



happen and it would be another 66 years before this advantage was realised. Ironically, the Aboriginal population of Victoria actually suffered a loss in the granting of such powers to the Commonwealth Government. Whereas, before Federation and the interpretation of the 1902 *Franchise Act*, Aboriginal men in Victoria (but not women) could vote in colonial elections, after 1900 they lost that right (Australian Electoral Commission Website).

One of the Acts passed by the first Commonwealth parliament following federation was the 1902 *Franchise Act*, which included the provision that:

No Aboriginal native of Australia ... shall be entitled to have his name placed on the electoral roll, unless so entitled under Section 41 of the constitution.

Section 41 of the constitution said that people who already had or would acquire the right to vote in a *state* election would have the same right in a Federal election. The section was framed in part to ensure that those women who already could vote in state elections (which at the time was the case only in Western Australia and South Australia) would not be prevented from voting in elections at a Federal level. The section also applied, of course to all men who had the right to vote in their state. This included Aboriginal men in Victoria, New South Wales, South Australia and Tasmania, where they had had the right to vote since those states were granted self-government in the 1850s (Attwood and Marcus 2007).

The 1902 *Franchise Act* therefore should have been applied to Aborigines – but in the event it wasn't. The Constitution can be interpreted to advantage or disadvantage any group within Australian society. In this case it was interpreted in such a way as to exclude Aborigines. Thus, from 1902 onwards, although in theory Indigenous men in Victoria could vote in state elections, they were denied the right to vote in Federal elections. In 1908, after a struggle lasting almost 30 years, women in Victoria won the franchise (Oldfield 1992). Indigenous women were included but, like their male counterparts, they could not vote in Federal elections. It was not until 1949, following the passing of the *Australian Citizenship Act 1948 Act*, that Indigenous men and women in Victoria were given that right (Attwood and Marcus 2007).