



Fact Sheet

Australia's Constitution and the 1967 Referendum

Source: <http://www.australianstogether.org.au/stories/detail/self-determination>

What is a Referendum?

A referendum is a vote of the Australian people on measures proposed or passed by the Australian Parliament. There are a number of different types of referendums that can be held – the most common is a Constitutional referendum. AEC (2017 website)

What is Australia's Constitution?

A constitution is a set of rules by which a country or state is run. The Australian Constitution is the set of rules by which Australia is governed. In addition to the national Constitution, each Australian state has its own constitution. The Australian Capital Territory and Northern Territory have self-government Acts which were passed by the Australian Parliament. PEO (2017 website)

Any proposed change to the Australian Constitution must be put to a vote of all Australian voters in a referendum.

What was the 1967 Referendum all about?

During the 1960s increasing calls for Aboriginal and Torres Strait Islander people to have the same rights as other Australians resulted in a Constitutional referendum that was held on May 27 in 1967. All Australians were asked to consider and determine whether two references in the Australian Constitution, which discriminated against Aboriginal people, should be removed.

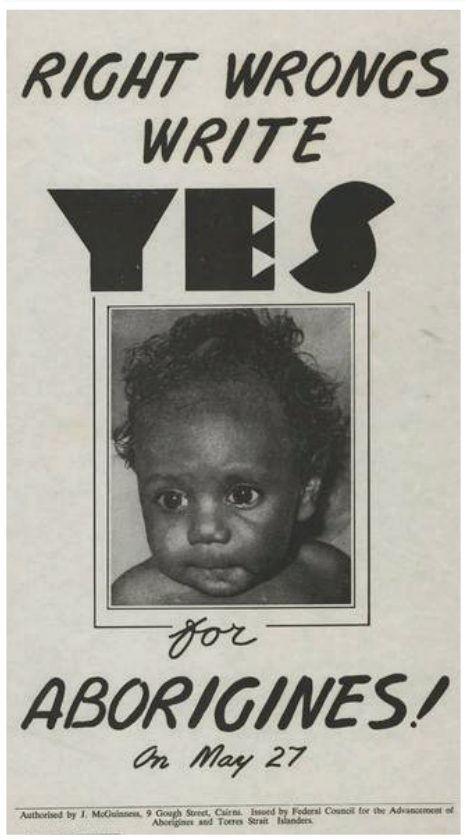
51. *The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:-*
 ...(xxvi) *The people of any race, **other than the Aboriginal people in any State**, for whom it is necessary to make special laws.*

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.***

In other words the Referendum proposed:

- **that Aboriginal people be included in the Census**
- **to allow the Federal Government to make laws for Aboriginal people**

