

# **Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025**

**Submission No:** 081

**Submission By:** Samantha Skinner

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**From:** Samantha Skinner  
**To:** [Justice, Integrity and Community Safety Committee](#)  
**Subject:** Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025  
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I am writing to oppose the proposed amendments to Queensland's electoral laws that would prohibit people serving a sentence of imprisonment of one year or more from voting in State and local government elections and referendums.

Voting is a fundamental democratic right, not a privilege contingent on compliance or moral worth. The proposed reduction of the voting disqualification threshold from three years to one year represents a significant and unjustified expansion of disenfranchisement in Queensland.

This amendment will disproportionately impact Aboriginal and Torres Strait Islander people, criminalised women, people living in poverty, disabled people, and young people - groups already over-represented in the criminal legal system due to systemic inequality, not heightened "disregard for the rule of law."

Aboriginal and Torres Strait Islander people are incarcerated at vastly disproportionate rates in Queensland, reflecting the ongoing impacts of colonisation, over-policing, discriminatory bail and sentencing practices, and unmet social need. Expanding prisoner disenfranchisement will further silence First Nations communities, deepening political exclusion in a context where Aboriginal and Torres Strait Islander people already experience profound democratic under-representation. This is incompatible with Queensland's stated commitments to Closing the Gap and to truth-telling and reconciliation.

The proposal will also disproportionately affect people serving short or relatively low-level sentences, many of whom cycle in and out of custody for poverty-related offences, fine default, breaches of orders, or offences linked to homelessness, disability, mental illness, or family violence. The one-year threshold captures people who remain closely connected to their communities and who are most likely to be directly affected by state and local government decisions.

The stated aim of enhancing civic responsibility is not supported by evidence. There is no credible basis to suggest that removing voting rights increases rehabilitation, accountability, or public safety. On the contrary, civic exclusion undermines reintegration, weakens social bonds, and reinforces marginalisation - factors known to increase, not reduce, the risk of reoffending.

The Bill engages and limits several rights protected under the Human Rights Act 2019 (Qld), including the right to take part in public life, freedom of expression, humane treatment when deprived of liberty, and the right to privacy. Any limitation on the right to vote must be demonstrably necessary, reasonable, and proportionate. The explanatory material does not establish that this proposal meets that threshold, nor that less restrictive alternatives were genuinely considered.

Importantly, voting restrictions are not imposed by a sentencing court. They are automatic, additional punishments layered on top of imprisonment, regardless of individual circumstances, sentence length, rehabilitation progress, or community ties. This creates an arbitrary outcome that undermines principles of fairness, proportionality, and individualised justice.

The explicit inclusion of people sentenced to imprisonment as children is particularly concerning. Young people transitioning from youth detention into adulthood should be actively supported to engage in civic life, not excluded from it. Early exclusion from democratic participation risks lifelong disengagement and entrenches cycles of marginalisation.

The proposal also raises constitutional concerns. The High Court has previously affirmed that the right to vote is

central to Australia's system of representative government, and that broad or arbitrary exclusions from the franchise are inconsistent with democratic principles. Expanding disenfranchisement without compelling justification risks repeating errors already recognised by the courts.

International human rights standards further support the protection of prisoner voting rights. Australia is a party to treaties that recognise the right to political participation and caution against blanket or expanded restrictions. This proposal moves Queensland further out of step with best practice and democratic norms.

Democracy is strengthened by inclusion, not exclusion. People in prison remain subject to the laws, policies, and decisions of Parliament. Denying them a voice while continuing to govern every aspect of their lives erodes democratic legitimacy rather than protecting it.

There are less restrictive and more constructive alternatives available, including maintaining the current threshold, expanding access to voting in custody, and supporting civic participation as part of rehabilitation and reintegration. The Government has chosen not to pursue these options.

For these reasons, I urge the Committee to recommend that the proposed voting restrictions not be enacted.

Yours sincerely,  
Samantha Skinner

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