Discovering Democracy
Discussion paper 6
Aboriginal people struggle for citizenship rights

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Aboriginal people struggle for citizenship rights

One of the remarkable strands of Australian history which has been omitted from most orthodox history books until quite recently has been the struggle by Aboriginal people to gain citizenship rights. The Aboriginal struggle for land rights is quite well known, but less is known about their earlier struggle for citizenship rights. This is a story about the struggle by Aboriginal people for social justice.

This paper outlines how Aboriginal people have been denied citizenship rights and highlights some of the initiatives they have taken in their struggle to gain the rights that other Australians have already been granted. An appreciation of this struggle requires some understanding of what citizenship rights are and who has the power to bestow or withhold them.

What are citizenship rights?

Aristotle gives a clear and concise definition of a citizen: a citizen is someone who shares both in ruling and being ruled. To many, the right to vote and the responsibility to obey the law are central to a concept of citizenship. Others believe that citizenship involves more than this. Thomas Marshall (cited in Chesterman and Galligan 1997), for example, believes citizenship involves having, and being able to exercise, three kinds of human rights:

- civil rights necessary for individual freedom e.g. freedom of speech, freedom of movement, the right to own property
- political rights necessary for taking part in political processes e.g. the right to vote, the right to stand for election
- social rights necessary to share in society e.g. the right to education, the right to a decent standard of living.

At different times these rights were withheld from Aboriginal people by federal, state and local government authorities. The strong desire for the type of rights referred to by Marshall was frequently and clearly articulated by Aboriginal organisations and individuals in their determined struggle for citizenship in their own country.

What citizenship rights did Aboriginal people have? The first denial of citizenship rights was the declaration of terra nullius as this negated all existing Indigenous Australians legal rights such as native title and customary law.

Legally, Aboriginal people, like other Australians, were British subjects from the beginning of European occupation. In practice, however, they were treated quite differently. Aboriginal ownership of the land was not recognised, no treaties or agreements were made and no compensation was paid. British law did not recognise Aboriginal laws and practices or their right to own property. Aboriginal people could be tried summarily for a range of criminal offences; they could not press charges at law and were not permitted to give evidence in court. Frequently they were held corporately guilty for the crimes of others. Few white Australians were ever tried for the murder of Aboriginal Australians.
Some notable colonial legislation that targeted Aboriginal peoples included:

- **1816 Martial Law (NSW).** This proclamation declared Martial Law against Indigenous Australians who could then be shot on sight if armed with spears, or even unarmed, if they were within a certain distance of houses or settlements.
- **1824 (Tasmania).** Settlers are authorised to shoot Aboriginal peoples.
- **1840 (NSW).** Indigenous Australians forbidden to use firearms without the permission of a Justice of the Peace.
- **1869 (Victoria).** The Board for the Protection of Aborigines is established. The Governor can order the removal of any child to a reformatory or industrial school.
- **1890 (NSW).** In a denial of human rights the Aborigines Protection Board could forcibly take children off reserves and “resocialise” them.

**Aboriginal reserves and “protection”**

Colonial governments, aware of the effects of violence, of introduced diseases and of dispossession, believed that Aboriginal people were doomed to extinction and deserved protection during their remaining years. The colonies passed laws, usually called Aboriginal Protection Acts, which set up authorities to place indigenous Australians on reserves to look after them. Protection laws reduced the legal status of those on reserves from British subjects to wards of the state, with members of the Protection Boards as their legal guardians. The aim of the Acts may have been protection, but in practice they gave the Boards complete power and control over the lives of the Aboriginal people under their care.

**Colonial and State Protection Acts**

<table>
<thead>
<tr>
<th>State</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victoria</td>
<td>1886</td>
</tr>
<tr>
<td>Queensland</td>
<td>1897</td>
</tr>
<tr>
<td>Western Australia</td>
<td>1905</td>
</tr>
<tr>
<td>New South Wales</td>
<td>1909</td>
</tr>
<tr>
<td>South Australia</td>
<td>1911</td>
</tr>
</tbody>
</table>

These Acts changed the legal status of the Aboriginal people who came under their jurisdiction from British subjects to wards of the state.

