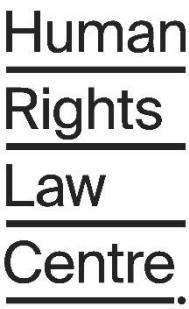
Submission to the Victorian Parliament's Inquiry into voting centre accessibility

February 2026



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Executive summary

This submission has been jointly authored by the Centre for Innovative Justice, Victorian Aboriginal Legal Service, the Human Rights Law Centre and Reece Blackett, and is informed by people with lived experience of incarceration and disability. People with disability are significantly over-represented in the growing Victorian prison population and face steep barriers to voting. Ahead of the Victorian state election due later this year, this submission brings together our organisations' perspectives of the criminal legal system, human rights laws and frameworks, and the rights of Aboriginal and Torres Strait Islander people to present recommendations that will strengthen access to voting for people with disability in prison, and all people in prison.

As this submission explains, people in prison, specifically those with disability, are often disenfranchised due to systemic and legal barriers, as well as discriminatory practices. This includes the disqualification of people in prison from voting on an arbitrary basis, including the vague and outdated "unsound mind" exclusion and the exclusion of people serving sentences of more than five years.

This means that people with disability are often unable to exercise their democratic right to be involved in choosing the government of the day. The right to vote is the primary mechanism through which people can influence decisions made by governments and hold them to account, and disenfranchisement of people in prison with disability – and people in prison more generally – has direct and tangible impacts on the conditions of their confinement and the political and social environment that they face post-release.

The current approach in Victoria creates a democratic deficit whereby the people most directly affected by prison policy and 'law and order' politics are structurally silenced in decisions about the design and reform of the criminal legal system. The impacts of this are felt particularly acutely by Aboriginal and Torres Strait Islander people with disabilities in prisons, who are disproportionately harmed by government policies and the carceral system.

The recommendations of this submission will help address that democratic deficit by affording people the legal right to have their say and ensure that they are able to meaningfully access this right when in prison. A voting system that is not accessible serves to undermine core democratic values, and as a result, perpetuate the harms of the criminal legal system.

As well as ensuring voting accessibility for all people, the Victorian Government must stop enacting laws and policies that criminalise people with disability and Aboriginal and Torres Strait Islander people, resulting in their voting rights being limited. Although beyond the scope of this Inquiry, the authors note that it is the underlying structures and systemic frameworks of government policies and laws which are driving the incarceration of people with disability and Aboriginal and Torres Strait Islander people at such alarming and disproportionate rates.

Introduction

This submission is made jointly by:

- The Centre for Innovative Justice
- Victorian Aboriginal Legal Service
- The Human Rights Law Centre
- Reece Blackett - Department of Law, University of Technology Sydney
- Three Lived Experience Contributors from Voices for Change
    - Michael
    - Matt
    - Fran
- Two individual Lived Experience Contributors
    - Ricky M
    - Rob

Centre for Innovative Justice

The CIJ's objective is to develop, drive and expand the capacity of the justice system to meet and adapt to the needs of its diverse users. The CIJ meets this objective by conducting rigorous research which focuses on having impact – drawing on therapeutic, restorative and procedural justice frameworks and taking our research findings, most of which involve direct engagement with service users and people with lived experience, to develop innovative and workable solutions collaboratively.

CIJ's approach to research

Person-centred:

- We focus on peoples' lived experience.
- We partner with people, rather than doing things 'to' or 'for' them.
- We support people to become their own advocates.
- We create avenues for people's voices to be heard.
- We don't assume we know the answers. Our first step is listening to the people most affected by the issue.

Our research processes embody our values and aim:

- The process is as important as the research 'output'.
- We design our approach to be inclusive of and empowering for participants.
- We build stakeholder support along the way.
- We use the research process to raise awareness of the issues.

We translate research into practice:

- Our projects do not end when the research component finishes. We use our research to advocate, model and pilot.
- Our research has a direct practical application.

We are innovative in how we communicate our research:

- We disseminate our research findings using a range of traditional and non-traditional forums and media.
- We aim to reach a diverse range of people, from academics and legal system professionals to people without high levels of literacy.

We strongly believe that:

- People with cognitive disability are significantly over-represented in the criminal legal system – a system which does not respond to their needs.
- Access to justice is improved by supporting people with lived experience to have a say in the design of systems that affect them.
- Co-production and restorative processes enable individual and group capacity building and facilitate healing.

Victorian Aboriginal Legal Service

The Victorian Aboriginal Legal Service (VALS) is an Aboriginal Community Controlled Organisation (ACCO) with 50 years of experience providing culturally safe legal and community justice services to our people across Victoria. VALS was established by Aboriginal people for Aboriginal people to address the gross over-representation of Aboriginal people in custody and to reduce Aboriginal deaths in custody. 50 years may have passed but both issues persist as overwhelming problems that affect Aboriginal and Torres Strait Islander people in Victoria, with impacts that affect our communities across generations. Over time, VALS has expanded its services for Aboriginal and Torres Strait people. Our practice areas include criminal law, family law, civil and human rights law, a dedicated youth legal service - Balit Ngulu, and Wirraway, our Police and Prison Accountability service. This is a unique service offering amongst Aboriginal and Torres Strait Islander legal services nationally.

As part of delivering high quality, culturally capable and accessible legal assistance, VALS provides a range of Community Justice Programs which provide key supports for Aboriginal and Torres Strait Islander communities in Victoria. This includes a 24/7 Custody Notification Service, Baggarrook - our transitional housing support program for women with complex needs leaving custody. We also have client service support officers which sit within our legal teams, and provide community legal education across Victoria to equip Aboriginal people with the knowledge and skills to confidently self-advocate for their rights. We have a staunch and respected voice in policy and advocacy, and are building our research and evidence development unit.

Human Rights Law Centre

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia. We work in coalition with key partners, including Aboriginal and Torres Strait Islander community-controlled organisations, law firms and barristers, academics and experts, and international and domestic human rights organisations.

Voices For Change

Michael, **Fran** and **Matt** from Voices for Change contributed their lived experience to this submission.

L to R: Emily Piggott (CIJ), Michael (VFC), Fran (VFC), Matt (VFC), Simon Matuzelski (CIJ)

Voices for Change is an independent self-advocacy group for people with acquired brain injury (ABI) and contact with the criminal legal system. The group was established in 2019 and is the only lived experience advocacy group for criminalised people with disability in Australia. Voices for Change use their lived experience expertise to educate people, reduce stigma and improve systems for their peers.

Individual contributors

Reece Blackett – a lecturer in the Department of Law at University of Technology Sydney.

Ricky M – a proud Indigenous man who contributed his lived experience expertise to this submission.

Rob – a self-advocate and sexual abuse survivor with intellectual disability and experience of incarceration who contributed his lived experience expertise to this submission.

Individual contributor Rob

Acknowledgement

The authors of this submission support the self-determination of Aboriginal and Torres Strait Islander peoples and acknowledge the Traditional Owners of the unceded land on which we live and work. We also acknowledge the ongoing work of Aboriginal and Torres Strait Islander peoples, communities and organisations to unravel the injustices imposed on Aboriginal and Torres Strait Islander people since colonisation.

Lived Experience

The CIJ conducted interviews with five formerly incarcerated people with disability, whose views and experiences contributed to development of the submission, and the recommendations made throughout. Quotes from these interviews are also included throughout the submission.

It is important that people with disability, including those in prison, have a say in changes made to systems that impact them, yet lived experience voices are often missing from the conversation due to the lack of funding and processes to allow their inclusion. To include the views of people with disability who have experience of incarceration in this submission, the CIJ has reimbursed the five lived experience contributors for their time and expertise.

> "Look, regardless of their crime, whether they're in there forever or not, it's part of the democratic process. So, you might think one vote's not going to change anything, it's still your vote and everybody gets that and that's how we do get a bit [of] change. So, I think it's a positive thing if we can vote in jail." – Matt

> "Yeah, just a bit of information [about how to vote] before you vote and you're halfway there." – Fran

> "It just goes back to the government again. You know, like we're in a government facility but there's no one in the government facility that's going to tell me which is the right way [how] to vote. So, I'm stuck." - Mike

> "…a lot of blokes have never voted, so it's easier for them to say, I'm not going to vote, because then they don't have to show they don't know how." – Ricky M

> "Yes…prisoners have a right to vote, but in the end it's up to them. They should have the support." – Rob

People With Disability in prisons across Victoria

In June 2025, the total number of people detained in prison in Victoria was 6,593.[1] Of those, 915 were Aboriginal and Torres Strait Islander people.[2]

The Victorian Department of Justice and Community Safety (**DJCS**) does not hold (or make publicly available) exact numbers on people in prison with disability.[3] Regardless, it is well established that people with disability are significantly over-represented in prison populations in Australia, and there is a strong causal link between disability and contact with the criminal legal system. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (**DRC**) found no inherent relationship between disability and offending, and that the drivers of over incarceration of people with disability include factors such as the criminalisation of disability-related behaviour, economic and social disadvantage, lack of appropriate support and services in the community, widespread discrimination, and social and economic exclusion.[4]

People in prison with disability are more likely to serve longer sentences, spend excessive periods of time in solitary confinement and be unable to access support and basic adjustments in custodial environments.[5] People with cognitive disability and mental illness are at risk of long-term or indefinite detention in several Australian jurisdictions, including Victoria. People subject to indefinite detention laws often receive sentences of greater length than if they had participated in a trial and had received a custodial sentence.[6] Further, in Victoria there is no fixed maximum term of detention[7] for those detained under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic), which means that Victorians with cognitive disability or mental illness who are found unable to participate

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[1] Australian Bureau of Statistics, *Prisoners in Australia 2025* (Catalogue No 4517.0, Australian Government, 2024).

