Robert Menzies INSTITUTE

Colourblind or Intentionally Blind?

Federal Indigenous Policy 1901–1967

Presentation by Dr Zachary Gorman, Historian at the Robert Menzies Institute, August 2025

www.robertmenziesinstitute.org.au

I would like to acknowledge from the outset that this is obviously a highly sensitive topic, and I cannot claim to speak for the individual experiences of Indigenous Australians who were for so long excluded from the Australian political community. Where I can provide some historical expertise is on constitutional debates, both those which shaped the creation of the Australian constitution that came into effect in 1901, and those which led to the watershed referendum of 1967. Hence, why I have framed my talk around those key dates, admitting that there are always going to be some limitations in the inherently top-down viewpoint that this approach will be providing.

Just by way of background as to my expertise on the subject, I have actually co-authored the only detailed study of the forgotten referendum of 1967, that on the nexus clause, which was held concurrently with the more famous one affecting Indigenous People. And they were in fact related, because the nexus clause is the part of the constitution which dictates that the House of Representatives must be as nearly as practicable twice the size of the Senate. Hence you cannot increase the size of the Lower House without increasing the size of the Senate. And that's related to the referendum affecting First Nations people because it is the census data that is used to determine how those limited numbers of House of Representative seats will be divvied up between the various States.

I have also dedicated the last four years of my career to studying the Menzies Government, which introduced the initial legislation for what would become the 1967 referendum. Except with the important difference being that the original referendum proposal would only have covered section 127 relating to the census, and not section 51 (xxvi) otherwise known as the race power. Because Menzies believed that there was a greater argument to be made for removing the race power from the constitution, rather than extending it to cover Indigenous Australians. Although he admittedly did not introduce legislation to that effect. So I am interested in exploring why that change in the scope of the referendum occurred.

But enough about my research interests, why is it important that you as teachers be provided with a detailed exploration of what 1967 ultimately meant, and conversely what it did not mean? Well firstly because it is such an important symbolic moment in Australian history and the process of reconciliation more specifically. Its overwhelming 90.77% yes vote being such an exception to the long history of constitutional referenda in this country and of course it is also such a contrast to more recent events. Secondly, because there continues to be a lot of mythologising around the referendum and misunderstanding about what it actually achieved. With the popular memory often assuming that this was the moment at which Indigenous Australians were given the vote and came to be considered Australian citizens. Whereas from a legal perspective, both had already happened by that point, and the immediate effects of the changes were far more limited.

As trained history teachers, you'll probably already know that much, but even amongst people who are more historically informed there remains some confusion about why the original constitution had been framed in such a way that the changes enacted by the 1967 referendum were considered necessary in the first place. Fair warning that what I'm about to explain is a fairly complex and technical story, so you will not necessarily be able to translate all of it directly into the classroom. But by having knowledge of the full details, it should hopefully mean that when you do have to simplify things for your students, you are not susceptible to making the misleading statements that we can all too easily fall into.

So I'll start with section 127, why did the so-called fathers of federation consider it necessary or desirable to exclude Indigenous Australians from the census? Was it because, as is often assumed, they were considered to be fauna rather than real people? An absolutely horrific notion, but not one that we would think beyond 19th century settler-colonialists, particularly given all that we now know about the frontier wars.

Well first of all it's important to note that Section 127 did not preclude the Australian Bureau of Statistics from trying to ascertain the number of First Nations people living on the continent when conducting its regular censuses before 1967. In fact, over the years a considerable amount of time, effort and money was put in to obtaining precisely that information.

What section 127 did was preclude those numbers from being counted in the census when that data was used for a constitutional mechanism, which leads us to the question of what constitutional mechanisms require census data? I've already mentioned the main one, which is that census data is used to distribute House of Representatives seats, with the caveat that each original state is entitled to a minimum of five seats regardless of how low its population may be. Which is why Tasmania to this day is actually over-represented in the Lower House of federal parliament on a population basis, as opposed to just in the Upper House which was never intended to represent population distributions.

So why would they want to exclude Indigenous Australians from these all important calculations? Was it because they did not have the vote and were therefore considered alien to the Australian political community? Well at the time of federation that varied vastly between the different colonies. Queensland and Western Australia maintained the worst situation, explicitly barring Indigenous Australians from voting unless they owned a certain level of freehold land, an exception that was so rare in practice that it basically did not matter and was later removed in any case. The most populous colonies in New South Wales and Victoria theoretically left Indigenous men with the vote, but NSW also had some legislation barring people in receipt of charitable aid from exercising the franchise that remained in place until 1926, and this excluded large numbers of Indigenous people from voting, particularly if they had been dispossessed and forced onto government reservations. Tasmania upheld the myth that it simply had no Indigenous people left, so it did not bother to legislate for them.

