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Electoral Matters  
PO Box 6021  
Parliament House  
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[em@aph.gov.au](mailto: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 [Final Report](#) 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Sections 93(8) and 118(4) must be repealed because it is inconsistent with Australia’s international legal obligations under Article 29 of the United Nations Convention on the Rights of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' [report](#). 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



Physical Disability Australia



National Centre of Excellence in Intellectual Disability Health



Australian Federation of Disability Organisations



Intellectual Disability Rights Service



BEING - Mental Health Consumers NSW



Disability Advocacy Network Australia (DANA)



Children and Young People with Disability Australia



Consumers of Mental Health WA



Speak Out Advocacy Tasmania



Advocacy for Inclusion



Community Mental Health Australia



Australian Council of Social Service



Fragile X Association of Australia Inc



Disability Voices Tasmania



Centre for Law and Social Justice, University of Newcastle



ACT Down Syndrome & Intellectual Disability



Amnesty International Australia



Mental Health Carers NSW



Justice and Equity Centre



SCALES Community Legal Centre



Women With Disabilities Australia



The Kids Research Institute



Young People In Nursing Homes National Alliance



Marrickville Legal Centre



Australian X & Y Spectrum Support Group



Women With Disabilities Victoria



Queensland Centre of Excellence in Autism and Intellectual Disability Health



Community Resource Unit Ltd.



Down Syndrome Victoria



Smith-Magenis Syndrome Australia



Cri du Chat Support Group Ltd  
www.criduchat.org.au

Susan Green



Down Syndrome Queensland



AUSTRALIAN Autism Alliance



Villamanta Disability Rights Legal Service



Council for Intellectual Disability



Queenslanders with Disability Network

Grata Fund

Grata Fund



Melbourne Disability Institute



Federation of Community Legal Centres



Disability Advocacy Victoria



Disability Discrimination Legal Service



National Ethnic Disability Alliance



Intellectual Disability Rights Service (IDRS)



The Mental Health Legal Centre



Queensland Advocacy for Inclusion



Australian Lawyers Alliance



NSW Council for Civil Liberties



The Human Rights Law Centre



Deaf Australia



Liberty Victoria

**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
6. Professor Kirsten Deane OAM, Deputy Director, Melbourne Disability Institute, University of Melbourne
7. Professor Adam Jaffe, UNSW, Sydney
8. 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
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