

Cambridge University Press

052159751X - Citizens without Rights: Aborigines and Australian Citizenship

John Chesterman and Brian Galligan

Frontmatter

[More information](#)

CITIZENS WITHOUT RIGHTS

Cambridge University Press

052159751X - Citizens without Rights: Aborigines and Australian Citizenship

John Chesterman and Brian Galligan

Frontmatter

[More information](#)

CITIZENS WITHOUT RIGHTS

Aborigines and Australian Citizenship

JOHN CHESTERMAN
and
BRIAN GALLIGAN



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
 052159751X - Citizens without Rights: Aborigines and Australian Citizenship
 John Chesterman and Brian Galligan
 Frontmatter
[More information](#)

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
 The Pitt Building, Trumpington Street, Cambridge CB2 1RP, United Kingdom

CAMBRIDGE UNIVERSITY PRESS
 The Edinburgh Building, Cambridge CB2 2RU, United Kingdom
 40 West 20th Street, New York, NY 10011-4211, USA
 10 Stamford Road, Oakleigh, Melbourne 3166, Australia

© John Henry Chesterman and Brian Galligan 1997

This book is in copyright. Subject to statutory exception
 and to the provisions of relevant collective licensing agreements,
 no reproduction of any part may take place without
 the written permission of Cambridge University Press.

First published 1997

Typeset in Baskerville 10/12 pt

National Library of Australia Cataloguing in Publication data

Chesterman, John, 1967- .
 Citizens without rights : Aborigines and Australian citizenship.
 Bibliography.
 Includes index.
 ISBN 0 521 59751 X (pbk.).
 ISBN 0 521 59230 5.

I. Aborigines, Australian – Legal status, laws, etc. 2. Aborigines, Australian –
 Citizenship. I. Galligan, Brian, 1945- . II. Title.
 323.119915

Library of Congress Cataloguing in Publication data

Chesterman, John, 1967-
 Citizens without rights : Aborigines and Australian citizenship /
 John Chesterman and Brian Galligan.
 p. cm.
 Includes bibliographical references and index.
 ISBN 0-521-59230-5 (alk. paper). – ISBN 0-521-59751-X (alk.
 paper)

1. Citizenship – Australia. 2. Australian aborigines – Civil
 rights. I. Galligan, Brian, 1945- . II. Title.
 KU2140.C48 1997

342.94'083-dc21

97-17467

A catalogue record for this book is available from the British Library

Transferred to digital printing 2003

Contents

<i>List of Tables</i>	vi
<i>Acknowledgments</i>	vii
<i>Abbreviations</i>	ix
Introduction	1
1 The Citizenship Divide in Colonial Victoria	11
2 Under the Law: Aborigines and Islanders in Colonial Queensland	31
3 Is the Constitution to Blame?	58
4 The Commonwealth Defines the Australian Citizen (in association with Tom Clarke)	84
5 The States Confine the Aboriginal Non-citizen	121
6 The Slow Path to Civil Rights	156
7 From Civil to Indigenous Rights	193
<i>Notes</i>	223
<i>Bibliography</i>	256
<i>Index</i>	269

Cambridge University Press

052159751X - Citizens without Rights: Aborigines and Australian Citizenship

John Chesterman and Brian Galligan

Frontmatter

[More information](#)*Tables*

1	Official Aboriginal population estimate, 1901	63
2	Governance of Aboriginal affairs as at the beginning of 1901	64
3	Formal restrictions affecting Aborigines on key citizenship criteria, 1901	83
4	The citizenship status of first generation persons up to 1920	98
5	The citizenship status of second and subsequent generation persons up to 1920	98
6	The citizenship status of first generation persons from 1920 to 1925	102
7	The citizenship status of second generation persons from 1920 to 1925	103
8	The citizenship status of first generation persons from 1926 to World War II	107
9	The citizenship status of second generation persons from 1926 to World War II	107
10	Official Aboriginal population estimate, 1947	151
11	Governance of Aboriginal affairs, 1948	152
12	Formal restrictions affecting Aborigines on key citizenship criteria, 1948	152
13	Official Aboriginal population estimate, 1966	183
14	State and Territory governance of Aboriginal affairs, 1967	183
15	Formal restrictions affecting Aborigines on key citizenship criteria, 1967	184

Cambridge University Press

052159751X - Citizens without Rights: Aborigines and Australian Citizenship

John Chesterman and Brian Galligan

Frontmatter

[More information](#)

Acknowledgments

In writing this book we are grateful to have had the support of many colleagues and friends and the generous assistance of a number of Australian research institutions. Tom Clarke, in particular, did much of the Commonwealth archival research on which this book is based, and he was joint author of two earlier journal articles that appeared in the *Australian Journal of Political Science* and *Australian Historical Studies*. These articles have been incorporated into chapter 4, of which Clarke is a co-author. In addition to the prior publication of chapter 4, we have published an earlier version of chapter 3 in the *Public Law Review*. We thank the editors and anonymous referees of all of these journals, both for their editorial assistance, and for their permission to use material published earlier by them. We are also indebted to Terry Garwood and Peter Russell, who provided advice on some parts of the manuscript, and especially to Henry Reynolds, who read and commented upon the final draft.

We also extend grateful thanks to the staff at the following institutions: Australian Archives in Canberra and Melbourne, the Queensland State Archives, the Victorian Public Record Office, and the Victorian State Library. We would especially like to thank the following archivists: Moira Bligh, Doreen Mahony, Margaret Reid and Monika Skladowski. In our own workplace, Kate Robb has provided generous administrative support. We are grateful to the following individuals and institutions for permission to reproduce copyright material: F. Lancaster Jones; the editors of the *Federal Law Review*; the Mitchell Library, State Library of New South Wales; and the Commonwealth of Australia, for allowing us to quote material from the 1961 'Report From the Select Committee on Voting Rights of Aborigines' and the 1974 'Aboriginal Land Rights Commission, Second Report'.

Cambridge University Press
052159751X - Citizens without Rights: Aborigines and Australian Citizenship
John Chesterman and Brian Galligan
Frontmatter
[More information](#)

viii

ACKNOWLEDGMENTS

This book would not have been written without the support of several institutions. The Australian National University's Research School of Social Sciences, and the University of Melbourne, through its professorial establishment fund, provided generous support for the initial research. An Australian Research Council Large Grant on the 'institutional definition and development of Australian citizenship' was awarded in 1995 and funded the completion of the research for and writing of this book.

JOHN CHESTERMAN and BRIAN GALLIGAN

Abbreviations

AA	Australian Archives
ADB	Australian Dictionary of Biography
ATSIC	Aboriginal and Torres Strait Islander Commission
CLR	Commonwealth Law Reports
CPD	Commonwealth Parliamentary Debates
CRS	Commonwealth Record Series
QPD	Queensland Parliamentary Debates
QPP	Queensland Parliamentary Papers
QSA	Queensland State Archives
VPD	Victorian Parliamentary Debates
VPP	Victorian Parliamentary Papers
VPRO	Victorian Public Record Office
VPRS	Victorian Public Record Series
WAPD	Western Australia Parliamentary Debates

Cambridge University Press

052159751X - Citizens without Rights: Aborigines and Australian Citizenship

John Chesterman and Brian Galligan

Frontmatter

[More information](#)

For my parents, Shirley and Peter,
a selfless teacher and a reflective preacher

John Chesterman

For Briony and Justin,
citizens of the future

Brian Galligan