

Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

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Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025 consultation

**BY THE JUSTICE, INTEGRITY AND COMMUNITY SAFETY
COMMITTEE**

Submission of the Community Restorative
Centre (CRC)

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*Prepared by Dr Rory Gillard (Advocacy, Research and Policy Unit Manager at
Community Restorative Centre), with input from Damien Linnane (Paper Chained
Magazine Coordinator, Community Restorative Centre), CJ (Producer- Locked In, 4ZZZ
Community Radio), and Brett Collins (Justice Action)*



1. ACKNOWLEDGEMENT OF COUNTRY

CRC acknowledges the Traditional Custodians of the land on which we work and live. We recognise their continuing connection to land, water, and community. The offices of CRC stand on the lands of the Gadigal, Wangal, Bidjigal, Wiljkali, Baarkintji, Darug, Wiradjuri, Dharawal, Awabakal, and Worimi peoples. We pay respects to Elders past and present.

The overrepresentation of Indigenous people in the criminal legal system¹ across this continent is a national shame. We recognise the harm caused by these systems and the tireless advocacy of Indigenous peoples to reduce the criminalisation of their communities. Ultimately, incarceration is not part of Indigenous cultures, and Indigenous peoples have had, and continue to have, systems of accountability outside of the colonial carceral system.

2. ACKNOWLEDGING THE ROLE OF PARLIAMENTARY PROCESSES AND LAW-MAKING IN COLONISATION

CRC acknowledges that the establishment of Queensland Parliament is inseparable from the histories and structures of colonisation, and that the very processes underlying this consultation reflect those colonial legacies. By engaging with this submission procedure, we remain mindful of how these frameworks perpetuate inequitable power relations. Consequently, we approach this process with a critical awareness of its colonial origins, striving to foster practices that centre Indigenous rights, experiences, and voices as we pursue meaningful healing. In this submission, we have done this through highlighting the perspectives of a number of First Nations community members regarding the significance of voting rights.

¹ We use the term ‘criminal legal system’, as opposed to ‘criminal justice system’ to reflect that the ‘justice system’ in Australia has been imposed on First Nations communities without their consent through settler colonialism. The term ‘criminal legal system’ also highlights the way the system-including police, courts and prisons- frequently fail to deliver justice. This is evident, for instance, in the fact that First Nations people in Australia have the highest imprisonment rate in the world, are racially targeted by police, and experience a lack of accountability from the ‘justice system’ when First Nations people die in custody.



We also recognise that Indigenous communities have championed alternative ways of knowing, being, and doing that often diverge from the structures and protocols underpinning current parliamentary processes. Central to these practices is yarning, a relational and community-embedded method of knowledge sharing that inherently challenges Western frameworks of governance and inquiry.

3. ABOUT COMMUNITY RESTORATIVE CENTRE (CRC)

CRC has over 70 years of specialist experience supporting people involved with prison systems. It is the lead NGO in New South Wales (NSW) in this area, with a particular emphasis on the provision of post-release and reintegration programs for people with multiple and intersecting needs. All CRC programs aim to reduce recidivism, break entrenched cycles of criminal legal system involvement, and build pathways out of the criminal legal system. CRC works holistically to do this, addressing issues such as homelessness, drug and alcohol use, social isolation, physical and mental health, disability, employment, education, family relationships, financial hardship, and histories of trauma.

4. INTRODUCTION

CRC is writing in relation to the Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025. We do not support the Bill, particularly its attempt to roll back the right of people in prison to vote from those serving sentences of 3 years or over, to those serving sentences of 1 year or over (s106 of the Bill). Such a provision unnecessarily infringes on the rights of people inside prison to have a say over the policies and laws that govern their lives. In this submission, we set out a range of reasons we do not support the Bill, including: it continues the worrying historical trajectory of winding back criminalised people's rights, it is not in alignment with human rights obligations, it worsens the inequity faced by hyperincarcerated communities, it does not support people's rehabilitation, and those most impacted by the Bill cannot have a say on it.



5. RECOMMENDATIONS

Recommendation 1: That the government abandon the Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025.

Recommendation 2: There be a genuine reinvestment of government funds away from the prison system to culturally safe and inclusive prevention, early intervention and diversionary programs, which provide long-term, individualised, outreach, holistic support, and that bolster the social and emotional wellbeing of young people, as well as their families.

