

**Constitution Act 1900.  
Covering Clause 9.**

**The Constitution of the Commonwealth of Australia.  
SECTION 25.**

**Section 25; Provisions as to races disqualified from voting.**

For the purposes of the last section, if by the law of any State all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of the people of the State or of the Commonwealth, persons of that race resident in that State shall not be counted.

**Some words from CLRA.**

This section is causing considerable controversy with some people suggesting that some States may create laws disqualifying Aboriginal and Torres Strait Islander people from voting and that such section should be removed from the Constitution for that reason. It is very unlikely that any State would create any laws disqualifying Aboriginal and Torres Strait Islander people from voting for three reasons;-

1. Aboriginal and Torres Strait Islander people are Australians and not another race,
2. During the last sixty years almost, no State Parliament anywhere in Australia has created any laws disqualifying Aboriginal and Torres Strait Islander people from voting.
3. It is very unlikely that the people of any State would tolerate their State Parliament creating any laws disqualifying Aboriginal and Torres Strait Islander people from voting.

**Some words from CLRA.**

Section 25 from the Commonwealth Constitution maybe a very necessary in years to come.

A possible compromise could be to insert the words “**except Aboriginal and Torres Strait Islander people**” after the words in section 25 “if by the law of any State”.

**The Annotated Constitution make the following comments;**

In ascertaining the number of the people of any State, so as to determine the number of members to which each State is entitled, there shall be deducted from the whole number of the people of the State the number of the people of any race not entitled to vote at elections for the more numerous House of the Parliament of the State.

The effect of the section in this Constitution is that where, in any State, all the persons of any race—such, for instance, as Polynesians, Japanese, are disqualified from voting at elections for the popular Chamber in the State, the persons of that race resident in that State cannot be counted in the statistics used for ascertaining the quota.

**Some words from CLRA.**

The number of elected representatives that each State has in the Senate and the House of representatives, is calculated on the number of people living in each State, that are eligible to vote. When a State prohibits any race from voting such State has less elected representatives.