Leaving South Australia as arguably the only constituency which actively tried to provide Indigenous Australians with the franchise. This was famously the only colony that had been set up without convicts, and it maintained a sense of itself as being more progressive and enlightened than its sisters. Hence its early granting of female suffrage in 1894, meaning that South Australia was the only colony in which Indigenous women could vote at the time of federation. But even here, it was essentially just those Indigenous people who had assimilated and maintained regular contact with the white community who had access to the vote. No effort was made to conduct polls amongst the various First Nations that still lived largely autonomously in what would become the Northern Territory.

It's important to note that the constitution as written made some allowance for maintaining the differentiation between the franchise of the various Colonies when they were transformed into States. Hence the inclusion of Section 41, which mandates that those who already had the vote in any given Colony would not be denied it by the Commonwealth. A clause introduced to safeguard the votes of South Australian women, after an attempt to mandate female suffrage in the constitution was rejected on the grounds that it would muddy the debate over federation by driving opponents of female suffrage unnecessarily to become opponents of federation itself. When you could instead leave the issue up to parliament to decide at a later date. And it’s worth noting that the Australian constitution generally makes no attempt to enunciate rights in the manner of its American counterpart. It’s a far more limited agreement, that favoured trusting the future democracy to make its own decisions, apart from when issues affected the relationships between the States.

Given that it appeared as though it would be up to each State to decide whether or not it gave the vote to Indigenous people, you can understand why South Australia might not want Queensland or Western Australia getting extra House of Representatives seats based on being home to large numbers of Indigenous people who they deliberately robbed of political rights. But of course, at the time of federation it was not just Indigenous people who were stripped of the vote on racist grounds, this was also true of many migrant groups, particularly from Asia. Hence the inclusion of Section 25, which excludes races disqualified from voting in a given state, in determining that state's population for the purposes of allocating representation. And that's actually a clause that remains in the constitution to this day.

So why double up by having both section 25 and section 127? Well because under the constitution census data was not just used to distribute seats, it was also used in financial clauses to distribute back excess customs revenue to the states, who had previously relied on this source of income that now had to be given over to the Commonwealth to administer. And basically with the states already likely to bicker over who got how much money, the last thing they wanted to do was create a debate over the reliability of the census data itself. As at this point in time, it was just logistically very difficult to ascertain with any real accuracy how many Indigenous people there were in a given State. And since First Nations territories obviously did not fit neatly into the arbitrary State boundaries that had been drawn up by colonial administrators, it was also difficult to determine which State an Indigenous person should be associated with.

This logistical explanation for Indigenous exclusion might appear too neat and convenient, which in many ways it is. Even if you have an excuse as to why you want to exclude a whole category of people, that does not remove the hurt and the insult that such exclusion will inflict. Indeed, that was even recognised at the time. When debating section 127 at the constitutional conventions, South Australian delegate John Cockburn protested that it implied an exclusion of Indigenous people from the political community such that they would therefore be unable to vote. People like Alfred Deakin and Edmund Barton assured him that this was not the case, and it was pointed out that section 41 would in fact safeguard their votes when it came to South Australia (which it wouldn't but we'll get to that). But even so, Cockburn still said that he would prefer that section 127 was removed so as to remove insult it implied.

I'm sure that there were many other delegates who had no concerns about the insulting nature of section 127 – that is after all why it made it into the constitution. However, it is worth recognising that there were at least a diversity of views raised & represented, spanning the full gamut from racism to empathy – which actually makes the decision they arrived at more reprehensible. Another enlightened delegate worth noting was Joseph Carruthers, who I wrote my PhD thesis on, and who had grown up with Indigenous people on the North Coast of NSW, learning much of their language and culture. And he had been instrumental in defeating an attempt to explicitly exclude Indigenous people from the franchise in his home State.

What about the race power? Why was that included and when it was, why did it preclude the federal government from making laws applying only to Indigenous people? The first thing to point out is that the premise of federation was that you were only going to give powers that absolutely needed to be conducted at a national level over to the federal government. The preference was to leave as much as possible to the states, which were already self-governing democracies in their own right.

