
Party tried to block laws aiding Aborigines

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Author: D. Solomon

THE Country Party tried to persuade the Holt Cabinet in 1967 not to sponsor a constitutional amendment to allow the Commonwealth to pass laws advantaging Aborigines.

The 1967 Cabinet papers reveal that after the amendment was overwhelmingly approved at a referendum, a bid by the Country Party to take ministerial responsibility for Aboriginal policy was rejected by Cabinet.

This followed prime minister Harold Holt's decision to take personal responsibility for a new Aboriginal affairs office.

The proposed amendments to the Constitution were stalled for more than a year in the Holt Cabinet.

In 1965, Sir Robert Menzies and his government had decided to hold a referendum which would have allowed Aborigines to be counted in the census, but would not have allowed the Commonwealth to make laws for the benefit of Aboriginal people.

This was despite a submission by attorney-general Billy Snedden proposing the deletion from the "race" power in the Constitution of an exception which prevented the Commonwealth from making special laws about Aboriginal people.

When Harold Holt succeeded Sir Robert Menzies as prime minister early in 1966, he persuaded his Cabinet to defer the referendum on the counting of Aborigines.

In August 1966, Snedden made a further submission on the need for a change in the Constitution to allow the Commonwealth to pass laws concerning Aborigines, but Cabinet never discussed it. However in January 1967, the new attorney-general, Nigel Bowen, made a further submission to Cabinet in almost identical terms to Snedden's.

Both were concerned that Liberal backbencher William Charles Wentworth intended to have Parliament debate the need for changes to the Constitution which not only would have increased the Commonwealth's power over Aborigines but also would have outlawed racial discrimination by the Commonwealth and the states.

Bowen was concerned that such an amendment would prevent the Commonwealth from making laws to control some racial groups if substantial numbers of people who might create racial problems were ever admitted to Australia.

Both Bowen and Snedden argued that there would be a large area of dissatisfaction if the Commonwealth did nothing about changing the race power. However, Cabinet

papers show that the minister for territories, C.E Barnes, who was responsible for Aboriginal policies in the Northern Territory, tried to persuade Cabinet not to change the race power.

Mr Barnes argued that "the Aboriginal problem is largely a social one".

In his comments on the attorney-general's submission, Mr Barnes wrote that "irrespective of the benevolent intentions of governments, there are severe limits to what governmental action can achieve.

"Thus the removal of the constitutional limitation would have the effect of attracting pressure on the Commonwealth Government to take action in a field in which it would, in the nature of things, be unable to satisfy the critics, who do not see the difficulties but only the lack of immediate results.

"One of the major difficulties is that the more that special efforts are made for Aborigines, the more they are being sheltered from the competitive influences that have made the rest of the community self-reliant."

He warned that there were practical and political disadvantages to placing the Commonwealth in a position "where it must either take over responsibility for Aboriginal welfare throughout the Commonwealth _ a course subjecting it to continuing criticism _ or be subjected to increasing criticism for not doing so".

The Cabinet decided to adopt the attorney-general's recommendation.

However, the decision noted that "in deciding to adopt this further proposal, the Cabinet felt that, notwithstanding the original intention in inserting the words in question, which was to safeguard the position of people of Aboriginal race, the words had been widely misinterpreted and there is a general impression that they are discriminatory.

"It took the view that if the referendum was carried, the Commonwealth's role in general should not be to legislate itself but rather to participate with the states in the forming of policy."