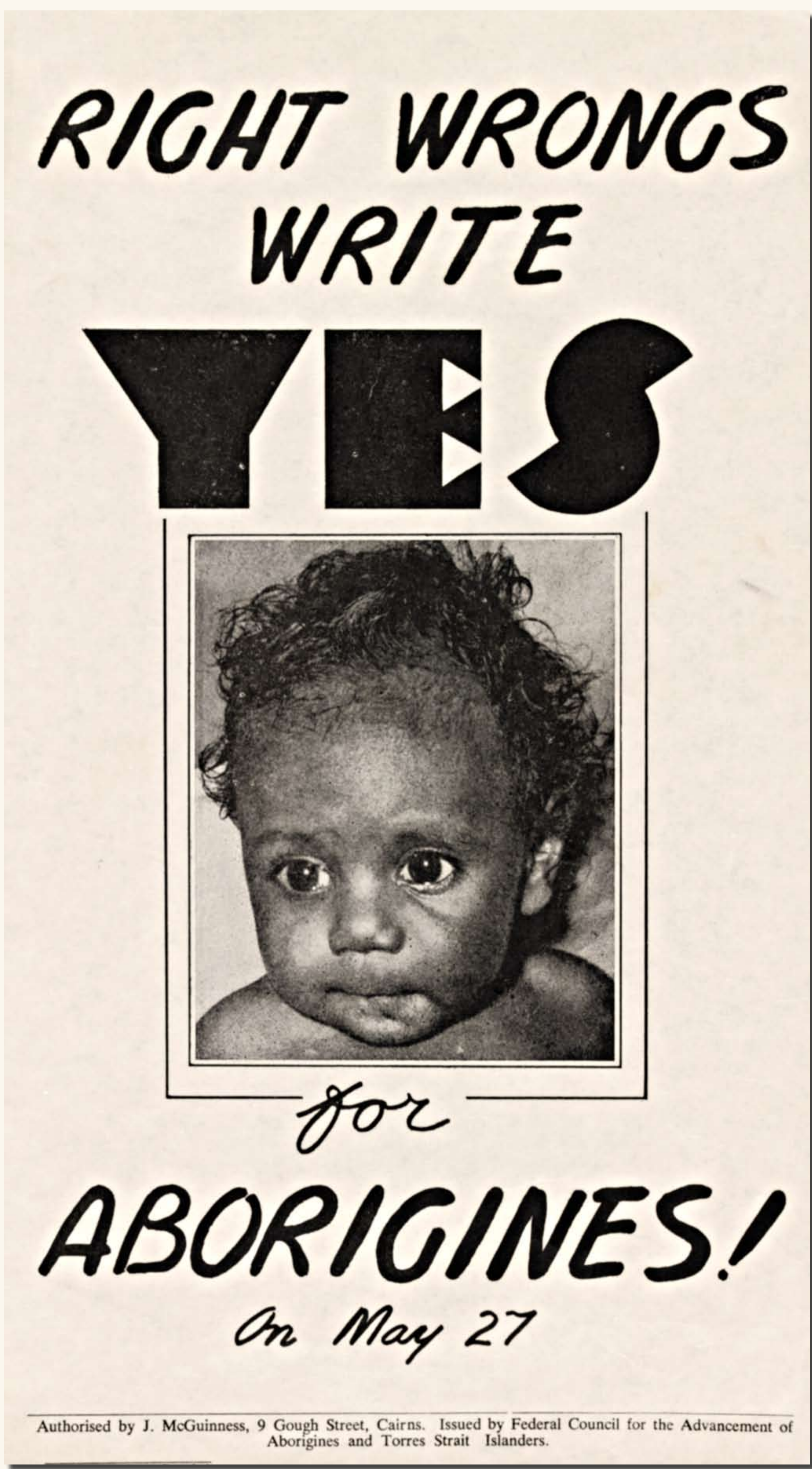


RIGHT WRONGS WRITE YES

CELEBRATING THE 40TH ANNIVERSARY OF THE 1967 REFERENDUM



1967 FCAATSI advertisement.

Reproduced courtesy of National Library of Australia and Dr Barry Christophers

A proposed law

To alter the constitution so as to omit certain words relating to the people of the Aboriginal race in any state and so that the Aborigines are to be counted in reckoning the population.

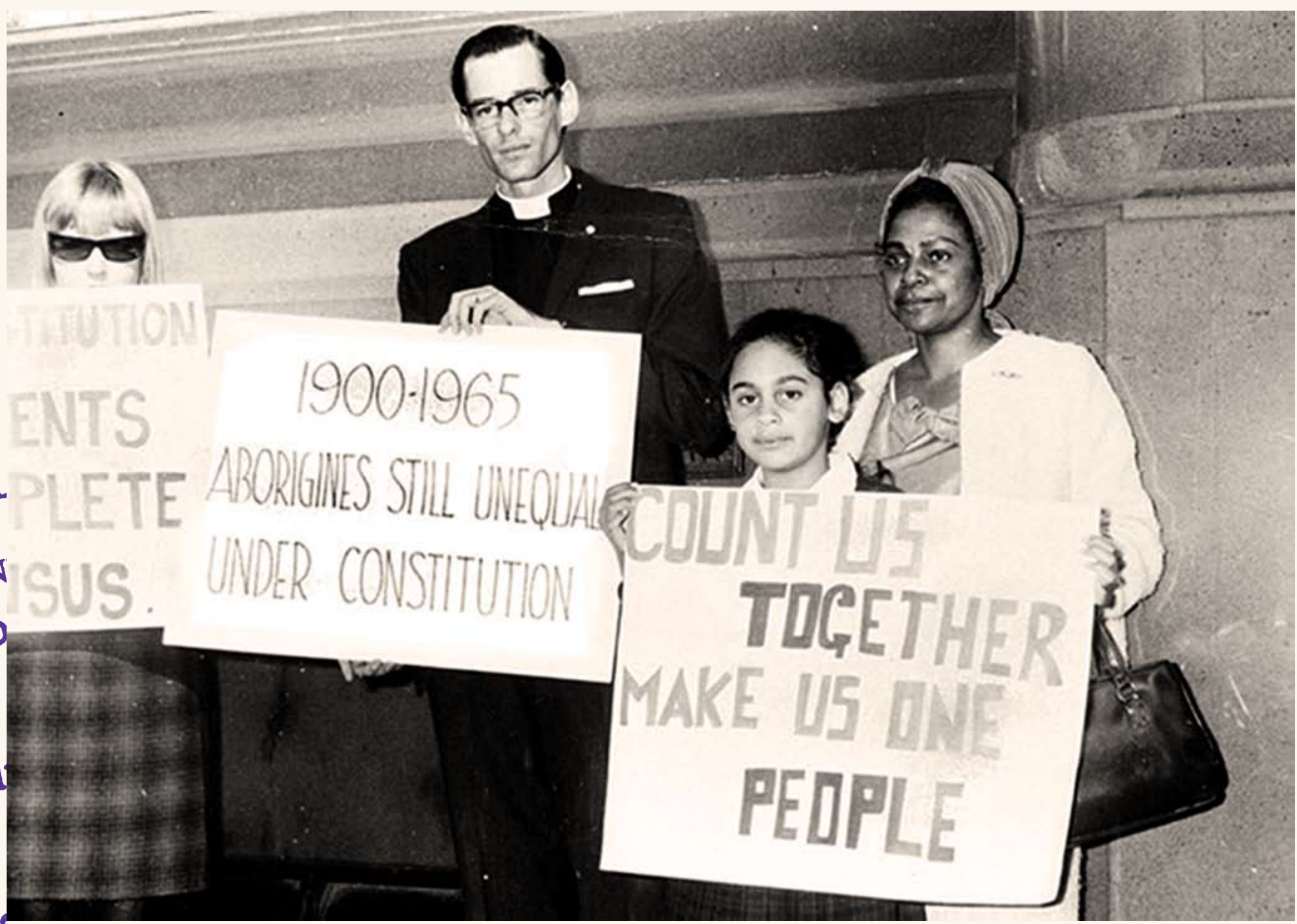
Commonwealth advertisement, *The West Australian*, 1 May 1967.