**Independent reserves**

At the same time, many Aboriginal people took the initiative and asked for and received land where they could live and support themselves independently. The authorities agreed and set aside land “reserved for Aboriginal use”. Significantly, however, Aboriginal people were not given legal title to this land. Historian Heather Goodall (1996) estimates that at the turn of the century around 25% of the Aboriginal population of NSW lived on or in direct association with these independent reserves. By 1911 there were 115 Aboriginal reserves in NSW and 75 of them were independent, providing self-sufficiency for most of their residents. Such reserves were also established in other states, and maps illustrating these reserves in 1911 can be found in Goodall (1996, p. 95).

**Life away from reserves**
Circumstances varied for Aboriginal people living away from reserves. Some had married into white society; others lived in communities on the fringes of towns. Many worked for wages, usually lower wages, alongside other Australians. Some worked on rural properties in exchange for rations and the right to keep their families together in their own country, and some were itinerant workers. Others lived and worked under conditions close to slavery. Historian Henry Reynold’s book, *With the White People* (1990), shows how widespread and valuable Aboriginal labour was to Australia’s development.

Aboriginal people’s access to citizenship rights varied. Between 1856 and 1900 all colonies had given Aboriginal men the right to vote; however, in Western Australia and Queensland, there was a property qualification that few would have been able to meet. South Australia was the only colony to give the vote to women, including Aboriginal women, in 1894. This right to vote was often very difficult to exercise due to restrictive conditions on registration.

Ideas about the inferiority of non-white races permeated Australian society and were manifest in the treatment of Aboriginal people in different ways: lower wages, denial of access to unions, inferior education, inadequate provision of basic health services and exclusion from many aspects of community life.

**Federation and the loss of the right to vote**

If Aboriginal people had any hopes of improving their plight through Federation, they were sorely disappointed. They were deliberately excluded from the federal sphere in the Constitution. Section 51 made Aboriginal affairs a matter for the States, empowering the Commonwealth to make laws with respect to the “people of any race, other than the Aboriginal race in any state”. Section 127 (xxvi) of the Constitution directed that “in reckoning the numbers of people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.”

When the Commonwealth Electoral Act was passed in 1902, it gave women the vote in federal elections, but it still negated the right to vote in federal elections from those Aboriginal peoples not enrolled to vote in State elections. Section 4 of the Act states: *No Aboriginal native of Australia, Africa or the Islands of the Pacific except New Zealand shall be entitled to have his name placed on an Electoral Roll unless so entitled under section 41 of the Constitution*. Section 41 stated that those who had the right to vote in their State also had the right to vote in Commonwealth elections.

The Act was interpreted very narrowly with reference to Aboriginal people, so that only those Aboriginal people whose names were already on the electoral roll for their State elections would be able to vote in the Commonwealth elections. This right would die with them, because their children’s names could not be added to the roll. If for some reason their names were removed from the State electoral roll, for example for serving a prison term or for being dependent on welfare, then they would be struck from the Commonwealth electoral roll.
Exclusion from social rights

Australia led the world in social legislation in the early years of the century. The new Commonwealth Government guaranteed Australian citizens a range of fundamental rights: women’s suffrage in 1902, the minimum wage in 1907, pensions for the aged and invalid in 1909, and a maternity allowance in 1912. Aboriginal Australians were denied access to these rights. At State level, discriminatory laws or practices were introduced which excluded many Aboriginal children from public schools.

When Australian soldiers returned from World War One, they were able to apply through the Returned Servicemen’s Settlement Scheme for small allotments of land provided by the government. Even though Aboriginal people were legally excluded from serving in the armed forces, more than 300 to 400 Aboriginal servicemen served in World War One, at Gallipoli and on the Western Front. However, on their return they resumed their inferior citizenship status. In NSW only one was successful in gaining a soldier settlement lot.