One of the powers that was viewed as necessary to give over was that relating to immigration, and also how to treat immigrants once they were already here. Implementing a White Australia Policy was after all one of the motivations behind federation. Hence the race power was deliberately framed with the intention to only cover immigrants and their descendants, not those who had been here for thousands of years before white settlement. And there was also an understanding that the First Nations were not homogenous, and that a localised approach to dealing with them may well be more suitable. This was particularly the case because initially there was an intention that New Zealand might join the federation, and it was self-evident even to those holding 19th century prejudices that the Māori were considerably distinctive from their Australian First Nations counterparts. Thanks to the system set up in the aftermath of the Treaty of Waitangi they also possessed considerably more rights which would have complicated matters when trying to coordinate Indigenous Policy, and this was one of many factors which ultimately led New Zealand to decide to stay out of the federation.

So again, there are some terrible attitudes in the background, but on paper there was nothing inherently wrong with Indigenous policy being a matter for the States. Leaving it as such was not intended to give the impression that the issue didn't matter, because lots of important things were left as the exclusive prerogative of State governments, indeed as much as thought practical was. And the Federal government still had the power to make laws affecting Indigenous people, they just could not make laws that were exclusively about them.

Having sorted out that rather complex picture, we can move onto the issue of why the Commonwealth came to legislate and administer Indigenous policy long before 1967. It has been argued that it was actually this process, rather than the constitution itself, which deliberately stripped Indigenous Australians of what political inclusion they once had, transforming them into what John Chesterman and Brian Galligan have dubbed Citizens Without Rights. The constitution's framers tried to trust the future democracy to make decisions for itself, and in this respect that trust arguably proved to be misplaced.

It all starts with the Commonwealth Franchise Bill of 1902, and the fact that despite section 41 there was a widespread desire to ensure that when it came to federal elections, voting rights across the Commonwealth became uniform. Imposing uniformity would prove to be a case of simultaneously levelling up to higher ideals, and levelling down to the lowest common denominator. In a manner which is a great metaphor for Australian history's propensity to mix the great with the awful, and the beautiful with the ugly. Hence the need to incorporate and balance both positive and critical narratives when telling our national story.

The levelling up was the fact that the Franchise Bill extended votes for women in Federal elections across all States – making Australia by some criteria the first nation to grant women's suffrage. New Zealand obviously tries to claim the record, but they were technically still a Colony at the time and would not be given self-governing Dominion status within the British Empire until 1907.

The levelling down was the fact that the explicit disenfranchisement of Indigenous people, previously confined to Queensland and Western Australia, would now be applied across the board. Although it's worth noting that the original bill never intended to do this, it was a populist amendment that happened to garner enough support in the Senate. The original mover of the Bill, and one of the leading figures in the constitutional debates, Richard O'Connor, was horrified by the move, giving a heartfelt speech in which he said:

'it would be a monstrous thing, an unheard of piece of savagery on our part, to treat the aboriginals, whose land we were occupying, in such a manner as to deprive them absolutely of any right to vote in their own country, simply on the ground of their colour'.

You might think that section 41 would preclude the disenfranchisement of those Indigenous people who already had the vote, as this is what Cockburn had been told when he raised the issue during the conventions. But the language of section 41 was somewhat ambiguous. By some readings it meant that that a State could give Indigenous people the vote at any time and the Federal government would have to oblige, by another reading anyone who would have had the vote in a given State at the time the first Commonwealth electoral legislation was introduced would keep it even if they were born or came of age afterwards, and by the third and most narrow reading only those individuals who were literally already on the electoral roll at the time the legislation was introduced would have their rights protected.

Because the constitutional framers had rejected a suggestion to insert the common terminology 'until the parliament otherwise provides' into the clause, the narrowest reading arguably went directly against how the clause was understood at the time of its insertion. But this is nevertheless what federal government bureaucrats decided it should mean. It would not be tested by the High Court until 1983, by which point the Court had essentially given up on caring what the original framers thought.

Even this narrowest interpretation should at least have protected those South Australian Indigenous men and women already on the electoral roll. However, evidence has been uncovered that electoral officials deliberately pruned their names off that roll over the course of the 1920s, and this may have happened in Victoria and NSW as well.