6. OUR REASONS FOR NOT SUPPORTING THE BILL

The worrying historical trajectory of voting rights being rolled back

We are concerned about the ongoing rollback of voting rights for people in prison, and the way this Bill continues this trajectory. A federal legislative change in mid-2004 narrowed the federal right to vote for those serving a sentence of under 5 years to those serving a sentence of under 3 years (Justice Action 2004, p. 3). There was also an attempt during this period to completely remove the right of people in prisons to vote, irrespective of sentence length (Justice Action 2004, p. 3). In 2006, another affront to the right to vote occurred when John Howard's Liberal government banned all people in prisons federally from voting. This faced a successful constitutional challenge by Yuin woman Aunty Vicki Roach (Roach 2011; Lean and Kilroy 2025). Since 2007, the federal stance has been that those serving a sentence of 3 years or over cannot vote (Lean & Kilroy 2025). We are concerned about the way this Bill continues the trajectory of stripping incarcerated communities of the capacity to have a say over who represents them, the laws that govern them, and in important events like referendums.

Failing to address the social drivers of incarceration

Attempting to doubly punish people who are incarcerated by firstly removing their liberty and secondly their right to vote presents an individualistic understanding of offending, which fails to consider the social determinants of why people are in prison in the first place. Such determinants include: systemic racism, homelessness, queerphobia, unmet mental health



needs, the out-of-home care system, alcohol and other drugs dependence and trauma (McCausland & Baldry 2023; Avalos & Boppre 2023, pp.149-150). Rather than rolling back the right of people to vote in prison, we urge the government to refocus its attention on addressing the social determinants of why people are in prison in the first place. This includes through the genuine reinvestment of funds away from carceral systems to prevention, early intervention and diversionary programs for people in Queensland, which provide long-term, individualised, outreach, holistic support, and that bolster the social and emotional wellbeing of young people, as well as their families.

The disproportionate impact of the Bill on hyperincarcerated communities

We highlight that, given the hyperincarceration of specific communities, including First Nations people, people with disabilities, LGBTQ+ people and more (Boffa & Mackay 2025; Dodd et al. 2024, p.396; Walters et al. 2024, p.40), infringing on the right to vote disproportionately affects these communities, and heightens the inequity these communities already face as a result of the prison system.

Infringement of human rights

The Queensland (QLD) government itself recognises that rolling back voting rights inside prison through this Bill does, or could limit, human rights obligations in the QLD Human Rights Act, including the right to take part in public life, ‘freedom of expression’, and ‘humane treatment when deprived of liberty’ (Frecklington 2025, p.2). It is reputationally harmful for the QLD government to be overtly limiting human rights, particularly recognising there is no clear community benefit.

Rolling back the right to vote is also likely a breach of Australia’s obligations under international law. Article 21 of the Universal Declaration of Human Rights states that *everyone* has the right to take part in the government of their country, and this is not conditional on people’s freedom (United Nations 1948). Additionally, Article 25 of the International Covenant on Civil and Political Rights provides for the right of *all* citizens to vote (United Nations General Assembly 1966; Justice Action n.d.). Justice Action, a grassroots group informed by lived experience and advocating for people incarcerated in Australia, also explain, ‘many countries throughout the world give prisoners full voting rights



or exempt only those charged with treason’ (Justice Action n.d.). Rolling back voting rights in Queensland would make the state even more vulnerable to a challenge on the international human rights stage for breaching the civil and political rights of incarcerated individuals. The negative reputation, international scrutiny and extra resourcing required to challenge the infringement of rights caused by this Bill would have deleterious (and avoidable) consequences for government.

Infringing civic participation, citizenship and democracy

Those with lived experience of carceral systems in Australia have highlighted how important voting is for civic participation and the democratic process. Damien Linnane, an advocate and CRC staff member who has lived experience of the prison system in Australia, has said, ‘you’re still part of your original community even if you’re currently in custody, so you should have some say in who will be elected in the community you will return to once you’re released’ (Linnane n.d.). Further, Justice Action has stressed, ‘prisoners are citizens. Prisoner franchise is an important component of a true democracy’ (Justice Action 2004, p. 3). Additionally, advocate Debbie Kilroy and Gunditjmara woman Tabitha Lean from the organisation Sisters Inside have highlighted that, ‘many people in prison – especially those serving long sentences – are working. They pay taxes through work release programs and pre-release centres. They contribute to society. Yet, they cannot vote’ (Lean & Kilroy 2025). What is clear is that limiting voting rights for people in prison infringes on people’s right to democratic participation.

