

THE AUSTRALIAN ABORIGINES

A SUMMARY OF THEIR SITUATION IN ALL STATES

IN 1962.

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FEDERAL COUNCIL FOR ABORIGINAL

ADVANCEMENT.

POPULATION FIGURES:

Aborigines are excluded from the Commonwealth Census by Section 127 of the Constitution, which states "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." Population figures usually quoted are rough estimates only and are taken from figures compiled by the State Departments responsible for Aborigines.

The figures quoted here have been taken from "Our Aborigines", Government Printer, Canberra and from recent reports issued by the State Aboriginal departments. The basis on which these figures are compiled varies from state to state. Queensland figures include a rough estimate of the number of people of Aboriginal descent not under the jurisdiction of the Aboriginal department. Figures from South Australia and Western Australia do not appear to include all of these people. As the only figures available are so approximate, they have been quoted here only to the nearest hundred.

LEGISLATION:

Section 51, Clause xxvi of the Commonwealth Constitution gives the Federal Government power to make laws "with respect to:-

"The people of any race, other than the aboriginal race, in any State, for whom it is necessary to make special laws." As a result of this, each State has its own legislation relating to Aborigines, most of which include many restrictive and discriminatory laws. A summary of the main aspects of the present position is given in this leaflet..

Notes 1. As most of the legislation relating to Aborigines is extremely complicated, it is impossible to prepare a summary such as this without omitting some of the details. In particular, it is impossible to do justice to exceptions to the main laws, special cases, etc. An attempt has been made to present the general features of the legislation in each state, particularly its discriminatory and restrictive features.

2. Queensland has also some 7,300 Torres Strait Islanders who come under the Torres Strait Islanders Act of 1939. This is very similar to, but not identical with, the Aboriginal legislation in that state. It has not been possible in this summary because of lack of space to include all the details of this Act as well as those of the Queensland Act covering its Aboriginal population.

3. Aboriginal legislation in several states including, Northern Territory, Queensland and South Australia is at present under review.