Worse than this disenfranchisement alone, the Franchise Act set a precedent for excluding what were termed quote 'Aboriginal Natives' from the remit of Commonwealth legislation. And this exclusionary clause would soon find its way into Invalid and Old Age Pensions Acts, as well as maternity allowance and child endowment provisions. What's more, with cold-hearted bureaucratic efficiency the phrase 'Aboriginal natives' was used to cover not only Indigenous Australians, but also 'Aboriginal natives' of other non-white lands, particularly Asia and the broader Pacific. So it became a tool to extend the White Australia Policy beyond immigration restriction, to strip rights from non-whites already present in the country.

Although notably British political pressure complaining about the mistreatment of His Majesty's subjects of Indian descent within Australia, would see the definition narrowed back down to covering just Indigenous Australians from the mid-1920s onwards. An episode which like the introduction of the Dictation Test before it, demonstrates how we could be so racist as to actively embarrass even the architects of Empire.

While all this was about excluding Indigenous people from Commonwealth legislation, and therefore considered to be no violation of the limitations of the race power, the Commonwealth soon found itself with the responsibility of actively making laws for Indigenous people. Something that occurred as a natural consequence of taking control of the Northern Territory from South Australia as of 1 January 1911.

In this newly acquired role, Commonwealth administration of Indigenous affairs proved to be 'every bit as oppressive as it was in Queensland and Western Australia'. The first comprehensive piece of federal legislation was the Aboriginals Ordinance 1918, which placed those whom the government deemed to be Indigenous – a categorisation process which was itself extremely subjective and cruel - under the guardianship of a Chief Protector. Who could regulate who could employ Indigenous Australians, with such employers having legal rights and obligations to control their employees both during work hours and beyond. Those who were not employed could be compelled to reside on reserves, and to move from one district to another. There were restrictions on interracial marriage and sexual relations more broadly, although in practice they did little to protect Indigenous women from sexual abuse, as well as access to alcohol and a prohibition on entering hotels. There was also a very wide discretionary power to arrest those charged with committing an offence against the ordinance, in effect anyone who refused to obey the dictates of the Chief Protector.

Being under the administration of the Commonwealth did not even have the benefit of providing Indigenous people with extra resources. With one study concluding that in the years 1935-6, Victoria spent more assisting an Indigenous population of under 1000 than the Federal government did on more than 15000 Territorians. The only real benefit for an Indigenous person living in the Territory compared to a State was that since the Territory was expressly not a democracy, voting rights were more equal if only by virtue of their inapplicability. From 1922 there was one Territorial representative to the Commonwealth Parliament, for whom Indigenous Australians were restricted from voting, but that representative themselves had only limited voting rights in the House of Representatives.

It has been argued that far from a linear view of the history of Indigenous rights, as going from their have virtually none towards gradually gaining them, the reality was that things often went backwards before they went forwards. And this was true of the 1930s as a decade, particularly because an increasing Indigenous population, now recovering from the ravages of disease and conflict, was rapidly disproving the once prevalent myth of a dying race. Instead, Indigenous populations were growing and therefore seen by authorities as a growing problem that needed to be dealt with more firmly.

It was only in the 1940s that the first signs of positive reform started to be seen – and as with a simultaneous improvement in recognition of the capabilities and corresponding rights of women, this was associated with wartime service. In 1940 the Menzies Government extended the franchise to all adult soldiers who were either serving or had served in the fight against Nazi Germany, overriding any previous restrictions based on their indigeneity. Although this breakthrough was somewhat limited in that like much wartime legislation it was scheduled to expire six months after the cessation of conflict.

One of the reasons for this was because the Defence Power in the constitution gave the government all sorts of scope to do things in wartime that it was not legally entitled to do otherwise. And when the Curtin Labor Government came to power it began planning to extend those wartime powers for five years after the duration of the war, in order to pursue its program of 'post-war reconstruction'. As part of what was dubbed the '14 powers' referendum held in 1944, the government actually asked for the power to legislate on Indigenous affairs, reflecting the fact that for all the problems of Territorial administration, the earliest advocates of a Commonwealth takeover of Indigenous affairs had started to emerge.

Most notable was William Cooper, the now justifiably famous Yorta Yorta man and Secretary of the Australian Aborigines' League, who argued that since it tended to be smaller and poorer states that had the highest Indigenous populations, a Commonwealth takeover would provide access to much needed resources. There were also people like Adolphus Elkin, anthropologist at the University of Sydney, and the Aborigines' Friends' Association headed by the Reverend John Sexton. Who both represented a notable uptick in humanitarian concern for the condition and freedoms of Indigenous peoples. They argued in part that Commonwealth control on a national scale would at least lead to greater scrutiny as to how Indigenous Australians were actually being treated. The logistics of how taking over for only five years would have worked would likely have proven problematic, but in any case the powers referendum was defeated, largely on the grounds that its 13 other powers constituted an alleged platform for socialism – rather than on the Indigenous issue itself.

