campaign?

This activity helps students explore the material in the *Campaigning for a YES vote* section of the website <http://www.nma.gov.au/indigenoustrights/>

Cabinet had authorised the legislation for a referendum, and it had been passed in Parliament.

How would the electors now vote on it?

- Imagine that you have been put in charge of planning the referendum campaign. Create a list of strategies that you would use to persuade voters to support it. Remember that in 1967:
 - there were no digital phones
 - there were no personal computers and email
 - there was no internet
 - pamphlets had to be commercially printed or typed and reproduced on small hand printing machines
 - a minority of homes had TV, but nearly all had radios.

List your strategies. For example, would you have a slogan? Which organisations would you approach for help? How do you get your message around the whole nation?

- Below is some material from the 1967 campaign, with some questions to help you focus on some main elements. Study it to decide what a study of referendum material helps you understand about:
 - who supported/opposed it
 - the strategies used
 - the main arguments or reasons stressed
 - the nature and type of appeals made to voters.

Distribute the documents among groups in class to complete a summary and report back.

SOURCE 5.1 The Government case for YES

National Archives of Australia, A463, 1965/5443
<http://www.nma.gov.au/indigenoustrights/subsectioneb1e.html?ssid=28>



- What are the two main reasons given for supporting the change to s51(xxvi)?
- What impact would this have on the States' power in the area?
- What is the main argument about why s127 should be removed?
- Who has produced this pamphlet?
- Is it likely to be influential?

SOURCE 5.2 Australian bishops say Yes

Gordon Bryant papers, MS 8256, National Library of Australia
<http://www.nma.gov.au/indigenoustrights/subsectioneb1e.html?ssid=28>



- Why are churches being stressed?
- What strategies are being used?
- What messages are being given to readers through these two images?
- Is it likely to be influential?

SOURCE 5.3 'What a "No" vote would mean'

by Bruce Grant

The Age, 7 April 1967
<http://www.nma.gov.au/indigenoustrights/subsectioneb1e.html?ssid=28>



- What are the main arguments used?
- What message might readers get from the photograph?
- Is it likely to be influential?

Courtesy *The Age*

SOURCE 5.4 Letters to the editor

Letters to the Editor from B Pittock, LK Appleton, Brian and Mary Cotterell and WJ Orme.
<http://www.nma.gov.au/indigenoustrights/subsectioneb1e.html?ssid=28>



- Do these letters support or oppose the referendum?
- Whose opinions do they represent?
- Are they likely to be influential?

SOURCE 5.5 Letter to the Prime Minister,
10 May 1967



National Archives of Australia
[http://www.nma.gov.au/indigenoustrights/
subsectioneb1e.html?ssid=28](http://www.nma.gov.au/indigenoustrights/subsectioneb1e.html?ssid=28)



- Who was Harold Blair?
- What is the date of the letter?
- Why might the writer make this offer? Does it suggest that the Government was not campaigning hard enough for the referendum?
- Is it likely to be influential?

SOURCE 5.6 Official leaflet setting out the arguments
for amending section 51 (xxvi) and deleting section 127



Council for Aboriginal Rights, MS 12913/11/3, State Library of Victoria
[http://www.nma.gov.au/indigenoustrights/
subsectioneb1e.html?ssid=28](http://www.nma.gov.au/indigenoustrights/subsectioneb1e.html?ssid=28)



- Why did the Parliament only produce a 'YES' case?
- Is it likely to be influential?
- Even if nobody agreed with it do you think the parliament should have provided a pamphlet giving the views of those who opposed the Referendum?

SOURCE 5.7 'The rights of the Australian Aborigines
AND YOU'



Christophers papers, MS 7992, National Library of Australia
[http://www.nma.gov.au/indigenoustrights/
subsectioneb1e.html?ssid=28](http://www.nma.gov.au/indigenoustrights/subsectioneb1e.html?ssid=28)



- What are the main arguments in this poster?
- What is the message of the image?
- Who has produced this poster?
- Is it likely to be influential?

SOURCE 5.8 Vote YES poster, 1967



Gordon Bryant papers, 1917-1991, MS 8256/11,
Box 175, National Library of Australia
[http://www.nma.gov.au/indigenoustrights/
subsectioneb1e.html?ssid=28](http://www.nma.gov.au/indigenoustrights/subsectioneb1e.html?ssid=28)



- What is the message of this poster?
- Why is it so brief?
- Is it likely to be influential?

SOURCE 5.9 Pamphlet, 'Right Wrongs Write YES
for Aborigines on May 27



Box 175, Gordon Bryant papers, 1917-1991,
MS8256/11, National Library of Australia
[http://www.nma.gov.au/indigenoustrights/
subsectioneb1e.html?ssid=28](http://www.nma.gov.au/indigenoustrights/subsectioneb1e.html?ssid=28)



- What is the message of this poster?
- Why is it so brief?
- What is the message of the photograph?
- Is it likely to be influential?

SOURCE 5.10 Vote 'YES' for Aborigines



Gordon Bryant papers, 1917-1991, MS8256/11,
Box 175, in folder 'Campaign material - referendum regarding
Aboriginal affairs 27.5.67', National Library of Australia
[http://www.nma.gov.au/indigenoustrights/
subsectioneb1e.html?ssid=28](http://www.nma.gov.au/indigenoustrights/subsectioneb1e.html?ssid=28)



- What are the arguments of this poster?
- What is the message of the images?
- Who has produced it?
- Is it likely to be influential?

- 3 Do you think the referendum vote on the two issues was likely to succeed?
- 4 One of the 1967 strategies was the creation of slogans. Suggest possible slogans that you think would be effective. You can compare yours with those actually suggested and reproduced on page 21.
- 5 Another suggestion was to approach folk-singer Gary Shearston to record a song for the campaign. Suggest the words and ideas that you would include in such a song.

- 6 Many people and organisations had worked for years to bring about the referendum, and to change the status of Indigenous people's rights. Why do you think some people are ready to work so hard for a cause? Is this good citizenship?

You can research many significant individuals and organizations in the campaign for Indigenous Australians' equal citizenship rights at:



www.nma.gov.au/indigenoustrights/people.html?aID=4
(people)



[www.nma.gov.au/indigenoustrights/organisations.
html?aID=6](http://www.nma.gov.au/indigenoustrights/organisations.html?aID=6) (organisations)

What was the result of the Referendum vote?

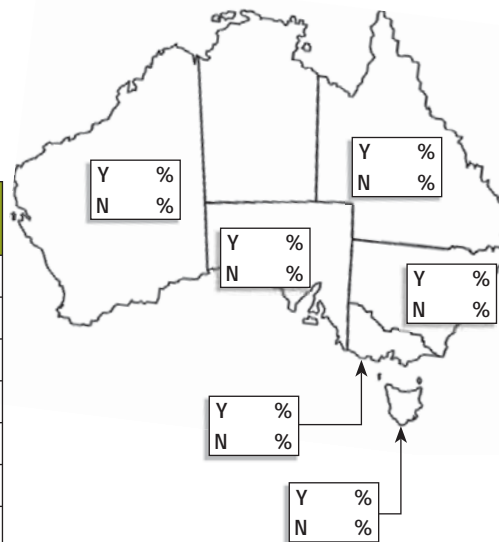
This activity helps students explore the material in the Victory section of the website <http://www.nma.gov.au/indigenoustrights/>

Here are the national voting figures for the 1967 Referendum to change s.127 and s.51(xxvi).

- 1 Work out the approximate percentage of Yes and No votes, and write them in the appropriate box for the State in the map opposite. (Note that ACT and NT residents did not have a vote in referenda at this stage.)

SOURCE 6.1 Voting results in the 1967 Referendum

State	On rolls	Ballots issued	For	Against	Informal
NSW	2,315,828	2,166,507	1,949,036	182,010	35,461
Vic	1,734,476	1,630,594	1,525,026	85,611	19,957
Qld	904,808	848,728	748,612	90,587	9,529
SA	590,275	560,844	473,440	75,383	12,021
WA	437,609	405,666	319,823	75,282	10,561
Tas	199,589	189,245	167,176	18,134	3,935
Total (Aust)	6,182,585	5,801,584	5,183,113	527,007	91,464



- 2 Suggest reasons for:
 - the overwhelming support for the change
 - the differences that existed in States' voting patterns.

- 3 Suggest how you could test these answers.

To see how your own electorate voted go to <http://www.australianhistorymysteries.info> and go to the 1967 Referendum interactive case study.

- 4 In the table opposite are some comments made by people about the 1967 referendum nearly 30 years later. From your knowledge, decide whether the underlined claims about the Referendum are true or false.

- 5 Why do you think so many people make such mistakes about what the 1967 Referendum actually did?

- 6 How would you describe the outcome of the 1967 Referendum?

SOURCE 6.2 Some comments on the meaning of the 1967 Referendum

TRUE or FALSE	Comments
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>[1997] marks just 30 years since a 1967 referendum <u>acknowledged Aboriginal citizenship, allowed Aborigines to vote and participate in the political process, and entitled them to pursue access to crucial services such as education.</u></p> <p><i>Patrick Dodson and Roberta Sykes, Sydney Morning Herald, 1996</i></p>
<input type="checkbox"/> <input type="checkbox"/>	<p>The referendum victory was a watershed, <u>giving black Australians basic human rights</u> and laying the foundations for the land rights movement of the '70s.</p> <p><i>Gary Hughes, The Australian, 1992</i></p>
<input type="checkbox"/> <input type="checkbox"/>	<p>1997 marks only the 30th anniversary of the 1967 referendum, when <u>Aborigines finally won the right to vote.</u></p> <p><i>Socialist Alternative, 1996</i></p>
<input type="checkbox"/> <input type="checkbox"/>	<p>Surely 27 May should be Australia's national day. On that date in 1967 by referendum, <u>all Australian citizens, indigenous or otherwise, became equal under the Constitution with the same rights and responsibilities.</u> True nationhood-was born on that day.</p> <p><i>The Age, 1996</i></p>
<input type="checkbox"/> <input type="checkbox"/>	<p>Since the 1967 referendum, when a Coalition Government <u>established the long overdue citizenship rights of Indigenous people,</u> there has been an increasing involvement of the Commonwealth Government in Indigenous Affairs.</p> <p><i>Liberal Party, 1996</i></p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The Malaysian Prime Minister, Dr Mahathir ... alluded to the racism debate in Australia, saying: 'The Aborigines of Australia were granted <u>citizenship, the right to vote and full recognition as human beings</u> only in 1967'.</p> <p><i>The Australian, 1996</i></p>

Sources quoted in B. Attwood and A. Markus, *The 1967 Referendum, or When Aborigines Didn't Get the Vote*, Aboriginal Studies Press, Canberra, 1997

This activity helps students explore the material in the Aftermath section of the website <http://www.nma.gov.au/indigenoustrights/>

Once the Constitution was changed — what then? Would there be many real changes made to laws and policies affecting Aboriginal people? Some people thought that there would be no real change; others thought that the State Governments would now start meeting and plan uniform changes; some people thought that the Commonwealth would start to exercise its powers independently of the States and override their laws and policies.













