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?

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

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.

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/indigenousrights/ in their classrooms.

The structure of the approach is:

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

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 Australian History Mysteries 2**
  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/indigenousrights/

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?

CLASSROOM CITIZENSHIP RULES

- a
- b
- c
- d
- e

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/indigenousrights.

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: ☊
What citizenship rights existed in Australia by 1967?

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>
<thead>
<tr>
<th>Area of rights</th>
<th>Desired rights: I think that ...</th>
<th>Situation Today</th>
</tr>
</thead>
<tbody>
<tr>
<td>State vote</td>
<td>Citizens should be able to vote in State elections.</td>
<td>✔</td>
</tr>
<tr>
<td>Federal Vote</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marriage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Control of children</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freedom of movement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ownership of property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to fair wages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to drink alcohol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to social Services</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Table 2

<table>
<thead>
<tr>
<th>Non-Indigenous</th>
<th>Indigenous</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>NT</td>
</tr>
<tr>
<td>✔</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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.)

<table>
<thead>
<tr>
<th>Areas of rights controlled by individual states</th>
<th>NSW</th>
<th>VIC</th>
<th>SA</th>
<th>WA</th>
<th>QLD</th>
<th><em>NT (Cwlth)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Voting rights (State)</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Marry freely</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Control own children</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Move freely</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Own property freely</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Receive award wages</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Alcohol allowed</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Areas of rights controlled by Commonwealth</th>
<th>NSW</th>
<th>VIC</th>
<th>SA</th>
<th>WA</th>
<th>QLD</th>
<th><em>NT (Cwlth)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Invalid &amp; Old Age Pensions (since 1959)</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Australian Citizenship (since 1962)</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
</tbody>
</table>

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)

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.

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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.indigenousrights.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:


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

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.

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.

<table>
<thead>
<tr>
<th>Change required:</th>
<th>Petition to be presented to:</th>
<th>Key factors that are likely to make it effective:</th>
</tr>
</thead>
<tbody>
<tr>
<td>An aspect of your school</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking laws in a local street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduce plastic use in supermarkets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase (or decrease) refugee intake to Australia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase (or decrease) Australia’s adoption of international human rights laws</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:
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.

<table>
<thead>
<tr>
<th>Before 1967</th>
<th>After 1967</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1901 Australian Constitution</strong></td>
<td><strong>Proposed change to the 1901 Constitution</strong></td>
</tr>
<tr>
<td><strong>Meaning and implications for Indigenous people</strong></td>
<td><strong>Meaning and implications for Indigenous people</strong></td>
</tr>
<tr>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
<td>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.</td>
</tr>
</tbody>
</table>

**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:

A What is the problem?
B What does the campaign want you to do?
C Why is it targeting you?
D 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?
E Identify the strategies that the campaign is using.
F If the campaign is successful, what will follow?
G What are the main factors that will determine whether or not you are influenced by the campaign?
H What is your response to the campaign?
What effects was it designed to have?

Who is it being presented to?

Who would present it?

What problem is it seeking to overcome?

What is it asking this body to do?

Who would sign it?

What new words does it want?

Who is involved in creating it?
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:

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

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.
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.

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.

SOURCE 3.7

Extracts from The Age 2 October 1962

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

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, plactium 26).

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

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

We were given petitions and it was our job to get names on ‘em. And D oug [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 D oug’d be yelling out ‘give Aboriginals citizenship rights!’ And he’d be dragging people. And D oug 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, D oug and get them there. And it was D oug’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. N ow Collingwood supporters are black and white one-eyed. N ormally they’d just rush into the grandstand to get their seat. But this particular day D oug Nicholls, again as they were walking in — and everybody knew D oug. I mean D oug was a household name. He was better known than H enry Bolte who was the Premier at the time. Soon as they see D oug, they couldn’t resist D oug. 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.
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.