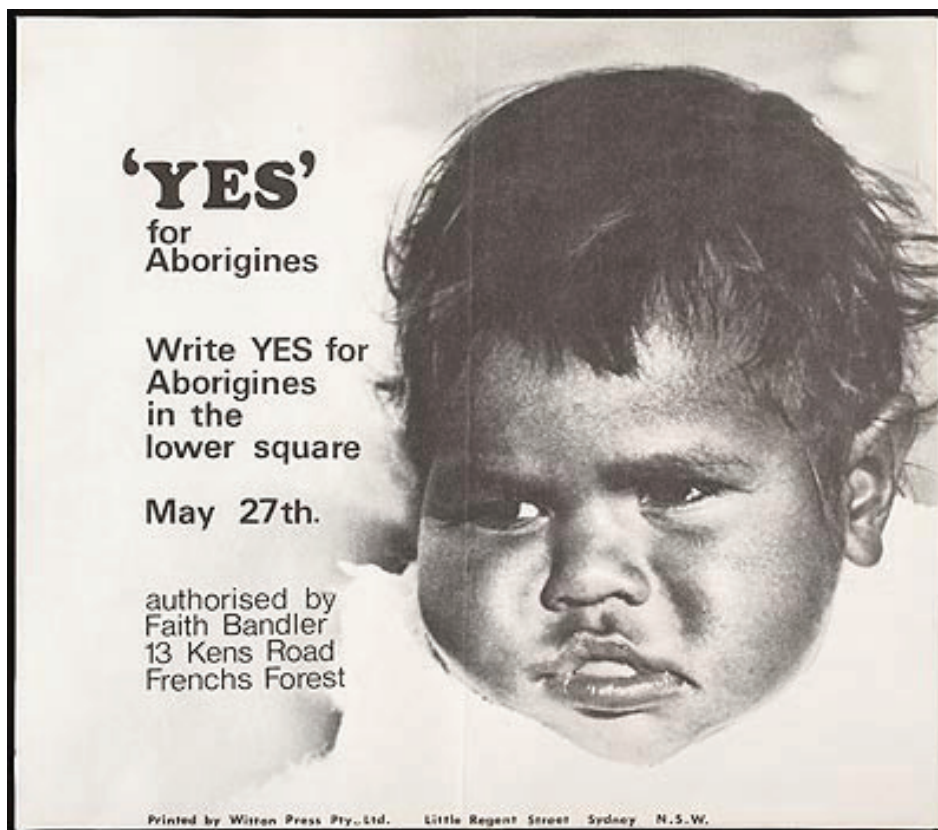
1967 Referendum Promotion Posters



Western Australian Museum (2017 website)



NLA (2017 website)



Museum of Australian Democracy (2017 website)

What were the results of the 1967 Referendum?

The overwhelming majority of people voted yes to remove discrimination from within Australia's constitution. The following table lists the yes vote percentages in the 1967 Referendum.

New South Wales	91.5%
Victoria	94.7%
Queensland	89.2%
South Australia	86.3%
Western Australia	80.9%
Tasmania	90.2%
National	90.8%

The highest yes vote ever recorded in a referendum ensured that Aboriginal and Torres Strait Islander people were to be included in population counts resulting from the Census and that the Federal Government was able to make laws for Aboriginal and Torre Strait Islander people. The 1967 Referendum was one of only eight of forty-four separate proposed Constitutional amendments have been successfully carried by referendum. ABS (2011)

How did the 1967 Referendum change Australia as a nation?

Before the 1967 Referendum the States of Australia made laws which discriminated against Aboriginal people and denied Aboriginal people their basic human rights such as being free to live where they wished, having access to education, receiving the same wages as non-Aboriginal people, marrying who they wished to marry, eating in restaurants, entering a public bar, swimming in a public pool or having the right to vote. The successful 1967 Referendum allowed the Australian Government to make laws for Aboriginal people which helped change the State Laws which denied Aboriginal and Torres Strait Islanders many basic human rights.

Rights of Aboriginal people across Australia in 1963

Right	NSW	VIC	SA	WA	NT	QLD
Voting rights (state)	Yes	Yes	Yes	No	Yes	No
Marry freely	Yes	Yes	Yes	No	No	No
Control own children	Yes	Yes	No	No	No	No
Move freely	Yes	No	No	No	No	No
Own property freely	Yes	No	Yes	No	No	No
Receive award wages	Yes	No	No	No	No	No
Alcohol allowed	No	No	No	No	No	No

Korff, J (2012)

While there was much national self-congratulation about the great result in the 1967 Referendum, some people wondered whether the Referendum was going to achieve much positive change. The *Bulletin* newspaper suggested that 'it will be a long time before we act as we vote'. McLachlan – Chew (2006: p 26)

The referendum did not actually give the Australian Government full responsibility to make positive changes for Aboriginal people, it simply opened the door for Australian Government involvement. For the first five years after the Referendum the Australian Government did not make any significant changes.

The first major change the Australian Government made after the 1967 Referendum was to establish the **Office of Aboriginal Affairs**, an advisory body that was given funds/money to identify the most urgent needs of Aboriginal communities. After the Office for Aboriginal Affairs was developed the Australian Government was able to make several significant developments. These included **the introduction of changes through 'positive discrimination' and the making of the following important Acts:**

- the Aboriginal Land Fund Act 1974
- the Aboriginal Loans Commission Act 1974
- 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 Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self-Management) Act 1978
- the Aboriginal Development Commission Act 1980
- the Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act 1984
- the Aboriginal and Torres Strait Islanders Commission Act 1989
- the Council for Aboriginal Reconciliation Act 1991
- the Native Title Act 1993
- the Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1995."

Treaty Republic (2017 website)

Importantly the fact that Aboriginal and Torres Strait Islander peoples were now counted in the national Census meant that many Aboriginal and Torres Strait Islander people felt that they actually counted. Many Aboriginal and Torres Strait Islander people will refer to being counted as flora and fauna (plants or animals) rather than people before the successful 1967 Referendum. The 1967 Referendum continues to be a symbol of political and moral rights for Aboriginal people.

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