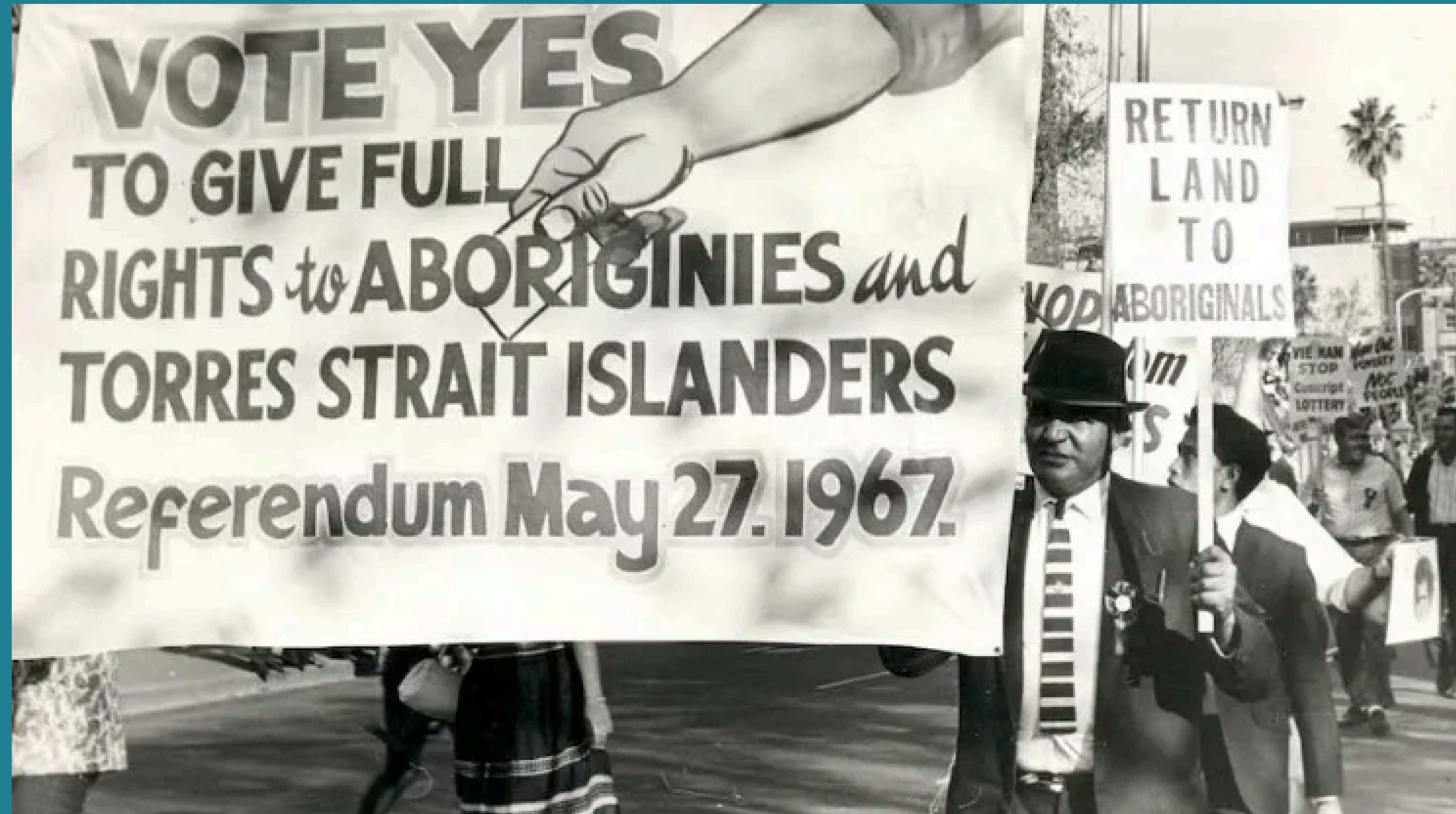


Colourblind or
Intentionally Blind?
Federal Indigenous
Policy 1901-1967

Dr Zachary Gorman, Historian
of the Robert Menzies Institute
At the University of Melbourne



Source: Noel Butlin Archives Centre, Australian National University

Mythologies of 1967

- ‘Forgotten’ referendum on the Nexus Clause, arguably considered a greater priority for the government at the time
- Widespread belief that the referendum granted citizenship & voting rights
- Complex story, but need to understand its complexities in order to avoid misrepresentation



Source: Museums Victoria

Section 127

- Census used for constitutional mechanisms, most importantly allocating House of Reps seats
- Different voting rights in different States: WA & QLD the worst, SA the best
- Section 41 theoretically protect the votes of those who already had the right
- John Cockburn recognise impact of exclusion & object to it



Section 51 (xxvi)

- Overlap between Sections 127 & 25 show immigrants could also be excluded from the census
- Race Power aimed at discriminating against non-British immigrants & their descendants
- Māori demonstrate that the various First Nations were quite distinctive
- Federal Government could still pass legislation impacting Indigenous people, just restricted from passing legislation exclusive to them



Source: National Museum of Australia

Legislative Exclusion

- Commonwealth Franchise Act 1902 give women the vote
- Amendment disenfranchising Indigenous people not initially included, Richard O'Connor dub it 'monstrous'
- Exclusion of 'Aboriginal Natives' find its way into social services legislation & cover people of Asian or Pacific descent
- British diplomatic pressure improve situation for immigrants but not for First Nations