There are several documents on the **Collaborating on Indigenous History** website showing different people's expectations of what would happen next.

1 Look at these, distribute them among groups in your class, and have each group report back on these questions:

- What did this person/group want to happen now?
- How were these changes to be managed — who was to control what happened?

In each case try to summarise your answer by completing the following sentences for each statement:

- The person/group wanted ...
- This would be carried out by ...

Document	Reference	This person/group wanted ...	This would be carried out by ...
	SOURCE 7.1 Cabinet Submission, post referendum National Archives of Australia, A1209, 1967/1512 http://www.nma.gov.au/indigenoustrights/subsectione44b.html?ssID=30		
	SOURCE 7.2 Coombs to head Aboriginal council <i>The Australian</i> , 3 November 1967 http://www.nma.gov.au/indigenoustrights/subsectione44b.html?ssID=30		
	SOURCE 7.3 Charles Perkins to Harold Holt, June 1967 National Archives of Australia, A1209, 19671512 http://www.nma.gov.au/indigenoustrights/subsectione44b.html?ssID=30		
	SOURCE 7.4 Charles Barnes to Acting Prime Minister National Archives of Australia, A1209/1512 http://www.nma.gov.au/indigenoustrights/subsectione44b.html?ssID=30		
	SOURCE 7.5 Wentworth to Holt June 1967 National Archives of Australia, A1209, 1967/1512 http://www.nma.gov.au/indigenoustrights/subsectione44b.html?ssID=30		
	SOURCE 7.6 Queensland MPs to the Prime Minister, September 1967 National Archives of Australia, A1209, 1967/1512 http://www.nma.gov.au/indigenoustrights/subsectione44b.html?ssID=30		

Now look at this document summarising what has happened.

SOURCE 7.7 An assessment of the consequences of the Referendum

Firstly, the changes enabled the introduction of 'benign discrimination'. Despite resistance from parts of the Government, [there were] several Federal programs specifically aimed at satisfying desperate Aboriginal needs ... in the area of employment, education, health, housing, and the administration of justice.

Secondly, the newly worded s.51 offered a head of power on which the Government was able to draw ... for enacting the Aboriginal Land Fund Act 1974, the Aboriginal Loans Commission Act 1974, the Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws) Act 1975, Aboriginal Councils and Associations Act 1976, Aboriginal Land Rights (Northern Territory) Act 1976, Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self-Management) Act 1978, Aboriginal Development Commission Act 1980, Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act 1984, Aboriginal and Torres Strait Islanders Commission Act 1989 and the Council for Aboriginal Reconciliation Act 1991.

Thirdly, a new administrative definition of Aboriginal was introduced. [T]he Australian State Governments had ... created a raft of restrictive, technical or bureaucratic definitions of what constituted an Aboriginal person ... Definitions such as these were never accepted as meaningful by Aboriginal communities and the Commonwealth was easily able to introduce for its administrative purposes a fresh, more practical, definition based on community and self-identification.

Fourthly, the changes in the late 1960s heralded in a period characterised by the search for ways to facilitate 'self-management', 'self-sufficiency', 'self-determination' and, most recently, 'self empowerment'.

Fifthly, the changes offered the Federal Government a head of power (the so-called 'race power') to enact, in response to the 1992 Mabo High Court decision, the Native Title Act 1993 and Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1995 and to defend the former from a High Court challenge by Western Australia in 1995.

(Australian Parliamentary Library Background Paper 11 1996/1997)

2 In your own words how would you describe what has happened as a result of the 1967 Referendum?

YOUR ASSESSMENT

Will you put the 1967 Referendum in the Australian 'Human Rights Hall of Fame'?

You now have a great deal of information on aspects of the 1967 Referendum.

But one major question remains: was it a great triumph for Indigenous citizenship and human rights, or was it much less than that?

To decide this you need to look at the opinions of a range of people, and you need to have a set of criteria to apply to see if the Referendum met these.

To make your decision in an interactive way go to www.australianhistorymysteries.info

... and see if you will place the Referendum in the 'Human Rights Hall of Fame' with the other Human Rights documents you will find there.

WWW Further references

<http://www.nma.gov.au/indigenoustrights/sectionb92d.html?SID=39> (Reading)

<http://www.nma.gov.au/indigenoustrights/section7e7b.html?SID=41> (Web links)

From page 18:

The slogans suggested for the 1967 Referendum campaign were:

Towards an Australia free and equal

Vote yes

Vote 'Yes' for Aborigines

LET'S BE COUNTED - VOTE 'YES'

Vote 'yes' for equality

Remove discrimination - Vote 'yes'

How does the National Museum of Australia represent the 1967 Referendum? Site Study

For the 40th anniversary of the Referendum the National Museum of Australia set up a small display, entitled *'67 Referendum Spin, myths and meanings*.

- 1 From your study of the 1967 Referendum in this unit what would you say were the:
- spin
 - myth
 - meanings
- of the Referendum?

Below is a photograph of the National Museum of Australia display.

Any display is a representation of history — that is, it is somebody's version of what happened, and is created as a result of what they choose to include, and what they choose to exclude. Your task is to analyse this representation of the 1967 Referendum and make your own judgement about it. You will find enlargements of the numbered elements in the following pages.



Photograph George Serras

Use this set of questions to help you make your assessment of the site.

KEY CRITERIA for judging a museum display

- What does the display show?
- Is the historical context explained clearly?
- Is the significance of this display clearly explained?
- Are the objects displayed authentic for that event or period?
- Are these objects the best possible ones to be displayed?
- Are the text descriptions clear and informative?
- Do the surroundings influence my impression of the display?
- How is the display arranged?
- Is there a particular message being conveyed?
- Is the nature of the event clearly identified (e.g. am I told if it is controversial or contested)?
- If so, is a variety of viewpoints clearly and fairly put?
- Do I know where the evidence has come from and what sort of evidence it is?
- Is it giving me a particular message?
- Is its purpose to present objects (neutral), or to explain (impartial), or to argue a particular view (partisan)?
- At the end, do I feel that I really understand the situation?

1

1967 Referendum: The facts

Celebrating the 40th anniversary of the 1967 Referendum

In 1967, after 10 years of dedicated campaigning, a referendum was held to change the Australian Constitution. The changes gave the government the power to legislate for Aboriginal people as a group and to allow them to be counted in the census. These changes were seen by many as a recognition of Aboriginal people's rights as full citizens. This year marks the 40th anniversary of the 1967 Referendum.



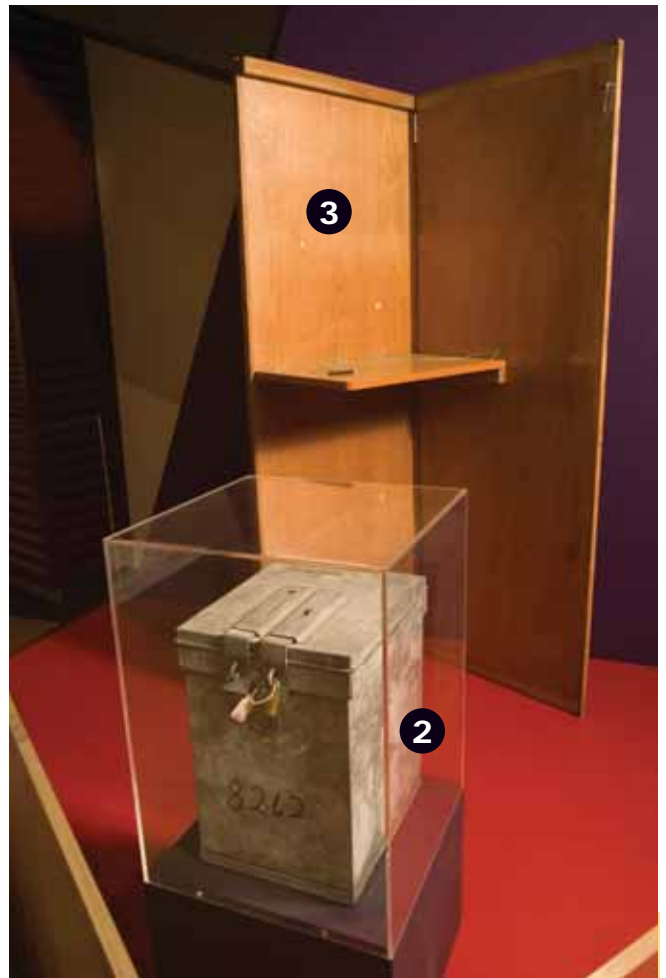
Victory celebration, Swaley College June 1967
Members of the New South Wales 'Yes' Committee near their campaign director, Paul Bonner (center), after the success of the 1967 Referendum.

Campaigning for change



Referendum campaign pamphlet 1967
National Library of Australia

While the Australian Government supported the proposed change, the 'Yes' campaign was run by a key national lobby group, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders. A remarkable mix of people — unionists, conservatives, Christians, communists, rich and poor, black and white — all worked together for change.



