

# Examining sources related to Australia's Federation and Constitution

**Warning** – Aboriginal and Torres Strait Islander teachers and students are advised that this curriculum resource may contain images, voices or names of deceased people.

## GLOSSARY

**activist:** a person who works to bring about change.

**censuses:** official government surveys that collect population data about every citizen. The Australian Bureau of Statistics (ABS), a government agency, collects data for the Australian Census every four years.

**colonisation:** the act of one country invading and taking over another.

**colony:** an area or a country that is separate from but under the rule of another country and is occupied by settlers from that ruling country.

**Constitution:** a document of the rules by which a nation is governed, and the rights the citizens are entitled to.

**Constitutional recognition:** the adding of a statement to the Australian Constitution that acknowledges Aboriginal and Torres Strait Islander Peoples as the First Peoples of Australia.

**Elder:** a leader or senior person in an Indigenous community; a custodian of language and cultural knowledges.

**Federation:** the joining together of separate states to establish one country.

**First Nations people:** Aboriginal and Torres Strait Islander people.

**primary source:** objects or documents that are original, or first-hand accounts, that are created or written during the time being investigated.

**referendum:** a vote for all enrolled voters asking a question about whether the rules of the government should be changed.

**rights:** a rule by law of what a person is allowed to do, or allowed to have.

**secondary source:** documents of writing, or accounts about the past, that were created after the time being investigated.

**stereotype:** an over-simplified and fixed view of a particular person or thing.

**Traditional Custodians:** people who are the original inhabitants of Australia.

**treaty:** a formal agreement between countries or two groups of people (in this case the Australian Government and First Nations Peoples), usually over the use of land or the rules of trade.

**Wurundjeri:** an Aboriginal nation of the Woiwurrung language group, situated around the present location of Melbourne, Victoria.

**Yorta Yorta:** an Aboriginal nation of the Yorta Yorta language group, situated around the present location of Goulburn, north-eastern Victoria, and southern New South Wales.

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### Becoming a nation

From 1788 until 1901, Australia was made up of a handful of **colonies** of the British Empire.

In 1889, Sir Henry Parkes, Premier of New South Wales, gave a speech at Tenterfield, New South Wales, where he called for all colonies to come together as a nation. We now refer to this speech as The Tenterfield Oration. In the years following his speech, **referendums** were held across Australia for voters to approve the draft of the Australian **Constitution** and for the colonies to join together to become a nation. Although the majority of voters said 'yes' to **Federation** and the Constitution, many people weren't eligible to vote. In fact, the government at the time passed a law which denied all Aboriginal and Torres Strait Islander people federal voting **rights** (AEC, 2019).

Henry Parkes, Edmund Barton, George Reid and John Quick are considered the key 'fathers' of Australian Federation. They are all non-Indigenous men. Evidence of their attitudes towards Aboriginal and Torres Strait Islander people isn't easy to find. What we do know is that the Constitution that was written at Federation excluded **First Nations people** and didn't recognise Aboriginal and Torres Strait Islander people as the Traditional Custodians of the land. **Primary sources** and **secondary sources** from prior to Federation and post-Federation reveal the impact this exclusion had on Aboriginal and Torres Strait Islander people.

### The fight for rights and recognition of First Nations Peoples

Since **colonisation**, Aboriginal and Torres Strait Islander people have fought for rights to the land that they have lived on, and cared for, for many thousands of years. For example, **Wurundjeri Elder**, William Barak (c.1824 - 1903), fought the closure of his traditional lands at Coranderrk, Victoria, throughout the late 19th century (Aboriginal Victoria, 2019a). Another example is William Cooper (c. 1860 - 1941), a **Yorta Yorta** man, who fought for Aboriginal rights from 1887 until his death in 1941 (Aboriginal Victoria, 2019b).

Since 1901, Aboriginal and Torres Strait Islander people have fought for **constitutional recognition**, and many continue to campaign for this today.

### Aboriginal and Torres Strait Islander people excluded from the Constitution

Prior to colonisation, Aboriginal and Torres Strait Islander Peoples had rich societies with trade, law and culture – all forms of democratic organisation (Lucashenko, 2015). Despite this, Aboriginal and Torres Strait Islander people were a notable exclusion during the referendums leading up to Federation and the writing of the Constitution.

From 1901 until 1967, the Constitution excluded First Nations people in two ways:

1. Section 51 (XXVI) explicitly excluded the Commonwealth Government from making laws about Aboriginal and Torres Strait Islander people. This enabled the states and territories to continue destructive policies which included taking children from their families, and removing people from their lands, languages and cultures.
2. Section 127 excluded Aboriginal and Torres Strait Islander people from being counted in national **censuses**.

These two sections were amended in the 1967 Referendum. However, there's still no statement in the Constitution that recognises First Nations people as the **Traditional Custodians** of the land we now call Australia. Many Aboriginal and Torres Strait Islander people report that this historical exclusion and the continuing lack of recognition in the Australian Constitution is painful and continues to have an impact today.

### The Uluru Statement

The fight for constitutional recognition is ongoing. In 2017, 250 Indigenous leaders from across the country came together to send a message to parliament to recognise Aboriginal and Torres Strait Islander people within the Constitution. They did this by producing the Uluru Statement from the Heart. This statement followed years of First Nations leaders campaigning for change. The call for constitutional recognition in the Uluru Statement was delivered to the government on May 26 2017. It was rejected five months later by the Government of Australia under Prime Minister Malcolm Turnbull.

### The power to decide

Federation is an important moment in Australia's history – it's the moment that Australia became its own nation, separate from Britain. Many non-Indigenous Australians were given the opportunity to vote for or against Federation in referendums, or national votes. They were responsible for making a decision that would affect everyone in Australia, including Aboriginal and Torres Strait Islander people.

Being excluded from voting for Federation and the Constitution is just one example of the exclusion Aboriginal and Torres Strait Islander people have experienced throughout Australia's history. Other examples include not being counted in the census until after 1967 and not being given control over decisions, such as where to live and work.

It's very important for all people to have a voice and to participate in making decisions that impact them. Thinking about the decisions that we all make in our own lives can help us understand this. Think about how your voice is included at home and school. Are you involved in decisions that affect your own life? Do you choose what activities you do outside of school or how you spend your time? What opportunities do you have to be involved in decision making at school?

### Cultural expressions of campaigning for change

Campaigns for change, run by Aboriginal and Torres Strait Islander people, have taken on many different forms throughout Australia's history. Examples of types of campaigns include protest, submissions to parliament, legal action and raising awareness on social media.

We can also see Aboriginal and Torres Strait Islander people fighting for change through different cultural expressions such as art or songs. Looking at these sources provides an excellent opportunity to understand Australia's history and current situation from the point of view of Aboriginal and Torres Strait Islander people. These cultural expressions provide an alternative narrative to what we see in mainstream media, which often perpetuates **stereotypes** and over-generations about First Nations people.

### What can you take away from this?

There are many ways that you can identify fact and opinion, stereotypes and over-generalisations in the texts you consume including:

- Analysing sources by looking for the origin and underlying belief, and by challenging any stereotypes in the text.
  - Questioning whose voices you hear on issues and considering whether all groups involved have been fairly represented.
  - Learning more about Indigenous histories and cultures, and how historical events still impact many Aboriginal and Torres Strait Islander people today.
  - Seeking out sources that are written or produced by Aboriginal and Torres Strait Islander people.
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### References

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