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

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

How would the electors now vote on it?

1. 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?

2. 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

SOURCE 5.2 Australian bishops say Yes
Gordon Bryant papers, MS 8256, National Library of Australia

SOURCE 5.3 ‘What a “No” vote would mean’
by Bruce Grant
The Age, 7 April 1967

SOURCE 5.4 Letters to the editor
Letters to the Editor from B Pittock, LK Appleton, Brian and Mary Cotterell and WJ Orme.

© National Museum of Australia and Ryebuck Media 2007
Do you think the referendum vote on the two issues was likely to succeed?

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.

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.

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:


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 peculiar, not that, however much he has learned to disguise his prejudices, the ordinary Australian is a blood brother of the white races of the world.

So far we have been able to blame the ill-informed prejudice of our founding fathers, with their chauvinism about Knaves and Chinese laborers, and the belligerency 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 139 of section 87, which deals with the operation of other constitutional provisions. At present it 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 sorts, including Aborigines.

The sub-section does not specify whether the discrimination is adverse or favorable. 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. Mr. Holt put it when he announced the referendum proposal that such a guarantee would have no effect on any person not a citizen.

So we are being asked now, almost 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 a reduction in time for the Commonwealth in foreign affairs especially in rallying 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 wavers 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 remove the membership of the House of Representatives without a corresponding increase in the Senate, and thereby break the constitutional "tie" between the membership of the two Chambers.

Crime story

Some observers see the choice of the Aboriginal question with that of breaking the tie as a shrewd way of splitting a popular vote over an unpopular issue. (An additional reason, Mr. Holt has said that if the referendum on the tie is not carried, the House membership will be reduced.)

The history of our previous attitude to constitutional changes suggests that the referendum could also be true. At present, we have decided against change, but we do not like giving power to anyone.

Our attitude in Australia towards constitutional changes is, in fact, the reverse of our attitude towards Aboriginal matters. Apart from a guarantee of religious instruction, the nearest we get in the civil liberties of the Australian Constitution is a provision to compensate fairly for property compulsorily acquired.

The Constitution, according to the general plan of life, apart from a guarantee of religious instruction, the nearest we get in the civil liberties of the Australian Constitution is a promise to compensate fairly for property compulsorily acquired.

In this, we have been asked to promise on the advisability of amending the Constitution, we seem to have decided against change, but because we believe the Constitution, but because we do not like giving power to anyone.

As the Constitution allows limited power by the Constitution and its powers are, in the main, left to the States as its responsibilities. Under the framers, we have become conscious of Commonwealth power rather than support of State rights.

It is true that in this double referendum the two issues will be separate and a vote for one will not assist, or deny the other. It is also true that the referendum issue there is no time for a "no" campaign.

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

This would be a reduction on Australia's name abroad and a frightening glimpse of inefficiency and
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 Aboriginals to the Federal Government in Canberra.

In fact, the proposal merely empowers Federal Parliament to make laws in relation to Aboriginals 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 Aboriginals 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 Aboriginals 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 Foundation, 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.

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 racial legislation.

Undoubtedly the Aboriginals 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 Aboriginals in the census.

But discrimination cannot be brought to an end by introducing an amending clause.

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 Aboriginals.

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 and to encourage the assimilation of Aboriginals.

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
Wednesday, 10th May, 1967

The Prime Minister,
M. Holt,
Dear Sir,

Recently, I believe that you received a letter from Mr. Stan Sayer, Director of the Aborigines' Advancement League, and in that letter I have no doubt that he sought publicity of a personal kind from yourself, or 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 organizations 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 itself 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,
Ghemac, Brisbane.

State Council for Advancement of Aborigines and T.S. Islanders
19 Mystic Street,
Bunand, 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 Parado, Warrilla.

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., Boorwar 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 Aboriginals 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.