The Hon Anthony Albanese MP Prime Minister Parliament House CANBERRA ACT 2600 www.pm.gov.au/contact

Hon Peter Dutton MP PO BOX 6022 Parliament House CANBERRA ACT 2600 peter.dutton.mp@aph.gov.au Committee Secretary Joint Standing Committee on Electoral Matters PO Box 6021 Parliament House Canberra ACT 2600 em@aph.gov.au

Dear Prime Minister and Leader of the Opposition

IT IS TIME FOR EVERY AUSTRALIAN TO VOTE... EXCEPT PEOPLE WITH DISABILITY

We, the seventy five (75) organisations and individuals listed below, write to urge you to make a public commitment to protecting the rights of Australians with disability to vote.

On 3 May this year most adult Australians will cast their vote in the Federal Election. There is no doubt that casting a vote to have your say on who governs our country is a fundamental constitutional right, a right that is recognised in international law and a right that is at the very heart of our democracy. However, there is a whole section of our community who can be removed from the Australian Electoral Roll and be prevented from having their say in every election: people with "cognitive disabilities."

Australia's laws must recognise and protect the right of people with disability to vote in Australian elections. Currently, provisions in sections 93(8)(a) and 118(4) of the Commonwealth Electoral Act 1918 continue to disproportionately prevent some Australians with cognitive impairments from exercising this most fundamental democratic freedom. Between 2008-2012, more than 28,000 people were removed from the electoral roll due to "unsound mind" provisions. In November 2023 the <u>Final Report</u> of the Inquiry into the Conduct of the 2022 Federal Election and Other Matters recommended the repeal of subsections 93(8)(a) and 118(4) of the Commonwealth Electoral Act 1918 prior to the next election. However, the Australian Government has failed to implement this recommendation.

Sections 93(8) and 118(4) must be repealed because it is inconsistent with Australia's international legal obligations under Article 29 of the United Nations Convention on the Rights of

Persons with Disabilities (CRPD) which states that people with disability must be afforded the right and opportunity to vote on an equal basis with others.

The current operation of Australia's Commonwealth electoral laws violates the fundamental human rights of people with disability. While the recent Electoral Legislation Amendment (Electoral Reform) Act 2025 (Cth) replaces the archaic and offensive term "unsound mind" with the words "cognitive impairment," this reform does not go far enough as it still uses terminology that aligns with the outmoded medical model of disability and does not focus on a person's decision-making ability to enrol and vote in an election.

Reform is very long overdue. For eleven (11) years, successive Prime Ministers have consistently failed to act on the Australian Law Reform Commission's (ALRC) 2014 'Equality, Capacity and Disability in Commonwealth Laws' <u>report</u>. This report called for section 93(8) of the Electoral Act to be amended to:

- focus on a person's decision-making ability with respect to enrolment and voting in the relevant election;
- give consideration for decision making support and assistance when determining if a person meets the threshold.

Australia's laws should keep pace with progress in disability rights. Doing so is fundamental to the protection and promotion of the human rights of people with disability. Australian laws must ensure that people with disability enjoy the right to vote on an equal basis with their fellow Australians.

We therefore call on you to publicly commit to urgent law reform to implement the ALRC recommendations regarding section 93(8), once Government is formed, and to ensure adequate measures are put in place to support a person with disability to access the required support to make decisions with respect to their capacity to enrol and vote in an election.

Yours faithfully,









Australian Lawyers for Human Rights

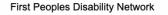
Down Syndrome Australia

People With Disability Australia

Inclusion Australia



First Peoples Disability Network Australia





Intellectual Disability Rights Service



Consumers of Mental Health WA



Australian Council of Social Service



ACT Down Syndrome & Intellectual Disability



SCALES Community Legal Centre



Physical Disability Australia

BEING - Mental Health

Consumers NSW

fental Health



National Centre of Excellence in Intellectual Disability Health



Disability Advocacy Network Australia (DANA)



Advocacy for Inclusion



Disability Voices Tasmania



Mental Health Carers NSW





Australian Federation of **Disability Organisations**



Children and Young People with **Disability Australia**



Community Mental Health Australia



CENTRE FOR LAW AND SOCIAL JUSTICE

Centre for Law and Social Justice, University of Newcastle



Justice and Equity Centre



Young People In Nursing Homes National Alliance



Fragile X Association of Australia Inc

Speak Out Advocacy Tasmania



Amnesty International Australia



Women With Disabilities Australia







Community Resource Unit Ltd.



Down Syndrome Queensland



Melbourne Disability Institute



National Ethnic Disability Alliance



Australian Lawyers Alliance



Australian X & Y Spectrum Support Group



Down Syndrome Victoria

AUSTRALIAN

Autism Alliance

Autism Australia Alliance

Federation of Community Legal

Centres

Making Rights Real

SWCCL

Intellectual Disability Rights Service (IDRS)

New South Wales

NSW Council for Civil Liberties

Grata Fund

Grata Fund

Council for Civil Liberties

EDERATION



Women With Disabilities Victoria



Smith-Magenis Syndrome Australia



Villamanta Disability Rights Legal Service



Queensland Centre of Excellence in Autism and Intellectual Disability Health



Susan Green



Council for Intellectual Disability

Disability

Discrimination Legal Service Inc



Disability Advocacy Victoria





Disability Discrimination Legal

for Inclusion Queensland Advocacy for Inclusion



Deaf Australia



Liberty Victoria



Human Rights aw Centre

The Human Rights Law Centre





Individual signatories:

- 1. Graeme Innes AM, Former Disability Discrimination Commissioner
- 2. Professor Bruce Bonyhady AM
- 3. Professor Mary Crock, Sydney Law School, the University of Sydney
- 4. Professor Sarah Joseph, Griffith University
- 5. Associate Professor Anna Copeland, Murdoch University
- Professor Kirsten Deane OAM, Deputy Director, Melbourne Disability Institute, University of Melbourne
- 7. Professor Adam Jaffe, UNSW, Sydney
- Scientia Professor Julian Trollor, NHMRC Leadership Fellow, Director National Centre of Excellence in Intellectual Disability Health UNSW Medicine & Health
- 9. Associate Professor in Law Dr Sarah Moulds
- 10. Dr Robin Banks, University of Tasmania
- 11. Dr Kitty-Rose Foley
- 12. Paul Pritchard
- 13. Professor Anne Kavanagh, University of Melbourne
- 14. Vaughn Bennison
- 15. Alysse Gavlik
- 16. Professor Keith R. McVilly, University of Melbourne
- 17. Amy Turton
- 18. Diana Piantedosi
- 19. Dr Ellen Skladzien
- 20. Ms Veronica Stephan-Miller
- 21. Mr. Damian Neil
- 22. Ms. Sam Mc