Our personal sense of justice, our common sense, and our international reputation in a world in which racial issues are being highlighted every day, require that we get rid of this out-moded provision.

Commonwealth of Australia, *Referendum document*, 6 April 1967

Before 1967 you had to apply for citizenship rights. They'd check up with the police what kind of person you were, then write you a letter saying if you got it or not. My Dad applied but they refused because he was known to have a drink and he lived in a camp.

Pat Kopusar, *Yes Aborigines do count*, Wangka Maya, Pilbara Aboriginal Language Centre, May 1992.



Photograph of a protest in Sydney. Faith Bandler (on right) was one of the main leaders in the campaign

Reproduced courtesy of AIATSIS.

On 27 May 1967, 90.77% of Australian voters recorded the largest ever 'Yes' vote in a referendum to alter the Australian constitution. This referendum finally enabled Aboriginal people to be counted in the national census and to be subject to Commonwealth laws, rather than just state laws. Many Aboriginal people considered that changing sections of the Federal Constitution was essential in gaining formal recognition of their existence as people of their own country. Only four referenda prior to 1967 had been passed.



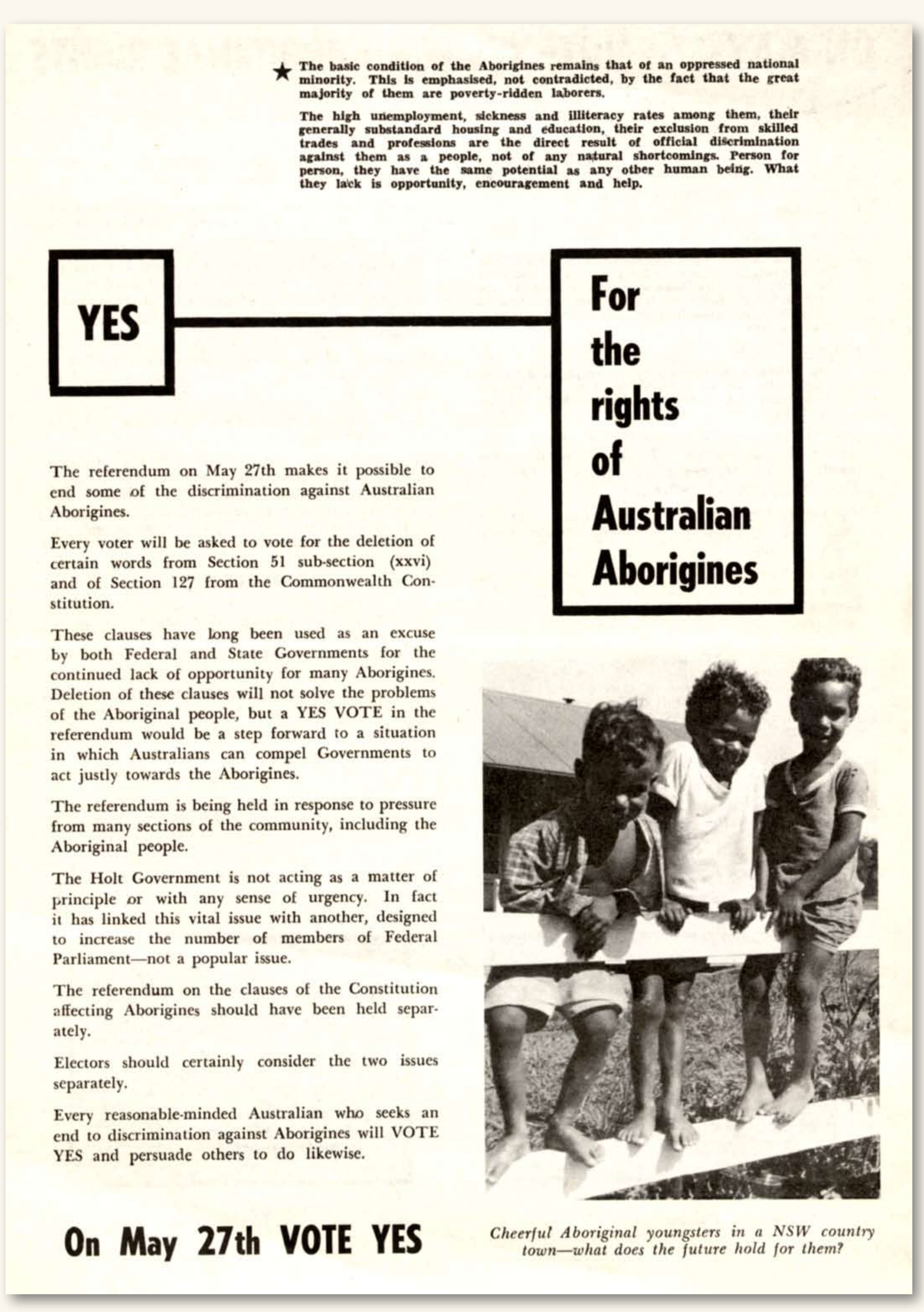
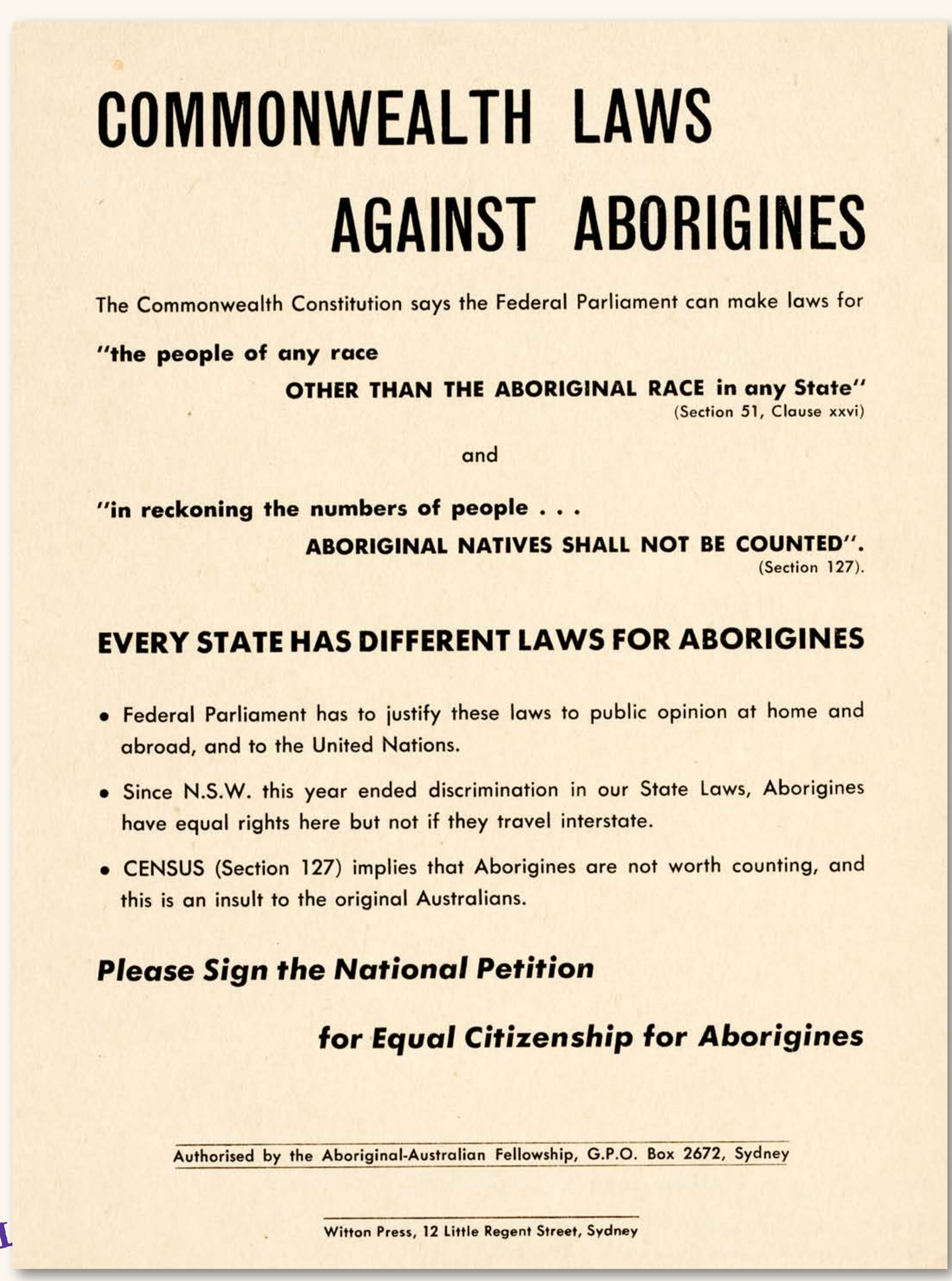
RIGHT WRONGS WRITE YES

TOWARDS EQUAL CITIZENSHIP

We asked that section 51 be submitted to a referendum to remove this limitation on Commonwealth action in the belief that all Australian laws ought to apply equally to all Australians and that no one should be excluded from Commonwealth benefits on account of race.

