

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)

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 organized opposition to the spirit of the referendum on Aborigines. But there is opposition—whether or not organized 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 organized "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

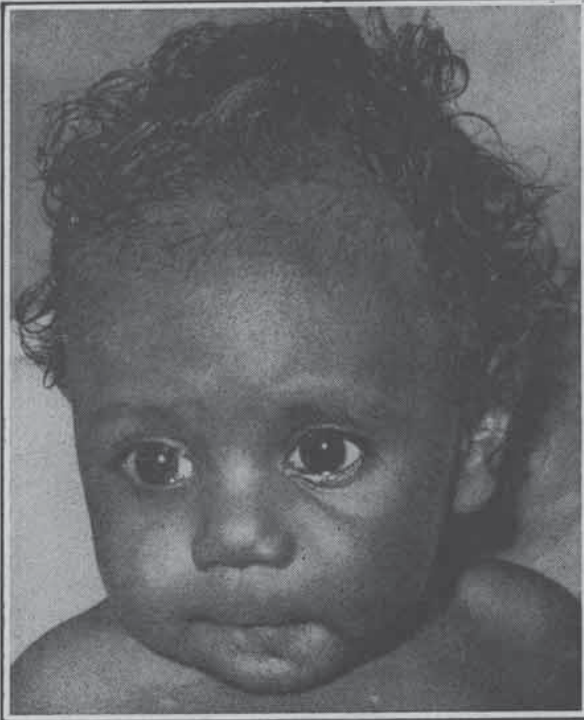
in the Federal Referendum on
Saturday, May 27, 1967

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."

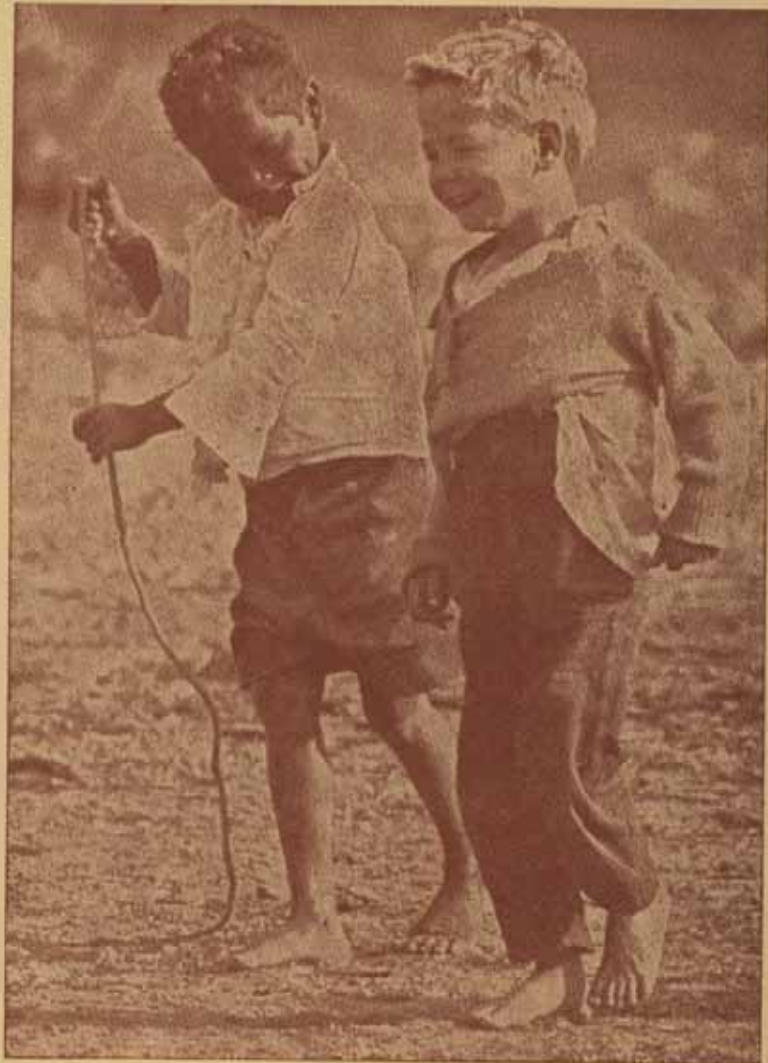
The questions will be in the above order and must be answered separately by writing in "YES" or "NO" in the appropriate boxes. An informal vote on one question will not invalidate a formal vote on the other.

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.