

wyndham art gallery

# HUMAN STATUS

12 Portraits by Brian Martin



Dennis Williams (Bulldog) Born 1947 Condobolin, NSW

June 22<sup>nd</sup> - 20<sup>th</sup> August 2017

REFERENDUM – Twelve Portraits by Brian Martin

***Constitution Alteration (Aboriginals) 1967***, which became law on 10 August 1967 following the results of the referendum. The amendments were overwhelmingly endorsed, winning 90.77% of votes cast and carrying in all six states.

Strong activism by individuals and both Indigenous and non-Indigenous groups greatly aided in the success of the 1967 referendum in the years leading up to the vote. Calls for Aboriginal issues to be dealt with at the Federal level began as early as 1910. Despite a failed attempt in the 1944 Referendum, minimal changes were instigated for Aboriginal rights until the 1960s, where the Bark Petition and the ensuing *Milirrpum v Nabalco Pty Ltd and Commonwealth of Australia* (Gove Land Rights Case), and Gurindji Strike highlighted the negative treatment of Indigenous workers in the Northern Territory. From here, the overall plight of Aboriginal Australians became a fundamental political issue.

In 1967, voters were asked to approve, together, changes to both of the provisions in which Aboriginal People were mentioned in the Constitution—sections 51(xxvi) and 127.

Section 51 begins:

*The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:*

And the extraordinary clauses that follow (ordinarily referred to as "heads of power") list most of the legislative powers of the federal parliament. The amendment deleted the text in bold from Clause xxvi (known as the "race" or "races" power):

*The people of any race, **other than the aboriginal race in any State**, for whom it is deemed necessary to make special laws*

This gave the Commonwealth parliament power to legislate with respect to Aborigines living in a State as well as those living in a federal Territory. The intent was that this new power for the Commonwealth would be used beneficially, yet despite several opportunities, the High Court has never resolved that it cannot also be used detrimentally.

Section 127 was wholly removed. Headed "Aborigines not to be counted in reckoning population", it had read:

*In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.*

This section should be read in conjunction with Section 24 and Section 51(xi). The section related to calculating the population of the States and Territories for the purpose of allocating seats in the lower house of the federal parliament and *per capita* Commonwealth grants. The context of its introduction was to prevent Queensland and Western Australia from using their large Aboriginal populations to gain extra seats or extra funds. The 'statistics' power in Section 51(xi) allowed the Commonwealth to collect information on Aboriginal people.

It is frequently stated that the 1967 referendum gave Aboriginal people Australian citizenship and that it gave them the right to vote in federal elections, but neither of these statements is correct. All Australians, including Aboriginal people, first became Australian citizens in 1949, when a separate Australian citizenship was created; before that time all Australians rather were British subjects.

The *Commonwealth Electoral Act 1949* gave Aboriginal people the right to vote in federal elections if they were able to vote in their state elections (they were disqualified from voting altogether in Queensland, while in Western Australia and the

Northern Territory the right was conditional), or if they had served in the defense force.

The *Commonwealth Electoral Act 1962* gave all Aboriginal people the option of enrolling to vote in federal elections. It was not until the *Commonwealth Electoral Amendment Act 1983* that voting became compulsory for Aboriginal people, as it was for other Australians. It is also sometimes mistakenly stated that the 1967 referendum overturned a "Flora and Fauna Act", which supposedly mandated that Indigenous Australians were governed and managed under the same portfolio as Australian wildlife – New South Wales state MP Linda Burney made mention of such an act in her maiden speech in 2003, as did Mark Colvin in a 2007 ABC article. A 2014 SBS article described the notion that "Indigenous people were classed as fauna" as a "myth", listing it as one of "four key misunderstandings persist[ing] about modern Indigenous history and the referendum".

This body of work by Brian Martin was created in 2004.

They are a moving testament to the lives of people who lived before this historic legislative change. Capturing the stance and expression of these people so well, Martin allows the viewer to enter into a silent dialogue with the sitter, or in this case the 'stander'. It is appropriate that they are all standing as to sit would be to place them in a pose typical of a European tradition

of portrait painting which Martins work always subverts either in the work itself or in his reading of the work.

The stance on each of them points to the amazing stand that Aboriginal people across the country have taken in their resistance to colonisation. In some cases they fought a war against all odds given the colonial fire power, and in other cases it was a silent resistance by refusing to assimilate through government policies such as the child removal policies which are now known as the 'Stolen Generation'. Much damage has been done through such policies, however Aboriginal people have never ceded their rights to the land that was theirs for thousands of generations.

These portraits speak of people who have known hardship but who have never lost their inherent dignity. Brian Martin has depicted their stories writ large on their faces with remarkable sensitivity.

We are privileged to have these works on display in our gallery.



Title: Margaret Dargin - Born 1929, Condobolin, NSW  
Medium: Oil on canvas



Title: William Murray, Born 1946, Balranald, NSW  
Medium: Oil on canvas



Title: Judy Shoemark, Born 1952, Lake Cargelligo, NSW  
Medium: Oil on canvas



Title: Badger Bates, Born 1947, Wilcannia, NSW  
Medium: Oil on Canvas



Title: Nellie Edge, Born (Unknown), Innamincka, SA  
Medium: Oil on Canvas



Title: Margaret Philp, Born 1933, Ivanhoe, NSW  
Medium: Oil on Canvas



Title: Michael Sloane (Kinky), Born 1962, Broken Hill, NSW  
Medium: Oil on Canvas



Title: Claude Briar, Born 1957, Lake Cargelligo, NSW  
Medium: Oil on Canvas



Title: Patricia (Patsy) Quayle, Born 1941, Broken Hill, NSW  
Medium: Oil on Canvas



Title: Lorraine King, Born 1920, Broken Hill, NSW  
Medium: Oil on Canvas



Title: Maureen O'Donnell, Born 1941, Wilcannia, NSW  
Medium: Oil on Canvas



Title: Bill Kennedy, Born 1939, Weinteriga Station, NSW  
Medium: Oil on Canvas



## UPCOMING EXHIBITIONS

AVOCA – Opening 30<sup>th</sup> August – 29<sup>th</sup> October

MOUNTAIN MOVES – Opening 8<sup>th</sup> November – 24<sup>th</sup> December

GALLERY CLOSED FROM 25<sup>th</sup> December 2017 – 7<sup>th</sup> January 2018



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