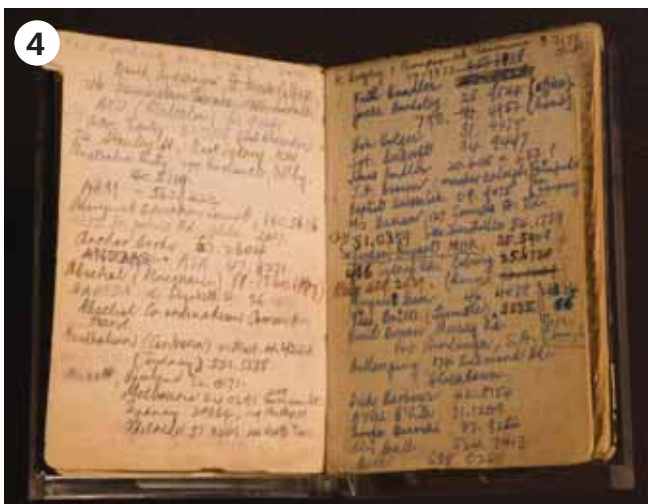
Australian Electoral Commission
Photograph George Serras

Voting booth about 1960s (3)

Voting box about 1960s (2)

Looking at the voting booth and voting box used in the 1967 Referendum, it is interesting to consider what the referendum meant to many people. Some thought the referendum gave Aboriginal people the right to vote, but legislation passed in 1962 provided all Aboriginal adults with voting rights for Commonwealth elections.

4



Calling all activists

This 1967 address book belongs to activist Jack Horner. It lists some of the many people and organizations that supported the 'Yes' campaign.

Address book 1967

On loan from Jack Horner
Collaborating for Indigenous Rights
<http://www.nma.gov.au/indigenousrights/>
Photograph George Serras



Whose shoes?

These 1960s shoes are a reminder of the diversity of people who took part in the 'Yes' campaign. People from churches, unions, universities, small businesses, political parties and the general community all dedicated their time. Who do you think might have worn the silver evening shoes or the thongs?

Unlike the other objects in this exhibit it is fine to touch the shoes in front of you.

5



Shoes about 1960s



National Museum of Australia
Photographs George Serras

Myth buster

7

Confusion about what the 1967 Referendum did and did not achieve for Aboriginal people is common. Here we answer some misconceptions.

- The vote?** No. Aboriginal adults already had the right to vote in federal elections.
- Citizenship?** No. Aboriginal people were already Australian citizens.
- Counted in the census?** Yes and no. Aboriginal people had been counted in the census, but the figures were subtracted from the total.



Census collection, Ernabella Mission, 21 June 1966
photograph by Peter Read

So what did the referendum achieve?

With an overwhelming 91 per cent of voters choosing 'Yes', the referendum gave future governments a mandate to implement change in Aboriginal affairs.

But Aboriginal people have had mixed responses to the referendum.



Racial discrimination, what's that? 23 May 1967
The campaign for the 1967 Referendum was widely covered in the media. Two days before the referendum, the Sydney Morning Herald included this original photograph on its front cover.
photograph by George Carter, Publications

For most Aborigines [the referendum] is basically and most importantly a matter of seeing white Australians finally, after 179 years, affirming at last that they believe we are human beings.

Charles Dixon, 1967

If the referendum hadn't been passed, we would have been further advanced, because white Australia would not have fooled the world into thinking that something positive was being done.

Karen Gibson, 1992

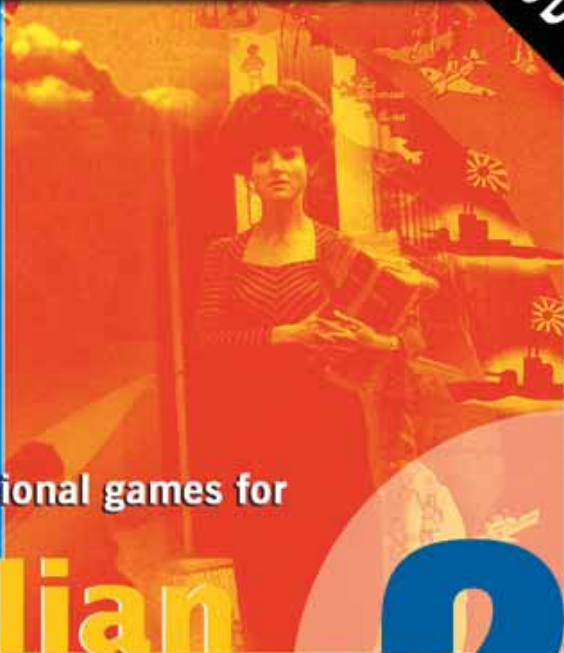
At the time I definitely thought that the referendum achieved something — personally, it made me lose my inferiority complex.

Richard Scrimshaw, 1997

6







CD-ROM of educational games for

Australian History Mysteries

2

Five case studies in
twentieth century Australian history





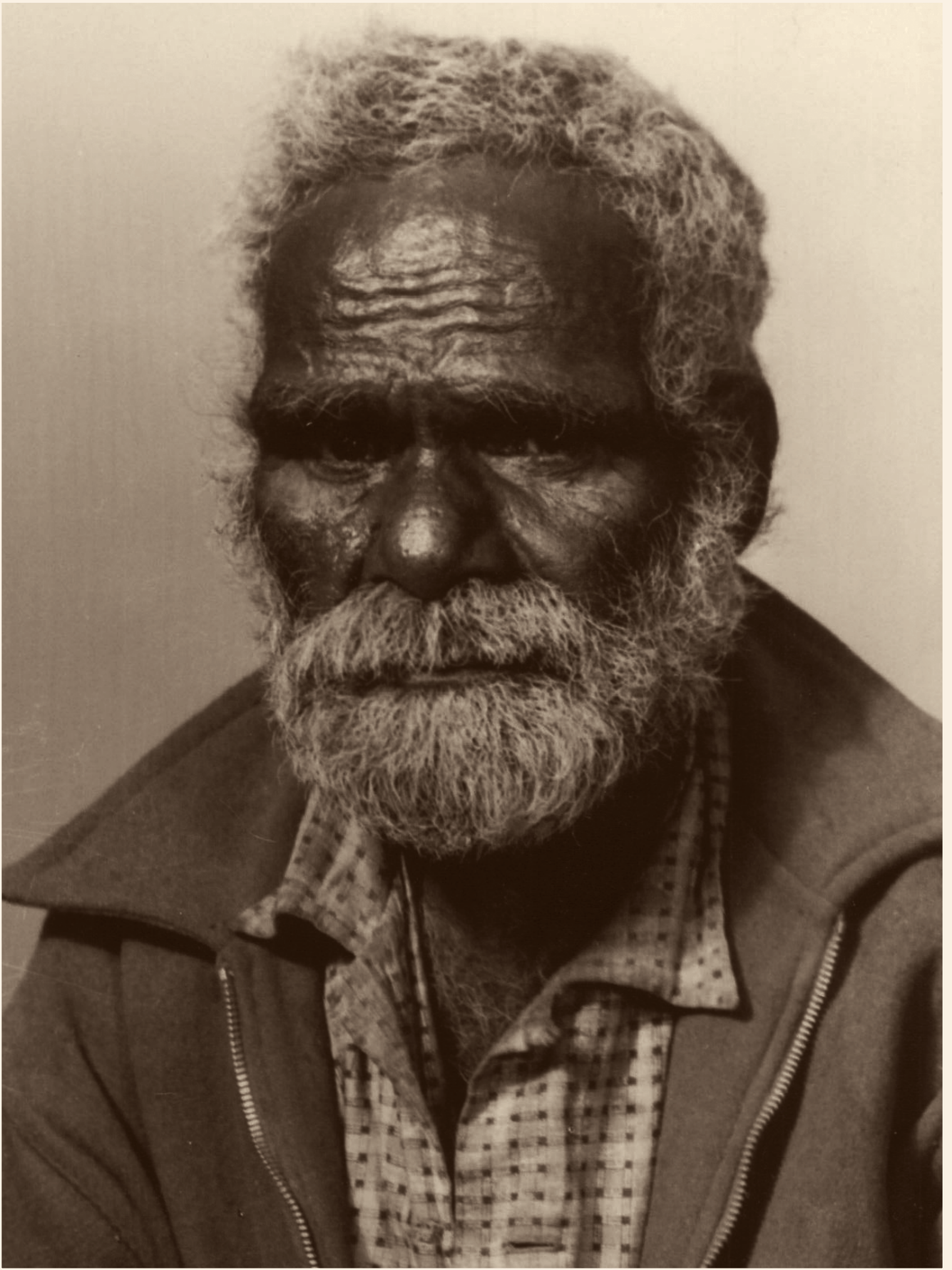


'67 Referendum

Spin, myths and meanings









National Petition

TOWARDS EQUAL CITIZENSHIP FOR ABORIGINES

TO THE HONORABLE THE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES IN PARLIAMENT ASSEMBLED:—

The Petition of the undersigned citizens of the Commonwealth respectfully sheweth:—

THAT, in view of the fact that the Commonwealth Constitution discriminates against the Aboriginal people in two Sections (as set out below), it thereby limits their right to "peace, order and good Government under the Commonwealth Parliament", and

THAT such discriminations in effect give support to other laws and regulations which deprive Aborigines of equal wages and employment opportunities and deny them the right to own and develop their remaining tribal lands, and

THAT they have an inferior legal status compared with other citizens of the Commonwealth.

Your petitioners humbly pray that the Commonwealth Government remove Section 127 and the discriminatory words in Section 51 (as underlined), by the holding of a referendum at an early date.

And your petitioners, as in duty bound, will ever pray.

Name

Address

Multiple horizontal lines for entering names and addresses.

Section 51: "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:—

Clause xxvi: "The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws."

Section 127: "In reckoning the number of the people of the Commonwealth or of a State, or other part of the Commonwealth, aboriginal natives shall not be counted."

This Petition should be returned to P.O. Box 59, Coburg, Vic. or to person from whom it was received.