[2] Ibid.

[3] Victorian Auditor-General's Office, *Correctional Services: Responding to People with an Intellectual Disability or an Acquired Brain Injury* (Report, Victorian Government, June 2023) at 16-18 (**Auditor-General Report**).

[4] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Criminal Justice System (Issues Paper)* (Commonwealth of Australia, March 2022) at 1 (**Royal Commission Criminal Justice System Issues Paper**); Eileen Baldry, 'Disability at the Margins: Limits of the Law' (2011) *International Journal of Disability, Community and Rehabilitation*; Dr Kathy Ellem et al, *Insights from people with lived experience of disability and the justice system* (The University of Queensland, July 2023).

[5] *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Final Report, September 2023) vol 8, Human Rights Watch "I Needed Help, Instead I Was Punished" Abuse and Neglect of Prisoners with Disabilities in Australia (2018).

[6] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Final Report, September 2023) vol 8, 131.

[7] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Final Report, September 2023) vol 8, 143-144.

in a trial may be detained for periods far beyond the five year disqualification period stipulated at section 48(2)(b) of the *Constitution Act 1975* (Vic), whereas if they had been found fit to plead they may have served sentences shorter than five years.

At the lower end, data from 2023 indicates that at least 4.4% of people in prison have an identified intellectual disability.[8] At the higher end, from a 2007 to 2009 study, 42% of men and 33% of women in Victorian prisons were estimated to have an Acquired Brain Injury, compared to the general population rate of around 2%.[9] Self-reporting research carried out by the DJCS in 2020 found that approximately 83% of participants had a cognitive impairment (intellectual disability or an Acquired Brain Injury).[10]

The data gaps regarding the over-representation of people with disabilities in Victorian prisons pose a challenge for service delivery generally, including ensuring that people in prisons with disabilities are provided the accessible services they need to vote. Therefore, this submission talks both generally to all people in prison in Victoria, as well as specifically to people with disability who are in prison in Victoria.

Aboriginal and Torres Strait Islander People With Disability in prisons across Victoria

Aboriginal and Torres Strait Islander people with disability are over-represented in contact with the criminal legal system, with available information suggesting that Aboriginal and Torres Strait Islander people with disability are around 14 times more likely to be imprisoned than the non-Indigenous population.[11] Ninety-two per cent of Aboriginal and Torres Strait Islander women and 72% of Aboriginal and Torres Strait Islander men in Victorian prisons have a mental health disability.[12] Aboriginal and Torres Strait Islander children with cognitive disability are also more likely to be charged with a first offence at a younger age than those without cognitive disability, and 49% of Aboriginal and Torres Strait Islander children involved with youth justice in Victoria have a cognitive disability.[13]

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[8] Auditor-General Report at 12.

[9] Department of Justice, *Acquired Brain Injury in the Victorian Prison System*, (Report, Victorian Government, April 2011) at 6.

[10] Auditor-General Report at 12.

[11] Royal Commission Criminal Justice System Issues Paper at 1.

[12] Yoorrook Justice Commission, Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems (2023), p 258.

[13] Australian Human Rights Commission, People with Disability and the Criminal Justice System Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Australian Government, March 2020) at [97]; Victorian Department of Justice and Community Safety, Wirkara Kulpa – Aboriginal Youth Justice Strategy 2022-2032 (2022), p 20

Additionally, a high proportion of Aboriginal and Torres Strait Islander people who interact with the criminal legal system will have had undiagnosed and unsupported disability for much of their life.[14]

The criminalisation and incarceration of Aboriginal and Torres Strait Islander people with disability must be understood within the broader intersecting dynamics of colonialism, racism and ableism.[15] Systemic racism is inherent in the way the criminal legal system produces discriminatory outcomes for Aboriginal and Torres Strait Islander people, contributing to the overrepresentation of Aboriginal and Torres Strait Islander people across all aspects of the criminal legal system, including in custody. In light of this, and the limitations of the data, this submission therefore also talks to the experiences of Aboriginal and Torres Strait Islander people in prison in Victoria more generally where appropriate.

Recommendation 1: The Inquiry recommend that the Victorian Government require Corrections Victoria to collect and regularly publish data on the over-representation of people with disabilities in Victorian prisons.

While not the focus of this Inquiry, there is also a need for the Victorian Government to require prisons to systematically screen people for all types of disability upon entry and ensure the level of disability, medical and mental health supports made available can adequately meet the needs of all people with disability in prison – and to allow people in prison to be provided with accessible voting support during elections. These actions will contribute to ensuring people with disability receive the supports they need to be able to vote in prison.

Recommendation 2: The Inquiry recommend that the Victorian Government require Corrections Victoria to systematically screen people for all types of disability upon entry and ensure the level of disability, medical and mental health supports made available can adequately meet the needs of all people with disability in prison. Such screening must be undertaken in a way that is culturally informed – for Aboriginal and Torres Strait Islander people this means screening is undertaken by Aboriginal Community Controlled Health Organisations.

[14] First Peoples Disability Network Australia, Briefing Paper to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Long term detention and interactions with the criminal justice system experienced by people with disability. (2020), p 3.

[15] Ibid, p 3.

Increasing incarceration in Victoria

This submission discusses links between disability and contact with the criminal legal system, particularly for Aboriginal and Torres Strait Islander people. The contributors note that the harms of criminalisation of people with disability - trauma, imprisonment and a heightened risk of violence, abuse, neglect and exploitation[16] - and their disenfranchisement will only be intensified as the Victorian Government continues to pursue punitive, regressive legislative changes under its 'tough on crime' agenda. Legislative changes in 2025 such as the *Bail Amendment Act 2025* and *Bail Further Amendment Act 2025*, making it harder for people to be granted bail, and the *Justice Legislation Amendment (Community Safety) Act 2025*, introducing 'adult time for violent crime' for young people, are directly contributing to increased numbers of people with disability in prison. As the net widens, the disenfranchisement and accessibility issues identified throughout this submission will affect a greater number of people.

Ensuring people in prison have the right to vote

> "In a democracy… people, all people, need to have a say. And basically, if you don't have a say, don't complain. You know, if you wanna change the system or change the world, have a say and vote." – Ricky M

Significance of the right to vote for people in prison in Victoria

People in prison should have the right to vote, and people with disability in prison should be able to exercise that right in an accessible way. The right to vote is the primary mechanism through which people can influence decisions made by governments and hold them to account. Research has found that people with cognitive disability encounter significant practical barriers to voting, including a lack of appropriate supported decision-making, lack of education about how to vote, lack of civics education, lack of accessible

[16] Royal Commission Criminal Justice System Issues Paper at 1.

materials and resources and lack of physical access to voting centres.[17] Additionally, lack of support to engage with political ideas and lack of encouragement to vote are significant drivers of low voting numbers for people with cognitive disability.[18] These barriers are more significant for people with cognitive disability in prison, who face the additional barriers of limited access to information, limited ability to physically move freely around the prison, limited access to phone calls and visits from members of the community, services and family members, limited educational opportunities and limited support to understand how to vote. Restricting access to the right to vote for people in prison with disability – whether by law or de facto – undermines any rehabilitative aim prison might serve,[19] and creates a democratic deficit whereby people directly affected by carceral policy are structurally silenced in decisions about the design and reform of the criminal legal system, and decisions that determine their healthcare, access to justice and conditions in prisons.

Relevant domestic law framework

Voter entitlements and voting procedures are set out in section 48 of the *Constitution Act 1975* (Vic) and the *Electoral Act 2002* (Vic). While a person is generally entitled to enrol as an elector in Victoria if they are an Australian citizen and aged 18 years or older, this default position can be amended for people in prison, depending on length of sentence, as follows:

- People who are serving a sentence in Victoria of more than three years are not entitled to enrol and vote in federal elections.[20]
- People who are serving a sentence of more than five years are not entitled to enrol and vote in Victorian state and local council elections.[21]
- People released on parole can vote in federal elections, even if their sentence was more than three years.[22] For Victorian state and local council elections, people on

[17] Paul Ramcharan and Keith McVilly, 'Exercising the Rights of Citizenship: People with Intellectual Disability and ABI Exercising the Right to Vote', (2022), A research report commissioned by Inclusion Melbourne. University of Melbourne, School of Social and Political Sciences, Australia.

[18] Ibid.

[19] Naylor, Bronwyn, and Stan Winford, (2019) 'Implementing OPCAT through Prison Monitoring: The Relevance of Rehabilitation.' Australian journal of human rights 25(1), 113-129

[20] See Commonwealth Electoral Act 1918 (Cth), s 93 (8AA).

