

Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

Submission No: 079

Submission By: Bill Tait

Publication: Making the submission and your name public

AN OPEN LETTER OF SUBMISSIONS MADE IN THE PUBLIC INTEREST

Mr. Bill Tait (Jnr.) Esq.



Monday, the 22nd day of December, 2025 CE.

Justice, Integrity and Community Safety Committee,
Queensland Legislative Assembly.

C/- Ms. Fran Denny,
The Committee Secretary.

Parliament House,
George Street,
BRISBANE, QLD, 4000.

**re: proposed formal submissions, as set down below, herein, upon the Justice,
Integrity and Community Safety Committee's current inquiry, into the
recently proposed "Electoral Laws (Restoring Electoral Fairness) Amendment
Bill 2025".**

Dear Honourable Members of the Justice, Integrity and Community Safety Committee,

Whilst, or naturally, only with all due respect, I certainly would question, the seemingly so truncated sort of timetable, for the above mentioned submissions to be lodged, not to mention, the very timing, itself, as so kind of falling squarely, over the now closely pending Christmas holiday-period, well, or unfortunately then, and for one reason or another, I'm finding myself very busy, indeed, right about now, and only managed to have some time available, to sort of stumble upon, one seemingly so glaringly anomalous point, or proposed feature, of the said proposed Bill, insofar as, it seeks to increase restrictions on voting, by persons serving sentences of imprisonment or detention, of one year or longer, and in particular, how the maiden speech, to the said Bill, clearly indicated, practically first and foremost then, that such sorts of amendments would be directly aimed at,

overturning that part of, the *Electoral and Other Legislation Amendment Act* 2019 (Qld), which addressed the rights of prisoners, to vote in Queensland elections, by way of having amended, the then subsection-(3), of Section-No. 106, of the *Electoral Act* 1992 (Qld), so that a person who is serving a sentence of imprisonment, of less than three years, shall be entitled to so vote.

And while, naturally, or in my¹ role, as a bit of a public interest-advocate (or-like I say-of sorts then), I made submissions², myself, and perhaps, *inter alia* then, in support of those said earlier amendments, a portion, of which, was indeed formally mentioned, and thus recorded then, at page-No. 20, in the then (or now defunct) Economics and Governance Committee's Report No. 27, of the 56th Parliament of Queensland, well, of course, I'm now only minded, to at least take some time, out of my said so sort of busy schedule, in order to at least be endeavouring, to just briefly then, respond to, this very latest, apparent kind of attack, upon such fundamental freedoms³, and in such regards, I would humbly submit, that the proponents of this said Bill, now, may well be seen, to be only sort of quietly hoping, that the very Justice, Integrity and Community Safety Committee, itself, will only be kind of overlooking;

1. e.g. (or as I might have just at least alluded to, in my said previous submissions) that; while, at the end of the day, and in terms of the very *ratio decidendi*, in the kind of iconic High Court case, of *Roach v Electoral Commissioner* [2007] HCA 43 (*Roach*); the provisions of the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act* 2006 (Cwlth), that sought to reduce the entitlements of incarcerated citizens, so that all prisoners serving a sentence of full-time detention would not be entitled to vote at federal elections; were declared invalid⁴; and albeit, or *inter alia* then, anyhow, on grounds that, such sorts of measures, would be seen to be unacceptable offending against, the very

¹ albeit (or if you like, Hon. Members) maybe only to be seen to be somewhat self-professed?...

² and whilst, a full copy of those then so heartfelt-and handwritten-submissions, may be viewed, online, by way of the hyperlinks in the said old committee's inquiry webpage, in point, these days, and at the very URL of "<https://documents.parliament.qld.gov.au/com/EGC-A022/RN2756PEOL-A38C/submissions/00000007.pdf>", then. ...

³ i.e. even whilst, still I do not purport to be, like, some sort of bush lawyer, as if just proposing to impart *legal advice* (as such), myself, but merely put forth my very own personal opinions, convictions, or beliefs, and in the very public interest, to boot, or I dare say, further, myself then, anyhow. ...

⁴ and see, e.g. how, at paragraph-[24], of his reasonings, in the majority-or (if you like, Hon. Members) *the plurality* (or as they say, these days) then, the then Chief Justice of the High Court said;

"The step that was taken by Parliament in 2006 of abandoning any attempt to identify prisoners who have committed serious crimes by reference to either the term of imprisonment imposed or the maximum penalty for the offence broke the rational connection necessary to reconcile the disenfranchisement with the constitutional imperative of choice by the people." ...