The second dispossession

Some of the land provided for the Returned Servicemen’s Settlement Scheme was Aboriginal reserve land resumed by State Governments. Gradually, more and more government-run reserves were closed to meet increasing demands for land by white farmers. By 1913, 64 of the 97 Aboriginal reserves in South Australia had been leased or sold to white Australians. In Victoria all reserves were leased or sold by the 1920s except one, Lake Tyers, where the land was so poor that white farmers didn’t want it. Independent reserve lands were also resumed. Almost half of all reserve land held by Aboriginal people in NSW in 1911 had been sold by 1927, and most of the remaining lands were then leased to white farmers. Much of it was fertile farmland which had been cleared and cultivated. The loss of this land meant the loss of an economic base for many Aboriginal families.

When governments resume property belonging to citizens they are obliged to pay compensation. No compensation was paid to Aboriginal people for the loss of their reserve land or for the improvements they had made, such as buildings, fencing, fruit trees and crops. People who had lived independently for decades were left with nothing. There was no consideration by authorities for the difficulties Aboriginal people faced when they were evicted from reserves with no resources for re-establishment. In Aboriginal history this is known as the “second dispossession”. With no savings, little prospect of employment and no money for rent, evicted Aboriginal families built shelters on the fringes of towns. Without decent housing and services such as water and sewerage, authorities found it easy to remove Aboriginal children because they were “neglected”.

Increased “protection” led to the further loss of civil rights. Below are the dates of new “protection” Acts or amendments to existing Acts, which increased state control over the lives of Aboriginal people.

<table>
<thead>
<tr>
<th>Northern Territory</th>
<th>1933 and 1936</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queensland</td>
<td>1934 and 1939</td>
</tr>
</tbody>
</table>
During the 1930s control over the lives of Aboriginal people increased. Each State passed new Protection Acts which effectively deprived Aboriginal people on reserves of such civil rights as: freedom of movement, freedom of association, the right to control property and earnings, the right to drink alcohol and the right to vote. Protection Boards had the power to determine who was Aboriginal and could force them onto reserves. They could also evict “troublemakers” and there was no right of appeal. In line with the assimilation policies of the day, the removal of Aboriginal children was intensified. These children were denied contact with their families, forbidden to speak their language and deprived of their culture. Outlines of the policies and the stories of many of those who were removed are recorded in the National Inquiry Report, *Bringing Them Home* (1997).

### Restrictions on Aboriginal citizenship 1948

<table>
<thead>
<tr>
<th>State or territory</th>
<th>Able to vote</th>
<th>Could be forced to live on reserves</th>
<th>Entitled to social welfare e.g. old age pension</th>
<th>Employment formally regulated</th>
<th>State body governing Aboriginal affairs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State</td>
<td>Cmwlth</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NSW</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Aborigines Welfare Board</td>
</tr>
<tr>
<td>NT</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Director of Native Affairs</td>
</tr>
<tr>
<td>QLD</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Director of Native Affairs</td>
</tr>
<tr>
<td>SA</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Aborigines Protection Board</td>
</tr>
<tr>
<td>TAS</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No relevant body</td>
</tr>
<tr>
<td>VIC</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Board for the Protection of Aborigines</td>
</tr>
<tr>
<td>WA</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Commissioner of Native Affairs</td>
</tr>
</tbody>
</table>

Adapted from Chesterman, J. & Galligan, B. *Citizens Without Rights*. Cambridge University Press, 1997, p.152

