

Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

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Sisters Inside Inc. is an independent community organisation which exists to advocate for the human rights of women in the criminal justice system

Justice, Integrity and Community Safety Committee
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Re : Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

Sisters Inside welcomes the opportunity to object to any increased restrictions on prisoner voting.

For people who are incarcerated, the removal of voting rights is not an abstract legal measure, it is a lived experience of being told, by the State, that your voice no longer matters. Imprisonment already strips people of liberty, autonomy, family connection, safety, and dignity. Disenfranchisement goes further: it marks people as politically disposable. Many people in prison continue to care deeply about the laws and policies that shape their lives: housing, policing, child protection, healthcare, disability support, parole, and community services, precisely because they experience the sharp end of those systems every day. Removing the vote does not foster responsibility; it deepens alienation, despair, and civic exile. For Aboriginal and Torres Strait Islander people in particular, whose political exclusion has been a deliberate tool of colonial control, disenfranchisement reinforces a long history of being governed without consent. Democratic exclusion causes real harm. It communicates that some lives are unworthy of participation, that punishment includes erasure from the political community, and that citizenship is conditional rather than inherent.

About Sisters Inside

Sisters Inside is an independent, Aboriginal led, community organisation that advocates for the human rights of criminalised women and girls in Queensland. Established in 1992 and led by women with lived experience of imprisonment, the organisation works alongside women and girls in prisons, watch houses, and the community to address the intersecting systems of racial gendered violence, poverty, and state control that drive criminalisation.

For more than three decades, Sisters Inside has delivered individual advocacy, peer support, legal and social services, and systemic policy advocacy. Its work is grounded in the belief that true safety and justice cannot be achieved through punishment or incarceration, but through care, community, and freedom.

1. Introduction

This submission objects to the proposed amendments in the Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025 that would prohibit persons serving a sentence of imprisonment or detention of one year or more from voting in Queensland State elections, referendums and local government elections.

This submission addresses only the voting provisions of the Bill. It does not comment on any other electoral reforms proposed.

The proposed amendments represent a significant and unjustified expansion of prisoner disenfranchisement in Queensland. They undermine fundamental democratic principles, are incompatible

with the Queensland Human Rights Act 2019¹, and directly contradict the constitutional reasoning of the High Court of Australia in *Roach v Electoral Commissioner*².

2. Voting Is a Fundamental Incident of Citizenship

Voting is not a privilege to be withdrawn as punishment. It is a core incident of citizenship in a representative democracy.

The High Court has affirmed that participation in elections lies at the heart of Australia's constitutional system of representative government³. Any removal of that right must be justified by a substantial reason and must be proportionate to that justification.

Disenfranchisement does not enhance democracy. It diminishes it.

3. The Legacy of Auntie Vickie Roach and *Roach v Electoral Commissioner*

The proposed amendments ignore the hard-won gains secured by Auntie Vickie Roach, an Yuin woman who challenged the blanket disenfranchisement of prisoners and won.

In *Roach v Electoral Commissioner* (2007), the High Court held that amendments disqualifying all prisoners from voting were unconstitutional. The Court⁴ found that:

- Voting is a fundamental feature of representative democracy.
- Disenfranchisement must distinguish between serious lawlessness and lesser offending.
- Blanket or overly broad exclusions cast the net too wide and are incompatible with democratic principles.

While the Court upheld a three-year threshold at the Commonwealth level, it did so only because that threshold sufficiently distinguished serious offending from less serious conduct. The Court explicitly rejected wider disenfranchisement regimes that operate automatically or indiscriminately.

Lowering the threshold to one year moves Queensland closer to the very overreach the High Court warned against.

4. The One-Year Threshold Is Arbitrary and Overbroad

A sentence of one year or more does not reliably indicate heightened culpability or repudiation of civic responsibility.

In practice, sentences of one year are routinely imposed for:

- poverty-related offending;
- breaches of administrative or regulatory orders;
- low-level property offences;
- offences linked to homelessness, addiction, mental distress or coercive control;
- and systemic over-policing of Aboriginal and Torres Strait Islander people.

The proposed threshold fails to meaningfully distinguish between serious criminal conduct and criminalisation driven by structural inequality.

¹ <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2019-005>

² <https://www.hcourt.gov.au/sites/default/files/assets/publications/judgment-summaries/2007/hca43-2007-09-26.pdf>

³ <https://www.hcourt.gov.au/sites/default/files/assets/publications/judgment-summaries/2007/hca43-2007-09-26.pdf>

⁴ <https://www.hcourt.gov.au/sites/default/files/assets/publications/judgment-summaries/2007/hca43-2007-09-26.pdf>

This is precisely the kind of “general, automatic and indiscriminate” restriction that courts have warned against.

5. Disenfranchisement Does Not Enhance Civic Responsibility

The Statement of Compatibility asserts that disenfranchisement enhances civic responsibility and respect for the rule of law. There is no credible evidence to support this claim.

On the contrary:

- Voting fosters civic engagement, responsibility and connection.
- Maintaining the vote reinforces that incarcerated people remain members of the political community.
- Removing the vote deepens social exclusion and political alienation.

Civic responsibility is not built through exclusion. It is built through inclusion.

6. Impact on Aboriginal and Torres Strait Islander Peoples

Any expansion of prisoner disenfranchisement will disproportionately impact Aboriginal and Torres Strait Islander peoples, who are mass-represented in Queensland prisons due to ongoing colonial violence, over-policing, and structural discrimination.

The removal of voting rights compounds existing political exclusion and undermines commitments to self-determination, equality before the law, and substantive participation in public life.

This outcome is inconsistent with both domestic human rights obligations and international standards.

7. Incompatibility with the Queensland Human Rights Act 2019

The proposed amendments unjustifiably limit the right to:

- Take part in public life (s 23);
- Freedom of expression (s 21);
- Humane treatment when deprived of liberty (s 30).

While the Statement of Compatibility asserts that the limitation is reasonable and demonstrably justified, it fails to adequately address:

- the absence of evidence linking disenfranchisement to civic responsibility;
- the disproportionate impact on marginalised communities;
- and the availability of less restrictive alternatives, including retaining the existing three-year threshold.

The balancing exercise required under section 13 of the Human Rights Act has not been properly discharged.

8. Public Confidence Is Not Built by Exclusion

The claim that public confidence in elections is enhanced by excluding prisoners from voting is speculative and unsupported.

Public confidence is strengthened when democratic systems are:

- inclusive;
- principled;
- and resistant to punitive populism.

Disenfranchisement sends the opposite message: that democracy is conditional, fragile, and unevenly applied.

9. Conclusion

The proposed expansion of prisoner disenfranchisement to include all persons serving sentences of one year or more is:

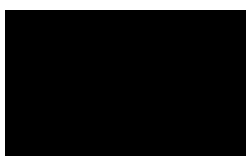
- inconsistent with High Court authority;
- incompatible with the Queensland Human Rights Act 2019;
- unsupported by evidence;
- and harmful to democratic participation, particularly for Aboriginal and Torres Strait Islander peoples.

Queensland should not roll back democratic rights that were secured through decades of struggle, including the courageous legal challenge led by Aunty Vickie Roach.

10. Recommendation

That the Committee recommend the removal of provisions in the Bill that expand voting disqualification to persons serving sentences of imprisonment or detention of one year or more, and that the existing voting eligibility framework be retained.

Yours sincerely



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Chief Executive Officer
17 December 2025