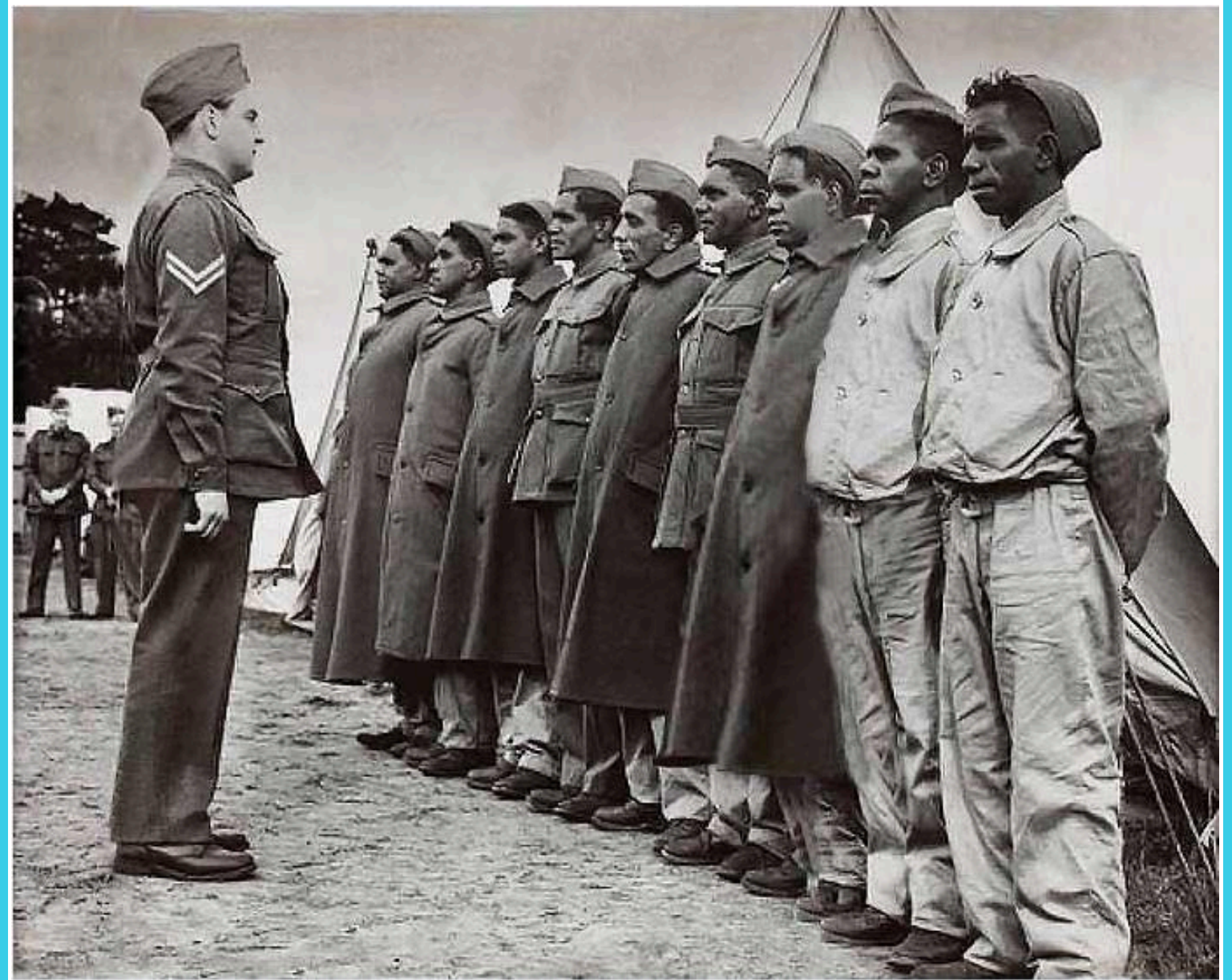
Northern Territory

- Commonwealth takeover 1 January 1911
- Federal Control 'every bit as oppressive as it was in Queensland and Western Australia'
- Aboriginals Ordinance 1918 restrict movement, employment, marriage, alcohol & more
- Commonwealth not even spend more money than the States
- 1930s a decade of regression rather than progress



1940s: War as a catalyst for limited recognition

- 1940 see soldiers given voting rights but only for duration of the war
- William Cooper an early advocate of Commonwealth takeover
- 1944 '14 Powers' Referendum fail
- Nationality & Citizenship Act 1948 grant citizenship without rights
- Commonwealth Electoral Act 1949 give practical effect to what had been promised in



Source: Argus Newspaper Collection of Photographs,
State Library of Victoria

1950s: 'Equality' through Assimilation

- Silence on impact of British nuclear tests
- Admittance to social security, but only if choosing a 'settled' life
- Paul Hasluck, Minister for Territories 1951-63 study Indigenous policy but hardly 'enlightened'
- 1953 Welfare Ordinance remove racial categories in administration of Northern Territory, but leave most Indigenous People facing the same restrictions they had before
- 1962 Electoral Act open decade in which reform was increasingly demanded



1967 Referendum

- Assumption Australian Constitution enshrined 'rights' like USA
- Importance of international criticism, particularly amidst the Cold War
- Extension of 51 (xxvi) open the way for 'positive' discrimination
- Debate about equal rights vs equal outcomes conveniently downplayed
- Commonwealth direction start 1972, based largely on Section 96