[21] See Constitution Act 1975 (Vic), s 2(b) and Electoral Act 2002 (Vic), s 26.

[22] This is because the express prohibition in s 93(8AA) of the *Commonwealth Electoral Act 1918* (Cth) refers to "serving a sentence of imprisonment". Section 4(1A) defines that a person is only serving a sentence of imprisonment when they are "in detention on a full-time basis" – parole is not detention on a full-time basis.

parole with a sentence of more than five years cannot vote until the expiry of their sentence.[23]

- People on remand are eligible to enrol and vote in federal and Victorian state and local council elections.

All other people (subject to the exclusions below) who have been released from prison can enrol and vote in federal and Victorian state and local council elections. It does not matter how long the person was in prison for, or why they were in prison; so long as they are an Australian citizen and at least 18 years old. If a person served a sentence of five or more years, they may have been removed from the roll and need to re-enrol when their sentence has finished (including any parole period).

In addition to those people serving a sentence of five years or more imprisonment, section 48(2) of the *Constitution Act 1975* (Vic) sets out other categories of people who are not entitled to be enrolled (and therefore cannot vote) in Victoria:

- a person convicted of treason or treachery;
- non-citizens (i.e. holders of temporary entry permits or prohibited immigrants under the *Migration Act 1958* (Cth); and
- a person "of unsound mind, … incapable of understanding the nature and significance of enrolment and voting".[24]

Relevant Victorian policy and procedure

Relevant policies for voting processes for people in Victorian prisons are set out in the Commissioner's Requirement 4.3.2 (Prisoner Voting) and the Deputy Commissioner's Instructions 2.14 (Prisoner Voting). Together, these policies require Victorian prisons to provide facilities and information to enable eligible people to enrol and vote, including responsibilities to:

- ensure that eligible people complete an enrolment form;
- provide general electoral information; and

[23] See *Corrections Act 1986* (Vic), s 76 which provides a person released on parole remains "under sentence", until that period expires. This means that a person remains serving their sentence, in accordance with the prohibition set out in the *Constitution Act* s 48(2).

[24] See also *Commonwealth Electoral Act 1918* (Cth), s 93 which has recently been amended from the language of "unsound mind" to "by reason of cognitive impairment".

- provide an area/room for people to vote in privacy.[25]

There are two ways people in prison can vote:

1. By post: People in prison are entitled to become general postal voters, which means they can automatically be sent postal voting material at state and federal elections without having to apply for a postal vote. Alternatively, enrolled people in prison can apply to vote by post for each election individually when the election is called;[26] or
2. At a voting booth set up at the prison by election officials: The prison manager can advise the Victorian Electoral Commission (**VEC**) whether a voting booth is required at a prison.[27] It appears both the VEC and Australian Electoral Commission (**AEC**) are working to facilitate an increase in mobile polling booths.[28] In the 2022 Victorian state election, VEC mobile enrolment and voting teams visited 14 prisons.[29] In the 2025 federal election, the AEC organised polling booths at 13 Victorian prisons.[30] Both represented a significant increase from previous state and federal elections.

Recommendation 3: The Inquiry recommend that the Deputy Commissioner's Instructions be amended to remove the requirement for the relevant prison manager to contact the VEC regarding mobile voting booths and instead require Corrections Victoria and the VEC to have a mobile voting booth in each prison at every state election.

We note, however, that what is documented in law, policy and procedure for Victorian prisons may likely not reflect the actual experiences of people in prison, as we often hear when listening to the views of people with lived experience of imprisonment. In addition, the ability to vote means little if people are not suitably educated or informed about the process.

> "Half the time I'm in prison, so I can't vote because when the voting comes around, no one there was [able] to explain. It was just I can't remember

[25] See section 2 of the Commissioner's Requirement, and sections and 2.2 of the Deputy Commissioner's Instructions.

[26] See 2.3 and 2.4 of the Deputy Commissioner's Instructions.

[27] Ibid.

[28] See Denham Sadler, 'Prison Voting Sees Dramatic Rise across Australia', *About Time* (online, 25 September 2025) https://www.abouttime.org.au/news-and-investigations/prison-voting-sees-dramatic-rise-across-australia

[29] Victorian Electoral Commission, Report to Parliament on the 2022 Victorian State Election and 2023 Narracan District Supplementary Election (Report, 2023) at 54.

[30] Australian Electoral Commission, *2025 Federal Election Report* (Report, Commonwealth of Australia, 2025) at 60.

how they did it, but it was a joke. It's like people coming together giving you pieces of paper and say[ing], "choose which one you like." I didn't even know who Labor or Liberals were. I didn't know how we going to vote for someone. No one's telling you who's who and who's doing what in the zoo." – Mike

"Putting your hand up and asking to do something. Yeah, I don't know if they make you feel like that [bad] on purpose….and I think the big one, the biggest one would be other people. If you say "I want to vote," … they hate it so much." – Fran

"..you get people that make you feel bad because you want to vote." – Mike

Further, the prohibitive cost of phone calls in Victorian prisons is widely understood as an issue for people in prison maintaining connection with community.[31] Based on correspondence with Corrections Victoria,[32] the VEC is not currently on the list of toll-free numbers accessible to people in prison. Making prison phone calls free would maximise opportunities for people in prison to maintain connection to community and access information to help inform their decision making about voting. It would also provide increased opportunities to engage with the VEC to understand election procedures. At a bare minimum, the list of toll-free numbers available to people in prison should be amended to include the VEC (and the AEC being the federal equivalent, although we note that is outside the scope of this current Inquiry).

CIJ: "Say you'd wanted to call The Electoral Commission. To check on your enrolment and stuff like that. How hard do you think that would have been?"

Rob: "Hard, 'cause I don't know the number, I wouldn't know the number."

Recommendation 4: The Inquiry recommend that the Victorian Government make phone calls free in Victorian prisons. Alternatively, that the toll-free list of contacts for people in prison be amended to include the VEC and the AEC.

[31] See Safer Prisons, Safer People, Safer Communities: Cultural Review of the Adult Custodial Corrections System (Final Report, December 2022) 627.

[32] Email from Corrections Victoria to Monique Hurley at the Human Rights Law Centre dated 13 February 2026 confirming the list of toll-free numbers are: list of toll-free phone numbers available for people in Victorian prisons to call: the Office of the Victorian Ombudsman; Independent Broad-Based Anti-Corruption Commission (IBAC); Health Complaints Commissioner; Victoria Legal Aid (DPFC, MRC, Loddon, PPP and Ravenhall); Quitline; Hepatitis Victoria Infoline; and Child Support Agency.https://prisonlawhandbook.fls.org.au/kb/keeping-contact-with-family-and-the-community/phone-calls/phone-list/?utm_source=chatgpt.com

Impact on Aboriginal and Torres Strait Islander people

Note: Whilst this is a collective submission by the joint authors, this section is authored by the Victorian Aboriginal Legal Service. Any references to community as a collective and use of the terms 'us', 'we' and 'our' refers to the Aboriginal community and people.

The over-incarceration of Aboriginal and Torres Strait Islander people means that the disenfranchisement due to restricted voting rights disproportionately affects Aboriginal and Torres Strait Islander communities. It has been estimated that 0.6% of Aboriginal and Torres Strait Islander people in Australia are disenfranchised by restrictions on voting in prison, compared to 0.075% of non-Indigenous people.[33] This is yet another manifestation of the systemic racism that impacts Aboriginal and Torres Strait Islander people and limits engagement in matters that directly impact our lives.

This disenfranchisement is not novel. Aboriginal and Torres Strait Islander people have been largely excluded from formal political processes in Victoria, as voters and as representatives of government at all levels.[34] The *Electoral Act 1865* (Vic) and the *Commonwealth Franchise Act 1902* (Cth) excluded Aboriginal and Torres Strait Islander people from voting at the state and the federal level respectively, and it wasn't until 1962 that the votes of Aboriginal and Torres Strait Islander people were ensured and 1984 made compulsory.[35] The inaccessibility of voting in prison today is perpetuating this historical disenfranchisement of Aboriginal and Torres Strait Islander people.

This is particularly important in current times where the political agenda seems to be driven by a law and order approach which disproportionately impacts our people. Recent Victorian legislative reforms to bail and youth justice sentencing highlight the disproportionate impact that these regressive legislative agendas have. Further, the politicisation of the Voice to Parliament and Victorian Treaty brought about horrifically racist discourse against Aboriginal and Torres Strait Islander communities, and again this underscores the importance of Aboriginal and Torres Strait Islander people's right to vote for a government that will represent and protect our interests.

Improving access to voting and facilitating the realisation of the right to engage in these processes strengthens an individual's self-determination and allows those impacted to

[33] Martin Churchill, *Voting Rights in Prison: Issues Paper* (2020), p8. Accessed at https://law.uq.edu.au/files/60196/REP_PBC_MsP_Voting_Rights_Australian_Prisons_FIN_20200715.pdf

[34] Yoorrook Justice Commission, Yoorrook for Transformation: Third Interim Report Volume 5 (2025), p 85.