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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The legislation of 1964 was introduced by ________________________________________________________________________________________________________________</td>
</tr>
<tr>
<td>2</td>
<td>His role in Parliament was ________________________________________________________________________________________________________________</td>
</tr>
<tr>
<td>3</td>
<td>The aim of the legislation was to hold a __________________________________________________________________________________________________________</td>
</tr>
<tr>
<td>4</td>
<td>The two parts to be changed were section __________ which ____________________________________________________________________________________________</td>
</tr>
<tr>
<td></td>
<td>And section __________ which ____________________________________________________________________________________________________________________</td>
</tr>
<tr>
<td>5</td>
<td>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: ______________________________________________________________________________________</td>
</tr>
<tr>
<td>6</td>
<td>His attitude to this section was that it was no longer appropriate because ___________________________________________________________________________</td>
</tr>
<tr>
<td>7</td>
<td>He believed that it was important to get rid of it because __________________________________________________________________________________________</td>
</tr>
<tr>
<td>8</td>
<td>Calwell also explained that the reason for the existence of s.51 (xxvi) in the original Constitution of 1901 was ____________________________________________________________________________________________________________</td>
</tr>
<tr>
<td>9</td>
<td>His attitude to this section now was that it was not necessary because _______________________________________________________________________________</td>
</tr>
<tr>
<td>10</td>
<td>He believed it was important to get rid of it now because __________________________________________________________________________________________</td>
</tr>
<tr>
<td>11</td>
<td>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 __________________________________________________________________________________________________________________________________</td>
</tr>
<tr>
<td>12</td>
<td>Calwell also believed that Australians had to examine their consciences because ______________________________________________________________________</td>
</tr>
<tr>
<td>13</td>
<td>His attitude to the issue of assimilation, that is the inclusion of Aboriginal people into white society, was ________________________________________________________________________________________________________</td>
</tr>
<tr>
<td>14</td>
<td>Mr Calwell was followed by Mr Snedden. His position was __________________________________________________________________________________________</td>
</tr>
<tr>
<td>15</td>
<td>which means that he was in charge of ____________________________________________________________________________________________________________</td>
</tr>
<tr>
<td>16</td>
<td>He agreed with Calwell that s.127 was ___________________________________________________________________________________________________________</td>
</tr>
<tr>
<td>17</td>
<td>But he believed that the effect of s.127 in practice was ____________________________________________________________________________________________</td>
</tr>
<tr>
<td></td>
<td>and therefore it did not need to be removed. _______________________________________________________________________________________________________</td>
</tr>
<tr>
<td>18</td>
<td>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 ____________________________________________________________________________________________________________</td>
</tr>
<tr>
<td>19</td>
<td>Snedden believed that the assimilation of Aborigines meant that any law should affect all races ___________________________________________________________________________________________________________________________</td>
</tr>
<tr>
<td>20</td>
<td>His attitude to discrimination, whether positive and helpful or negative and hurtful was __________________________________________________________________</td>
</tr>
<tr>
<td>21</td>
<td>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 __________________________________________________________________________________________________</td>
</tr>
<tr>
<td>22</td>
<td>The next speaker was Mr Bryant. His attitude was ________________________________________________________________________________________________</td>
</tr>
<tr>
<td>23</td>
<td>He argued that in terms of freedom, Aboriginal people, in comparison to other citizens, were __________________________________________________________________</td>
</tr>
<tr>
<td></td>
<td>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 ______________________________________________________________________________</td>
</tr>
<tr>
<td></td>
<td>another to ____________________________________________________________________________________________</td>
</tr>
<tr>
<td></td>
<td>and a third to ______________________________________________________________________________________</td>
</tr>
<tr>
<td>24</td>
<td>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 ______________________________________________________________________________</td>
</tr>
</tbody>
</table>
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.
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.

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.

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?
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

- 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

- 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

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

**SOURCE 5.4** Letters to the editor

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

- Do these letters support or oppose the referendum?
- Whose opinions do they represent?
- Are they 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:

What was the result of the Referendum vote?

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

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

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?

### TRUE or FALSE Comments on the meaning of the 1967 Referendum

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

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.

<table>
<thead>
<tr>
<th>Document</th>
<th>Reference</th>
<th>This person/group wanted ...</th>
<th>This would be carried out by ...</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOURCE 7.1</td>
<td>Cabinet Submission, post referendum</td>
<td>National Archives of Australia, A1209, 1967/1512</td>
<td></td>
</tr>
<tr>
<td>SOURCE 7.2</td>
<td>Coombs to head Aboriginal council</td>
<td>The Australian, 3 November 1967</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>National Archives of Australia, A1209, 19671512</td>
<td></td>
</tr>
<tr>
<td>SOURCE 7.3</td>
<td>Charles Perkins to Harold Holt, June 1967</td>
<td>National Archives of Australia, A1209, 19671512</td>
<td></td>
</tr>
<tr>
<td>SOURCE 7.4</td>
<td>Charles Barnes to Acting Prime Minister</td>
<td>National Archives of Australia, A1209/1512</td>
<td></td>
</tr>
<tr>
<td>SOURCE 7.5</td>
<td>Wentworth to Holt June 1967</td>
<td>National Archives of Australia, A1209, 1967/1512</td>
<td></td>
</tr>
<tr>
<td>SOURCE 7.6</td>
<td>Queensland MPs to the Prime Minister, September 1967</td>
<td>National Archives of Australia, A1209, 1967/1512</td>
<td></td>
</tr>
</tbody>
</table>

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 …
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, 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.

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.

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’
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.

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), to explain (impartial), or to argue a particular view (partisan)?
- At the end, do I feel that I really understand the situation?
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.

Campaigning for change

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.

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

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.
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.