### Citizenship certificates

From the 1940s State governments decided to give citizenship rights to some Aboriginal people under certain conditions. They had to promise to give up their traditional ways, to keep away from other Aboriginal people, to live a European lifestyle and to keep out of trouble. Certificates were then issued which allowed them to vote, to go into hotels, allowed their children to go to
school, and removed them from the restrictions of State protection laws. Legally these certificates meant that the people who had them were no longer Aboriginal. In Western Australia these were called Citizenship Certificates, in NSW and Queensland they were called Exemption Certificates. These certificates could be suspended or cancelled by a magistrate and there was no right of appeal. Many Aboriginal people resented these certificates and called them “dog licences” or “dog tags”. Of the 14,000 Aboriginal people eligible in NSW only 1,500 chose to apply.
NEW SOUTH WALES GOVERNMENT
ABORIGINES PROTECTION ACT, 1909-1943, SECTION 18c.
[REGULATION 56]

CERTIFICATE OF EXEMPTION
From provisions of the Act and Regulations

THIS IS TO CERTIFY that …………………………
………...Aborigine, aged ……….years, residing at
(Caste)
………………………………………………………………………………………………………
is a person who in the opinion of the Aborigines Welfare
Board, ought no longer be subject to the provisions/following
provisions of the Aborigines Protection Act and Regulations,
or any such provisions, and he/she is accordingly exempted
from such provisions:-
………………………………………………………………………………
...

Issued in compliance with the
Resolution of the Aborigines
Welfare Board and dated the

…………………..Chairman
…………………..Member of the
Aborigines Welfare Board.
Countersigned by
The Secretary,
…………………………………………………

Photograph of
Reactions of Aboriginal people

These conditions were not accepted without protest. Aboriginal people used the same methods that other Australians use when they want to object to unfair conditions: they wrote letters to members of parliament, they sent petitions, they held demonstrations and formed political organisations to agitate for reform. Following are just some of the initiatives taken by Aboriginal people in their struggle to gain citizenship rights.

Letters and petitions

1. John Kickett's letters to Parliament

The simple strategy of writing to government representatives was well used by Aboriginal people and shows that they genuinely believed it was possible to redress wrongs and to achieve justice through normal channels.

Aboriginal farmer John Kickett objected to the West Australian Government’s policy in 1912 of expelling Aboriginal children from state schools. He wrote to the Minister for Education explaining that he had been educated in a state school and did not want to see his children degraded by being denied an education. His plea was ignored and his children were excluded from their local school.

In August 1918 John Kickett wrote to his Member of Parliament again:

I want a Little Fair Play if you will be so kind enough to see on my Beharfe . . . I have five of my people in France fighting, since you were here for your election one has been killed which leaves four as my people are Fighting for Our King and Country Sir, I think they should have the liberty of going to any State school.


It is a sad irony that so many Aboriginal families valued education and tried so hard to have their children educated in a system that was often hostile to their interests. The provision of education for most Aboriginal children has been a story of neglect, segregation, exclusion, inadequate facilities, untrained teachers and a hidden curriculum based on racist assumptions about limited Aboriginal intelligence. The education of non-Aboriginal Australians about Aboriginal issues has been equally damaging. Omission, misinformation, stereotyping and the perpetuation of racist ideas have all contributed to a state of ignorance, often reflected in the words and deeds of politicians and other public figures.

2. William Cooper's petition to King George V

William Cooper was a great fighter for Aboriginal rights. He was a prolific letter writer and believed in the power of petitions. Cooper believed that Aboriginal Australians were British subjects and that, as such, they had the right to petition their king. He organised a petition to King George V asking for better conditions for Aboriginal people and for an Aboriginal representative in parliament. He and others went around reserves in Victoria and NSW collecting signatures. In 1937 Cooper presented the petition to the Commonwealth Government. The Government did not forward the petition to the king. They argued that, as it was constitutionally
impossible for an Aboriginal person to be a member of parliament, there was no point in sending the petition on.

