



Indigenous Suffrage Timeline Queensland

- Before time The Australian continent has been, and continues to be, the traditional country - its land, seas and waterways - of Indigenous peoples.
- 1770 Captain Cook 'claimed' the Australian continent for Britain.
- 1788 European settlement of Australia commenced under the legal doctrine of *terra nullius* (meaning land of no-one). This doctrine allowed colonists settling the 'unoccupied' land to impose their own laws. Traditional Aboriginal systems of tribal land ownership were neither recognised nor acknowledged.
- 1859 The Queensland colony was created on 6 June. At the time of its establishment, New South Wales electoral laws, specifically the *Elections Act of 1858*, prevailed. Although NSW electoral provisions did not specifically exclude Indigenous people, the franchise qualifications tended to exclude them as they required voters to be male, over 21 years of age, naturalised as well as owning property valued at more than 100 pounds.
- 1885 Queensland enacted the *Elections Act 1885*. Section 6 specifically excluded "Aboriginal natives" from voting. These disqualifications were carried over into the *Elections Act Amendment Act 1905* and the *Elections Act 1915*. However, Indigenous persons who could be defined as "half-caste" as opposed to "Aboriginal native" could not legally be excluded from voting.
- 1894 South Australia gave women the right to vote and this right was extended to Aboriginal women.
- 1897 Queensland introduced the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897* which removed the basic freedoms of many Indigenous people in relation to movement and labour, custody of their children and control over personal property.
- 1901 The Commonwealth of Australia was created. Section 127 of the Commonwealth Constitution stated *in reckoning the number of people... "Aboriginal natives" shall not be counted*. It also stated that the Commonwealth can legislate for any race except Aborigines (s. 51). Therefore, the states retained the power over Aboriginal affairs.
- 1902 The *Commonwealth Franchise Act 1902*, which gave women the right to vote, excluded voting by "Aboriginal natives of Australia". However, provisions allowed Indigenous persons to vote if they were allowed to vote at state elections prior to Federation under section 41 of the Constitution. The Indigenous franchise was further reduced in practice by admitting only those Aboriginal people already enrolled in a State in 1902. This legislation resulted from the then accepted "White Australia" policy that was implemented across the nation.
- Prior to Federation, only New South Wales, Victoria, South Australia and Tasmania extended the franchise to Aboriginal people.
- 1915 The *Queensland Elections Act 1915* continued to deny "Aboriginal natives" the right to enrol to vote in Queensland. Those who could be defined as "half-caste" as opposed to "Aboriginal native" could not be legally excluded from voting.
- 1930 The *Elections Acts Amendment Act 1930* extended the disqualification from voting to include Torres Strait Islanders; "half-castes" as defined in the *Aboriginals Protection*



and *Restriction of the Sale of Opium Act 1897*; people living on government reserves; and anyone who was under the control and supervision of the Protector of Aborigines. (See section 11A).