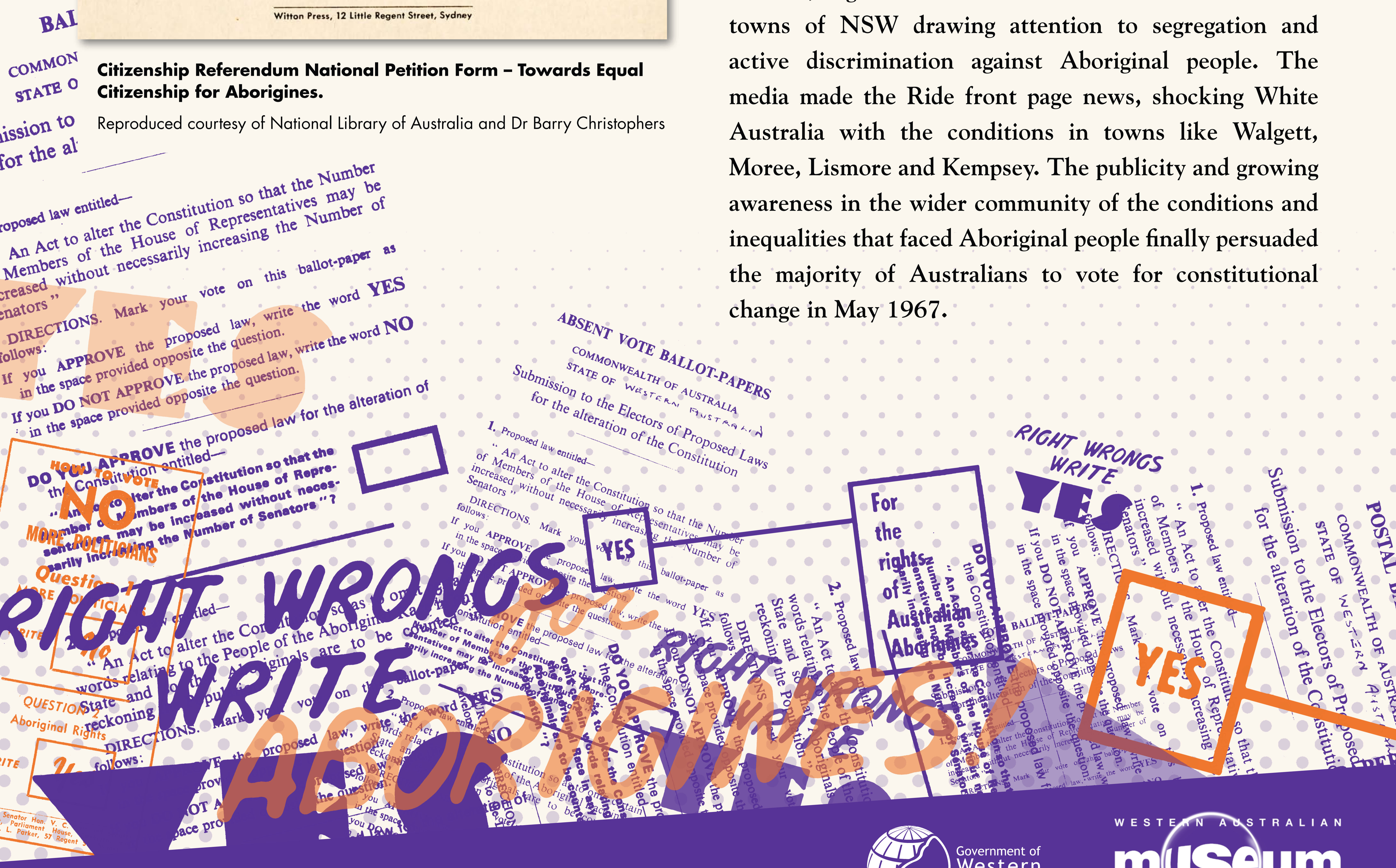
The case for changing section 51
 Federal Council for the Advancement of Aborigines and Torres Strait Islanders
 March 1967.

Since the Day of Mourning campaign in 1938 to recognise the 150th anniversary of white invasion, Aboriginal people had been agitating for political and social recognition with little success. In April 1957 a group in Sydney began a campaign to petition the Commonwealth to change the constitution. The campaign achieved national status with the formation of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI) in 1958.



On May 27 Vote Yes for Aboriginal Rights, May 1967 Communist Party pamphlet
 Reproduced courtesy of National Library of Australia and Dr Barry Christophers.

It took ten years to gather over 1 million signatures on petitions that gave Parliament a basis to support holding the referendum. The petitions were first presented to Parliament in 1963 without success. In 1965 a group of activists from Sydney University, led by Charles Perkins, organized a Freedom Ride around the northern towns of NSW drawing attention to segregation and active discrimination against Aboriginal people. The media made the Ride front page news, shocking White Australia with the conditions in towns like Walgett, Moree, Lismore and Kempsey. The publicity and growing awareness in the wider community of the conditions and inequalities that faced Aboriginal people finally persuaded the majority of Australians to vote for constitutional change in May 1967.



RIGHT WRONGS WRITE YES

THE 'YES' CASE.

If Australia fails to write Yes to the proposal on aborigines, the rest of the world will believe that we have neither comprehension nor compassion.

Television broadcast by Hon Gough Whitlam QC, Leader of the Opposition, 16 May 1967



Do you approve the proposed law for the alteration of the Constitution entitled 'An Act to alter the Constitution so as to omit certain words relating to the people of the Aboriginal race in any state so that Aboriginals are to be counted in reckoning the population?'

SECTION 51, PART (XXVI):

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:-

The people of any race, **other than the aboriginal race in any state**, for whom it is deemed necessary to make special laws

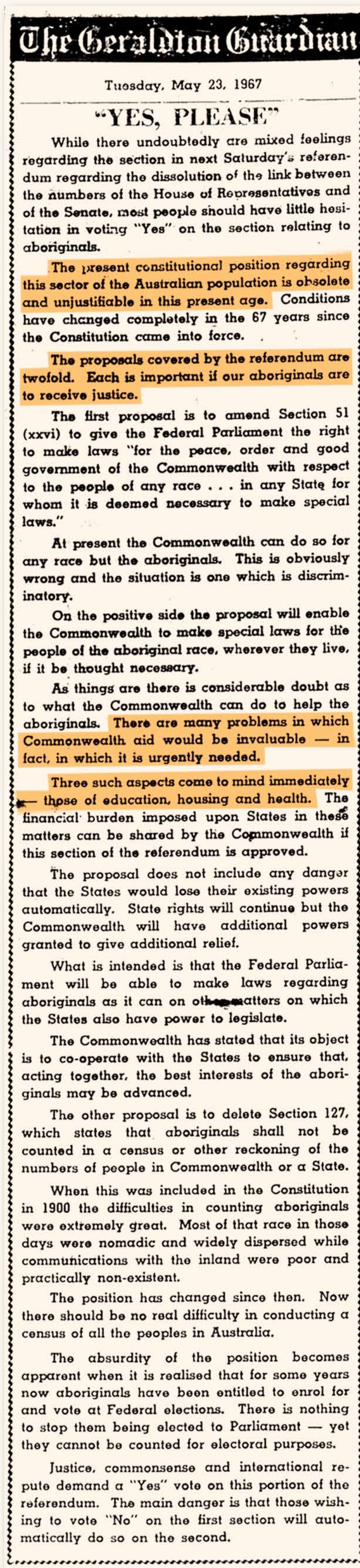
SECTION 127:

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.**

The bold text represents the sections of the Constitution that the Referendum would remove if passed.