3. The National Petition for Constitutional Change

In 1962 the Federal Council for Aboriginal Advancement (FCAA) launched a petition which asked for the repeal of all legislation which discriminated against Aboriginal people and an amendment to the Constitution to give the Commonwealth Government power to legislate for indigenous Australians. Aboriginal organisations and white supporters set up committees in each state, and Kath Walker (later known as Oodgeroo Nunuccal) became the national co-ordinator. Pearl Gibbs, Faith Bandler and Jessie Street were other tireless workers in the campaign.

Petition workers went from door to door collecting signatures. They set up tables outside football grounds and in shopping centres. They took every opportunity to explain the issues to members of the public. Their slogan was “Towards equal citizenship for Aborigines”. Their aim was to raise the level of public awareness sufficiently to guarantee a “Yes” vote in a referendum. Eventually around 100,000 signatures were collected. The petition was presented to parliament in 1963, but it was not until the freedom rides of 1965 exposed to the public the extent of racial discrimination experienced by Aboriginal people that the government began to take the issue seriously.

A federal referendum was conducted in 1967 to determine whether Aboriginal people should be included in the national census and whether the Commonwealth Government should be given the power to make laws for Aboriginal people.

The referendum was conducted in 1967 and was approved by 90.77% of the population, the largest yes vote of all referendums. It showed that the vast majority of Australians felt goodwill toward Aboriginal people and wanted to improve their circumstances.

People’s high hopes, however, were not fulfilled. The changes to the Constitution did not give Aboriginal people the vote that had been granted in 1962. It did not grant any extra legal or political rights. It did not end discriminatory laws, which denied Aboriginal people equal rights with other Australians. The Commonwealth continued to leave the running of Aboriginal affairs largely to the States. It was almost ten years before the power given to the Commonwealth Government by the 1967 referendum was actually used to make laws for the benefit of Aboriginal people. Attwood and Markus (1997) provide a detailed account of the referendum in its political context in their book, *The 1967 Referendum, or when Aborigines didn’t get the vote.*

**Political organisations**

Aboriginal people formed many political organisations to agitate for citizenship rights. The number and range of these organisations reflect the degree of Aboriginal activism in their continuing struggle to improve the position of their people.

The Australian Aboriginal Progressive Association (AAPA), formed in 1924 on the north coast of NSW with Fred Maynard as major spokesperson, called on the government to restore to Aboriginal people their traditional lands, their farms and the
children who had been removed. The AAPA complained to parliament and the press about the sexual exploitation of girls under the care of the Protection Board and agitated for the dissolution of the Protection Board. Between 1925 and 1927 the AAPA held rallies of up to 500 people in towns along the north coast.

The Australian Aborigines League (AAL), formed in 1932 by William Cooper, fought to end all discriminatory practices against Aboriginal people in “civic, political and economic” spheres and demanded full citizens “rights” which included equal wages and equal unemployment relief and an end to segregation in public schools, the removal of children and the Protection Board’s power to expel people from reserves without appeal. The long-term goals of the AAL included Aboriginal representation in parliament, a national department to manage Aboriginal affairs and State agencies and Aboriginal representation on such agencies.

The Aborigines Progressive Association (APA) operated in different regions. Bill Ferguson and Pearl Gibbs were spokespeople for the western communities, while Jack Patten led the coastal communities. Their main concerns included an end to discrimination in employment and unemployment relief, improvement of conditions on government reserves and a check on the unlimited powers of the Protection Board. In 1937 the APA conducted a successful media campaign which brought about a State Government inquiry into the NSW Aborigines Protection Board. Unfortunately the inquiry lapsed without making a report. A subsequent Public Service Board Inquiry, provided with evidence by members of the APA, resulted in the abolition of the Protection Board. It was replaced by the Aboriginal Welfare Board, which eventually had two elected Aboriginal members, one of whom was Bill Ferguson.