[35] Ibid, p 8-12.

have a say in the outcomes of elections. Since colonisation the government has been making decisions on behalf of Aboriginal and Torres Strait Islander people without consultation and without regard for the impacts this has. The government has a responsibility to ensure that all Aboriginal and Torres Strait Islander people are empowered to engage in elections and voting processes – limiting our ability to vote silences our voices.

Relevant human rights law frameworks

Australia is a party to the International Covenant on Civil and Political Rights (**ICCPR**). Article 25 of the ICCPR protects the right and opportunity of every citizen to, inter alia, participate in public affairs and vote by universal and equal suffrage, without distinction of any kind.[36] The United Nations Human Rights Committee (**the Committee**) has noted that the general disenfranchisement of people in prison is inconsistent with Article 25 of the ICCPR and does not serve the stated goals of rehabilitation recognised in Article 10(3) of the ICCPR.[37] The Committee has stated that:

- Any deprivation of citizens' right to vote must be objective and reasonable,[38] such as minimum age limits. By contrast, restrictions based on physical disability, or literacy or educational requirements, are unreasonable.[39]
- If a conviction for an offence is the basis for suspending the right to vote, the period of suspension should be proportionate to both the offence and the sentence.[40] For example, a 15-year ban on voting following a conviction for 'subversive association' was found to be unreasonable.[41]

Australia is also a party to the Convention on the Rights of Persons with Disabilities (**CRPD**). Article 29 of the CRPD guarantees people with disabilities equal political rights, including the right to vote by secret ballot without intimidation.[42] States must ensure that

[36] International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) arts 2, 25(b).

[37] Human Rights Committee, International Covenant on Civil and Political Rights, Consideration Of Reports Submitted By States Parties Under Article 40 of the Covenant (CCPR/C/USA/CO/3/Rev.1), 18 December 2006, at 35.

[38] UN Human Rights Committee, CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), 57th sess, 12 July 1996, Un Doc CCPR/C/21/Rev.1/Add.7, ('General Comment No. 25'), [14].

[39] Ibid, [4], [10].

[40] Ibid, [14].

[41] UN Human Rights Committee, Merits: Communication 32/1978 (Touron v Uruguay), 12th sess, UN Doc CCPR/C/12/D/32/1978 (31 March 1981).

[42] Convention on the Rights of Persons with Disabilities, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 29.

voting procedures, facilities and materials are appropriate, accessible and easy to understand and use; facilitating the use of assistive and new technologies where appropriate; and allowing assistance in voting by a person of their own choice.[43] Article 12 also requires States to recognise that people with disability enjoy legal capacity on an equal basis with others, and that appropriate supports should be provided to allow persons with disabilities to exercise their legal capacity.[44]

Considering the disproportionate incarceration of Aboriginal and Torres Strait Islander people with disability in Victoria – the result of systemic racism, discriminatory policing, and government failures to address unmet support needs – disenfranchisement measures, whether by design or effect, also engage anti-discrimination rights. Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (scheduled to the *Racial Discrimination Act 1975* (Cth)) (**the Convention**) requires states to guarantee, without distinction as to race, political rights, including the right to vote on the basis of universal and equal suffrage.[45] The Convention further requires states to amend, rescind or nullify laws that have the effect of creating or perpetuating racial discrimination.[46]

We urge the Inquiry to ensure that the ICCPR, CRPD, and the Convention inform all work being done to improve voting accessibility for people with disability in Victoria.

Relevant constitutional and domestic human rights law

The Constitution

In *Roach v Electoral Commissioner* (2007) 233 CLR 162 (***Roach***), the High Court affirmed the fundamental nature of the right to vote, holding that the Howard Government had acted unlawfully and unconstitutionally in imposing a blanket prohibition on voting by people in prison. By majority, the High Court in *Roach* upheld that sections 7 and 24 of the Constitution, which require that the Houses of Parliament be 'directly chosen by the people', enshrine the right to vote in Australia and that this right may only be limited for a

[43] Ibid.

[44] Ibid.

[45] International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969) art 5, as scheduled to the *Racial Discrimination Act 1975* (Cth).

[46] Ibid, art 2.

'substantial reason'[47] and that any limitation on the franchise be appropriate and adapted (or proportionate) to that reason.[48]

While *Roach* does not formally bind state electoral regimes, with the exception of Western Australia,[49] its reasoning articulates a constitutional minimum for what it means for representatives to be "directly chosen by the people." That underlying democratic imperative is not confined to Commonwealth elections; it speaks to the legitimacy of any Australian electoral system that claims to reflect the will of "the people." Disqualifications affecting persons deemed to be of "unsound mind" or serving sentences of five years or longer must conform to the principles of proportionality to maintain the integrity of the system of representative and responsible government in Victoria.

Section 41 of the *Australian Constitution* provides that no adult person who has or acquires a right to vote at State elections shall, while the right continues, be prevented by any law of the Commonwealth from voting at federal elections.[50] Three interpretations were derived from this provision shortly after the ratification of the *Australian Constitution*: that the right to vote in federal elections may be acquired at any time under a State law passed at any time; that the right may be acquired at any time, but only under a State law passed before a federal franchise is fixed; or that the right must be acquired by the "adult person" concerned before the federal franchise is fixed.[51] However, the High Court held in *R v Pearson; Ex parte Sipka* (1983) that section 41 was merely a transitional safeguard that applied only in the very early years of the Commonwealth, protecting rights that existed before the *Commonwealth Franchise Act 1902* (Cth) was enacted.[52] In light of the jurisprudence that has evolved since *Roach v Electoral Commissioner* and dissenting or minority judgments in earlier decisions concerning section 41, scholars have scrutinised its current interpretation.[53] This dormant constitutional safeguard ought to be treated as a live consideration for persons serving sentences of 4 to 5 years in Victoria who are excluded from Commonwealth elections but included in state elections.

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[47] *Roach* at 7.

[48] *Roach* at 95.

[49] See McGinty v Western Australia (1996) 186 CLR 140.

[50] Australian Constitution s 41.

[51] Quick, John and Garran, Robert, *Annotated Constitution* (Lexis Nexis Australia, 1901) 486-497.

[52] (1983) 45 ALR 1.

[53] Jonathan Crowe and Peta Stephenson, 'An Express Constitutional Right to Vote? The Case for Reviving Section 41' (2014) 36 *Sydney Law Review* 205; See also Ann Twomey, 'The Federal Constitutional Right to Vote in Australia' (2000) 28(1) *Federal Law Review* 125.

The Charter

In Victoria, we also note that section 18(2)(a) of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (**the Charter**) protects the right of every eligible person to vote without discrimination, reflecting Article 25(b) of the ICCPR. The Charter does not define who an eligible person is. Discrimination – defined under section 3(1) of the Charter by reference to the *Equal Opportunity Act 2010* (Vic) – may be direct or indirect, including where an unreasonable requirement disproportionately disadvantages a person with a protected attribute, including on the basis of disability or race. The right may be subjected to reasonable and justifiable limits only in accordance with section 7(2) of the Charter.

Making voting accessible in prison

Step one: Getting the vote

Addressing disenfranchisement of people based on a sentence of 5 years or more

Victorian law excludes people serving a sentence of five years or more, including people on parole, from voting in Victorian state and local council elections.

> "Yes [people who are in prison should be allowed to vote], because of the fact that they're getting out into a society and they need to [have] a say in shaping that society for when they get out." – Ricky M

The DJCS does not hold any data or information regarding sentence length (or at least do not make such data or information publicly available). That is, there is no way of knowing how many of the 6,593 people in Victorian prisons as at June 2025 are disenfranchised due to laws connecting the right to vote to sentence length.

These laws disenfranchising people in prison and people on parole, are, however, likely to have a disproportionate and discriminatory impact on people who have disability, particularly Aboriginal and Torres Strait Islander people with disability, given their over-representation in the criminal legal system due to intersecting forms of systemic discrimination.

Ricky M, a proud Indigenous man who is a lived experience contributor to this submission offered compelling insight into realising that he was unable to vote because of the threshold:

> CIJ: "Have you ever voted in an election?"
>
> Ricky M: "I have, but not in prison. Because I was doing over the threshold. So, despite the fact that I went and set up with the Electoral Commission and got it all organised, I couldn't vote. That was a bit ironic."
>
> CIJ: "When you found out that you weren't allowed to vote when you were inside, what was that like?"
>
> Ricky M: "Yeah, I didn't like that; I wanted to vote, and I always like to vote. So, I was disappointed in that, and it felt like a waste. It's just another, like, another kick in the guts, if you know what I mean. And you become immune to that sort of stuff in prison as well, because you're just used to it."

While not the focus of this Inquiry, we note that federal law disqualifies people serving a sentence of three years or more from voting in federal elections,[54] with similar disproportionate and discriminatory effects.

The formal punishment of imprisonment is often coupled with a feeling of informal punishment and dehumanisation for people in prison. Experiences of social isolation, denial of engagement in activities like voting, and lack of access to supports (such as education, health, mental health and others) equitable to that available in community, all have a compounding impact.

> "It's like more punishment. [I should be] free and able to choose like everyone else." – Fran
>
> They've [people disqualified from voting] been dehumanised, they haven't been able to vote this and that and the other. Well, they've got this sort of double, triple whammy." Ricky M

Arbitrary laws which disenfranchise people in prison and people on parole are inconsistent with Australia's binding international human rights obligations. As noted here, Australia is party to multiple international human rights treaties, including the ICCPR, CRPD and

[54] See *Commonwealth Electoral Act 1918* (Cth), s 93 (8AA).