The troubling precedent this Bill could set

We are also concerned about the norm-setting or domino effect that a rollback in voting rights for those in Queensland could cause for the voting rights of people in prisons across the continent. This includes people in NSW that CRC supports.

The right to have a say about laws impacting criminalised communities

The broad-scale infringement of the rights of criminalised communities across Australia is precisely the reason that people who are in prison should be able to vote to influence the legislation and policies that affect them. Palawa man Jake Smith, CEO of the Tasmanian Aboriginal Legal Service, has said, ‘decisions made at both state and federal levels — by



political parties, ministers, and governments- deeply affect the lives of people in prison’ (McIlwraith 2025). There are numerous rollbacks to the rights of people in prison that are of concern in Queensland, including:

- The *Making Queensland Safer Act 2024* (QLD), which: removes the presumption of prison being used as a last resort for children, removes restorative justice as a sentencing possibility for children, criminalises bail breaches for children, expands the length of prison sentences for children, and will increase the already disproportionate rate of incarceration for First Nations children (Human Rights Law Centre n.d.; Department of Youth Justice 2023). The government itself recognised that the law is, ‘more punitive than necessary to achieve community safety’, and that it is, ‘in direct conflict with international law standards’ (Frecklington 2024, p. 5).
- The QLD government’s plan to subject children as young as 10 to wearing ankle shackles with GPS trackers to monitor their whereabouts (Gerber 2025). This is despite children between 10 and 14 not yet being able to cognitively understand the difference between right and wrong to be held legally liable for their actions (see Delmage 2013; Raise the Age 2021; Sawyer & Vijayakumar 2024).

Recognising the numerous retrogressive laws impacting incarcerated people in Queensland, it is particularly important that people in prison have as much of a say as possible about who will create the policies and laws governing the lives of criminalised communities.

Rolling back voting rights does not support rehabilitation

Removing people’s voting rights also does not support their rehabilitation or reintegration into the community. To support people’s rehabilitation and sense of connection to the community, it is necessary for people to retain the right to vote. Justice Action explores the role voting rights play in supporting reintegration:

Enrolment to vote is critical to rebuilding the relationship between those in prisons and ... the broader community. ...Active citizenship in the prison population can have rehabilitative and normalising effects, and this is also encouraged through compliance with voting responsibilities (Justice Action n.d.a.).



Voting is already inaccessible to people in prison

Voting is already inaccessible to many in prison who *do* have the right (McIlwraith 2025; Justice Action n.d.a), and this Bill would worsen this inaccessibility. CRC staff member Damien Linnane detailed being entitled to vote in a federal election whilst in a NSW prison in 2016 (McIlwraith 2025). He enrolled but was denied the right to vote on voting day. He lodged an Ombudsman complaint about the issue and never heard back. Justice Action highlights that even where one is entitled to vote, people face a slew of barriers to doing so, including not receiving the forms to update enrolment and the resources they need to be an informed voter in elections (Justice Action n.d.a.).

A lack of consultation with currently incarcerated people

The tight timeframe for consultation for this Bill bars people currently incarcerated from having a say in legislation that would roll back their rights. As a stakeholder to Community Restorative Centre, CJ, who runs the radio program 'Locked In' for 4ZZZ radio, a community radio station in Brisbane, QLD, has highlighted, the inquiry period runs for:

3 weeks over Xmas for submissions and 6 weeks from Jan for the government to give a report. Prison mail takes around 2 weeks, more if Xmas delays. **The impacted people are literally unable to respond to the Bill about themselves.** What notifications have the government given to inmates? We have asked but won't get replies until too late for the submission. **The government has an obligation to at least attempt to inform a portion of impacted parties** (bold added for emphasis).

The inability of people currently incarcerated to be consulted on the Bill is another reason CRC does not support it passing into law.

6. CONCLUSION

Thank you for taking the time to consider our position. We do not support this Bill, see no community benefit in it, and believe time and resources would be better invested in addressing the reasons people are in prison across Queensland, including racial profiling, homelessness, unmet mental health needs, poverty and unnecessary and ineffective 'tough on crime' approaches.



To highlight the value of having the right to vote whilst incarcerated, we end with the words of Jeffery Shockley. Jeffery is incarcerated in the US and contributed to a 2025 edition of the CRC-supported prison publication *Paper Chained*:

Voting while incarcerated would mean a great deal to me and similarly situated individuals. Imprisoned citizens eat substandard food. They get treated inhumanely for the slightest infractions. Men and women are currently warehoused like old toys...These are things that make me wish I could vote (Shockley 2025, p.28).



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