

The 1967 Referendum

On 27 May 1967, the Australian Government held a referendum in which 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.

When the Constitution first came into being in 1901 there were only two parts that referred to the First Peoples of Australia: Section 51 (xxvi) gave the Commonwealth power to make laws with respect to 'people of any race, other than the Aboriginal race in any state, for whom it was deemed necessary to make special laws'; and Section 127 provided that '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'.

This meant that Aboriginal and Torres Strait Islander people weren't recognised as part of the Australian population.

Life for Aboriginal and Torres Strait islander peoples 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 various 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 particular to their own states, 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, they 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, and in all state elections by 1965 (Queensland was the last state to give the right to vote).

Campaigning

Aboriginal and Torres Strait Islander peoples have always protested and fought against injustices. There was no single moment that sparked the 1967 Referendum, more a growing swell of support for change led by a range of people and organisations. In the late 1950s, changes in other countries toward equality and civil rights focused public attention on the injustices faced by Aboriginal and Torres Strait Islander peoples.

Targeted and effective campaigns were run by organisations like the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI), the Australian Aborigines League, the Aboriginal-Australian Fellowship, and the Aborigines Progressive Association for close to a decade.

What changed after the 1967 referendum?

The referendum result 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?

Some changes included:

- 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.
- The enactment of a number of important laws, 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.
- 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 gave the 1967 referendum longstanding significance for all Australians.