

Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

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Submission By: Corinna Lange
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Firstly, the advertising and timing of public consultation of this Bill is sly and gives the impression you do not want serious scrutiny of this Bill but are simply going through the required processes. This does nothing to build confidence in the accountability of government by the voting public, which seriously undermines the strength of our democracy at a time when the fragility of democracy is being demonstrated in other nations we would once have considered strong democracies.

Increasing restrictions on voting by persons serving sentences of imprisonment or detention

- prohibiting persons serving a sentence of imprisonment or detention of one year or longer from voting at State elections and referendums and local government elections

Under the current Bill prisoners serving sentences of 3 years or more are not entitled to vote, so this amendment affects people with shorter sentences, increasing the absolute number of incarcerated people that are ineligible to vote. While the argument is that the removal of voting rights will reduce crime there is no evidence to support this claim, either from Australia or internationally.

There are, however, legal challenges to this amendment:

- *Continued connection to civic responsibility while incarcerated*

The report of the Office of the Custodial Inspector Tasmania (2025) reminds us that “the *United Nations Standard Minimum Rules for the Treatment of Prisoners* provide that the treatment of people in custody should emphasise not their exclusion from the community but their continuing part in it” and “the right to vote does ensure people in custody can have a say on the delivery of government services, which include prison services.”

Further, these amendments will affect juvenile offenders who turn 18 years old while incarcerated. Under-18s are still developing a sense of civic responsibility. Their first opportunity to have a voice in the operation of democracy is when they reach 18 and can vote, and this will be taken from them, which can only leave them more disenfranchised with government, not strengthen their sense of civic engagement, which is counter to your claim that changes to the Bill will “enhance civic responsibility.

Of particular importance, this Bill also has a disproportionate effect on First Nations youth who are more likely to end up in prison as a symptom of historical societal disadvantage and have a high probability of reoffending as the conditions that existed at the time of their first offence are unlikely to change whilst they are in prison.

- *The change is discriminatory against First Nations peoples*

The Qld Government Department of Justice in May 2025 published the following to its website:

“While 4.6% of Queensland’s population are Aboriginal and/or Torres Strait Islander, Aboriginal and Torres Strait Islander peoples make up 37% of adult prisoners in custody, and 69% of young people in detention.”

Of concern, “Since 2019 (the baseline year), there has been a decrease in the proportion of people serving shorter sentences (in all sentence length categories of less than two years) and an increase in the proportion of people serving longer sentences (in all sentence length categories of two years or more) (Australian Government Productivity Commission, n.d.)

As First Nations peoples are disproportionately represented in our prison system and increasingly serving longer sentences this amendment has a greater impact on their inclusion in the political system. Both Churchill (2020) and the Office of the Custodial Inspector Tasmania (2025) make it clear that the disproportionate incarceration of Indigenous Australians makes voting restrictions essentially discriminatory, with Churchill stating, “For Indigenous people trying to participate in the democratic process, this is not merely a severe setback but also highlights the concerning discriminatory effect of voter disenfranchisement laws in Australia”.

- *Public confidence in the integrity of electoral processes*

Historically there is a disconnect between lawyers “reasons for this disenfranchisement ... and what motivates politicians to push for disenfranchisement” (Koch & Hill, 2008). The Koch & Hill (2008) paper outlines that one reason politicians push for strong limitations to disenfranchisement is so that the general public perceive them as being ‘tough on crime’, which we know is a Crisafulli government policy stance, so this amendment is not an evidence-based decision but a political vote-buying exercise.

While this amendment broadly aligns with the rules that a person is disqualified from being a candidate or elected member of the Qld Parliament if they are convicted of an offence and sentenced to more than 1 year imprisonment (Parliament of Queensland Act 2001 – Sect 64), it is reasonable to expect that the standards for ‘representing the

people' be higher than those for the people electing them and is not an argument for the proposed amendments to this Bill: "... despite public antipathy towards prisoners, 'wide community support' should not always be 'the main threshold criterion' for making reforms that affect their welfare" (Koch & Hill, 2008).

Australian Government Productivity Commission (n.d) Closing The Gap Information Repository: Socio-economic outcome area 10 - Aboriginal and Torres Strait Islander adults are not overrepresented in the criminal justice system. Accessed 1 January 2026. <https://www.pc.gov.au/closing-the-gap-data/dashboard/outcome-area/criminal-justice/#prisoner-legal-status>

Churchill, M. (2020) *Voting Rights in Prison: Issues Paper*. The University of Queensland. https://law.uq.edu.au/files/60196/REP_PBC_MsP_Voting_Rights_Australian_Prisoners_FIN_20200715.pdf

Kock, C. & Hill, L. (2008). *The Ballot Behind Bars After Roach: Why Disenfranchise Prisoners?* AltLJ Vol 33:4 2008

Office of the Custodial Inspector Tasmania (2025) *Overcoming barriers to voting in prison -review report 2025*.
https://www.custodialinspector.tas.gov.au/__data/assets/pdf_file/0008/804923/Voting-Review-2025-Web-Version.pdf