Authorised by Mr. Stan Davoy, general secretary for the Federal Council for Aboriginal Advancement, on behalf of 34 affiliated organisations from all Australian States and Northern Territory.

Petition to Her Majesty Queen Victoria, 17 February 1846

The humble petition of the free Aborigines Inhabitants of V.D.L. now living upon Flinders Island, in Bass's Straits &c &c &c.

Most humbly showeth,

That we Your Majesty's Petitioners are your free Children that we were not taken Prisoners but freely gave up our Country to Colonel Arthur then the Gov^r after defending ourselves.

Your Petitioners humbly state to Y[our] M[ajesty] that Mr. Robinson made for us & with Col. Arthur an agreement which we have not lost from our minds since & we have made our part of it good.

Your Petitioners humbly tell Y.M. that when we left our own place we were plenty of People, we are now but a little one.

Your Petitioners state they are a long time at Flinders Island & had that plenty of Sup^{dts} & were always a quiet & free People & not put into Gaol.

Your Majesty's Petitioners pray that you will not allow Dr. Jeanneret to come again among us as our Sup^{dt} as we hear he is to be sent another time for when Dr. Jeanneret was with us many Moons he used to carry Pistols in his pockets & threaten'd very often to shoot us & make us run away in a fright. Dr. Jeanneret kept plenty of Pigs in our Village which used to run into our houses & eat up our bread from the fires & take away our flour bags in their mouths also to break into our Gardens & destroy our Potatoes & Cabbages.

Our houses were let fall down & they were never cleaned but were covered with vermin & not white-washed. We were often without Clothes except a very little one & Dr. Jeanneret did not care to mind us when we were sick until we were very bad. Eleven of us died when he was here. He put many of us into Jail for talking to him because we would not be his slaves. He kept from us our Rations when he pleased & sometimes gave us Bad Rations of Tea & Tobacco. He shot some of our dogs before our eyes & sent all the other dogs of ours to an Island & when we told him that they would starve he told us that they might eat each other. He put arms into our hands & made us to assist his prisoners to go to fight the Soldiers we did not want to fight the Soldiers but he made us go to fight. We never were taught to read or write or to sing to God by the Doctor. He taught us a little upon the Sundays & his Prisoner Servant also taught us & his Prisoner Servant also took us plenty of times to Jail by his orders.

The Lord Bishop seen us in this bad way & we told H[is] L[ordship] plenty how Dr. Jeanneret used us.

We humbly pray Your Majesty the Queen will hear our prayer and not let Dr Jeanneret any more to come to Flinders Island. And We Y.M's servants & Children will ever pray as in' duty bound &c &c &c

Sgd. Walter G. Arthur, Chief of the Ben Lomond Tribes King Alexander, John Allan, Augustus, Davey Bruney, King Tippoo, Neptune, Washington.

From: Bain Attwood and Andrew Markus, *The Struggle for Aboriginal Rights: a documentary history*, Allen & Unwin, Sydney, 1999, pp38-39.

Petition to King George V

PETITION of the Aboriginal Inhabitants of Australia to His Majesty, King George V, by the Grace of God, of Great Britain, Ireland, and British Dominions beyond the seas, King; Defender of the Faith; Emperor of India.

TO THE KING'S MOST EXCELLENT MAJESTY, IN COUNCIL THE HUMBLE PETITION of the undersigned Aboriginal inhabitants of the Continent of Australia respectfully sheweth: —

THAT WHEREAS it was not only a moral duty, but a strict injunction, included in the commission issued to those who came to people Australia, that the original inhabitants and their heirs and successors should be adequately cared for;

AND WHEREAS the terms of the commission have not been adhered to in that —

- (a) Our lands have been expropriated by Your Majesty's Governments, and
- (b) Legal status is denied to us by Your Majesty's Governments;

AND WHEREAS all petitions made on our behalf to Your Majesty's Governments have failed.

YOUR PETITIONERS humbly pray that Your Majesty will intervene on our behalf, and, through the instrument of Your Majesty's Governments in the Commonwealth of Australia — will prevent the extinction of the Aboriginal race and give better conditions for all, granting us the power to propose a member of parliament, of our own blood or a white man known to have studied our needs and to be in sympathy with our race, to represent us in the Federal Parliament.

AND YOUR PETITIONERS WILL EVER PRAY

[This petition appears as document 11 in Bain Attwood and Andrew Markus, *Thinking Black: William Cooper and the Australian Aborigines' League*, Aboriginal Studies Press, 2004, pp 35–36]

Federal Council for Aboriginal Advancement

President:

Dr. C. Duguid (Sth. Aust.).

Secretary:

Mr. S. Davey (Vic.).

Vice-Presidents:

Mr. H. Groves, J.P. (N.S.W.).

Mr. W. Grayden, M.L.A. (W.A.).

Miss A. Bromham (Qld.).

P e t i t i o n

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled:—

The humble citizens of the Commonwealth respectfully showeth that while the aboriginal people of Australia suffer under disabilities social, economic and political, your petitioners are concerned and anxious on their behalf, requiring that they be adequately fed, clothed and housed and given such securities as are the people of all races who have come to live in this country. These disabilities in important respects are not remediable without the Commonwealth Government accepting responsibility for the care of the aboriginal people throughout Australia.

Your petitioners therefore humbly pray that the Commonwealth Government make provision for an alteration of the Federal Constitution by means of a Referendum to be held at an early date, in order to:

(1) Delete the words in Section 51 (xxvi) of the Constitution of the Commonwealth ("OTHER THAN THE ABORIGINAL RACE IN ANY STATE") which now gives power to the Parliament of the Commonwealth to make laws for the peace, order and good government of "the people of any race, OTHER THAN THE ABORIGINAL RACE IN ANY STATE for whom it is deemed necessary to make laws", and

(2) Delete Section 127 of the Constitution of the Commonwealth which 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".

And your Petitioners, as in duty bound, will ever pray.

NAME

ADDRESS

West Australia

Miss L. Turner 246 High Rd. Riverina WA

S. Turner 214 High Rd. Riverina WA

W. Smith 117 Canning Hwy S. Perth WA

John R. Smith 117 Canning Highway S. Perth WA

M. M. Barker Granddara Suburban

A. J. Hill 27 Basinghall St. Vic. Park Perth

Mrs E. Hells Vic. Park

Miss M. Baine 116 Armadale Rd Riverina

R. G. Williams (Mrs) 13 Lyons St Riverina

MRS Tucker 34 Parkdale St. East Vic Park

A. Parryton 100 Todd Ave Roma Perth

D. Buckley 21 Patricia St Victoria Park Perth

(Perth) L. G. ...

by G. M. BRYANT, M.H.R.,

President, Aborigines' Advancement League.



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 its politics 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.



CONFIDENTIAL

FOR CABINET

SUBMISSION NO. 650

COPY NO. 33

CONSTITUTIONAL AMENDMENTS : SECTIONS 24 to 27,
51(xxvi.), 127.

The purpose of this Submission is to seek Cabinet's approval to the introduction, at the commencement of the March Sittings, of Bills to alter section 24 and repeal sections 25, 26 and 27, to repeal section 127 and to alter section 51(xxvi.) of the Constitution, and the submission of those Bills to a referendum, in accordance with section 128 of the Constitution, as soon as practicable after the Bills are passed by both Houses.

Section 24

2. Section 24 of the Constitution makes provision for the composition of the House of Representatives. It lays down a number of basic requirements. These are -

- (a) the House is to be composed of members directly chosen by the people of the Commonwealth;
- (b) the number of members shall be, as nearly as practicable, twice the number of senators;
- (c) the number of members chosen in the several States shall be in proportion to the respective numbers of their people; and
- (d) five members at least shall be chosen in each Original State.

In addition, section 24 provides for a method of determining the number of members in each State by means of a formula that is to operate until the Parliament otherwise provides. This method is as follows:-

- (i) A quota shall be ascertained by dividing the number of the people of the Commonwealth, as shown by the latest statistics of the Commonwealth, by twice the number of the senators;

CONFIDENTIAL

15/2/68

CONFIDENTIAL
FOR CABINET

SUBMISSION NO. 1009
COPY NO. 33

CONSTITUTIONAL AMENDMENTS : SECTIONS 24-27, 127 and 51(xxvi.)

On 7th April, 1965, Cabinet after consideration of a Submission which I had brought forward, decided that the nexus established by the Constitution between the number of Senators and the number of Members of the House of Representatives should be broken, so that the House might have a flexible future, and that for that purpose a referendum should be held. Cabinet also decided that the question of the abolition of section 127 of the Constitution should be put to the referendum at the same time. These decisions were recorded in Cabinet decision No. 841.

Sections 24-27 and 127

2. In my Submission, I recommended that section 24 of the Constitution, which provides for the nexus between the number of Members of the House of Representatives and the number of members of the Senate, and section 27, which was an incidental provision, should be replaced by a provision to the effect of the Constitutional Review Committee's recommendations. I also recommended, as did the Constitutional Review Committee, that at the same time sections 25 and 26 should be repealed. Section 25 provides that, for the purposes of section 24, if by a law of a State all persons of any race are disqualified from voting at elections for the more numerous House of Parliament of the State, then, in reckoning the number of the people of the State or of the Commonwealth, persons of that race residing in that State are not to be counted. I expressed the view in the Submission that section 25 should be repealed as being of an apparently discriminatory character. It has not ever had any practical application and could in any event be avoided very easily by a State if it so desired. I pointed out that its repeal was recommended by the Constitutional Review Committee and that its repeal as part of the group of sections to be replaced by a new section 24 might well result in the section

APV P.M.
ATE 15/2/65

That very briefly explains the purpose of the Bills before the House this afternoon. I am one of the representatives of the State which produces the largest number of beef cattle in the Commonwealth. Whilst I represent a very highly industrialised city electorate many of my constituents are engaged in the processing of beef in the large meat works in the city of Brisbane. Some of these meat works are located in my electorate of Griffith. I speak on behalf of these people and in their interests because they are just as much involved in the prosperity of the meat industry as is the man who wears the big hat and rounds up his beasts and fatlings in the rural areas of Queensland. Lest some honorable members wonder why I am making these observations it would be as well to make clear that I am speaking for my own electors of Griffith who are engaged in the preparation of beef for export and the hauling of beef cattle to abattoirs. I speak also for the waterside workers who load the beef for export.