**Military service and citizenship rights**

The outbreak of the Second World War brought a temporary halt to the activities of Aboriginal political organisations. Over 3,000 Aboriginal and Torres Strait Islander people served in the defence forces during the war, and for many it was their first experience away from the controls of protection authorities and the first time they had enjoyed equal pay and conditions with other Australians. Some had hoped that military service would help the struggle for citizenship rights. In a way it did. After agitation from Aboriginal groups and the RSL, the government agreed in 1949 to give the federal vote to Aboriginal people who were serving or who had served in the defence forces.

The main Aboriginal organisation that emerged in the post war period was the Federal Council for the Advancement of Aborigines (FCAA), which was formed in 1957. It campaigned for the same rights that earlier organisations had demanded: equal rights with all other Australian citizens; an adequate standard of living like that of other Australians; equal pay for equal work; industrial protection; free and compulsory education; and retention of all remaining reserves under Aboriginal ownership. As mentioned above, the FCAA played the leading role in bringing about the 1967 referendum and later, as FCAATSI, continued to fight for citizenship rights and took up the struggle for land rights.
Demonstrations and protests

Demonstrations and protests are a way of airing grievances and informing the public about issues that are not part of their everyday experience. Aboriginal people have shown initiative and strength in bringing to public attention their concerns about their lack of citizenship rights.

Day of Mourning, 1938

When white Australia celebrated 150 years of settlement on January 26 1938, Aboriginal people in Sydney marked it as a Day of Mourning. A manifesto written for the occasion, Aborigines Claim Citizenship Rights, stated that there was little for Aboriginal people to celebrate, and mocked the claims of white Australians to be a “civilised, progressive, kindly and humane nation”. The manifesto asked for justice and citizenship rights, an end to the exploitation of Aboriginal labour, freedom from the oppression of the Protection Acts and the abolition of the Protection Board. It concluded with the appeal:

After 150 years, we ask you to review the situation and give us a fair deal – a New Deal for Aborigines. The cards have been stacked against us, and we now ask you to play the game like decent Australians. Remember, we do not ask for charity, we ask for justice.

Cited in Parbury, Nigel (1986), Survival, p.112.

In the following week Prime Minister Joseph Lyons met a delegation from the Day of Mourning Committee. They presented him with a plan for achieving Aboriginal equality which involved the Commonwealth Government taking over Aboriginal affairs and providing assistance in education, housing, working conditions, social welfare and land purchases. Prime Minister Lyons listened sympathetically but eventually did nothing.

Freedom Rides, 1965

In 1965 a group of students from the University of Sydney organised a freedom ride to towns in NSW to publicise the discrimination experienced by Aboriginal people. Discrimination took different forms, such as not being allowed to live in town at all, not being allowed into certain shops or clubs, having to sit in the front few rows at the cinema or not being allowed in the public swimming pool. Charles Perkins and Jim Spigelman led the students, with the support of Reverend Ted Noffs and Bill Ford. They were inspired by the non-violent methods used by Martin Luther King Jr and the civil rights movement in the United States.

The students hired a bus and travelled over 3,000 kilometres through country towns of northern NSW which had large Aboriginal populations. Two journalists travelled with the students and recorded what they saw. The students interviewed Aboriginal people about discrimination in their towns. They picketed the swimming pool in Moree, where Aboriginal children were allowed in only if they were with a school group. Many townspeople were hostile to the students. They threw things at them, spat on them, threatened them and tried to run their bus off the road.
The freedom ride attracted great publicity in city newspapers and made the front page of the *Bulletin* magazine. The reports and photographs shocked white Australians and made them aware of the conditions under which many Aboriginal communities lived. The publicity generated by the freedom ride persuaded many Australians to vote for constitutional change in the 1967 referendum.

**Other Aboriginal protests and demonstrations**

Other Aboriginal protests of the 1960s and 70s included the strike by the Gurindji people at Wave Hill over poor wages and working conditions; the court challenge of the Yirrkala people of the Northern Territory of the right of the Commonwealth Government to grant the mining company Nabalco the right to mine land on Aboriginal reserve land; and the Aboriginal tent embassy in Canberra, which was erected to protest against the Commonwealth Government’s failure to act on behalf of Aboriginal people.