Even with the referendum failure, legislative change started to pick up in pace. By virtue of the Nationality and Citizenship Act passed by the Chifley Government in 1948, all Indigenous Australians became official Australian citizens, much as they had previously been classified as British subjects. But the new nominal title involved the granting of no additional rights, and the government even clarified as much when asked to explain whether the Act overturned or otherwise impacted previous legislation affecting Indigenous Australians.

However, soon afterwards there was a significant breakthrough with the passage of the Commonwealth Electoral Act 1949, which made permanent Menzies's extension of the franchise to Indigenous people who had served their country in World War II, extended it to those who served in the military more broadly, and made it clear that any Indigenous person entitled to vote in a State election would also have the vote in Federal elections. So almost 50 years after federation the rights protection Cockburn had been promised in Section 41 had finally been made a reality.

Although, as a House of Representatives Select Committee would find in 1961, little administrative effort was put into actually enrolling Indigenous electors, even in States like New South Wales and Victoria where they were theoretically subject to compulsory voting provisions. Moreover, many so-called half-castes thought of themselves as being Indigenous, and were unaware of the fact that the Federal government did not classify them as such – particularly because Federal and State classifications of who was Indigenous were often contradictory. Meaning that many people who had a right to a vote in federal elections, even in Queensland and Western Australia, remained completely unaware of that right.

The 1950s saw another shift in the Federal government taking a more ostensibly enlightened approach, that aimed ultimately at achieving political equality and greater opportunities for Indigenous Australians. Albeit one that was silent on the impact of British nuclear tests on Indigenous communities and tainted by a belief that the only real means of achieving equality and improved standards of living would be through assimilation. Hence, by 1959, Indigenous people were no longer restricted from receiving social security benefits on the grounds of their race or whether or not they were subject to State or Territory based protection programs. The only basis for exclusion from benefits was a decision to live a so-called 'nomadic or primitive' mode of life. But in the case that an Indigenous person did live on a government settlement, the money would actually be paid to the institution and the individual would only be granted limited access to it – so again there were severe limitations. The last exclusionary provision for social security would not be removed until 1966.

The subtle cultural change of the 1950s was epitomised in the appointment of Paul Hasluck as Minister for Territories in May 1951, a post he would hold until December 1963. Hasluck brought unprecedented qualifications and interest in Indigenous affairs to his new role. Not by virtue of his own indigeneity and therefore direct experience with the discriminatory system, which remained too much to ask for back then. But he had been a long-time member of the Australian Aborigines Amelioration Association, penned journal articles criticising the treatment of Indigenous people, toured remote communities on the staff of a Royal Commission into Indigenous affairs, and even authored a Masters thesis inquiring into the past failings of Indigenous policy in Western Australia.

Hasluck's stated goal was that 'the nation must now move to a new era in which the social advancement rather than the crude protection of the natives should be the objective of all that is done in this sphere'. He wanted to get rid of the dehumanising practice of dividing up people based on the racial percentages of their antecedents, and ensure that Indigenous Australians became an essential part of one national community. But he has been criticised, both then and since, for failing to appreciate the value of distinctive Indigenous cultures, and the fact that people may want to remain in their own distinctive communities.

The cornerstone of Hasluck's reforming efforts was the 1953 Welfare Ordinance, which removed all explicit racial categories in the administration of the Northern Territory, and instead tried to classify those who needed to remain wards of the state on the more objective and individualistic grounds of requiring 'special care and assistance'. But the effort remained extremely flawed, with most Indigenous people ultimately considered to be wards, and facing old restrictions on marrying non-wards without permission, drinking alcohol, and employment. Hasluck aimed at providing a path out of state-dependency for individual people to pursue through means like education and an ability to appeal against their classification as a ward, he did not believe it wise to immediately abolish the restrictions themselves.

A reform of more clear-cut positive effect came with the passage of the Commonwealth Electoral Act 1962, which finally gave Indigenous Australians the same voting rights as their non-Indigenous counterparts. Albeit without the corresponding duty of compulsory enrolment and compulsory voting. An omission which had some clear practical justifications, but also echoed a longstanding chasm between a theoretical right to vote and actually ensuring that Indigenous people got to exercise that right.