As I said, Queensland has the largest number of cattle in the Commonwealth. If you will permit me, Mr. Deputy Speaker, I shall give the beef cattle numbers, which I think will be of some interest. Statistical returns show that for the year ended 31st March 1965 there were 6,333,000 head of beef cattle at pasture in Queensland. This is an increase over previous years back as far as 1956. It is pleasing to know that although the State is suffering from a devastating drought the figure for the period up to 31st March this year, at any rate, shows an increase in the number of beef cattle in the State. It is true that there are large numbers of beef cattle in other States. For the same period the beef cattle numbers of New South Wales were 3,450,000.

Mr. Duthie.—The Tasmanian figure would be interesting also.

Mr. COUTTS.—Since the honorable member for Wilmot has made that observation I shall give the figures for the other States. The beef cattle numbers for Victoria for that same period were 1,415,000; for South Australia, 434,000; for Western Australia, 1,039,000; and for Tasmania,

219,000. I ask for leave to continue my remarks at a later stage.

Leave granted; debate adjourned.

Sitting suspended from 6 to 8 p.m.

CONSTITUTION ALTERATION (PARLIAMENT) BILL 1965.

Bill presented by Sir Robert Menzies, and read a first time.

Second Reading.

Sir ROBERT MENZIES (Kooyong—Prime Minister) [8.0].—I move—

That the Bill be now read a second time.

This is a Bill of immense importance but of not great complexity in itself. It is designed to break the nexus—a term which we have all come to understand—created by section 24 of the Commonwealth Constitution. Section 24 states—and I want to state this matter with all possible clearness because I think that is vital to an understanding of it—

The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of the senators.

The phrase "as nearly as practicable, twice the number of the senators" is something that has to be borne in mind in the whole parliamentary and public consideration of this matter. I do not undertake to be dogmatic as to what is meant by the phrase "as nearly as practicable", because, after all, if there are 60 senators it is quite practicable to have 120 members of this House, yet we have 122 plus 2 who do not have a general vote. But it is quite clear that "as nearly as practicable" imposes genuine limits, however they may be defined, on the number of people in this House.

What are the facts? In 1949, following the increase in 1948 of the House of Representatives from 74 to 121 members with full voting rights and of the Senate from 36 to 60 senators, each member of this House represented, on the average, 66,000 people. Today, such is the growth of the population that each member, on the average, represents not 66,000 people but 94,000 people. Without a constitutional change, how far can we increase the number of members of this House, increasing the numbers to

25th Parl (1st session) pp 121-136

COMMONWEALTH OF AUSTRALIA

SPEECHES IN DEBATE

ON

CONSTITUTION ALTERATION (ABORIGINES) BILL 1966

(Bill presented by Mr. Wentworth)

[From the "Parliamentary Debates," 10th March 1966]

Bill presented by **Mr. Wentworth**, and read a first time.

Second Reading.

Mr. WENTWORTH (Mackellar) [11.18].
—I move—

That the Bill be now read a second time.

This is a bill designed to put a third question to the people at the foreshadowed referendum. A short time ago there was some degree of urgency about this Bill because the referendum was to take place on 28th May 1966. Now that the referendum has been postponed there is not the same degree of urgency, particularly since our Constitution provides that a Bill for its alteration evaporates, in effect, unless it is put to a referendum within six months of being passed through this House. In those circumstances it would be inadvisable for this House to finalise the Bill before the date of the referendum is known. The consideration of this Bill is urgent but its finalisation is urgent no longer.

In common with other members of this House I welcomed the Government's decision to put to a referendum a proposal to repeal section 127 of the Constitution which provides that Aborigines shall not be counted for certain purposes. This is good, but does it go far enough? I believe that it does not go far enough, and I have two motives in bringing before the Parliament this expanding Bill which provides that there shall be more responsibility on the Commonwealth to help the States to deal with Aborigines and to prevent racial discrimination in Australia.

Let me refer first to the Aborigines themselves. I think that everyone who has had contact with Aborigines, as I have, has

a personal liking for them and a feeling that we have a responsibility to them. They are nice, good people. Most of us would also have some sense of failure in relation to the way in which we have dealt with our Aborigines in the past. This is a failure which perhaps is not peculiar to the Australian people. Other people, not only white people, have sensed it elsewhere outside Australia. However, there is an inherent difficulty in dealing with this problem. It is not just a matter of saying: "We will regard the Aborigines as merely poor white people". They are not. They are special people and they do need and deserve some special help. We have a special responsibility in this sphere. Hence, in a sense, some discrimination is still necessary but it must be discrimination in their favour, not discrimination against them.

The Commonwealth so far, except in the Northern Territory, has had no direct responsibility in this sphere but there is a feeling that it should assume some greater degree of direct responsibility. That feeling stems from several sources. First, the Aborigines themselves want this to happen. If we were dealing with the rights of trade unionists or companies or pastoralists or any other group in the community we would consult with that group. The Aborigines are such a group and should be the first people to whom we would turn before deciding anything relating to their future. What do they want? What are their feelings in this regard? As a result of inquiry and a very considerable degree of contact with Aborigines, I know—I think the House would agree with me on this—that they want the Commonwealth to assume a greater degree of responsibility towards them, their rights, their opportunities and their advancement.

FOR CABINETConstitutional Amendment : Aborigines.

On 7 April, 1965 Cabinet, after consideration of a Submission brought forward by my predecessor, decided that the question of the repeal of section 127 of the Constitution (which provides that, in reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives are not to be counted), should be put to a Referendum at the same time as the question of the breaking of the nexus between the number of senators and the number of members of the House of Representatives.

2. The Prime Minister announced on 15 February, 1966, that Cabinet had further considered the course to be followed in relation to the holding of the Referendum on the two questions and had decided that the referendum should not be held this year. At the same time, he stated that the Government's intentions were to introduce, early in the life of the next Parliament, the necessary legislation to enable a referendum to be held on both questions.

3. In Submission No. 1009 of 23 August, 1965, possible action that might be taken with respect to section 51(xxvi.) was suggested.

Section 51(xxvi.) reads as follows :

'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.'

Cabinet decided on that Submission (Decision No. 1175 of 30 August, 1965) that section 51(xxvi.) should stand unamended.

4. There has, of course, been a good deal of activity in relation to section 51(xxvi.) since Cabinet's Decision of 30 August, 1965. In particular, Mr. Wentworth has introduced a private member's Bill that, amongst other things, proposes the repeal of section

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."

WHAT A "NO" VOTE

WOULD MEAN

by BRUCE GRANT



THE complicated issues in the referendum on Aborigines are probably best resolved in the mind of the voter by asking the question: "What will happen if it is not carried?"

The short answer is that, in that event, the Australian people will be proclaiming themselves to be opposed to changes intended to advance the welfare of the aboriginal people.

We may be able to convince ourselves in Australia that the reason we voted against the referendum proposal was not prejudice, but a respect for the rights of States under our Constitution. But this will not be the impression abroad.

Abroad, our rejection of the referendum, which has the support of both Government and Opposition at Federal level, will be seen as popular proof that, however much he has learned to dissemble his prejudices, the ordinary Australian is a blood brother of the white racists of the world.

So far we have been able to blame the old-fashioned prejudices of our founding fathers, with their obsessions about Kanakas and Chinese laborers, and the timidity of our politicians for the principle of racial discrimination in our constitution.

The referendum next month gives the Australian citizen an opportunity to speak out on the issue.

Unfortunately, the issue is not presented in the referendum as clearly as it might have been.

Two sections of the Constitution concerning Aborigines are affected. One, section 127, which provides that Aborigines will not be counted in a census of population, is clearly discriminatory and the proposal is that it should be deleted from the Constitution.

Deletion proposed

The other is sub-section xxvi of section 51, which lists the powers of the Federal Government. At present this gives the Commonwealth power to make laws with respect to: "The people of any race, other than the Aboriginal race in any State, for whom it is deemed necessary to make special laws."

The referendum proposal is that the words "other than the Aboriginal race in any State" should be deleted. This would in effect empower the Commonwealth to make laws affecting the Aborigines.

Mr. W. C. Wentworth has pointed out that the omission of the words merely means that the Commonwealth would have power to pass discriminatory laws in regard to people of any racial origin, including Aborigines.

The sub-section does not specify whether the discrimination is adverse or favorable and it does not confer full protection against discrimination by States. For these reasons, Mr. Wentworth proposed a new section for the Constitution which would outlaw racial discrimination of any kind.

But the Government decided not to support the idea of a constitutional guarantee against racial discrimination on the ground, as Mr. Holt put it when he announced the referendum proposals, that such a guarantee would have no effect on the way people acted or felt.

So we are being asked next month to remove a section of the Constitution which is obviously discriminatory and to amend another section so that the Commonwealth will have power to discriminate (either for or against) in respect of Aborigines.

Everyone expects that the effect of the changes will be more uniformity in Aboriginal affairs, more money for Aboriginal advancement and an easier time for the Commonwealth in foreign affairs (especially in ratifying international conventions on human rights and working conditions).

The Commonwealth Government has not indicated, however, exactly how much power it intends to try to assume in Aboriginal affairs. Consequently some wariness is being shown by some State authorities.

In fact, there seems to be virtually no organised opposition to the spirit of the referendum on Aborigines. But there is opposition—whether or not organised at this stage—to the other referendum proposal, which would increase the membership of the House of Representatives without a corresponding increase in the Senate and thereby break the constitutional "nexus" between the membership of the two Chambers.

Shrewd way

Some observers see the linking of the Aboriginal question with that of breaking the nexus as a shrewd way of spilling a popular vote over an unpopular issue. (As additional pressure, Mr. Holt has said that if the referendum on the nexus is not carried, he will increase the House membership anyway, creating even more politicians.)