**How did Aboriginal people gain citizenship rights?**

Aboriginal organisations and individuals carried on the struggle for citizenship rights over many decades. Using a range of strategies, they drew public attention to their grievances and often gained access to politicians at the highest level. At times they had the support of humanitarian, religious, scientific and feminist organisations and individual parliamentarians from both sides of politics. There was a general belief that citizenship for Aboriginal people could be achieved only through Commonwealth control. The Commonwealth did not take control; however, discrimination was removed from Commonwealth laws.

The *1947 Social Services Consolidation Act* made it possible for some Aboriginal people who were exempt from State protection laws to receive Commonwealth social welfare, such as old age and invalid pensions, widows’ pension and the maternity allowance.

The *1948 Nationality and Citizenship Act* in theory made Aboriginal people Australian citizens, because they were born in Australia. However it did not guarantee them citizenship rights. They had no right to vote in Commonwealth elections, and those who lived in Western Australia, Queensland and the Northern Territory had no right to vote in state elections.

The *1949 Commonwealth Electoral Act* gave the vote to Aboriginal and Torres Strait Islander people who were in or who had been members of the defence forces, although many were not enrolled.

The *1960 Commonwealth Social Services Act* made old age, invalid and widows’ pensions and maternity allowances available to Aboriginal people. Commonwealth pensions and allowances for Aboriginal people who lived on government reserves were paid into trust accounts.

The *1962 Commonwealth Electoral Act* gave all Aboriginal people the right to vote in Commonwealth elections, although voting was not compulsory.
The 1967 Referendum required Aboriginal people to be included in the national census and gave the Commonwealth Government the right to make laws for Aboriginal people.


The 1973 Migration Act made it possible for Aboriginal people to get a passport without having to get a special permit.

The 1974 Aboriginal Land Fund Act (NSW) enabled incorporated Indigenous organisations to purchase land.

The 1975 Commonwealth Racial Discrimination Act made it illegal to discriminate against anyone on the grounds of race, colour, descent or national or ethnic origin. Its purpose was to protect everyone’s human rights. The Act specifically outlawed racial discrimination in the provision of access to certain places and to accommodation, and in the provision of goods and services.

A subsequent Commonwealth Act was passed which overrode State and Territory laws which allowed the property of Aboriginal people and Torres Strait Islanders to be controlled without their consent.

Even with the changes to Commonwealth laws and, later, changes to State laws, citizenship rights were not guaranteed. Local administrators and officials often perpetuated discrimination. Countless life stories have been published which recount the forcible removal of Aboriginal children from their families by state authorities, the dispersal of communities by municipal authorities, the exclusion of Aboriginal children from school by educational authorities, the denial of the right to vote by electoral officials, and the refusal by municipal authorities to provide basic amenities and access to many other aspects of civic life.

Today Aboriginal people have the same citizenship rights as other Australians. Technically they are equal. Despite this, their life expectancy is almost twenty years less than that of other Australians and their infant mortality rate is more than double the mortality rate of non-indigenous Australians. Their school retention and graduation rates are lower and their rates of unemployment are higher. Indigenous Australians are ten times more likely to be imprisoned than non-indigenous Australians. There has been only one Aboriginal judge and one Aboriginal magistrate in the justice system and only two Aboriginal senators in the Commonwealth parliament. Inequities such as these suggest that it requires more than legal, structural and economic changes to guarantee full citizenship rights.

The following statement by Pat Dodson (1993) sums up the social justice gap that exists between rights and reality.

Social Justice must always be considered from the perspective which is grounded in the daily lives of Indigenous Australians. Social Justice is what faces you in the morning. It is awakening in a house with an adequate water supply, cooking facilities and sanitation. It is the ability to nourish your children and send them to school
where their education not only equips them for employment but reinforces their knowledge and appreciation of their cultural inheritance. It is the prospect of genuine employment and good health: a life of choices and opportunity, free from discrimination.

