

Aboriginal and Torres Strait Islander Peoples' Right to Vote



Shortly after federation, the Australian Parliament passed the Commonwealth Franchise Act 1902. This law specified who was allowed to vote in Australian federal parliamentary elections. In 1902, many people were not allowed to vote, including most Aboriginal and Torres Strait Islander people. The Act excluded 'any aboriginal native of Australia, Asia, Africa, or the islands of the Pacific, except New Zealand' from voting unless they had already been listed on the electoral roll before 1901. In practice, this meant that most Aboriginal and Torres Strait Islander people were prevented from voting in federal elections because although most colonies allowed Indigenous men to vote, very few were actually listed on their state's electoral roll.

While there were some politicians and advocates who strongly disagreed with excluding Aboriginal and Torres Strait Islander people from the democratic process, many others actively campaigned against allowing Indigenous people to vote.

Aboriginal and Torres Strait Islander advocates continued to campaign for their right to vote throughout much of the twentieth century. In 1949, the Commonwealth Electoral Act was amended to extend the vote to Aboriginal and Torres Strait Islander people who had served in the defence force, or were already allowed to vote in their state elections. This change occurred in part because, after World War II, public opinion began to shift significantly. Many people believed that it was unfair that Aboriginal and Torres Strait Islander people had been allowed to fight and die for their country in the war, but were not allowed to vote in elections. In practice, this amendment meant that Aboriginal and Torres Strait Islander adults in New South Wales, South Australia, Victoria and Tasmania could now vote in federal elections.

In 1961, the Select Committee on Voting Rights of Aborigines released its report, which recommended that the right to vote in federal elections be extended to all Aboriginal and Torres Strait Islander adults. In 1962, the Commonwealth Electoral Act was amended to legislate this recommendation granting federal voting rights to Aboriginal and Torres Strait Islander adults in the Northern Territory, Queensland and Western Australia. The Northern Territory and Western Australia also changed their state/territory legislation to allow Indigenous adults to vote in state/territory elections.

The 1962 Commonwealth Electoral Act did not make voting rights and responsibilities the same for all Australians. While voting in elections was compulsory for non-Indigenous Australians, it was made optional for Aboriginal and Torres Strait Islander people to enrol to vote. The Act made it an offence to bribe Aboriginal and Torres Strait Islander people to enrol, or to refrain from enrolling, to vote. Voting has been compulsory for Aboriginal and Torres Strait Islander Australians since 1984.

In 1965, Queensland became the last jurisdiction to extend the right to vote to all Aboriginal and Torres Strait Islander adults, bringing their laws in line with the rest of the country.

Once the law changed to allow Aboriginal and Torres Strait Islander adults to vote, there were still concerns that Indigenous people would not know how to vote, or that they thought it was not important to do so. From 1962, the Commonwealth Electoral Office (which has now been replaced by the Australian Electoral Commission) developed specific campaigns to educate Aboriginal and Torres Strait Islander Australians about their rights and responsibilities in regards to voting, as well as how to vote.

To date, Indigenous Australians remain underrepresented on the electoral roll. The Australian Electoral Commission estimated that only 58% of eligible Aboriginal and Torres Strait Islander Australians were registered to vote in the 2016 federal election. In 2016, they explained: “The feedback that we are receiving is that a lot of Indigenous people have a lack of understanding of how the electoral system really relates to their life” (ABC News).

Key leaders and groups

Due to the length of the campaign for Aboriginal and Torres Strait Islander peoples' right to vote and the nature of the struggle being different across each Australian state, there have been many different campaign leaders. Indigenous people are still under-represented on the electoral roll today.

Some important people and groups to research include:

- Douglas Nicholls
- Australian Aboriginal League
- Federal Council for Aboriginal Advancement

Key events

- 1938 'Day of Mourning' protest
- 1961 Commonwealth Parliamentary Committee

Sources:

- Felicity James, "Election 2016: Half of NT's Indigenous population not enrolled to vote, electoral commission says" ABC News (online), 27 May 2016. At: <http://www.abc.net.au/news/2016-05-25/half-indigenous-people-in-nt-not-enrolled-to-vote-aec-says/7446416> (accessed 21/05/2018)
- Australian Institute of Aboriginal and Torres Strait Islander Studies, "My Voice for My Country: Changing images of Aboriginal and Torres Strait Islander voter participation" At: <http://aiatsis.gov.au/exhibitions/my-voice-my-country> (accessed 21/05/2018).
- Australian Electoral Commission: "Electoral Milestones for Indigenous Australians" At: <https://www.aec.gov.au/indigenous/milestones.htm> (accessed 31/3/2018).
- Parliamentary Education Office: "Electing members of parliament" At: <https://getparliament.peo.gov.au/electing-members-of-parliament/indigenous-australians-and-the-vote> (accessed 30/3/2018).
- The Parliament of the Commonwealth of Australia, "Report from the Select Committee on Voting Rights of Aborigines" (1961) At: https://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_committees?url=report_register/bycomlist.asp?id=122 (accessed 21/05/2018).
- Queensland Parliament, "Indigenous Suffrage Timeline Queensland" (July 2015) At: https://www.parliament.qld.gov.au/documents/explore/education/factsheets/Factsheet_10.5_Indigenous_SuffrageTimeline.pdf (accessed 21/05/2018).