The history of our negative attitude to constitutional changes, suggests that the reverse could also be true. An unpopular vote could spill over what seems to be a popular issue.

Our attitude in Australia towards constitutional change, is not, it seems to me, that we revere the wisdom of our forefathers or that we regard the Constitution as the repository of eternal truths.

The Constitution consists little of the passions of life. Apart from a guarantee of religious toleration, the nearest we get to the civil liberties of the American Constitution is a promise to compensate fairly for property compulsorily acquired.

Rather, in the 14 times we have been asked to pronounce on the advisability of amending the Constitution, we seem to have decided against change not because we value the Constitution but because we do not like giving power to anyone.

As the Commonwealth is limited precisely by the Constitution and must therefore seek power to deal with the increase in its responsibilities, unseen by the framers, we have become suspicious of Commonwealth power rather than supporters of States-rights.

It is true that in this double referendum the two issues will be separate and a vote for or against one will not affirm or deny the other. It is also true that on the Aboriginal question there is not at this stage any sign of an organised "No" campaign.

But, unless there is a strong lead from State as well as Federal Governments and political parties, we cannot be sure that the referendum will not be lost by default.

This would be a reflection on Australia's name abroad and a frightening glimpse of indifference and

*That, sir, is a
fine banner*

**AUSTRALIA'S
CATHOLIC
BISHOPS
SAY
YES**



Forty Protestant theological students and members of youth groups joined Aborigines in a "silent demonstration" before the football at Norwood Oval last Saturday. The demonstration, led by Mr. Joe McGuinness, president of the Federal Council for the Advancement of Aborigines and Torres Strait Islands, and the Rev. A. H. Ellison (Methodist), of Magill, a former Northern Territory missionary, asked Australians to vote "Yes" on the Aboriginal rights referendum on May 27. Here a small boy admires Mr. McGuinness' banner.



Archbishop reassures deputation

Archbishop Beovich this week told a deputation of Aborigines that he and the heads of other churches had agreed to do all they could to encourage Australians to vote "Yes" for the Aboriginal rights referendum on May 27. With the Archbishop at West Terrace are (from left) Kathleen Agius, 4, held by her mother, Mrs. J. Agius, Mrs. N. Wilson, Mrs. N. Grzybowicz, Miss N. Wilson, Mrs. M. Cooper and Southern Cross staff reporter Nicholas Kerr, a member of the vote "Yes" for Aboriginal rights campaign committee.

VOTING IN THE REFERENDUM

SIR—Regarding the Aboriginal question in the referendum, your correspondent from Western Australia (May 18), Mr W. R. B. Hassell, seems to be under the misapprehension that the proposal being put to the people would shift administration of Aborigines to the Federal Government in Canberra.

In fact, the proposal merely empowers Federal Parliament to make laws in relation to Aborigines in the States as well as the State parliaments.

The powers would be concurrent and need not conflict.

The present Federal Government, in fact, has given no indication that it has any such legislation in mind, but has based its case on the proposition that the present singling out of Aborigines for exclusion from Federal law-making appears to discriminate against them.

The Federal Council for the Advancement of Aborigines and Torres Strait Islanders is not advocating a taking over of the role of the States in Aboriginal administration.

However, we do see a definite need for some action by Federal Parliament in relation to Aborigines in the States, which would complement the role of the State governments in this field.

First, Federal power implies Federal responsibility, both moral and financial.

Second, there are some gaps in Aboriginal affairs which can most satisfactorily be filled by Federal action.

An obvious example is the protection and fostering of Aboriginal arts and crafts and their marketing at a national level.

Similarly, there is an obvious need for an Aboriginal Education Foundation along the lines of the very successful Maori Education

In support of a No vote

THE BEST interests of the Aborigines will not be served by a Yes vote in the forthcoming referendum, and I venture to suggest that the apparently unanimous support for a Yes vote results from considerations other than the welfare of the Aborigines.

There is not the slightest doubt that the States themselves are the best able to manage their own Aboriginal situations in the same way as the States are best able to manage so many other functions.

If this were not so then the State parliaments should have been found unnecessary long ago.

A No vote will mean that legislation in regard to Aborigines will be tailored to meet the specific situation as it applies in each area, and cannot fail to provide a much more realistic and sympathetic arrangement. — L. K. APPLETON, McGim Road, Ferny Grove, Queensland.

Why not outlaw discrimination?

IF WE INTERPRET racial discrimination as bad government, provision should be made in the Constitution to prevent it.

The proposed alteration of Section 51 Clause XXVI not only fails to do this, but leans in the opposite direction, by providing constitutional authority for racialist legislation.

Undoubtedly the Aborigines themselves hope that the referendum will be successful, because the change will allow the Government to act against discrimination and also remove the minor discriminatory section 127 of the Constitution excluding the counting of Aborigines in the census.

But discrimination cannot be brought to an end by introducing an act which

must require careful consideration of its long-term effects.

If amended, Section 51 Clause XXVI will allow Parliament the power to make laws for the peace, order and good Government of the Commonwealth with respect to the people of any race for whom it is deemed necessary to make special laws.

It cannot be emphasised too strongly that no guarantee is written into this section which would prevent misuse of the powers it confers.

Therefore, very reluctantly, we must abstain from voting on the Aboriginal referendum.

It can serve no good purpose to vote into the Constitution a clause which could make perfectly legal the establishment of apartheid in its most extreme form.

—BRIAN AND MARY COTTERELL, Warriewood Road, Warriewood, NSW.

'Piecemeal attack must cease!'

ON SATURDAY, Australian voters will be asked to amend the Constitution to give Federal Parliament power to legislate in regard to Aborigines.

This amendment must be passed and the power really used. It must not be left to lie dormant as a sop to this group.

It has been the policy of the 7000 Australian Jaycees since 1959 to support a referendum and a more positive Federal Government programme for assimilation of Aborigines.

In addition, we have promoted a policy of assistance to Aboriginal welfare committees and a Jaycee chapter has this year been formed at Yarrabah Mission, near Cairns.

We consider that the existing confusion arising from the various State definitions of an Aboriginal and the well-meaning piecemeal attack of State legislation on the Aboriginal problem must cease.

It should be replaced by

HAROLD BLAIR ABORIGINAL CHILDREN'S PROJECT

President:
HAROLD BLAIR
115 Whitehorse Road, Deepdene

Hon. Sec.:
R. G. PETTETT
45 Hosken Street, North Balwyn
857 7249

Wednesday, 10th May,
1967

The Prime Minister,

Mr Holt,

Dear Sir,

Recently, I believe that you received a letter from Mr Stan Lavery, Director of the Aborigines Advancement League, and in that letter I have no doubt that he sought publicity of a personal kind from yourself, on mass media (TV), if possible.

I would like to endorse his comments to the utmost.

It seems to us that for the very first time (probably since the last war) all political parties, the thinking public, and all organisations in Australia connected with Aboriginal Affairs are really united on the question of a Yes vote for Aborigines at the coming referendum.

This Yes vote will have, of course, far-reaching implications, as you are well aware. It is extremely important for Australia to rid herself of the stigma attached to our



The Rights of the Australian Aborigines **AND YOU**

*"All human beings are born free and equal . . .
in dignity and human rights . . .
and should act towards one another
in a spirit of brotherhood."*

ARTICLE 1. United Nations
Declaration on Human
Rights

**WHAT CAN AUSTRALIANS OF
EUROPEAN DESCENT DO
TO MAKE THIS A REALITY
FOR THEIR FELLOW-AUSTRALIANS
OF ABORIGINAL DESCENT ?**

Vote YES

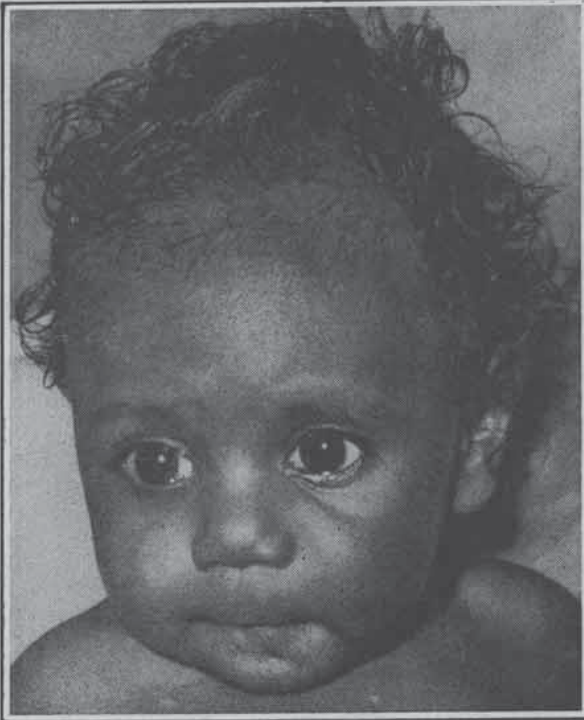
in the Federal Referendum on
Saturday, May 27, 1967

Appeal by . . .

THE AUSTRALIAN COUNCIL OF
SALARIED AND PROFESSIONAL
ASSOCIATIONS

**RIGHT WRONGS
WRITE**

YES



for

ABORIGINES!

On May 27

Authorised by J. McGuinness, 9 Gough Street, Cairns. Issued by Federal Council for the Advancement of
Aborigines and Torres Strait Islanders.

FURTHER INFORMATION

If you wish further information about the Aborigines or about the Petition for a Referendum, consult the secretary of one of the organizations listed below.

ORGANISATIONS AFFILIATED TO THE FEDERAL COUNCIL.