The long-overdue change to the electoral act reflected a growing campaign for Indigenous rights that had gathered considerable momentum by the early 1960s. In their book on The 1967 Referendum Bain Attwood and Andrew Markus explain how the Indigenous rights movement became focused on constitutional change even when it was so seldom the constitution which was holding back reform. In the first instance it appears to have been a genuine error on the part of activist Jessie Street, who by her own admission was no constitutional expert, but who nevertheless demonstrated the effective messaging and popular appeal of arguing that constitutional change could make Indigenous people full Australian citizens. Many people simply assumed that the Australian constitution was meant to be a declaration of rights like its American counterpart – when in fact it did not mention citizenship at all, hence the mythologising around the 1967 referendum predates the referendum itself.

Then there was also the fact that Australia was subject to growing international criticism over its treatment of Indigenous people at a time when the Soviet Union was trying to position itself as a champion of decolonisation and racial equality. In these circumstances removing the two parts of the constitution that explicitly excluded Indigenous people appeared to be a very visible way of doing something to alleviate the situation.

Finally, what came to be argued was that altering section 51 (xxvi) would allow the federal government to discriminate positively in favour of Indigenous Australians. One campaigner, for example, argued that it was not enough to secure legal equality, because even 'If all Aborigines become full citizens overnight, and they were not entitled to any special financial aid, they would be expected to start from a position behind the lowest paid of other workers'. Hence there was a need secure equality of outcomes, rather than just equality of rights, and 'close the gap' as we would now refer to it.

But this from the outset proved to be quite a controversial extension of the campaign for Indigenous rights. Many Indigenous elders were inherently uncomfortable with the idea of special legislation, because their previous experience with it had been so negative, even when it was framed as helping them – as almost all discriminatory legislation had been. Moreover, many people in Australia had a fundamental philosophical objection to the notion that you could combat inequality by treating people un-equally, or that there should be any continuation of the practice of treating people differently based on their ethnicity, rather than judging them as individuals.

For this reason, the original referendum legislation introduced in 1965 dealt only with section 127. However, due to Harold Holt replacing Menzies as prime minister in January 1966, the legislation was allowed to lapse. When it was reintroduced section 51 (xxvi) was included in the changes, largely because the government wanted to avoid the optics of allowing a constitutional clause that continued to explicitly exclude Indigenous people – when the whole point of holding a referendum on section 127 was to remove this type of exclusion. However the government made clear that it had no intention of actually using a power that it found quite troubling, with Holt even specifying during the campaign that his government had no plans to take on a new and more active role in Indigenous affairs. Indeed, the government's main focus was on the nexus clause changes, to which Holt's speeches gave the bulk of their attention.

Attwood and Markus note that the broader 'Yes' campaign coordinated by the Federal Council for Aboriginal Advancement contradicted Holt in painting the referendum to mean a federal takeover of Indigenous policy, but the Council equally downplayed the likelihood of affirmative action schemes involving 'positive' discrimination because these were likely to cause a division amongst the referendum's supporters.

Hence, despite the overwhelming 'Yes' vote, the extent to which the referendum gave a mandate for change, or at least what direction that change should take, remained open to interpretation. Beyond the Northern Territory, an effective coordinating role for the Commonwealth in Indigenous affairs would have to wait until the ascension of the Whitlam Government in 1972, and even then, its actions would seldom be based on Section 51 (xxvi), and instead on section 96, which allows the Commonwealth to make grants to the States with attached conditions. This was one of the last clauses that had been inserted into the constitution, and ironically it was added to deal with the same financial issues that had begat section 127.

But the bigger irony was that the scope of section 51 (xxvi) was expanded at the exact same time that the Holt Government committed to dismantling the bulk of the White Australia Policy, which had given rise to the clause in the first place. Something that speaks to the fact that Indigenous and immigration policies have historically been intimately linked, as attested by both groups being subject to the same exclusionary and then assimilationist ideologies.

While Australian society has ultimately been able to come to something of a workable accommodation of a diversity of immigrant groups via the adoption of a policy of multiculturalism, such a neat solution is less attainable for Indigenous Australians, as they are not just one culture among many, but an original culture that has been subject to unique abuses. The 1967 referendum was in part an acknowledgement of that uniqueness and a righting of past wrongs, but equally its overwhelming success was due to an emphasis on achieving political equality, and downplaying demands for a special place in the Australian political community. It raised expectations, but achieved consensus by being vague about details. Hence, almost 60 years later, we are still living with many of the issues that the 1967 referendum wilfully overlooked.