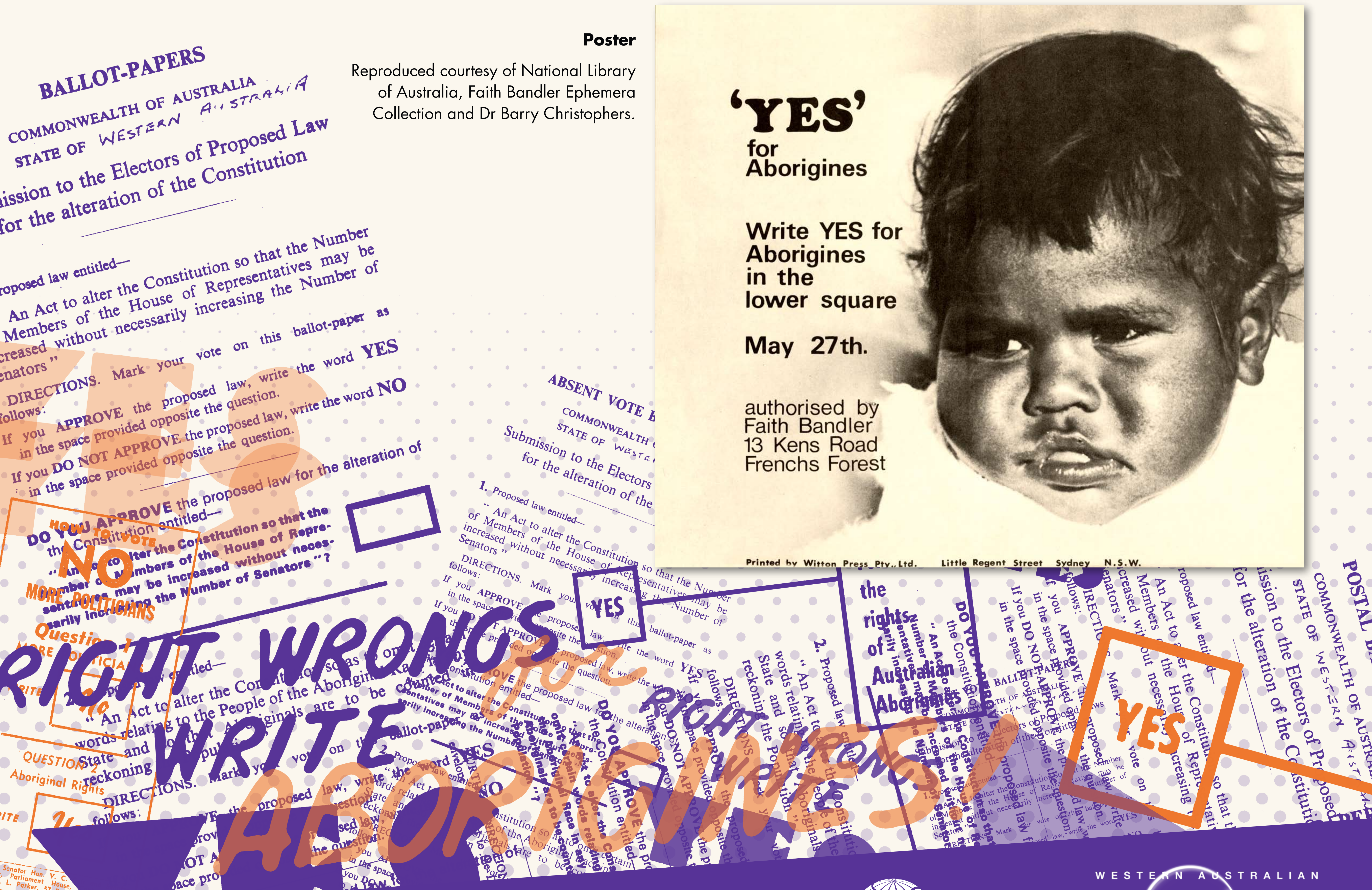
FCAATSI committees in each state enlisted strong support from Church and community groups to educate the wider community on the need for a strong "Yes" vote. The Aboriginal Advancement Council and Aboriginal Rights Council were the leading Western Australian groups led by people including E.C. Gare, George Abdullah, Jack Davies and Charles Pell. Many newspapers ran positive editorials and news stories promoting the arguments supporting the 'Yes' vote.

The word 'yes' had to be written on the Referendum Ballot papers. All advertising strongly featured this as officials were concerned that people may simply tick or cross the boxes by mistake. Despite an active campaign by all political parties and FCAATSI, many people did not understand what they were voting for. Even today, many people still believe the Referendum was to give Aboriginal people the vote, even though they had been able to vote in Federal elections since 1962.



The Geraldton Guardian, 23 May 1967

Courtesy of The Geraldton Guardian



Poster
Reproduced courtesy of National Library of Australia, Faith Bandler Ephemera Collection and Dr Barry Christophers.

RIGHT WRONGS WRITE YES



REFERENDUM DAY

I hope the Commonwealth sees it as meaning that the people of W.A. and of Australia want more done for Aborigines.

E.C.Gare, President Aboriginal Advancement Council
 The West Australian, 29 May 1967

The grant of power to the Commonwealth in relation to Aborigines which follows from the vote will enable it to play a useful part in ensuring justice and social acceptance for people of the Aboriginal race.

Hon. Harold Holt, Prime Minister of Australia
 The West Australian, 29 May 1967

Australians voted overwhelmingly 'Yes' to remove the discriminatory words and limitations to Aboriginal people in the Constitution. Despite this enthusiasm for change from across the Australian community, the every day lives of Aboriginal people remained the same. The referendum did not grant any extra legal or political rights, did not cover land rights, it did not lessen discrimination nor were there any great improvements in health, housing or education services. In Western Australia, Aboriginal people still had to apply for citizenship to a magistrate under the Natives Citizenship Rights Act of 1944. The Commonwealth continued to leave the running of Aboriginal affairs largely to the States. It was almost ten years later before the power given to the Commonwealth by the 1967 referendum was actually used by the Whitlam Government to make laws for the benefit of Aboriginal people.

Top: The West Australian, May 29 1967, report on the Referendum results includes a photograph of George Abdullah, Jack Davies and Charles Pell recording the progress of the vote at the Aboriginal Centre in Beaufort Street, Perth.

Reproduced courtesy of The West Australian Newspapers Ltd.

Commonwealth of Australia Gazette
 PUBLISHED BY AUTHORITY
 No. 55 CANBERRA, MONDAY, 26 JUNE 1967

Commonwealth of Australia
STATEMENT SHOWING RESULT OF REFERENDUM UPON PROPOSED LAW TO ALTER THE CONSTITUTION WITH RESPECT TO ABORIGINALS

WHEREAS in pursuance of the Writ issued by the Administrator of the Government of the Commonwealth of Australia on the twenty-eighth day of April, 1967 to me, a proposed law to alter the Constitution entitled "Constitution Alteration (Aboriginals) 1967" was, on the twenty-seventh day of May, 1967, submitted according to law in each State to the electors qualified to vote for the election of members of the House of Representatives: And whereas in pursuance of the Referendum (Constitution Alteration) Act 1906-1966 a statement of the voting on the submission (in the said Act referred to as the Referendum) has been indorsed on the said Writ: And whereas by the said Act it is enacted that the Chief Electoral Officer shall publish a copy of the said statement in the Gazette, and that the statement so published shall, subject to the said Act, be conclusive evidence of the result of the Referendum: Now therefore I do hereby certify that the statement hereunder set out is a true copy of the statement indorsed on the said Writ, and do publish the statement in the Gazette in pursuance of the said Act.