CERD, which collectively require the right to vote to be guaranteed without unreasonable restrictions or distinction, including on the basis of disability, race or other status.

The United Nations Human Rights Committee has previously noted, in the context of the United States, that the deprivation of the right to vote for persons who have received a felony conviction, and in particular those who are no longer deprived of liberty, does not serve the stated goals of rehabilitation contained in Article 10(3) of the ICCPR.[55]

The United Nations Human Rights Committee has also observed that where suspension of the right to vote is based on conviction, it must be proportionate to the offence and the sentence.[56] By tying disenfranchisement to sentence length without adequate regard to the context and nature of the offending of each individual who is sentenced, Victoria's electoral laws are disproportionate, catching non-violent and offending related to poverty and disadvantage such as theft (section 74 *Crimes Act 1958*), burglary (section 76 *Crimes Act 1958*), obtaining property by deception and obtaining financial advantage by deception (sections 81 - 82 *Crimes Act 1958*). In addition, extending disenfranchisement to people on parole who were sentenced to five or more years continues the restriction beyond imprisonment without serving any rehabilitative purpose.

Laws disenfranchising people in prison and people on parole are also likely to be inconsistent with rights protected under the Charter. Victoria has enshrined, in section 18(2)(a) of the Charter, the right to vote "without discrimination" for "eligible persons". While the Charter does not define "eligible persons", section 3(1) of the Charter makes clear that the meaning of "discrimination" is derived from the *Equal Opportunity Act 2010* (Vic) which makes it unlawful to discriminate, directly or indirectly, against a person because of protected attributes such as disability or race. While the right to vote in the Charter may be subject to reasonable and justifiable limits pursuant to section 7(2) of the Charter, the disenfranchisement of people in prison and people on parole based on sentence length does not serve any legitimate rehabilitative aim.

<u>Recommendation 5</u>: The Inquiry recommend that the Victorian Government amend the *Constitution Act 1975* (Vic) and *Electoral Act 2002* (Vic) to repeal voting exclusions affecting people with a sentence of five or more years.

[55] Human Rights Committee, International Covenant on Civil and Political Rights, Consideration Of Reports Submitted By States Parties Under Article 40 of the Covenant (CCPR/C/USA/CO/3/Rev.1), 18 December 2006, at 35.

[56] Ibid, [14].

Addressing disenfranchisement based on the "unsound mind" disqualification

Section 48(2)(d) of the *Victorian Constitution* disqualifies persons deemed "incapable of understanding the nature and significance of enrolment and voting" by reason of being of "unsound mind."[57] "Unsound mind" voting disqualifications have been embedded in Australian electoral law since the inception of Australian democracy, originating in the doctrine of *non compos mentis*, which historically distinguished between congenital incapacity and acquired or intermittent incapacity, the latter permitting voting during "lucid intervals."[58] While modern understandings reject permanent disenfranchisement on this basis, the persistence of this doctrine, now codified through the undefined concept of "unsound mind", reveals the continuing inability of electoral law to accommodate the dynamic and temporary nature of cognitive capacity despite early recognition of the need for flexibility and inclusion.

The primary, modern justification for maintaining this category disqualifications has diverged markedly from its original purpose, operating as a mechanism by which family members or guardians, often seeking to spare vulnerable individuals from the burdens of compulsory enrolment and voting, remove them from the electoral roll.[59] This application disproportionately affects persons with intellectual disability, mental illness, dementia, or brain injury,[60] including those whose capacity to vote may be intermittent or develop over time. Disenfranchisement grounded in administrative convenience or efficiency fails to recognise the centrality of the franchise to democratic participation and highlights deeper flaws in the provision's construction, particularly its lack of due process,[61] and vagueness.[62]

Victoria should replicate the approach adopted in New South Wales. In its report *Equality, Capacity and Disability in Commonwealth Laws* tabled 24 November 2014, the Australian Law Reform Commission (**ALRC**) recommended that the "unsound mind" disqualification

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[57] *Victorian Constitution 1975* (Vic) s 48(2)(d).

[58] Arthur N Wrixon, The Electoral Law of New South Wales and Victoria (Sands & Kenny, 1851) 19.

[59] Joint Standing Committee on Electoral Matters, Commonwealth, *Inquiry into the 2022 federal election* (27 April 2023) 4; Australian Government, *Strengthening Australia's Democracy* (Green Paper, September 2009) 44.

[60] Trevor Ryan, Andrew Henderson and Wendy Bonython, 'A Comparative Study of the Voting Rights of Persons with Mental Disabilities' (2016) 39(3) *UNSW Law Journal* 1038, 1059.

[61] Ibid.

[62] Senate Joint Select Committee on Electoral Reform, Parliament of Australia, *First Report* (Report, September 1983) 105; Democratic Audit Australia, Submission to the Joint Standing Committee on Electoral Matters, *Inquiry into the Conduct of the 2007 Federal Election,* 5.

be repealed and that an exemption to penalties incurred for failing to vote be provided for people who cannot vote on the day due to a legal incapacity;[63] this has been dubbed the "excuse not exclude" approach.[64] Following this, New South Wales repealed the equivalent disqualification through the *Electoral Act 2017* (Cth) and introduced an exemption to persons who "had a lack of mental capacity (as certified by a registered medical practitioner)" from receiving a financial penalty.[65]

<u>Recommendation 6</u>: The Inquiry recommend that the Victorian Government repeal section 48(2)(d) of the *Victorian Constitution Act 1975* (Vic) and insert "had a lack of mental capacity" as a valid excuse for falling to vote under section 163(3).

Victoria should avoid simply changing the language as was recently *Electoral Legislation Amendment (Electoral Reform) Act 2025* (Cth) and focus on substantive reform.

Addressing disenfranchisement based on Commissioner's Requirement 4.3.2

In addition to disqualifications contained in the *Victorian Constitution*, the *Commissioner's Requirement* 4.3.2 appears to also disenfranchise '[p]risoners under the care of the Public Trustee.'[66] Commissioner's Requirements articulate policy concerning prison management and provide guidance for the exercise of functions, powers, and discretions under the *Corrections Act 1986* (Vic) and the *Corrections Regulations 2019* (Vic). The High Court has recognised other Commissioner's Requirements as an appropriate mechanism for promoting transparency and consistency in decision-making.[67] However, the potential to introduce new and unprecedented voting disqualifications may be directed to a purpose which is extraneous to the exercise of the relevant discretions.[68]

Automatic and categorical disqualifications, such as Commissioner's Requirement 4.3.2, are inconsistent with human rights, fundamental freedoms and the presumption of capacity. Similar automatic or categorical disqualifications from voting, distinct from those

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[63] Australian Law Reform Commission, *Equality, Capacity and Disability in Commonwealth Laws* (Report, November 2014) 262, 268.

[64] Jonathon Savery,'Voting Rights and Intellectual Disability in Australia: An Illegal and Unjustified Denial of Rights' (2015) 37(2) *Sydney Law Review* 287, 289.

[65] *Electoral Act 2017* (NSW) s 259(9)(d).

[66] Commissioner's Requirement 4.3.2.

[67] *McCabe v Westin; McCabe v Pickering* [2024] VSC 145 at [54], citing *Plaintiff M64/ 2015 v Minister for Immigration and Border Protection* (2015) 258 CLR 173 , [54] (French CJ, Bell, Keane and Gordon JJ), [62] (Gageler J).

[68] *Minister for Home Affairs v G* (2019) 266 FCR 569 , [58]–[62] (Murphy, Moshinsky and O'Callaghan JJ); Re Drake and Minister for Immigration and Ethnic Affairs (No 2) (1979) 2 ALD 634 , 640, 642 (Brennan J).

requiring an individualised assessment of a person's capacity to vote,[69] have been subjected to judicial scrutiny and invalidated in foreign jurisdictions. Such disqualifications have been found to fail to comply with international human rights instruments and to be inconsistent with fundamental freedoms,[70] particularly the right to due process and equal protection before the law.[71] Australia has long abandoned automatic disqualifications concerning capacity and even neglected to introduce similar disqualifications during the formation of the federal electoral framework.[72]

Recommendation 7: The Inquiry recommend that Commissioner's Requirement 4.3.2 be amended to repeal the categorical disqualification of persons "under the care of the Public Trustee."

Recommendation 8: The Inquiry recommend that the relevant entity conduct an audit of the Commissioner's Requirement 4.3.2 for any inconsistencies with the *Electoral Act 2002* (Vic) and *Victorian Constitution Act 1975* (Vic).

Penalties for failure to vote

> "It should be up to them, if they want to vote let them. If they don't, what are they going to do, get a fine? They are already locked up so…actually get rid of the fines as well." – Rob

Under the *Electoral Act 2002*, failure to vote is an offence that attracts financial penalties.[73] If an 'Apparent failure to vote notice' is issued, the burden is on the elector to provide a written explanation to the VEC of the reason they did not vote.[74] If this is not received or the reason is deemed not satisfactory, an infringement is issued which can be referred to Fines Victoria for enforcement – resulting in possible escalation to court appearances and further costs which quickly balloon with the addition of administrative and enforcement penalties.

