
50th Anniversary of the 1967 Referendum

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In brief

On 27 May 1967, an overwhelming number of Australians voted in favour of amending Australia's Constitution to include Indigenous Australians in the official population, and to empower the Commonwealth to make laws with respect to Indigenous Australians.

With a resounding 90.77% YES vote, the result was, and remains, the largest affirmative vote in Australian constitutional referenda history, and marks a significant milestone in the advancement of Indigenous Australian rights and recognition.

We reflect here on the significance of the vote, at a time when proposals for positive recognition of Indigenous Australians in Australia's Constitution are gathering pace.

In detail

The Constitution prior to the referendum

Australia's Constitution originally included two sections specifically relevant to Indigenous Australians:

51. Legislative powers of the 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:

(xxvi) The people of any race, other than the aboriginal people in any State, for whom it is deemed necessary to make special laws.

127. Aborigines not to be counted in reckoning population

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.

(Emphasis added)

Historians have suggested a number of influences motivating the inclusion of these provisions in Australia's Constitution when drafted in the late 19th century, including practical concerns about accurately calculating the population to set electoral boundaries, a belief that making laws for Indigenous Australians was a responsibility of the States and disregard for the rights of Indigenous Australians.¹

Indigenous Suffrage

The 1967 referendum is often thought of as the step that enabled Indigenous Australians to vote, however that is not the case. In 1962, amendments were passed to the *Commonwealth Electoral Act (1918)* (Cth) to enable Indigenous Australians to vote in federal elections. Changes to laws in each State were implemented by 1965.

Campaign for constitutional reform

Campaigning for changes to Australia's Constitution grew throughout the 20th century.

A referendum was held in 1944 to (the 'Fourteen Points' referendum) which proposed a package of 14 powers to be conferred on the Commonwealth for five years to support reconstruction efforts following World War II. Amongst the reforms was the ability to legislate for Indigenous Australians. The referendum was not passed, most likely because the question required voters to accept or reject all measures as a package, with some of the powers being ideologically contentious.

In 1957, a petition was launched at the Sydney Town Hall by the Aboriginal-Australian Fellowships group, with the aim of campaigning for constitutional amendments as a means of highlighting the political, economic, and social disadvantages faced by Indigenous Australians.

The petition was led by two renowned Australians: Faith Bandler and Jessie Street. Faith attributes the genesis of the constitutional amendment campaign to Jessie:

*"She rang me up late one night in 1956 and said: 'You can't get anywhere without a change in the Constitution and you can't get that without a referendum. You'll need a petition with 100,000 signatures. We'd better start on it at once.' And we did. Jessie's role in our movement was absolutely vital. And she never wanted honour and glory. She'd give ideas away and the credit along with them."*²

The petition campaign became a national project under the Federal Council for Aboriginal Advancement, garnering over 100,000 signatures, and was ultimately presented to Parliament. A writ was issued for the referendum on 28 April 1967. In preparation for the referendum, voters received an official YES case; an opposing NO case was not presented, indicating the strong and bipartisan political support that was behind the change.

The 1967 referendum

Voters were asked whether they approved of a change to the Constitution, deleting part of section 51 (xxvi) and repealing section 127. The amendment would:

- 1) Enable the Commonwealth to enact laws for Aboriginal people; and
- 2) Remove the prohibition against counting Aboriginal people in population counts in the Commonwealth or a State.

¹ Scott Bennett, Information and Research Services section of the Parliamentary Library, Canberra, 'The 1967 Aborigines Referendum' (Article contributed to the Australian Bureau of Statistics' 2004 Year Book Australia).

² Jessie Street National Women's Library, *Who was Jessie Street*
<<http://www.nationalwomenslibrary.org/aboutus/who-was-jessie-street/>>.

The referendum carried with a majority obtained in all six States, and an overall majority of votes. In fact, an overwhelming 90.77% of voters across Australia voted YES. To put this in context, of the previous twenty-four referenda since federation, only four had been accepted by voters. A separate question was also put to voters on 27 May 1967, proposing a change to remove the requirement that House of Representatives Members be approximately double the number of Senators; this was rejected.

The fact that the so-called Aboriginal referendum carried, and with such an overwhelming majority, reflected changing societal views, including arising from service of Indigenous men and women in Australia's defence forces in World War II and the war in Vietnam. There may also have been an influence of the movement for civil rights and racial equality at that time internationally.

The state-by-state results for the referendum are detailed below:

*Table 1: Results of the 1967 Referendum*³

State	Enrolled	Votes	For (%)	Against (%)	Informal
New South Wales	2 315 828	2 166 507	1 949 036 (91.46)	182 010 (8.54)	35 461
Victoria	1 734 476	1 630 594	1 525 026 (94.68)	85 611 (5.32)	19 957
Queensland	904 808	848 728	748 612 (89.21)	90 587 (10.79)	9 529
South Australia	590 275	560 844	473 440 (86.26)	75 383 (13.74)	12 021
Western Australia	437 609	405 666	319 823 (80.95)	75 282 (19.05)	10 561
Tasmania	199 589	189 245	167 176 (90.21)	18 134 (9.79)	3 935
Total	6 182 585	5 801 584	5 183 113 (90.77)	527 007 (9.23)	91 464

Impact of the 1967 referendum

The result of the 1967 referendum, passing with such overwhelming support, was obviously rich in symbolism. It did, however, have far-reaching legal and practical impacts.

In 1972, the Whitlam government established the Department of Aboriginal Affairs, paving the way for a unified national approach to Indigenous policy. The change to section 51 (xxvi) of the Constitution empowered the government to pass the *(Northern Territory) Land Rights Act 1976*, the first legislative step towards native land rights recognition. Constitutional recognition in the census has allowed for a greater and more accurate provision of government services, and encouraged self-identification as Indigenous by discarding society's previous perception of Aboriginality as a disadvantage.

Notwithstanding the progress brought by the 1967 referendum, the practical disadvantage faced by Indigenous Australians continues, as most recently highlighted in the Prime Minister's 2017 Closing the Gap report.⁴

³ Data extracted from: Commonwealth, *Referendums and Plebiscites*, Handbook of the 42 Parliament of Australia, 30 September 2008, p. 400.

⁴ <http://closingthegap.pmc.gov.au/sites/default/files/ctg-report-2017.pdf>

The takeaway

It has been fifty years since Australia voted to include Indigenous Australians in the census, and to empower the Commonwealth to make laws with respect to Indigenous Australians. The legacy of the referendum looms large, both in symbolism and practical outcome. Whilst the 27 May 1967 referendum penned a historically significant chapter in Indigenous rights, its anniversary serves as a reminder that the story of equality is far from finished.

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