Parliament of Queensland Act 2001 – Sect 64: Qualifications to be a candidate and be elected a member (Accessed 1 January 2026)
https://classic.austlii.edu.au/au/legis/qld/consol_act/poqa2001241/s64.html

Queensland Department of Justice (16 May 2025) *Better Justice Together Strategy*.
<https://www.justice.qld.gov.au/about-us/services/first-nations-justice-office/priorities/better-justice-together-strategy>

For the three proposed amendments on funding and donations it might be worth revisiting the Accountability Round Table Briefing Paper (2022) *Setting Caps on Campaign*

Funding and Expenditure to be reminded why caps and bans were introduced in the first place (e.g. controlling misappropriation or undue influence; ensuring a reduction in undue influence by the few over political outcomes for the many) and why these proposed changes are not good ideas [<https://www.accountabilityrt.org/setting-caps-on-campaign-funding-and-expenditure/>]

Applying existing caps on political donations for State elections to financial years

Change in donation cap means that the same value of political donations that used to be made over 4 years can now be made in one financial year. How will this “limit potential risks of corruption and undue influence and ensure a level playing field between donors through the caps on political donations”? A political donor that once was limited to donating max \$4800 to a political party across 4 years could, if this Bill is passed, now make max \$4800/financial year. Even if there were only 3 financial years across the election cycle that would now be max \$14,400 in donations. This does not seem to support the claim of limiting the influence of donors but the opposite; they can now donate more money suggesting increased influence.

Removing the ban on political donations from property developers for State elections, and targeting the ban to local government elections only

Thanks to a well-documented history of corruption at all levels of Queensland politics there is a reason that political donations from property developers were banned. If Attorney General Deb Frecklington wants a “level playing field” for property developers with donations from unions and other groups, as is reported in the media (e.g. The Guardian, Thurs 11 Dec 2025, <https://www.theguardian.com/australia-news/2025/dec/11/new-queensland-laws-overturning-ban-on-property-developer-donations-will-legalise-another-avenue-of-corruption-greens-say>), then the strategy that would best reduce both the reality and public perception of corruption or undue influence would be to ban political donations from all such groups, including closing the loopholes in the existing legislation that have still enabled developers to legally make donations to political parties.

Allowing loans from financial institutions to be used for electoral expenditure for State elections

No. As stated in the Accountability Round Table Briefing Paper (2022), “campaign finance is a subset of the exercise of power”, the implication being that the more money you can raise for your campaign the better your chances of winning seats, which is true within the Australian system now given the minor parties can never raise as much

money for campaigns as Labor and the Coalition and this is reflected in the number of seats the two major parties have in Parliament.

Financial institutions are businesses and will assess loan applications against capacity to repay. Those parties that have greater capacity to raise money, e.g. through donors, will be more attractive to financial institutions for loans, so entrenching the major parties campaign domination. The smaller parties/independents will either be refused loans because they will be assessed as unable to service the loan or, if unscrupulous (which, unfortunately, has also been well documented as being true of some financial institutions) they will make a loan that could result in financial hardship for the candidate/party whether they are successful in their bid for a seat in Parliament or not. This in no way makes our political system fairer, but is likely to eliminate some candidates from campaigns through increased inequality to campaign funding.

Enhancing independence of political parties in preselection ballots

In the battle to win a seat for the party, modern politics has lost the true philosophy of community representation. Pre-selection was designed for local party members to select the person they wish to have represent them as their candidate at election time, but it has become increasingly common for parties to 'parachute in' a candidate, overriding the local members preferred candidate for other reasons they believe will be politically advantageous.

It is disingenuous to claim that this proposed amendment is about removing "the administrative burden on the ECQ in undertaking audits and inquiries into preselection ballots" or removing "restrictions and burdensome regulations that do not apply equally to all political parties, given some parties do not require preselection ballot processes". This amendment is clearly to allow those parties that do have a pre-selection ballot to remove scrutiny of that process from their rank-and-file members over selection of candidates.

Enhancing electoral transparency by amending authorisation requirements for election materials and how-to-vote cards

Re: amending the definition of 'election period' from 26 days to 12 months

This amendment should not be accepted as it will eliminate potential candidates who would not campaign under an established political party with an established address; it eliminates people who may run as independent candidates and either may not have secure housing or simply move house in the 12 months before the election.

Re: allowing post office boxes or another address prescribed by regulation to be used to comply with the authorisation details

This amendment should be accepted for privacy reasons, and is particularly favourable to candidates who identify as women, LGBTQIA+, First Nations, and/or minority groups for personal safety reasons.

There was a time when politicians were held in high regard for their service to the community, though that time seems to be rapidly retreating to the more distant past.

It seems to me that politicians need to turn the mirror onto themselves if they are concerned about the integrity of the electoral process. If they want the voter to have trust in the results of democratically-held elections then it is important that people are not disenfranchised from their inclusion in the electoral system, and that the candidates running for election or representing them in Parliament are not influenced by political donors.