

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 contains 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 it not because we value the Constitution but because we do not like giving power to anyone.

As the Commonwealth is limited precisely by the with the increase in responsibilities, imposed 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 ineptitude at home.

