



Fact sheet: voting rights of Aboriginal and Torres Strait Islander peoples in Queensland

The right to vote is an important part of Australian society and culture, and 2005 marks the fortieth year in which all Indigenous peoples resident in Queensland were granted the right to vote in state elections.

Universal voting rights for Indigenous peoples

- Up until December 1965, the vast majority of Aboriginal people and Torres Strait Islanders living in Queensland were denied the right to enrol to vote in state government elections.
- ‘Aboriginal natives’ of Australia were in effect disqualified from enrolling to vote in Queensland state elections under the *Queensland Elections Act of 1885*. These disqualifications were carried forward into the 1905 *Elections Act Amendment Act* and the 1915 *Elections Act*. However, those who could be defined as ‘half-caste’ as opposed to ‘aboriginal native’ could not legally be excluded from voting.
- In December 1930, the *Elections Act* was amended again and the disqualifications were extended to include Torres Strait Islanders, ‘half caste’ Aboriginal people, anyone living on government reserves, and anyone who was under the control and general supervision of the Protector of Aborigines.
- In 1934, the *Aboriginals Protection and Restriction of the Sale of Opium Act Amendment Act* saw the introduction of further disqualifications through the use of a new artificial racial category – ‘cross breed’. The term ‘cross breed’ was used to describe some Pacific Islanders, those who lived or associated with Aborigines, or those who lived as an Aborigine. Anyone deemed by the Chief Protector of Aborigines to be in need of control or the ‘protection’ of this Act was also excluded.
- In 1939, the *Aboriginals Preservation and Protection Act* and the *Torres Strait Islanders Act* replaced the *Aboriginals Protection and Restriction of the Sale of Opium Act Amendment Act*. The new acts re-defined racial classifications; some Aboriginal people and Torres Strait Islanders previously excluded from voting under the 1934 legislation were permitted to re-enrol.
- Some Aboriginal people who held a Certificate of Exemption from the provisions of the *Aboriginals Preservation and Protection Act* were still denied the right to vote. Under the *Elections Act*, anyone classified as having a ‘preponderance of Aboriginal blood’ was not qualified to be enrolled upon any electoral roll or entitled to vote at any election.
- Torres Strait Islanders were also denied the right to vote in state elections irrespective of whether they lived on Island Reserves in the Torres Strait (and therefore subject to the 1939 *Torres Strait Islanders Act*) or on mainland Queensland.
- On 17 December 1965, the *Elections Act Amendment Act* was passed and came into force on 1 February 1966. This Act extended voting rights to all Aboriginal people and Torres Strait Islanders in Queensland.
- The first state election in which all Aboriginal people and Torres Strait Islanders were able to vote was held on 28 May 1966. This was well ahead of the 1967 referendum which amended the Commonwealth Constitution to allow the Australian government to make laws for Indigenous peoples, and to be counted in the national census. Ninety per cent of Queenslanders who voted in the referendum supported the removal of the discriminatory references to Indigenous peoples from the Commonwealth Constitution.
- The 1967 constitutional referendum did not raise the issue of either federal or state voting rights. In 1962, the *Commonwealth Electoral Act* provided that Indigenous peoples should have the right to enrol and vote at federal elections, including Northern Territory elections but enrolment was not compulsory.
- It was not until 1971 that voting in state elections was made compulsory for Aboriginal and Torres Strait Islander peoples.



Legislation impacting on voting rights of Indigenous peoples

Legislation had a major impact on the voting rights of Aboriginal and Torres Strait Islander peoples in Queensland. A timeline of legislation, and its impact on Indigenous voting rights in Queensland, is outlined below.

1885 Queensland *Elections Act* – Section 6

1897 *The Aboriginal Protection and Restriction of Sale of Opium Act*

1930 *Elections Act Amendment Act*

1934 *Aboriginals Protection and Restriction of the Sale of Opium Acts Amendment Act*

1939 *Aboriginals Preservation and Protection Act*

1939 *Torres Strait Islanders Act*

1965 *Elections Act Amendment Act*

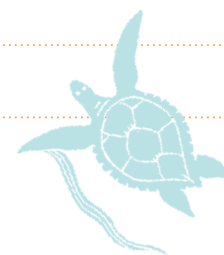
Federal legislation impacting on voting rights of Indigenous Queenslanders

1901 *Commonwealth Constitution* - Section 41

1902 *Commonwealth Franchise Act*

1949 *Commonwealth Electoral Act*

1962 *Commonwealth Electoral Act*



Aboriginal and Torres Strait Islander Parliamentarians



Neville Bonner (1922 - 1999)

Neville Bonner was the first Aboriginal person to sit in Federal Parliament as a Senator for Queensland.

In 1971 Neville Bonner was appointed to the Senate to fill a casual vacancy.

In the following year he was elected by Queensland voters and held his position until 1983.

On his journey to parliament house, he experienced unemployment and discrimination. As a politician he worked to improve conditions for Aborigines, and became a voice for his people. For 12 years Senator Bonner represented his people, and helped to change the face of Aboriginal rights in Australia.

Photo courtesy of National Library of Australia



Eric Deeral (1932 -)

A senior Aboriginal Elder from the Hope Vale community in Far North Queensland, Eric Deeral was the first Aboriginal member of Queensland State Parliament, the first chairperson

of the Aboriginal Coordinating Council and an early spokesperson for Indigenous rights.

As a parliamentarian, Mr Deeral stood for the National Party in the electorate of Cook; he held the seat for one term from 1974 to 1977.

Photo courtesy of Queensland Parliamentary Library