Organisation	Secretary's Address
QUEENSLAND:	
Aborigines' and Torres Strait Islanders' Advancement League	Box 435, P.O., Cairns, Nth. Queensland.
Aborigines' Advancement League, Qld.	89 Longman Terrace, Chelmer, Brisbane.
State Council for Advancement of Aborigines and T.S. Islanders	19 Myrtle Street, Buranda, Brisbane.
NEW SOUTH WALES:	
Aboriginal-Australian Fellowship	Box 2672, G.P.O., Sydney.
Association for Assimilation of Aborigines, Armidale	12 Handel Street, Armidale.
Redfern All Blacks Football and Social Club	27 Caroline Street, Redfern.
N.S.W. Teachers' Federation	Federation House, 166 Phillip Street, Sydney.
Aborigines' Advancement League, Newcastle	Trades Hall, Newcastle.
South Coast Aborigines' Advancement League	37 Osborne Parade, Warilla.
SOUTH AUSTRALIA:	
Aborigines' Advancement League, Inc.	53 Myall Street, Kensington Gardens.
WESTERN AUSTRALIA:	
Association for the Advancement of Coloured People	90 West Street, Bassendean.
NORTHERN TERRITORY:	
N.T. Council for Aboriginal Rights	Box 122, G.P.O., Darwin.
VICTORIA:	
Aborigines' Advancement League	56 Cunningham St., Northcote.
Council of Aboriginal Rights	Box 1585P, G.P.O., Melbourne.
Australian Aborigines' League	22 Cardigan Street, Carlton.

Authorised by Mr. Stan Davey, General Secretary for Federal Council for Aboriginal Advancement, 40, Mountain Highway, Bayswater, Victoria, and printed by Greensborough Press Pty. Ltd., Beewar St., Greensborough, Victoria.

FEDERAL COUNCIL FOR ABORIGINAL ADVANCEMENT

PETITION FOR A REFERENDUM TO REMOVE DISCRIMINATION AGAINST ABORIGINES FROM THE FEDERAL CONSTITUTION.

THE AUSTRALIAN CONSTITUTION AT PRESENT PROVIDES:—

Section 51 — Legislative Powers of Parliament:

"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:—

Clause XXVI — The people of any race, other than the Aboriginal race in any State, for whom it is deemed necessary to make laws."

Section 127 — Census:

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

The Council maintains that these examples of racial discrimination should be removed.

Aborigines are people, despite Section 127, and they have the right to peace, order and good government under the Commonwealth Parliament.

VOTE YES
FOR
ABORIGINAL
RIGHTS

AUTHORISED BY JOE McGINNESS 9 GOUGH ST CAIRNS
PRINTED BY RISING SUN PRESS 192 CANTERBURY RD.
CANTERBURY VIC.

Vote 'YES' for Aborigines

ON May 27, a Referendum will be held at which all enrolled voters in the six States of Australia must answer "YES" or "NO" to each of two questions.

These questions are:

"Do you approve the proposed law for the alteration of the Constitution entitled 'An Act to alter the Constitution so that the number of Members of the House of Representatives may be increased without necessarily increasing the number of Senators,'" and

"Do you approve the proposed law for the alteration of the Constitution so as to omit the words relating to the people of the Aboriginal Race in any State and so that Aborigines are to be counted in reckoning the population."

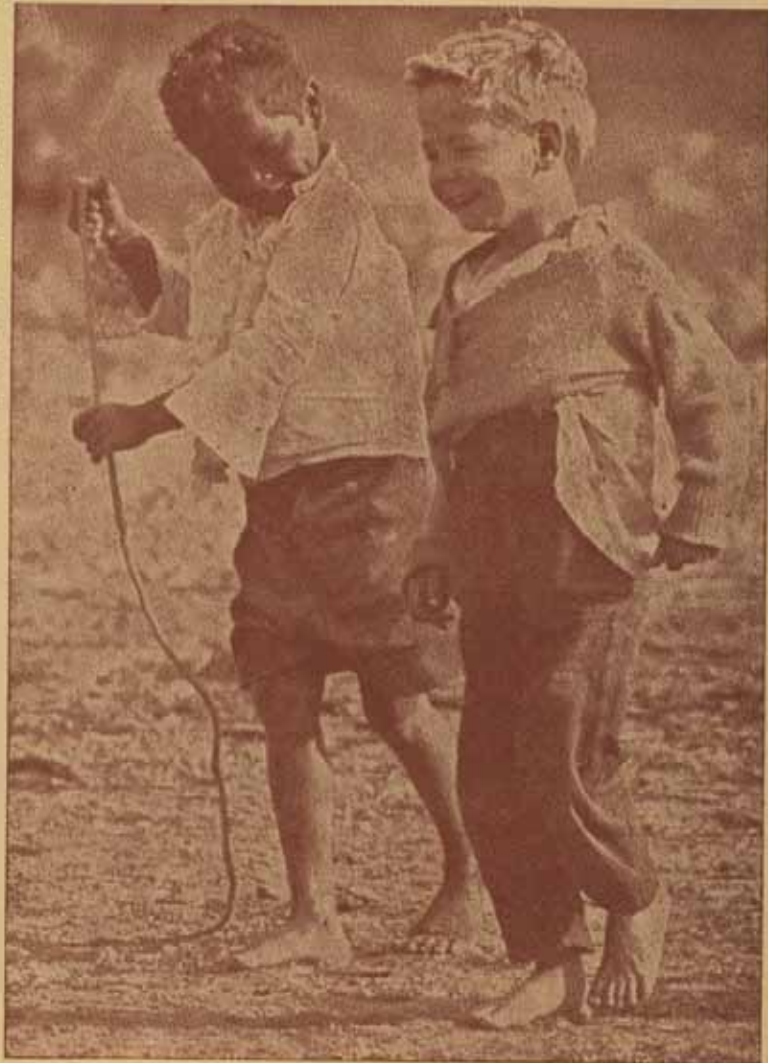
The questions will be in the above order and must be answered separately by writing in "YES" or "NO" in the appropriate boxes. An informal vote on one question will not invalidate a formal vote on the other.

Unanimously Approved

The proposed Act on Aborigines would amend Section 51 of the Constitution and repeal Section 127. This has been approved unanimously by both Houses of the Commonwealth Parliament.

Section 127 reads: "In reckoning the numbers of the people in the Commonwealth, or of a State or other part of the Commonwealth, Aboriginal natives shall not be counted."

This section was originally included in the Constitution for two reasons. Sixty or seventy years ago there was genuine difficulty in counting Aborigines because many were nomadic. This is not the case today. Also, Aborigines were at that time not considered worthy of a vote. Today they are entitled to vote in all States and Territories of the Commonwealth, and therefore ought to be counted in the census which determines the size of the electorates. All Parties are agreed on the desirability of repealing this Section of the Constitution.



Will THEY have equal opportunities?

WRITE "YES" ON MAY 27.

P.T.O.

CONFIDENTIAL
FOR CABINET

84

SUBMISSION NO.
COPY NO.

ABORIGINES

I raise for discussion the question of the stand we are to take on policy and what our administrative arrangements are to be in relation to the new Commonwealth power to legislate for the people of the Aboriginal race.

2. In our Cabinet discussions before the referendum, we decided, if it were successful, that we would have talks with the States directed to future arrangements. It was in our minds to leave responsibility for administration largely with the States - except in those areas of the Commonwealth Government where we have our own direct responsibilities - but with the Commonwealth having a role in policy in co-operation with the States. Our original purpose was to remove apparently discriminatory references to Aborigines from the Constitution, and not to wrest power from the States. We were conscious that our amendments in the form we presented them did provide the Commonwealth with additional power in this field should we choose to exercise it.

3. Since the referendum with its remarkably large "YES" vote, pressures have come on the Government from various quarters for a rather more active Commonwealth role. The pressures come from spokesmen for Aborigines, from some of our own parliamentary colleagues, from the press, and from the Opposition as the result of the special Federal Conference decision in Adelaide last week.

4. The most detailed representations from the Aborigines have come from Mr. Charles Perkins, who is himself an Aborigine University graduate, and is acknowledged to be one of their most articulate spokesmen. He sought an interview with me in New York because of a visit he was making to the United States and other countries to study how minority racial problems were handled by them. I told him we would be giving thought to the Commonwealth's role and consequential administrative arrangements. I invited him to let me have any suggestions he would like us to consider. In response to this he has proposed the establishment of a Federal Aboriginal Affairs Bureau responsible to a Minister and with access to funds for:-

- (a) the assumption of national responsibility for Aboriginal people;
- (b) the formulation of national policy;

Coombs to head new Aboriginal council

Aust
3/11/67

Dr H. C. Coombs yesterday announced his retirement as governor of the Reserve Bank, and the Prime Minister, Mr Holt, named him as the first chairman of the Council for Aboriginal Affairs.

Dr Coombs was also named the first chairman of the Australian Council for the Arts.

He will start work immediately on his new appointments, although his retirement from the bank will not be finalised until the middle of next year, Mr Holt said in the House of Representatives.

The decision to set up an office of Aboriginal affairs was announced in September, following the referendum on the status of Aborigines.

"The Government wishes to have continually available to it the best advice on Aboriginal affairs it can get on a national level, and it has decided the new office should serve a Council for Aboriginal Affairs, which will have two particular func-



DR COOMBS

tional policies for the Aboriginal citizens of Australia.

"It will consult with the Commonwealth departments and authorities whose activities have a bearing on Aboriginal welfare," the Prime Minister said.

The new council will consist of a chairman and two members.

The chairman's will not be a full-time appointment, but he will devote a large part of his time to its affairs, he said.

Some time ago, Dr Coombs had told Mr Holt and the Treasurer, Mr McMahon, that he wanted to step down after 18 years as governor of the Reserve Bank.

Mr J. G. Phillips, at present deputy governor of the bank,

To.
The Honourable H. Holt,
Prime Minister of Australia



Dear Mr. Holt,

Enclosed is my submission as requested. It is my sincere and honest effort. I feel sure, after having that conversation with you in New York, that you will accept this submission in the spirit given.

I do not claim to have all the answers to the Aboriginal question in Australia. However, my experiences as an Aboriginal and my following University training does give me some suitable background.

Brochures to supplement my submission will be forwarded through the High Commission in London. They are not in any definite order. Special consideration should be given to the address by the Honourable Arthur Dainig.

I apologise for the paper on which the matter is outlined.

Yours Faithfully
Charles Perkins

reply f. 37



MINISTER FOR TERRITORIES.

CANBERRA. A.C.T.