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[69] *Strøbye and Rosenlind v. Denmark* (European Court of Human Rights, Applications nos. 25802/18 and 27338/18, 2 February 2021); *Valle v. Spain* (European Court of Human Rights, Application no. 43564/17, 11 May 2021).

[70] *Kiss v Hungary* (European Court of Human Rights, Application No 38832/06, 20 May 2010); *Doe v. Rowe*, 156 F. Supp. 2d 35 (D. Me. 2001).

[71] See Wood v. Coconino (In re Wood), No. 1 CA-CV 22-0710 (Ariz. App. May 30, 2024).

[72] Commonwealth, *Parliamentary Debates*, Senate, 10 April 1902.

[73] *Electoral Act 2002* (Vic), s166.

[74] Victorian Electoral Commission, 'Didn't vote?' (webpage accessed at: https://www.vec.vic.gov.au/voting/fines-and-reviews)

Section 163(3) of the *Electoral Act 2002* expressly lists classes of persons exempt from receiving these infringement notices and provides a catch-all exemption for any person who had "a valid and sufficient excuse for not voting."[75] Imprisonment or detention is not listed as an express exemption under this provision. However, Determination 003/2025 made by the Electoral Commissioner for the State of Victoria pursuant to section 16(1) of the *Electoral Act 2002* exempts incarcerated persons from receiving infringement notices on the basis that this is a "valid and sufficient excuse."[76]

While this exemption made under the Electoral Commissioner's statutory discretion is a positive development, Parliament should amend section 163(3) to expressly exempt people in prison from receiving 'apparent failure to vote notices'. This will codify existing practice to ensure it is not repealed by a subsequent determination, rather requiring an Act of Parliament. The consequences of placing an onus on this class of electors to justify their failure to vote is inappropriate given the inaccessibility of voting and risks further criminalisation. The infringements system is complex and difficult to navigate for many people. A person in prison has limited resources to advocate for themselves, and a person exiting prison is already facing the inherent challenges of transitioning back into the community, such as finding housing and employment.

Recommendation 9: The Inquiry recommend that the Victorian Government amend section 163(3) of the *Election Act 2002* (Vic) to exclude persons experiencing "incarceration or otherwise in lawful custody or detention" from receiving a notice under section 163(1).

Step two: Accessing the vote

Current best practice examples

A global analysis of comparative best practice suggests the implementation of key measures to enable those in prison to exercise their right to vote. This included mobile

[75] *Electoral Act 2002* (Vic), s 163(3).

[76] Determination No 3 – Sufficient reasons for failing to vote in elections (1 July 2025).

polling booths, proactive communication (such as inclusion of campaign information in prison newsletters) and early engagement.[77]

The ACE Electoral Knowledge Network, an online repository about elections established by the International Institute for Democracy and Electoral Assistance and the United Nations states that close cooperation between electoral management bodies and prison authorities is integral in ensuring accessible voting for people in prison.[78] The importance of institutional coordination is documented by the Penal Reform International's Global Prison Trends 2025, who refer to examples of collaboration between prison administrations and electoral authorities that directly enabled large-scale participation by eligible voters in elections, including Indonesia, Romania, Ghana, Namibia, and several European Union member states.[79]

Other measures that help make voting more accessible to people in prisons include protocols to prevent coercion, voting hours compatible with prison routines and the presence of observers or electoral workers to ensure transparency and accountability.[80]

When considering best practice for those who have been removed from the electoral roll, continuity of enrolment upon release is integral. This is currently not the case in Victoria, where people serving a sentence of more than five years may be removed from the electoral roll and not be automatically re-enrolled post-release. The New Zealand Waitangi Tribunal's Māori Prisoners' Voting Report (He Aha i Pērā Ai?) highlights how blanket disenfranchisement and administrative barriers disproportionately impact Māori people, particularly young people who fail to develop a 'voting habit' due to repeated exclusion and difficulties re-enrolling after release.[81] The Waitangi Tribunal recommend an automatic re-enrolment process for people upon their release from prison in recognition of the impact that the overwhelming nature and practicalities related to prison release (for example, not having a permanent address).[82]

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[77] Office of the Custodial Inspector Tasmania, *Overcoming barriers to voting in prison – review report 2025* (Report, Government of Tasmania 2025) at 15-17, 23, 33; International Institute for Democracy and Electoral Assistance, *Special Voting Arrangement The International IDEA Handbook* (International IDEA, 2023) at 39-41.

[78] ACE Project Voting Operations <aceproject.org/ace-en/topics/vo/voa/voa02/voa02g/voa02g02.

[79] Penal Reform Internation, *Global Prison Trends 2025* (Penal Reform International, May 2025) at 33.

[80] International Institute for Democracy and Electoral Assistance, *Special Voting Arrangement The International IDEA Handbook* (International IDEA, 2023) at 39-41.

[81] Waitangi Tribunal He Aha i Pērā Ai? The Māori Prisoners' Voting Report (Wai 2870, 2020) at [4.4].

[82] Ibid.

<u>Recommendation 10</u>: The Inquiry recommend that the Victorian Government require the Victorian Electoral Commission to automatically re-enrol people who have been removed from the electoral role because of any law that barred them from voting due to sentence period length.

Elections for the First Peoples' Assembly of Victoria (**FPAV**) are an example of best practice for engaging with people in prison. Under the FPAV Election Rules, there are no exclusions on people in custody being able to vote and special arrangements for electoral roll registration are made for people in prison.[83] In the lead up to its 2023 elections, FPAV made 23 prison visits across the state to yarn with mob given their inability to attend community events; these efforts resulted in 10-15% of people on the FPAV electoral roll having been incarcerated when they enrolled.[84] As a result, those who have been most failed by racist policies and systemic problems with the legal system – that is, those who are in prison – are able to contribute their lived experience and knowledge to the Treaty process.[85]

> "This might need planning, but you know the people that hand out the forms, and they can tell you a bit [about voting], people like that [should] go to prisons to answer questions." - Fran

There are also practice examples relating to voters with disability outside prison, particularly those with a cognitive or intellectual disability, which can inform practice changes in prisons to increase accessibility. These examples show how adjustments made to voting processes can advance substantive equality - ensuring all people have the same level of access to voting rights across the whole community.

Sources that consider accessible voting for those with a disability emphasise understanding, autonomy and supported decision-making. Voting procedures, facilities and materials must be "appropriate, accessible, easy to understand and use", and people with disability must be able to "freely express their will" with assistance where required.[86] Recommended measures include close consultation with local disability organisations, to

[83] First Peoples' Assembly of Victoria, *Assembly Elections: Election Rules* (2023), at 17.1

[84] First Peoples' Assembly of Victoria, *Annual Report 2023* (2023), p 26.

[85] Ibid, p 26.

[86] European Commission, Guide of good electoral practices addressing the participation of citizens with disabilities in the electoral process SWD (2023) 408, pp 9, 4-5.

ensure the specific needs of the local community is properly understood.[87] Easy-to-read materials, simplified instructions, pictorial guidance and information delivered through multiple formats is also recommended.[88] Electoral authorities are also encouraged to provide voter education and train staff so they are able to explain procedures simply, without influencing choice.[89] Best practice examples include the Netherlands, where people with disability volunteer at polling stations, and Denmark, where quizzes are prepared for election officials to test their knowledge on how to assist voters.[90] Another core element is ensuring that a support worker chosen by the voter is available to support them vote.[91]

> "Not really, I can't remember [any education about voting]. You know, I knew, but I just explained to the fellas in layman's terms. But a lot of blokes have never voted, so it's easier for them to say, I'm not going to vote, because then they don't have to show they don't know how."– Ricky M

Measures like these are consistent with the contributions of people with lived experience to this submission, who emphasised the utility in campaign information being provided in straightforward language and well in advance of voting deadlines. They also indicated that they did not have recollection of electoral officials being present at mobile booths in Victorian prisons, with members saying that it would be helpful for there to be electoral officials available who can speak to the campaign information (for example, explain which candidate represents which electorate).

> "Use English. Explain who the candidates are and what it's all about in easy English." – Fran

> "I prefer that [information] in advance myself, so I could read through them before…who the person is from Labor, Liberal, Greens – whoever - that stuff could certainly be given to us earlier so we could have a look. We'll see what preferences they want, and you got an idea vote for on the day." – Matt

[87] OSCE/ODIHR, Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities (2017), p 12.

[88] European Commission, Guide of good electoral practices addressing the participation of citizens with disabilities in the electoral process SWD (2023) 408, pp 4-5, 8-10; IFES, Equal Access: How to Include Persons with Disabilities in Elections and Political Processes (2014)

[89] OSCE/ODIHR, Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities (2017), p 12-13.

[90] European Commission, Guide of good electoral practices addressing the participation of citizens with disabilities in the electoral process SWD (2023) 408, p 18.

[91] Ibid, p 27; ACE Project Voting Operations <aceproject.org/ace-en/topics/vo/voa/voa02/voa02g/voa02g02.