- 1934 The *Aboriginals Protection and Restriction of the Sale of Opium Acts Amendment Act 1934* further extended voting disqualifications via section 4 which introduced a new artificial racial category called “*cross breed*”. The term was used to describe some Pacific Islanders, as well as those who lived or associated with Aborigines. Under this legislation, anyone the Chief Protector of Aborigines deemed in need of control or “*protection*” was also excluded from voting.
- 1934 Evidence shows that the Woorabinda Aboriginal Community sent a petition to the King regarding the restrictions on Indigenous voting rights.
- 1936 On New Year’s day, the Torres Strait Islander community participated in an all-island maritime strike raising concerns with their rights to control their wages and their own affairs. The Queensland Government apparently made some concessions to Islanders in terms of equality and autonomy and moves were made to introduce more progressive legislation and elected local government councils. This legislation was enacted in 1939.
- 1939 The *Aboriginals Preservation and Protection Act 1939* and the *Torres Strait Islanders Act 1939* repealed previous legislation. The 1939 Acts redefined racial classifications, using the terminology “*a preponderance of Aboriginal blood*”. The use of this definition allowed some Aboriginal and Torres Strait Islander people who were previously excluded from voting under the 1934 legislation to re-enrol.
- 1949 On Australia Day (26 January) 1949 all residents of Australia, who were previously British subjects, became Australian citizens by virtue of the *Nationality and Citizenship Act 1948* (Cwth), now known as the *Australian Citizenship Act 1948*.
- 1949 Prime Minister Chifley extended the Commonwealth franchise under the *Elections Act 1918* giving Aboriginal people a vote at federal elections if they:
- were entitled to a state vote (NSW, SA, VIC, TAS); and/or
 - had completed military service.
- 1957 The National Aboriginal Day Observance Committee (NADOC) is formed.
- 1960 Although no formal Indigenous suffrage movement evolved in Australia, several organisations formed to champion the rights of Indigenous people, including voting rights. Such groups included the Federal Council for Aboriginal Advancement (later FCAATSI), and the Queensland Cairns Aboriginal and Torres Strait Islanders (QCAATI). At QCAATI’s first conference held in Cairns in July 1960, a Declaration of Rights of the Queensland Aborigines and Torres Strait Islanders was established. The rights included land rights, unrestricted right of movement, self-government of the islands, missions and settlements, compensation and royalties for mineral extraction and the right of individuals to own and control land.
- 1961 In 1961, the One People of Australia League (OPAL) formed in Brisbane. In the League, Indigenous and non-Indigenous people worked cooperatively to advance Indigenous rights.
- 1962 The Commonwealth *Electoral Act 1962* granted all Indigenous people the right to enrol and vote at Commonwealth elections. Enrolment was voluntary but once enrolled, voting was compulsory. Despite this amendment, it was illegal under Commonwealth legislation to encourage Aboriginal people to enrol to vote.
- 1962 In August, the Queensland government established a committee to inquire into *legislation for the promotion of the well-being of Aborigines and Torres Strait Islanders in Queensland*.
- 1964 In November, the Queensland committee of inquiry tabled its report. One of its recommendations was that voting rights in all state and local authority elections be



extended to all Indigenous Queenslanders as a matter of principle.

1965 The *Aborigines' and Torres Strait Islanders' Affairs Act 1965* was passed providing for the management of reserves and welfare for Indigenous persons. It repealed the 1939 legislation. The Government of the day said that under the 1965 legislation, the *abandonment of protection as a policy* was achieved and a new phase of *assimilation* began. Several legal restrictions on Indigenous peoples remained. This legislation also led to the creation of the Queensland Department of Aboriginal and Islander Affairs.

1965 On 3 December, Queensland Premier Frank Nicklin, introduced the *Elections Act Amendment Bill 1965* to amend the *Elections Act 1915* to give voting rights to Indigenous persons of the mainland and Torres Strait Islands. This Act extended voting rights to all Aboriginal people and Torres Strait Islanders in Queensland. The legislation was passed on 17 December 1965. Queensland was the last state to enact such legislation.

1966 1 February: The Indigenous suffrage provisions of the Queensland *Elections Act 1915* were enacted.

1966 28 May: Aboriginal and Torres Strait Islanders were, for the first time, universally allowed to vote at a Queensland state election.

1967 This is the year most people believe that Indigenous peoples received the right to vote, but it had been achieved earlier at both the federal and state level.

On 27 May 1967, a Commonwealth Constitutional referendum was held proposing to remove provisions of the Constitution which discriminated against people of the Aboriginal race. It did this in two ways, with the first allowing the Commonwealth to make laws for Indigenous people:

The words "*other than the aboriginal race in any State*" were struck out of Section 51 xxvi so that the Commonwealth Parliament could make special laws for Aboriginal Australians.

s.51 '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:

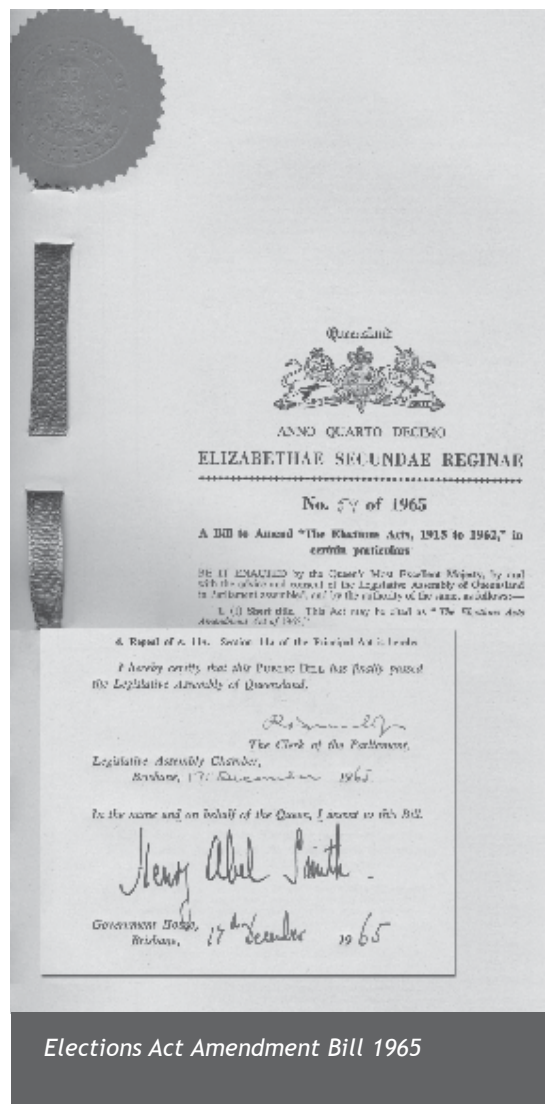
xxvi The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws.'

Secondly, the referendum provided for Indigenous persons to be included in the Census, with Section 127 of the Constitution struck out in its entirety.

s.127 'In reckoning the numbers of the people of the Commonwealth, or of a State or other parts of the Commonwealth, aboriginal natives shall not be counted.'

The proposed Act was passed unanimously by both Houses of the Federal Parliament and a 'No' case was therefore not submitted to the people.

More than 90% of Queenslanders supported a "yes" vote, with all six Australian states voting in favour of the amendments.





- 1971 Neville Bonner was appointed by the Queensland Parliament to replace Senator Dame Annabel Rankin, who had retired from Federal Parliament. This appointment made him the first Aboriginal person to sit in the Australian Federal Parliament, and the first to sit in any Australian Parliament. At the 1972 election he was returned as a Liberal Senator for Queensland, serving until 1983. At the 1983 election he stood as an Independent candidate but was not re-elected.
- 1971 Queensland's Electoral Act was again amended making it compulsory for Indigenous persons to vote in state elections.
- 1971 In 1971, the *Aborigines Act* and the *Torres Strait Islanders Act* were passed. Under these Acts, the government said it intended to improve the development of reserves as well as the welfare system through its assimilation policy. However, significant legal restrictions on Indigenous peoples living in reserves were maintained.
- 1974 7 December - National Party candidate Eric Deeral was elected to the seat of Cook in the Queensland Parliament. He was the first Indigenous person elected to the Queensland Parliament.
- 1984 Commonwealth legislation was enacted making it compulsory for Indigenous people to enrol and vote at federal elections.
- 1991 The Parliament passes legislation - the *Aboriginal Land Act 1991* and the *Torres Strait Islander Act 1991* - providing for Indigenous land rights in Queensland.
- 1992 3 June: Doctrine of *terra nullius* was voided and the concept of native title was recognised by a majority High Court decision in the *Mabo v State of Queensland (No 2)* case.
- 1992 The Queensland Parliament enacts the *Legislative Standards Act 1992* which contains fundamental legislative principles requiring consultation with Aboriginal and Torres Strait Islander people on legislation that affects them.
- 1999 26 May: The Parliament of Queensland apologised to Aboriginal and Torres Strait Islander people in Queensland on behalf of all Queenslanders for the past policies under which indigenous children were forcibly separated from their families and expressed deep sorrow and regret at the hurt and distress that this caused.
- 2004 The Queensland Parliament's Legal, Constitutional and Administrative Review Committee released its report *Hands on Parliament* which considered ways to increase Indigenous people's participation in Queensland's democratic process.
- 2005 17 December - 40th Anniversary of the passing of the *Elections Act Amendment Act 1965* which amended the *Elections Act 1915* to provide universal Indigenous suffrage in Queensland.



Eric Deeral, Member for Cook 1974 - 1977

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