F. L. LEY
 Chief Electoral Officer for the Commonwealth

STATEMENT INDORSED ON THE WRIT ABOVE REFERRED TO

I certify that in pursuance of the within Writ a proposed law to alter the provisions of the Constitution entitled "Constitution Alteration (Aboriginals) 1967", was submitted to the electors in each State of the Commonwealth on the twenty-seventh day of May, 1967, and that the result of the voting as regards each State and as regards the Commonwealth was as follows:

State	Number of Votes given IN FAVOUR of the Proposed Law	Number of Votes given NOT IN FAVOUR of the Proposed Law	Number of Ballot-papers rejected as INFORMAL
New South Wales	1,949,036	182,010	35,461
Victoria	1,525,026	85,611	19,957
Queensland	748,612	90,587	9,529
South Australia	473,440	75,383	12,021
Western Australia	319,823	75,282	10,561
Tasmania	167,176	18,134	3,935
Totals for the Commonwealth	5,183,113	527,007	91,464

Dated this twenty-second day of June, 1967.
 F. L. LEY
 Chief Electoral Officer for the Commonwealth

Above: Commonwealth of Australia gazette No 55, 26 June 1967 showing the final results of the Referendum.

RIGHT WRONGS WRITE YES

Submission to the Electors of Proposed Law to alter the Constitution so that the Number of Members of the House of Representatives may be increased without necessarily increasing the Number of Senators.

1. Proposed law entitled—
 "An Act to alter the Constitution so that the Number of Members of the House of Representatives may be increased without necessarily increasing the Number of Senators."

DO YOU APPROVE the proposed law for the alteration of the Constitution entitled—
 "An Act to alter the Constitution so that the Number of Members of the House of Representatives may be increased without necessarily increasing the Number of Senators?"

YES

NO

For the rights of Aborigines

WESTERN AUSTRALIAN

Government of Western Australia

museum

RIGHT WRONGS WRITE

EQUAL RIGHTS

My pride stopped me from applying for citizenship when I became 21. I had already had two children, the Commissioner of Native Welfare was their guardian.

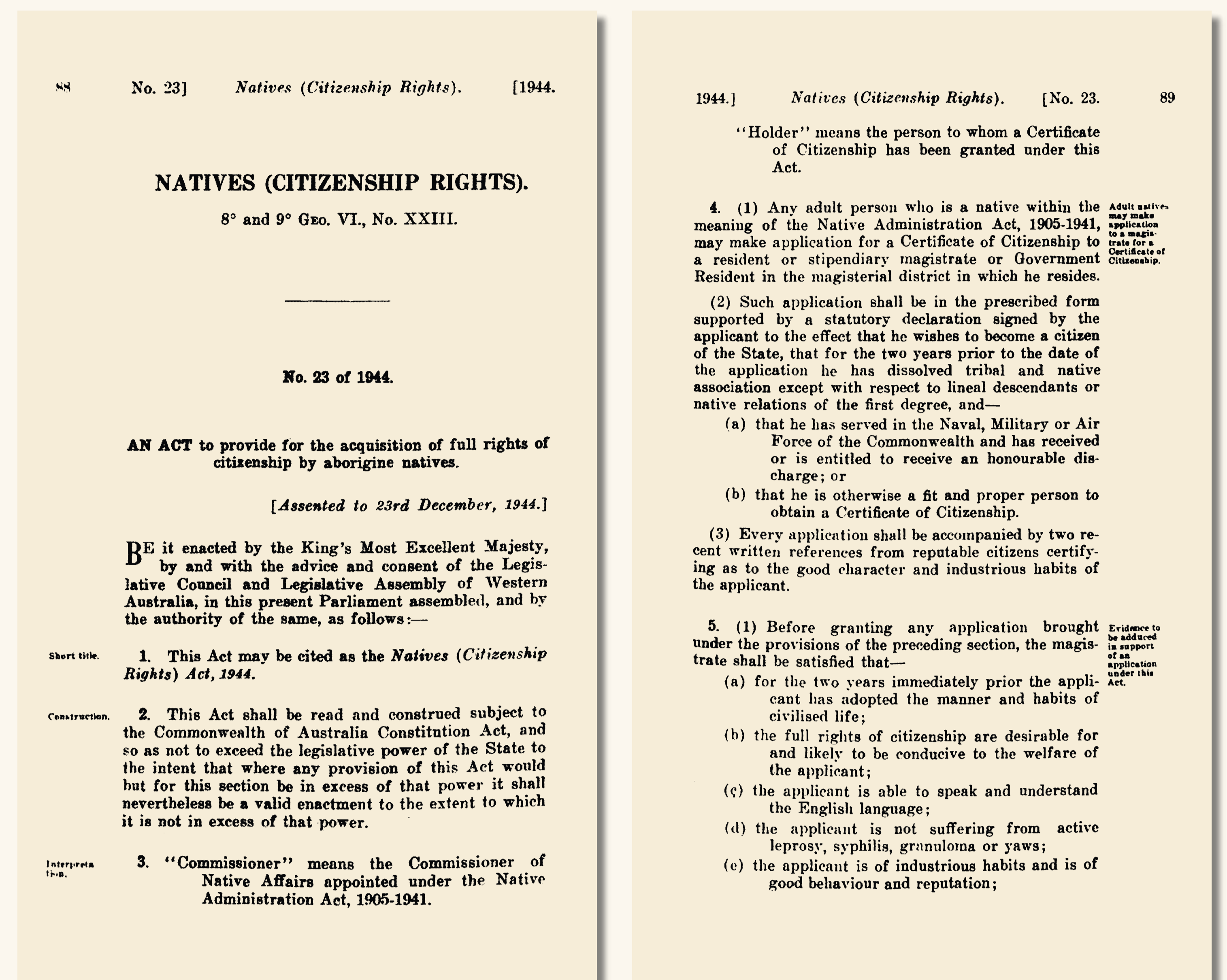
Pat Kopusar, *Yes Aborigines do count!* 1967-1992, Wangka Maya, Pilbara Aboriginal Language Centre, May 1992

Under some state legislation, Aboriginal people could not travel from place to place, control their own money, drink alcohol or marry without permission.