(Annual Report of the Aboriginal and Torres Strait Islander Social Justice Commissioner, 1993)
Bibliography:


Discussion starters

1. What citizenship rights exist in Australia? Which levels of government (Commonwealth, state and local) have the authority to grant citizenship rights? Are there other sources of citizenship rights?

2. The Australian Constitution specifically excluded the Commonwealth from making laws for Aboriginal people, which effectively denied them access to Commonwealth social welfare benefits granted to other Australians.
   - How did this affect the citizenship status of Aboriginal people?
   - In what sense was Aboriginal citizenship a "States rights" issue?

3. The story of Aboriginal initiative and effort in the creation and success of independent reserves has not been included in most written histories.
   - Why?
   - What did the loss of independent reserve lands, without compensation, signify about the citizenship status of Aboriginal people?

4. The Protection Acts denied citizenship rights to Aboriginal people, virtually making them wards of the State, but the policy of assimilation was supposed to lead them to full citizenship. In what ways did the policy of assimilation infringe the human rights and citizenship rights of Aboriginal people?

5. In their struggle for citizenship rights, Aboriginal people used the same methods that other Australians use when they want to agitate reform: letters and delegations to MPs, petitions, peaceful demonstrations and the formation of political organisations.
   - What does this suggest about their faith in, and expectations of, government and legal systems?

6. What part does military service play in notions of being a good citizen?
   - What arguments could have been used by Aboriginal veterans from World War One against their active military service?
   - How did the military service of Aboriginal and Torres Strait Islanders in World War Two advance their struggle for citizenship rights?

7. “Today Aboriginal people have the same citizenship rights as other Australians” (Cameron).
• What evidence suggests that it requires more than changes to the law to guarantee full citizenship rights?

8. Cameron claims the Aboriginal struggle for citizenship rights has been omitted from most orthodox history books until quite recently.

• What effects might this omission have had on Aboriginal and non-Aboriginal students learning the history of their country?
• What long term effects might this omission have had on perceptions of Aboriginal people as Australian citizens?
Application for Exemption from Provision of Aborigines Protection Act and Regulations thereunder

I, ............................................................................................................................................abor
igine

(Name in full) (Caste)

of

............................................................................................................................................

(Full address)

age......... years, pursuant to Section 18c of the Aborigines Protection Act, 1900-1943, hereby
make application to the Aborigines Welfare Board for the issue to myself of a Certificate of Exemption
from the provisions

of the said Act and Regulations thereunder

the following provisions
I HEREBY FURTHER DECLARE THAT-

(Strike out any provisions that do not apply.)

(a) I have not at any time during the past two years been convicted of drunkenness.

(b) I have not during the past two years committed any offence against the Aborigines Protection Act, Police Offences Act, or the Crimes Act, or the Regulations pertaining to these Acts.

(c) I understand that in the event of my being issued with a Certificate of exemption I shall not be eligible to receive any benefit, assistance or relief from the Aborigines Welfare Board, and, furthermore, I undertake to provide a proper home for myself and my family.

(d) I understand that in the event of The Aborigines Welfare Board issuing the Certificate of Exemption herein applied for, such Certificate may be cancelled at any time by the Board if considered necessary, and in that event I undertake to return the Certificate to the Board for cancellation immediately upon notification of such cancellation.

(e) I agree to accept the final decision of the Aborigines Welfare Board in relation to the grant of refusal of a Certificate of Exemption.

The following persons are known to me, and have provided references as to my character. These references are submitted, together with this application.

(State name, address and occupation or references)

DATED this…………….. day of …………., 19

Signature or Mark …………………………………….

In the presence of:-

Name …………………………………………...
Occupation ..............................................

Address.................................................

(NOTE: Witness should be a Justice of the Peace, Clergymen, Police Officer, School Teacher or Officer of the Aboriginal Welfare Board)