> "We need people like from government that are going to come in and facilitate to help. Over the years, like I said I taught myself how to read and write in jail, and when I was younger in jail, I was too scared to put me hand up and say I didn't read and write. And you would stay away from people like that doing information sessions or anything like because you didn't want to look like an idiot look like a dickhead, or you know you're too scared to say "oh I can't read or write" you know what I mean?" – Mike

> "They probably won't be able to do it themselves. They probably don't understand the writing, or they probably don't know how to read." - Rob

> "So basically they might put up a sign. If they put up a sign, but luckily they had me being proactive all the time, so I'd be proactive and make shit happen. You know, if I knew there was an election come up, I'd go and say to staff, well, hang on, is it the Electoral Commission? What day are they coming in? And they go, "I don't know." I say, "well find out, send an e-mail." So, I'd follow shit up like that." – Ricky M

It is important that people in prison are given all the information and support they need to be able to make an informed decision about their vote. The diversity of prison populations means that a one-size-fits-all approach will not work. As noted by the lived-experience contributors to this submission, there is a higher instance of literacy difficulties for people in prison. Although there is a lack of recent research or data to support this statement, the practice expertise of VALS and other mainstream criminal legal service providers is that a large portion of clients who are in custody or are at risk of imprisonment have literacy difficulties. Mike's above statement demonstrates how this can impact confidence and a person's ability to request additional information or supports to engage in processes such as voting.

For Aboriginal and Torres Strait Islander people in prison this could be addressed by utilising Aboriginal Wellbeing Officers (**AWOs**) to provide information and answer questions where required. AWOs are a key support for Aboriginal and Torres Strait Islander people in prison and are trusted by incarcerated people to provide information. Utilising this relationship and trust in the AWO role will ensure that information reaches more Aboriginal and Torres Strait Islander people in custody.

> "Provide the AWOs in the prison with more info, so when they go to the Culture Centre…that's your target market. If you wanted to really get the word out to black fellas in prison - your AWO. Because your AWO talks to

> everyone and your AWO can hand them a pamphlet and this and that and explain the system to them" – Ricky M

As another potential source of information, DJCS is in the process of rolling out the Offender Services Network (**OSN**) to all prisons across Victoria. The OSN is currently available at four prisons, and it is understood that it will be rolled out across all Victorian prisons. The OSN is a secure closed-circuit network controlled by DJCS and hosts information about legal services, education and training, and health. Information about elections, voting and enrolment should be made available on the OSN. We recommend that the VEC make available all information that is on the public website, to ensure that engagement by people in prison is not limited by their inability to access the internet.

> "I think everybody gets whatever they're doing [information about elections] and if you want to open it, you want to, if you don't you don't, and it's just like that." - Fran

<u>Recommendation 11</u>: The Inquiry recommend that the VEC make information about voting eligibility, processes and political parties should be widely available to all people in prison in Victoria. These resources must be accessible and disseminated through various prison channels including programs like Aboriginal Wellbeing Officers and the Offender Services Network (OSN).

<u>Recommendation 12</u>: The Inquiry recommend that all electoral staff undertake mandatory, ongoing cultural safety training delivered by an ACCO to ensure they are equipped to engage with Aboriginal and Torres Strait Islander people at mobile voting booths in prisons and when responding to queries on the phone.

Step three: Making the vote count

Making information accessible

Clause 2.2 of Commissioner's Requirement 4.3.2 mandates General Managers of prisons ensure people in prison are provided with general electoral information provided by the AEC and VEC or political parties, 'how to vote' information, and candidate campaign material.[92] The VEC has published multiple Easy English guides, including:

[92] Commissioner's Requirement 4.3.2 (Vic) cl 2.2.

- *Easy English Guide – Enrolling and voting – for people without a home.*[93]
- *Easy English Guide – What happens if I do not vote?.*[94]
- *Easy English Guide – Vote in the 2024 local council postal elections.*[95]

In addition, the Victorian Government's *Prisons and without a home education and engagement plan* (PAWAHEEP) has committed to developing an Easy English guide on enrolling and voting in prisons.

There is a gap between the implementation of these measures and the lived experience of people in prison with intellectual and developmental disabilities. Many people in prison are not informed on when an election is taking place or about the policies being platformed by each candidate or political party.[96] The VEC should monitor whether General Managers are fulfilling their duties pursuant to clause 2.2 of Commissioner's Requirement 4.3.2 by providing accessible electoral information to people in prison. Further, the VEC should collaborate with the Commissioner to amend clause 2.2 to clarify that "general electoral information" includes Easy English guides.

Recommendation 13: The Inquiry recommend that Commissioner's Requirement 4.3.2 should be amended to specify that accessible Easy Read information must be provided to all people in prison to support their voting during an election.

Encouraging visitations to support voting

Prisons should facilitate or permit visitations in which visitors are able to assist people with disability in prison to vote. Section 94 of the *Electoral Act 2002* provides that electors requiring assistance first be allowed to appoint a trusted person to assist them with their ballot paper. An election official must only assist an elector after the elector "fails" to appoint another person. This is consistent with Article 29(a)(iii) of the CRPD which guarantees persons with disabilities to enjoy political rights on an "equal basis with others" and that they vote with assistance provided by "a person of their own choice."[97] Without

[93] Victorian Electoral Commission, *Easy English Guide – Enrolling and voting – for people without a home* <https://www.vec.vic.gov.au/-/media/b4bd3e5d33af4617beb11daa4213433a.pdf>

[94] Victorian Electoral Commission, *Easy English Guide – What happens if I do not vote?* <https://www.vec.vic.gov.au/didnt-vote-easy-english>.

[95] Victorian Electoral Commission, *Easy English Guide – Vote in the 2024 local council postal elections* <https://www.vec.vic.gov.au/-/media/0bffac35cb69430caf221de537e5103b.pdf>.

[96] See quote from Flanagan "I found there was no information on each party. And even when you ask officers to provide you with some, they won't": McIlwraith. (2025, 21 April). Just 274 prisoners voted at the last election. Inmates say the process feels dehumanising *SBSNews*. <https://www.sbs.com.au/news/article/just-274-prisoners-voted-at-the-last-election-inmates-say-the-process-feels-dehumanising/tnfeep1oo>.

[97] Article 29, CRPD

visitations, people in prison requiring assistance are deprived of their right to appoint a trusted person of their choosing as their options are limited to staff, fellow inmates or election officials. Visitations will provide people in prison with disabilities a genuine choice in who can assist them in expressing their electoral will.

Visitations also promote prosocial behaviour which would increase the likelihood that people in prison in general would feel inclined to vote. The VEC have acknowledged that while enrolment drives and mobile early voting are essential in the lead-up to an election, they do not address systemic issues such as "attitudinal barriers to participation for both people in prison and prison staff."[98] Although there is no literature relating to the relationship between voting and visitations, multiple studies have found that receiving visits promotes prosocial behaviour,[99] increases the likelihood of participation in prison work and programs, and that continued visits increase the likelihood that a prison worker will complete those programs. Visitations are, therefore, likely to increase participation for voting as a prosocial activity.

Recommendation 14: The Inquiry recommend that Corrections Victoria amend relevant policies to allow for additional visitations to allow for people in prison to be supported to vote by a person of their choice. Individual prison policy should also be amended where required to give effect to this recommendation.

Supported decision-making and voting

People with intellectual disability are the group most at risk of having their legal decision-making rights removed from them through substitute decision making and its systemic normalisation in Australia.[100] Often people with intellectual disability have everyday decision making removed via professionals who are not trained to understand decision-making rights, nor how to support a person to make their own decisions.[101] Decision making skill requires ongoing practice and capacity building, yet in many instances people with intellectual disability who live in institutional or segregated, congregate settings are not provided opportunities to develop their decision-making skills. This often results in

[98] Victorian Electoral Commission, Submission No 74 to Electoral Matters Committee, *Victorian Parliament Inquiry into Civics and Electoral Participation* (31 August 2018) 38.

[99] Alexandra Nur, *Visits as a Catalyst for Prison Program Engagement* (2024), 72(4), Crime & Delinquency.

[100] Bigby et al. *Diversity, dignity, equity and best practice: a framework for supported decision-making* (2023), Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

[101] Ibid

people with intellectual disability lacking the knowledge and skill to be able to make decisions about voting, meaning they are unable to fully participate in civic life.

Supported decision-making is a human rights-based practice that enables people with cognitive disability to realise their rights to autonomy, participation and inclusion in civic life and community. It is an essential component of safeguarding and enhances wellbeing through social connection and relationships.[102] Supported decision making can act as a multifaced means to support people with disability in prison to vote. Although there are no current examples of the use of supported decision making for people with disability in prison, in 2020, the Irish Penal Reform Trust recommended that people in prison with disability be provided with equal access to supported decision making via the Assisted Decision-Making (Capacity) Act 2015.[103]

In Australia, Gooding et al. piloted a supported decision making program for people with cognitive disability at risk of being found unfit to plead to enable them to participate in their criminal trials.[104] The pilot demonstrated that where people with cognitive disability have support to understand procedure and make decisions they can participate in the complex processes they are entitled to participate in.[105] While this example relates to participants in criminal trials rather than voting, it demonstrates that access to supported decision making enables people with cognitive disability to exercise their right to participation in the decisions that affect them.