In Western Australia, until 1971, the Native (Citizenship Rights) Act 1944, stated that Aboriginal people had to apply for citizenship. They had to prove that they had severed all ties with extended family and friends, were free from disease, could speak English, had been 'civilised' in behavior for two years, could manage their affairs and were industrious in their habits.

Citizenship did not automatically extend to their children who had to apply under the same rules for citizenship once they reached adulthood. A person could have their citizenship revoked if they were seen to have reject 'civilised' life, been convicted twice of any felony, found drunk or had contracted leprosy, syphilis, granuloma or yaws. Anyone could make a complaint to a magistrate to revoke someone's citizenship. Many people referred to these Citizenship Certificates as dog tags or dog licenses.

Many Aboriginal people in Western Australia had thought the 1967 Referendum would automatically repeal this Act given the nature of the Referendum questions.



Natives Citizen Rights Act, 1944



Page one photograph, *Sydney Morning Herald*, 25 May 1967. Reproduced courtesy of Fairfax.

BALLOT-PAPERS
COMMONWEALTH OF AUSTRALIA
STATE OF WESTERN AUSTRALIA
Submission to the Electors of Proposed Laws for the alteration of the Constitution

Proposed law entitled—
“An Act to alter the Constitution so that the Number of Members of the House of Representatives may be increased without necessarily increasing the Number of Senators.”

DIRECTIONS. Mark your vote on this ballot-paper as follows:
If you APPROVE the proposed law, write the word YES in the space provided opposite the question.
If you DO NOT APPROVE the proposed law, write the word NO in the space provided opposite the question.

DO YOU APPROVE the proposed law for the alteration of the Constitution so that the Number of Members of the House of Representatives may be increased without necessarily increasing the Number of Senators?

YES NO

RIGHT WRONGS WRITE

ABSENT VOTE BALLOT-PAPERS
COMMONWEALTH OF AUSTRALIA
STATE OF WESTERN AUSTRALIA
Submission to the Electors of Proposed Laws for the alteration of the Constitution

I. Proposed law entitled—
“An Act to alter the Constitution so that the Number of Members of the House of Representatives may be increased without necessarily increasing the Number of Senators.”

DIRECTIONS. Mark your vote on this ballot-paper as follows:
If you APPROVE the proposed law, write the word YES in the space provided opposite the question.
If you DO NOT APPROVE the proposed law, write the word NO in the space provided opposite the question.

DO YOU APPROVE the proposed law for the alteration of the Constitution so that the Number of Members of the House of Representatives may be increased without necessarily increasing the Number of Senators?

YES NO

RIGHT WRONGS WRITE

For the rights of Aboriginals

RIGHT WRONGS WRITE

DO YOU APPROVE the proposed law for the alteration of the Constitution so that the Number of Members of the House of Representatives may be increased without necessarily increasing the Number of Senators?

YES NO

RIGHT WRONGS WRITE

WESTERN AUSTRALIAN MUSEUM
Government of Western Australia

RIGHT WRONGS WRITE

TIMELINE 1968-1990

1968 Federal Pastoral Industry Award, theoretically allows for equal wages for equal work.
Commonwealth Office of Aboriginal Affairs is established within Prime Minister Holt's Department.

1971 Aboriginal flag is first flown.

1972 Commonwealth Office of Aboriginal Affairs is upgraded to a Department of Aboriginal Affairs.
Whitlam Federal Labor government adopts self-determination as the official government policy in Indigenous Affairs.
The *Aboriginal Affairs Planning Authority Act* provides for the establishment of an Aboriginal Affairs Planning Authority, a Commissioner for Aboriginal Planning and an Aboriginal Affairs Advisory Council to provide consultative and other services and for the economic, social and cultural advancement of persons of Aboriginal descent in Western Australia. The *Native Welfare Act 1963* is repealed.
The Western Australian *Aboriginal Heritage Act* is declared with the aim of protecting places and objects of significance to Aboriginal people.
Neville Bonner is elected to Senate for Queensland, becoming the first indigenous person to be elected to any Australian parliament.
Aboriginal tent embassy is pitched outside Parliament House, Canberra.

1975 Commonwealth *Racial Discrimination Act* guarantees the right of every Australian, regardless of race, to equal treatment before the law.

1974 Western Australian *Aboriginal Affairs Planning Authority (AAPA) Act* is amended and a merger takes place between the Authority and the Federal Department of Aboriginal Affairs (DAA). The Commonwealth is responsible for the administration of the AAPA Act.

1973 A Royal Commission headed by L.C. Funnell Q.C. inquires into all matters affecting the well-being of Aboriginal people in Western Australia.
First national elections for Indigenous people, to elect 41 members of the National Aboriginal Consultative Committee (NACC). More than 27,000 Aboriginal people vote.

1977 National Aboriginal Conference (NAC) replaces the NACC and provides a forum for the expression of Aboriginal views.

1979 Western Australian *Aboriginal Communities Act* is proclaimed, allowing certain Aboriginal communities to manage and control community affairs.

1980 Ernie Bridge (ALP, MLA Kimberley) becomes the first Aboriginal member of the Western Australian Parliament.
WA Government and CSR support Amax Mining Corporation who enter Noonkanbah community and drill into Ngarranggari sacred site.

1978 Kimberley Land Council is established.

1985 The National Aboriginal Conference is disbanded.

1984 The AAPA becomes independent of the Commonwealth Department of Aboriginal Affairs.
Enrolment and voting in Commonwealth elections made compulsory for Indigenous people.

1983 Aboriginal Land Inquiry, headed by Paul Seaman, Q.C. is established to make recommendations to the Government 'for a scheme of legislation for land related measures for the benefit of Aboriginal people' in Western Australia. Report presented in 1984.

1986 A separate Aboriginal Affairs portfolio is created in Western Australia and the Hon Ernie Bridge, MLA, appointed to Cabinet as Minister for Aboriginal Affairs.