*constitutionally implied freedom of political communication*⁵; well; the result of all of that; was that⁶; the state of the federal law, of the *Commonwealth Electoral Act 1918* (Cwlth), only reverted back, then, to how, clause-(b), of subsection-(8), and subsection-(8A), of Section-No. 98, thereof, only previously-or immediately prior to the said then latest amendments of the said Act of 2006 then-disqualified *a person... serving a sentence of 3 years or longer for an offence against the law of the Commonwealth or of a State or Territory*; moreover;

2. even whilst it was not directly in point, the said earlier case, of *Roach*, was subsequently all but reaffirmed, or seen as good and informative law, in point, anyhow, in the later case, of *Rowe v Electoral Commissioner* [2010] HCA 46 (*Rowe*); whereas;
3. given how, it has been well established, to the very effect of that, the said *constitutionally implied right to the freedom of communication*-about matters political-applies generally, throughout the Commonwealth of Australia, or that is, in a system of so-called *cooperative federalism*, which would see it affecting-or protecting and enhancing then-even the conducting of State elections⁷; well;

surely, or no matter what might have been said, e.g. as recorded at page-No. 4074, of the very HANSARD, of the Queensland Legislative Assembly, of the last 11th of December, in respect of the so-called **Introduction** of-or kind of maiden speech to-the said Bill⁸, provisions, such as those, proposed in, subsection-(4), of clause-(6), of the Bill, in order to reducing the entitlement

⁵ and. please, see also, in point, the very joint judgment, of Gummow, Kirby and Crennan JJ, in *Roach* ...

⁶ even while, the previous *Electoral and Referendum Amendment (Prisoner Voting and Other Measures) Act 2004* (Cwlth); which reduced the entitlements of prisoners, under the *Commonwealth Electoral Act 1918* (Cwlth), who were then previously only disqualified from voting, if serving a sentence of 5 years or longer for an offence against a law of the Commonwealth or of a State or Territory, to-(as I say) the current-disqualification of prisoners serving a sentence of 3 years or longer for an offence against a law of the Commonwealth or of a State or Territory; well; were basically left intact, and not overruled, or at that very time then (which, yes, is to intimate, that, as I read the said case law, myself then, anyhow, even that, sort of *obiter dicta*, was always to be seen to be open to further challenge, or just going forward, into the future then, anyway). ...

⁷ e.g. *Lange v Australian Broadcasting Corporation* (1997) 198 CLR 520 was published close on the heals of *McGinty v Western Australia* (1996) 186 CLR 140, with the said later-and so iconic-case practically overruling, any notions, in the former, to the effect of that the said implied right might have only been seen to have, some sort of limited operation, or e.g. in respect of merely matters pertaining directly to federal elections, themselves. ...

⁸ although, please, Hon. Members, do be conscious, of how, even my said previous-handwritten-submissions, were somewhat forced, and if I'd only had more time, even then, I might just have expanded upon, e.g. the potential benefits, or for society at large, of having citizens, incarcerated for only relatively shorter periods, or even longer ones, to be participating in the very democratic process, and e.g. then, as just one seemingly only so necessary sort of step, towards their eventual *rehabilitation*, which... well, might just seem to raise, another question, e.g. as to whether or no, and whether, under the law, as it stands, or as these said amendments now seek to have it, well, prisoners might be sort of permanently disqualified, on account of their previous conviction-or the very length of their head sentence then, or maybe, they would be allowed the franchise, as soon as they've served enough time, and had the time they have left to serve, in prison, reduced to below the said threshold, you see?...

for prisoners to vote, from three years, down to one, would still, itself, only appear to be disproportionate, to the very tenets of the said *constitutionally implied right to the freedom of communication*, not to mention, or in the words of Chief Justice Gleeson, out of *Roach* then, the rational connection necessary to reconcile (such) disenfranchisement with the constitutional imperative(s) of choice by the people⁹.

And, well, that would be, about all, that I would just have time to submit, right now, or as I say, in these very busy circumstances, and on such a short timetable, and all that, and I only hope that, or that is to say, would just implore, the Hon. Members of the committee, there, to promptly resolve, or notwithstanding any formal defects then¹⁰, to accept this very letter, as an only properly made submission, to be formally registered, with the committee's said inquiry, in order to its being only given full consideration, in due course then.

Thank you then, for the opportunity to have this much of a say, on these very important matters, of democratic rights and freedoms, not to mention, the very integrity, of the various electoral processes, across Queensland then.

Yours faithfully

A large black rectangular box used to redact a signature.

Mr. William "Bill (Billy)" Peter Tait

⁹ cf. also, how, at paragraph-[478], in *Rowe*, Kiefel J observed;

"478. It is of interest to observe that in *Roach* the disqualification which had been effected under the previous legislation was held to be valid. It disenfranchised prisoners who were serving sentences of three years or more. This was considered to be explicable. It reflected one electoral cycle, which had customarily formed a basis for a disqualification, and it could be seen to distinguish between serious lawlessness and less serious, yet reprehensible, conduct. The earlier legislation could have permitted proportionality to be tested by reference to alternative, but less restrictive, measures, but it does not appear to have been approached in this way. Nevertheless, that test is one upon which the plaintiffs here rely. (footnotes omitted)" ...

¹⁰ and while, I still have no IT (or *information technology*), of my own, and therefore, no ready access to the internet, let alone a current email-address then, sorry, but, or through no fault of my own then, Hon. Members, nor do I have any phone contact, i.e. no mobile phone or the like, and no landline, either.