

# VIC TODAY

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## The Constitution

The Australian Constitution was made and put into order on January 1 1901, this was after being voted for in nationwide referendums. When you go into google and type “what is a constitution” you find that it is defined as “a body of fundamental principles according to which a state is acknowledged to be governed.” So basically each state has its own constitution. Each state constitution preceded the federal Constitution of Australia as the constitutions of the then six self-governing colonies. The constitution explains how the country is ran, it can be broken down into the different states according on what different things the states might not all have. Making it more applicable. At the start, the Australian Constitution had some references directly discriminating against Aboriginal and Torres Strait Islanders, if you think about it, they were never recognised to the right extent.

Equality is not evident enough in current society. Society is heading the right way by putting in enthusiasm to acknowledge and provide for those who have been excluded and discriminated against, there are still pieces evidence supporting that we are still close enough to this concept. Throughout the 1890’s, two constitutional conventions were called to create the principals of the Australia. Indigenous Australians, all women, and people of other ethnic communities were all unable to attend the conventions, which distinctly emanated into a strong male British heritage perspective in the making of the Constitution. Subsequently, the 1901 Constitution was made based on the belief that Australia was “nobody’s land”. This incorrect ideology gave the British the confidence to claim the land and create laws to exclude the “black fellas”. There were two specific references towards the belief. It was referred to in the constitution that the government could make national laws for ‘the people of any race for whom it is deemed necessary to make special laws’ in Section 51 (xxvi); the ‘race power’. Section 127 stated that “Aboriginal people were not to be counted” when counting all Australian residents. The act of discrimination was an urge towards eliminating anything that proved Aboriginal and Torres Strait Islander people are the rightful owners of this land.

A new referendum was held on 27 May 1967 after many years of discrimination. It was held to decide whether sections 51 and 127, should be removed from the Constitution due to reasoning that they were directly discriminating towards Indigenous Australians. They eventually agreed to fixing the sections “so that federal laws under the race power could apply to Aboriginal and Torres Strait Islander people” and removing “section 127 so that Aboriginal and Torres Strait Islander peoples could be counted in the Australia’s population”. Although it may have sound like music to everyone’s ears, it still did not involve any papers signed of agreement of equality or recognition of their rights and culture. The Indigenous peoples of Australia were granted the right to vote in 1962, all except the people of Queensland, until 1965.

People believe racial discrimination is outdated in the modern time, however it’s not. In an effort unite all Australians, recognition of social, spiritual, and historical elements of Aboriginal and Torres Strait Islander culture has become critical. Two examples of recognition are the Mabo act and Kevin Rudd’s official apology. The effort Mabo put in for what he thought was right only did so much. Former Prime Minister John Howard said and I quote, “the wrongs committed against Indigenous people were historic and therefore not the responsibility of Australians today”, this what is meant when said racial discrimination is thought to be outdated, when it’s not.

In 1992, the case presented by Eddie Mabo was successfully proven, he proved that Meriam custom and laws are fundamental to their traditional system of ownership and underpin their traditional rights and

obligations in relation to land. The term “Terra nullius” made Indigenous people feel as if they weren’t human or if they even existed. After the Mabo decision, Prime Minister Kevin Rudd officially apologised to the Aboriginal and Torres Strait Islander peoples in 2008. The apology was formally directed to Aboriginal and Torres Strait Islander people to recognise all destruction done to their culture, the harm caused by the Stolen Generations and also hope for a future filled with respect and opportunity for all Australians. For this to happen, more involvement by Indigenous Australians is advocated to be sure that the changes are meaningful and appropriate steps are being taken to recognise respectfully.

Believe it or not but it was only 55 years ago when it was illegal to pay Aboriginal workers more than 5 shillings whereas when it came to non-Indigenous males they were receiving two pound eight shillings a week

Moreover, there should be more opportunities for Aboriginal and Torres Strait Islander people to be involved in the political world. It has been discussed about over many years, but it’s not enough. It is well overdue but it’s time to give Indigenous people a position in Parliament. It’s an idea supported by both Indigenous and non-Indigenous Australians, this gives a chance for the chosen people to deal with matters directly affecting or targeting the Aboriginal culture. With Parliamentary power, Indigenous Australians will have the chance to share their opinions and express their voice in an equal way. Due to the minor percentage of Indigenous Australians compared to the whole nation’s population, it is important for the Indigenous peoples to advocate for equal representation in order for their voices to be heard and culture to be respected like others. Providing a fairer political system introduces opportunity in attaining better policies in conjunction with extinction of discriminatory laws.

In order to begin with such changes, a referendum must be held. This consists of all legal Australians to vote for the Constitutional change that has been proposed. Since the first Australian Constitution in 1901, 44 referendums have been held, however only 8 of the 44 referendums were voted in favour of the amendments. A positive result coming out of creating a new Constitution law is the stability and guarantee Indigenous Australians will attain. This reassures the Indigenous Australians that majority vote is basically almost the only thing needed to change anything to do with of the laws. These modern times, education is wider spread throughout the entire nation, making it easier to access. This gives time for Australians to educate themselves about racial and cultural awareness to be able to grow together as a one. The urge for an updated Constitution of Australia could benefit not just some but ALL Australians. It is indicative that Aboriginal culture deserves the same respect that Australian culture gets, just as much as all people deserve the same basic human rights without any form of discrimination.

## References

<https://www.naa.gov.au/blog/equal-rights-aborigines-indigenous-activism-and-constitutional-reform>

<https://www.abc.net.au/news/2010-11-15/indigenous-australians-struggle-for-equality/41034>

<http://ergo.slv.vic.gov.au/explore-history/fight-rights/indigenous-rights/apology-aborigines>

<https://www.lawteacher.net/>