1987 The Royal Commission into Aboriginal Deaths in Custody is established by the Commonwealth, State and Territory Governments to investigate the deaths of ninety-nine Aboriginal persons in police and prison custody.
The State Ministers for Aboriginal Affairs, Police and Corrective services establish an Interim Inquiry into Aboriginal Deaths in Custody in Western Australia.
Commonwealth Government launches the Aboriginal Employment Development Policy to assist Aboriginal people achieve equity with other Australians in terms of employment and economic status.
The Ministers for Aboriginal Affairs and Health co-chair the first national meeting of a joint Ministerial Forum on Aboriginal Health.

1989 Royal Commission appoints Patrick Dodson as Commissioner for Western Australia to consider 'underlying issues' of Aboriginal deaths in custody.
The *National Aboriginal Health Strategy* is presented to the Joint Ministerial Forum.
The third National Health Survey (conducted by the ABS) provides, for the first time, for the identification of Indigenous people.

1988 Thousands of Indigenous people and supporters march through the streets of Sydney to celebrate survival, on the Bicentennial of British invasion of Australia.

1990 The Aboriginal and Torres Strait Islander Commission (ATSIC) is established, replacing the DAA and the Aboriginal Development Commission.



RIGHT WRONGS WRITE

TIMELINE 1991-2007

2007 A consent determination finds that Native Title exists for the entire determination area for the Yunggora People of Noonkanbah.

2006 The Single Noongar Native Title application, covering the whole of the south-west of Western Australia is upheld. The claim judgement states that the evidence indicated that the Noongar people have continued, since sovereignty, to occupy, use and enjoy the claim area to which they had legal access. The State and Commonwealth have appealed some aspects of the decision.

2005 Dissolution of the Aboriginal and Torres Strait Islander Commission (ATSIC) and Regional Councils.

2001 The City of Albany Aboriginal Accord was launched by Indigenous Affairs Minister Alan Carpenter. This was a first of its kind between Indigenous and non-Indigenous Communities.

The Indigenous Women's Congress was formed to facilitate a greater participation of Indigenous women in government decision making.

The Premier of Western Australia, Dr Geoff Gallop, signs an agreement entitled *Statement of Commitment to a New and Just Relationship between the Government of Western Australia and Aboriginal Western Australians*.

Western Australian Department of Indigenous Affairs is established replacing Aboriginal Affairs Department.

For the first time, Aboriginal people take part in the opening of the Western Australian Parliament on 1 May.

The Wand Report reviewing the Native Title claim process in Western Australia is released.

2003 The Miriwung Gajerrong No. 1 (also known as Ward) Native Title claim is settled.

2004 State Government signs a \$38 million Indigenous Land Use Agreement between the Eastern Guruma people, Hammersley Iron Pty Ltd and Rio Tinto Pty Ltd. The 50-year agreement covers an area of 6,774 square kilometres of land south east of Karratha, and allows for exploration, mining and infrastructure development to take place without triggering the *Native Title Act's* future act regime.

2000 Dedication of Australia's first State war memorial for Aboriginal and Torres Strait Islander people in Kings Park.

Carol Martin (Labor) wins the Legislative Assembly seat of Kimberley and becomes the first Aboriginal woman to be elected to a State Parliament.

The Yunggora people are presented with the deeds to the 260 ha of freehold land. The Noonkanbah pastoral lease is the first freehold property in the West Kimberley to be handed over under the State Government's Land transfer program.

A consent determination finds that Native Title exists for parts of the area claimed by the Western Australian Spinifex People.

1999 Prime Minister John Howard passes a formal motion of reconciliation.

1998 Sorry Day is held one year after the tabling in Parliament of the HREOC report.

1997 HREOC Inquiry reports in *Bringing Them Home: a guide to the findings and recommendations of the National Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*. The Premier on behalf of the State and Parliament formally offers an apology to Aboriginal people affected by past Government policies and practices for the removal of Aboriginal children from their families and communities.

1996 Wik High Court judgment states that a pastoral lease does not necessarily extinguish native title.

1995 High Court declares Western Australia's *Land (Titles and Traditional Usage) Act 1993* to be inconsistent with the *Racial Discrimination Act 1975 (Cth)* and therefore invalid under the Constitution. *Land (Titles and Traditional Usage) Act 1993* repealed.

The Western Australian Commission of Elders is established with representatives drawn from each of the seven regions.

Regional Aboriginal Justice Councils established in the Pilbara, the Metropolitan region, the Goldfields and the Murchison/Gascoyne.

National Inquiry launched by the Human Rights and Equal Opportunity Commission (HREOC) to investigate the separation of Aboriginal and Torres Strait Islander children from their families.

1993 Release of Western Australian government's *Aboriginal Plan* providing a clear statement of State Government programs in Aboriginal affairs.

Federal Parliament passes the *Native Title Act, 1993* as part of a response to the High Court's Mabo decision. The legislation establishes the National Native Title Tribunal and governs how native title is dealt with across Australia. Western Australian Government challenges the constitutional validity of the legislation.

The Western Australian *Land (Titles and Traditional Usage) Act* replaces Aboriginal common law rights and entitlements with rights of 'traditional usage' of Crown land. High Court challenge by the Wororra People.

1994 Report of the Task Force on Aboriginal Social Justice (known as the 'Daub Report') is presented to the Government.

Western Australian Aboriginal Affairs Department is created.

1991 The final *Report of the Royal Commission into Aboriginal Deaths in Custody* was tabled in State and Federal Parliaments. The Royal Commission made 339 recommendations.

A special Royal Commission Cabinet Sub-Committee was announced by the Western Australian State Government.

In August 1991, the Commonwealth *Council for Aboriginal Reconciliation Act* establishes a Council of 25 members to promote a process of reconciliation between Aborigines and Torres Strait Islanders and the wider Australian community.

1992 High Court hands down its decision in the *Mabo v. Queensland No. 2* case, rejecting the doctrine that Australia was 'terra nullius' (land belonging to no-one) at the time of settlement and holding that the common law of Australia recognises a form of traditional native title.

The Western Australian State Government indicates its full, qualified or in principle support for all 339 recommendations of the *Report of the Royal Commission into Aboriginal Deaths in Custody*.

At the Australian launch of the International Year for the World's Indigenous People at Redfern Park in NSW Labor Prime Minister Paul Keating acknowledged colonial culpability: *We took the traditional lands and smashed the traditional way of life. We brought the disasters. The alcohol. We committed the murders. We took the children from their mothers. We practised discrimination and exclusion.*

Position of the Aboriginal and Torres Strait Islander Social Justice Commissioner was created by Federal Parliament.

