

Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

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Submission By: [REDACTED]

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Submission to the Inquiry into Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

It is my opinion that this bill should be rejected by the parliament, particularly those sections relating to political disenfranchisement given their broad impact on already disadvantaged groups in our society.

The proposed bill removes the requirement for a crime to have been committed for political disenfranchisement and should be rejected.

- The proposed bill adds detention alone alongside imprisonment as a justification for disenfranchisement.
- Section 106(4) of the *Electoral Act 1992 (QLD)* states that:
 - (4) For subsection (3), a person is serving a sentence of imprisonment only if—
 - (a) the person is in detention on a full-time basis for an offence against a law of the Commonwealth or a State or Territory; and
 - (b) the detention is attributable to the sentence of imprisonment concerned.
- The *Electoral Act 1992 (QLD)* currently in force defines imprisonment as a subset of detention.
- This bill would permit the State to disenfranchise people without having committed any crime.
- The aforementioned is in contradiction to Section 15, Section 23, Section 30(3), and Section 32(1) of the *Human Rights Act 2019 (QLD)*.
- The bill should be rejected on these grounds.

The proposed bill unfairly punishes already disadvantaged groups and should be rejected.

- In *Roach V. Electoral Commission* a period of three years imprisonment before disenfranchisement was found to be reasonable.

- However, the judgement from the high court does note that there are many people who were detained simply because alternatives to prison were not available or were not practical due to poverty, homelessness, or mental instability.
- QLD law permits detention in lieu of payment of a fine or when a person defaults in payment of a fine.
- People unable to pay the fine will be forced into detention whereas a wealthier person able to pay the fine would not be detained.
- These detentions can very easily reach a year in duration.
- Therefore, under the proposed bill there will be people who would be left unable to vote simply by virtue of being unable to pay.
- This is in contradiction to Section 15, Section 23, Section 30(3), and Section 32(1) of the *Human Rights Act 2019 (QLD)*.
- The bill should be rejected on these grounds.

The bill does not impose terms that properly identify conduct that violates core societal standards, but sets a higher standard for ordinary people than for elected representatives, and therefore should be rejected.

- The proposed bill lowers the bar for disenfranchisement from three years imprisonment to one year in detention.
- In *Roach V. Electoral Commission* a period of three years imprisonment before disenfranchisement was found to be reasonable.
- *Roach V. Electoral Commission* also notes that the bar for parliamentary representatives is a one year imprisonment. This bill would impose stricter standards upon ordinary people who are not tasked with this responsibility than those elected representatives.
- A term of one year detention is not difficult to reach particularly in cases where detention is taken in lieu of payment of a fine, and therefore does not necessarily indicate a violation of a core societal standard.
- The bill should be rejected on these grounds.