

27 May: The 1967 referendum

On 27 May 1967, the Australian Government held a referendum. This was a momentous turning point in Australian history. The 1967 referendum altered the Australian Constitution. More than 90 per cent of Australian voters chose 'Yes' to count Aboriginal and Torres Strait Islander peoples in the census and give the Australian Government the power to make laws for Aboriginal and Torres Strait Islander peoples.

What was life like for the First Australians before 1967?

When the First Fleet arrived in January 1788, Great Britain took formal possession of Australia. It did so without negotiating with the original inhabitants, the Aboriginal and Torres Strait Islander peoples who had inhabited the land for between 40,000 to 60,000 years. The British Government declared that the continent was *terra nullius* – empty land, or land that belongs to nobody.

The British settlement in Australia was not peaceful. Aboriginal people were moved off their traditional land and killed in battles or by hunting parties. European diseases such as measles and tuberculosis also killed many Aboriginal and Torres Strait Islander peoples.

From 1829, Australia was considered part of Great Britain, which meant that all inhabitants—including Aboriginal and Torres Strait Islander peoples—were regarded as British subjects.

On 1 January 1901, the Australian Constitution took effect and the Commonwealth of Australia was formed. Under the laws of the Australian Government, Aboriginal and Torres Strait Islander peoples were not included as citizens. Instead, in many cases they were treated as foreigners in their own land.

What rights did Aboriginal and Torres Strait Islander peoples have before 1967?

Before 1967, Aboriginal and Torres Strait Islander peoples did not have the same rights as other Australians under the Australian Constitution. Many aspects of their lives were controlled by the state governments, including the right to:

- Vote in state elections
- Marry whomever they chose
- Move to wherever they chose
- Own property wherever they chose
- Be the legal guardian of their own children
- Receive the same pay for the same work
- Drink alcohol.

Because the state governments made these laws, if an Aboriginal or Torres Strait Islander person lived in New South Wales, he or she had the right to do some of the things listed above. If the same person lived in Queensland, he or she had none of these rights.

While Aboriginal and Torres Strait Islander peoples had the right to vote before 1901, it was taken away or limited when the Australian Constitution was enacted. All Aboriginal and Torres Strait Islander peoples finally gained the right to vote in:

- Federal elections in 1962
- All state elections by 1965 (Queensland was the last state to give Aboriginal and

Torres Strait Islander peoples the right to vote).

What changed after the 1967 referendum?

The referendum opened a door; it allowed the Australian Government to change the Constitution so it could be involved in the affairs of Aboriginal and Torres Strait Islander peoples. This meant the government could make specific laws that applied to Aboriginal and Torres Strait Islander peoples that could assist in addressing inequalities.

One of the government's first acts under its new power was to establish the Council for Aboriginal Affairs. The Council brought Ministers from all states and territories together so they could discuss issues related to Aboriginal and Torres Strait Islander peoples and recommend actions to the Australian Government. The first Minister for Aboriginal Affairs, W.C. Wentworth, was appointed in February 1968.

However, the referendum did not end discrimination. For example, Aboriginal and Torres Strait Islander peoples did not receive equal wages as a result of the referendum; this right was granted through a different process.

What changes did the Australian Government make?

The 1967 referendum paved the way for several significant developments, including:

1. The introduction of 'positive discrimination' (otherwise known as affirmative action). Positive discrimination is a way to directly redress the disadvantage that groups of people have experienced in the past. W.C. Wentworth started programs designed to address the needs of Aboriginal and Torres Strait Islander peoples, such as improvements in healthcare.

2. The enactment of a number of important pieces of legislation, including the *Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws) Act 1975*; the *Aboriginal Councils and Associations Act 1976*; the *Aboriginal Land Rights (Northern Territory) Act 1976*; the *Council for Aboriginal Reconciliation Act 1991*; and, in response to the land rights cases of the 1990s, the *Native Title Act 1993*.

3. The gradual development of a new administrative and practical definition of 'Aboriginality'. This definition was based on community and self-identification, not just a person's DNA or genetics.

A lasting symbol of recognition

One of the most important outcomes of the referendum was to provide Aboriginal and Torres Strait Islander peoples with a symbol of recognition. The recognition of inequalities and giving the Australian Government the power to address them gave the 1967 referendum longstanding significance for all Australians.

Topics for discussion

1. What is a referendum?
2. What is a constitution?
3. Why are referendums important?
4. What does being an Australian citizen mean to you?
5. What rights do Australian citizens enjoy?
6. Imagine if you were not allowed to enjoy the same rights as other Australian citizens. For example, how would you feel if you were not allowed to move freely around your town, city or state without permission from the government? How would these restrictions affect your life?
7. It is many years since the referendum occurred on 27 May 1967. Do you think life is better or worse for Aboriginal and Torres Strait Islander peoples today? Why?
8. What is 'positive discrimination'? Why do you believe it is a good or bad thing?