31 MAY 1967

My dear Acting Prime Minister,

Cabinet Decision No. 79 on the constitutional amendment concerning Aborigines directed that if the referendum was successful the Commonwealth would hold discussions with the States to formulate a joint policy with respect to Aborigines whereby the States will be responsible for administration but the Commonwealth will have a role of policy participation.

In 1951 and again each two years from 1961 onwards Commonwealth and State Ministers responsible for Aboriginal affairs have met to discuss matters of common interest in the field of Aboriginal advancement. The results of the conferences have on each occasion been reported to the Federal Parliament.

I attach a copy of the report of the 1965 conference held in Adelaide. On page 9 of the pamphlet is set out the statement of the policy of assimilation first agreed to by the Commonwealth and all States in 1961 and slightly varied at the Adelaide conference.

The revival of the Commonwealth and State conferences in 1961 was at the initiative of my predecessor who chaired the conference in Canberra in that year and in Darwin in 1963. The Minister for Social Services attended the 1961 and 1963 conferences. The Minister for Health attended the 1963 conference and was represented at the 1965 conference. Officers of those Departments and also of the Department of External Affairs have participated in the meetings of Commonwealth and State officials arranged in association with the Ministerial meetings. The Department of Territories has accepted some responsibility for national publicity on Aboriginal welfare and in co-operation with Australian overseas posts for the overseas distribution of the publicity material. The Department of Territories also acts as a central secretariat for the Commonwealth and State Ministers' and officers' meetings.

The next regular meeting of Commonwealth and State Ministers of Aboriginal Welfare is to be held in Perth on 21st July next.

.../2

*Miss G. Conway
Approved this letter to me
She did not want to
retain a copy for
the Library P.M.
R.J.P. 2/6.*



PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

1 REDMAN ROAD,
DEE WHY, N.S.W.
TEL. 98 0287.

19th June, 1967.

CONFIDENTIAL



Dear Harold,

As you know, I am considerably interested in the Aboriginal question on its own merits. Could I draw your attention to its subsidiary Electoral importance.

In any group, Aborigines tend to vote in a block, and the way in which their vote will go is as yet undetermined in most cases. Many of them are as yet unenrolled, but I suppose most of them will enrol in the next couple of years.

As it happens, they form important groups in certain swing seats, which are unlikely to be much changed by the redistribution. In these seats the Aboriginal vote might be decisive.

Seats held by us with a Narrow Majority.

Kennedy
Herbert
Grey
Northern Territory

Seats held by Labour, which have at some time been held by us.

Leichhardt
Capricornia
Kalgoorlie

I think you will agree with me that seven seats may be enough to determine Government. I suggest some such scheme as the following :

1. Include in the Budget a subvention to the States - say 25% of their annual expenditure on Aborigines.

reply f. 38



PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

132
PARLIAMENT HOUSE,
CANBERRA, A.C.T.
TEL. U 05.

5 September 1967.

CONFIDENTIAL

The Rt. Hon. H.E. Holt, C.H., M.P.,
Prime Minister,
Parliament House,
CANBERRA. A.C.T.

My dear Prime Minister,

We would very much appreciate it if you could spare the time to see us for a few moments this week before the House rises.

We feel that the initiative on the Aboriginal question is passing out of the Government's hands, and that there may be serious repercussions if we do not take some immediate action to follow up the Referendum result. The Government has friends among the Aborigines, but it could lose them soon unless something tangible is done.

We could then get a mass Aboriginal vote against us in electorates such as Herbert, Kennedy, Grey and Northern Territory, where our margin is small: and the sentimental appeal of this question could cost us votes right throughout Australia.

We have a definite plan to put before you, which we believe could be implemented without delay.

We hope you will give us an opportunity to discuss this with you.

Yours sincerely,

Seen by the Prime
Minister
RS
6/9.

[Handwritten signature]
Mr. [unclear]
Stephen [unclear]
Bob. K. [unclear]
[unclear]

'67 Referendum Spin, myths and meanings

People from all walks of life made the 1967 Referendum a success.

Myth buster

It is a common myth that the 1967 Referendum was a narrow victory. In fact, it was a decisive success, with 70% of voters supporting the 'Yes' campaign.



By 1967, the 'Yes' campaign had become a national movement, with people from all walks of life joining the cause.



1967 Referendum: The facts

The 1967 Referendum was a landmark event in New Zealand's history, marking the end of the country's status as a British colony and the beginning of its journey to full independence.



The 'Yes' campaign was led by a coalition of diverse groups, including the Labour Party, the National Party, and various community organizations.



1967 Referendum: The facts

Celebrating the 40th anniversary of the 1967 Referendum

In 1967, after 10 years of dedicated campaigning, a referendum was held to change the Australian Constitution. The changes gave the government the power to legislate for Aboriginal people as a group and to allow them to be counted in the census. These changes were seen by many as a recognition of Aboriginal people's rights as full citizens. This year marks the 40th anniversary of the 1967 Referendum.



Victory celebration, Trarby College June 1967
Members of the New South Wales Vote 'Yes' committee toast their campaign director, Faith Bandler (centre), after the success of the 1967 Referendum.
AAT/95

Campaigning for change



Referendum campaign pamphlet 1967
National Library of Australia

While the Australian Government supported the proposed change, the 'Yes' campaign was run by a key national lobby group, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders. A remarkable mix of people — unionists, conservatives, Christians, communists, rich and poor, black and white — all worked together for change.

125 Koolong Ave, Trumperie 3498
 David Anderson St. Mark College
 46 Pennington Terrace Wth Adelaide
 ACU (Malcolm) 61.9441
 Actors Equity 31.7718 (H.A. Alexander)
 72 Stanley St., East Sydney, NSW.
 Australian Party, 299 Pinehurst St, W. Ry.
 40.5119.
 ABM - 5609.422
 Aboriginal Education Council, 660.5696
 132 St. John's Rd, Glebe, 2037.
 Anchor Books 61.2604
~~ANZAS~~ ASA 47.3271
 Abschal (Macquarie) 88.7360 (Hwy)
 AAESDA 761 Elizabeth St. 26.14
 Abschal Co-ordination Committee
 Fund.
 Australian (Canberra) 4-Mort. H. 42
 (Sydney) 221.5588
 Bantam 32.8171
 Melbourne 34.0291 ⁴¹⁸⁹ Sorrento St.
 Sydney 20364, 129 Phillip St
 Adelaide 51.0461 140 North T...

R. Beagley 7 Thompson Rd. Claremont 3.3175
 144.1873 ~~457.6028~~ (Bath)
 Faith Bandler 28.4544 (office)
 Grace Bardsley 798. #. 4952 (home)
 Bob Bolger 31.4074
 Sgt. Beckroft 34.9497
 Hans Bandler 20.648 x 653?
 J.H. Brown (member Raleigh) 09.9075
 Baptist Union Sec. 09.9075 (Vimpey)
 Mrs Barron 127 Connells St. Rd.
 5th Hurstville 54.1759
 CAN 81.0359
 Gordon Bryant MHR, 35.5908
 486 Sydney Rd. Coburg 25.6720
 Melle 459.2939 (Home) 43.1109
 Margaret Ban 46.4078 43.11
 Tiso, Brill (Lismore), 3555. 86
 Basil Brown Murray Rd.
 Port Noorlunga, S.A.
 Ballanquay 174 Richmond Rd.
 Blacktown.
 Dick Barbour 42.5154
 B'Nai B'Rith 31.1209
 Sonja Barvski 37.9266
 Mrs Ball 524.7413
 Bell 638.0281



People from all walks of life made
the 1967 Referendum a success.



Walking at work
The 1967 Referendum was a success for all
and because of the success of the referendum
and the success of the referendum the
Referendum was a success for all.



Myth buster

Confusion about what the 1967 Referendum did and did not achieve for Aboriginal people is common. Here we answer some misconceptions.

The vote? No. Aboriginal adults already had the right to vote in federal elections.

Citizenship? No. Aboriginal people were already Australian citizens.

Counted in the census? Yes and no. Aboriginal people had been counted in the census, but the figures were subtracted from the total.



Census collection, Ernabella Mission 30 June 1966
photograph by Winifred Howard

So what did the referendum achieve?

With an overwhelming 91 per cent of voters choosing 'Yes', the referendum gave future governments a mandate to implement change in Aboriginal affairs.

But Aboriginal people have had mixed responses to the referendum.



Racial discrimination, what's that? 23 May 1967
The campaign for the 1967 Referendum was widely covered in the media. Two days before the referendum, the *Sydney Morning Herald* included this staged photograph on its front cover.
photograph by George Lynam, Paraphotone

For most Aborigines [the referendum] is basically and most importantly a matter of seeing white Australians finally, after 179 years, affirming at last that they believe we are human beings.

Chicks Dixon, 1997

If the referendum hadn't been passed, we would have been further advanced, because white Australia would not have fooled the world into thinking that something positive was being done.

Kevin Gilbert, 1992

At the time I definitely thought that the referendum achieved something — personally, it made me lose my inferiority complex.

Burtum Burtum, 1997



Collaborating for Indigenous Rights

Home The Referendum People Organisations Timeline Annex

- Earlier attempts to change the Constitution
- Australia in the 1950s
- Early petitions
- National petition campaign, 1962-65
- Parliament's and Cabinet's actions, 1966-68
- PM/ATSI Legislative Reform Committee
- Cabinet Decision, 1967
- Campaigning for a YES vote
- History
- References

The Referendum, 1957-67



1967: Aina and Jimmy Wilson campaigning in Queensland for a YES vote.

In 1967, after ten years of campaigning, a referendum was held to change the Australian constitution. Two negative references to Aboriginal Australians were removed, giving the recognition of Aboriginal people as full Australian citizens.

The 1967 referendum is just part of the story of activists, Indigenous and non-Indigenous, working to improve the lives of Indigenous people. There were always Indigenous people who fought against discrimination and the loss of their land, but in the 1950s they were joined by non-Indigenous people who wanted to join the campaign. Collaboration for justice was a feature of the 1950s, 60s and '70s.

Next: Earlier attempts to change the Constitution