The 2014 ALRC report *Equality, Capacity and Disability in Commonwealth Laws*, which included electoral matters in its terms of reference, recommended that state and territory legislation be reformed in relation to individual decision-making and be guided by the National Decision-Making Principles and Guidelines. Further, the ALRC recommended that Australian Electoral Officers be provided with training on the National Decision-Making Principles. In its final report in 2023 the DRC agreed with and significantly expanded on the decision-making principles proposed by the ALRC in 2014. Additionally, a call for legislative reform was made in the 2023 DRC research report *Diversity, Dignity, Equity and Best Practice: A Framework for Supported Decision Making* which set out a framework for

[102] Ibid.

[103] Making Rights Real for People with Disabilities In Prison (2020). Irish Penal Reform Trust

[104] Piers Gooding, Bernadette McSherry & Anna Arstein-Kerslake, 'Supported decision-making in criminal proceedings: A sociolegal empirical study', (2021), vol 1-11, Journal of Disability Policy Studies, pp 1-11

[105] Ibid

supported decision making to be used at the legislative, systemic and individual practice level with people with cognitive disability. Rather than naming specific legislation that should be amended, the authors propose a universal set of supported decision-making principles should that be applied to specific system, institution and legislative contexts, including the electoral context.[106]

Supported decision-making in Victorian elections

Incorporating supported decision-making is essential if Victoria is to facilitate and promote the effective exercise of the franchise by persons with disabilities. By operation of Article 4(5) of the CRPD, Victoria is required to recognise the legal capacity of persons with disabilities on an equal basis with others and to guarantee the exercise of that legal capacity in the electoral context through appropriate supports, as required by Articles 12 and 29.[107] This obligation is reinforced by Recommendation 6.6(b) of the DRC, which calls on States to give legislative effect to the supported decision-making principles across all regimes governing individual decision-making.[108] While Victoria has taken commendable steps to implement these principles through reforms to the *Guardianship and Administration Act 2019* (Vic), it has not undertaken corresponding reform of its electoral legislation.

Section 94 of *Electoral Act 2002* entitles an elector who requires assistance to appoint a person of their choosing to assist them to vote, or, failing such an appointment, requires an election official to provide that assistance. Unlike electronic assisted voting, which is confined to electors experiencing blindness or low vision, a motor impairment, or insufficient literacy skills, section 94 is not limited to a prescribed class of persons. Instead, it applies to any elector who satisfies an election official that assistance is required.[109] In this respect, section 94 provides an important mechanism through which persons with disabilities may access both formal and informal decision-making supports in the electoral process. However, consistent with Article 29(a)(iii) of the CRPD, the provision and

[106] Bigby et al. *Diversity, dignity, equity and best practice: a framework for supported decision-making* (2023), Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability., p78.

[107] CRPD, art 12, 29.

[108] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Final Report, September 2023) vol 6, 175.

[109] *Electoral Act 2002* (Vic) ss 94, 110D.

operation of such supported decision-making in elections must be grounded in the free and informed consent of the elector.

> "They [people with disability in prison] should have support [to vote], yeah, I agree they should have support." - Rob

This regime should be amended to incorporate the supported decision-making principles articulated in Recommendation 6.6 of the DRC. Electoral officials exercising discretion and performing duties under sections 94(1)–(2) should be placed under a clear statutory obligation to act consistently with those principles. In particular, any assistance provided pursuant to section 94(2) must be initiated at the request of the elector and conducted in a manner that respects the elector's will, preferences, and autonomy.

Recommendations 15 and 16

The Inquiry recommend that the Victorian Government amend section 94 of the *Electoral Act 2002* (Vic) by inserting:

(4) In the exercise of their duty to provide assistance under (1) and (2), the election official must adhere to all supported decision-making principles contained in Schedule 5.

The Inquiry recommend that the Victorian Government amend section 94 of the *Electoral Act 2002* (Vic) by inserting schedule 5:

Principle 1 – Recognition of the equal right to make decisions
All people have an equal right to make decisions that affect their lives and to have those decisions respected.

Principle 2 – Presumption of decision-making ability
All people must be presumed to be able to make decisions.

Principle 3 – Respect for dignity and dignity of risk
All people must be treated with dignity and respect and supported to take risks to enable them to live their lives the way they choose, including in their social and intimate relationships.

Principle 4 – Recognition of informal supporters and advocates
The role of informal supporters, support networks and advocates who provide support for decision-making should be acknowledged and respected.

Principle 5 – Access to support
People who may require supported decision-making should be provided with equitable access to appropriate support to enable the person, as far as practicable in the circumstances, to:

- make and participate in decisions affecting them
- communicate their will and preferences
- develop their decision-making ability.

Principle 6 – Decisions directed by will and preferences
The will and preferences of people who may require supported decision-making must direct decisions that affect their lives.

Principle 7 – Inclusion of safeguards
There must be appropriate and effective safeguards where people may require supported decision-making, including to prevent abuse and undue influence.

Principle 8 – Co-designed processes
People with disability, in particular people with cognitive disability, their supporters and representative organisations, should be involved in the development and delivery of policies and practices on supported decision-making.

Principle 9 – Recognition of diversity
The diverse experiences, identities and needs of people who may require supported decision-making must be actively considered.

Principle 10 – Cultural safety
Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people with disability are entitled to supported decision-making that is culturally safe, sensitive and responsive. This includes recognising the importance of maintaining a person's cultural and linguistic environment and set of values.

Recommendation 17: The Inquiry recommend that Victorian Electoral Commission staff be trained on supported decision-making principles and practices.

Accountability in prisons

While this submission documents the voting accessibility challenges experienced by people in Victorian prisons through input from people with lived experience of disability and the prison system; a recurrent challenge is the lack of transparency in relation to what actually happens inside prisons – in Victoria and across Australia. Significantly greater scrutiny and accountability is required regarding the conditions in Victorian prisons, particularly as trends indicate that prison populations across the state are likely to continue to rise in the lead up to the Victorian election in November 2026.

We recommend that the Victorian Government urgently establish and adequately resource a National Preventive Mechanism to oversee conditions and the treatment of people in

Victorian prisons and other places of detention as part of implementing their obligations pursuant to the United Nation's anti-torture protocol – the Optional Protocol to the Convention Against Torture (**OPCAT**).

For example, the Office of the Custodial Inspector in Tasmania (who discharges their duties alongside the National Preventive Mechanism in Tasmania) completed a recent report on *Overcoming barriers to voting in prison* which examined voting accessibility in Tasmanian prisons and recommended that the Tasmanian Parliament consider making all people in prison eligible to vote in Tasmanian state elections with the purpose of:

- minimising disenfranchisement of Aboriginal people;
- better aligning with international law;
- maintaining connection and engagement outside prisons; and
- avoiding the imposition of additional punishment on top of a sentence of imprisonment.[110]

It is concerning that such little progress has been made to date in establishing and resourcing independent monitoring and oversight of prisons and other places of detention in Victoria. The Victorian Government must engage with civil society, including Aboriginal and Torres Strait Islander organisations, in transparent, inclusive and robust consultations on how it plans to implement OPCAT as a matter of priority.

Recommendation 18: The Inquiry recommend that the Victorian Government implement Victoria's obligations pursuant to OPCAT as a matter of urgency.

Conclusion and recommendations

This submission raises a range of voting accessibility issues for people in Victorian prisons generally, and specifically for people with disabilities and Aboriginal and Torres Strait Islander people with disability in prison. It outlines several of the systemic and legal barriers to people with disability being able to vote in prison, and recommends ways to address those barries along with ensuring voting processes themselves are made more accessible. Implementing the recommendations made in this submission would represent real progress in reducing the systemic and legal barriers that currently disenfranchise

[110] See Office of the Custodial Inspector Tasmania, *Overcoming Barriers to Voting in Prison – Review Report 2025* (Report, April 2025) <www.custodialinspector.tas.gov.au/__data/assets/pdf_file/0008/804923/Voting-Review-2025-Web-Version.pdf>.

people with disability who are in prison. It would provide them with access to their right to vote, and help to ensure they are able to make their vote count through adjustments that promote substantive equality.

Recommendation 1: The Inquiry recommend that the Victorian Government require Corrections Victoria to collect and regularly publish data on the over-representation of people with disabilities in Victorian prisons.

Recommendation 2: The Inquiry recommend that the Victorian Government require Corrections Victoria to systematically screen people for all types of disability upon entry and ensure the level of disability, medical and mental health supports made available can adequately meet the needs of all people with disability in prison. Such screening must be undertaken in a way that is culturally informed – for Aboriginal and Torres Strait Islander people this means screening is undertaken by Aboriginal Community Controlled Health Organisations.

Recommendation 3: The Inquiry recommend that the Deputy Commissioner's Instructions be amended to remove the requirement for the relevant prison manager to contact the VEC regarding mobile voting booths and instead require Corrections Victoria and the VEC to have a mobile voting booth in each prison at every state election.

Recommendation 4: The Inquiry recommend that the Victorian Government make phone calls free in Victorian prisons. Alternatively, that the toll-free list of contacts for people in prison be amended to include the VEC and the AEC.

Recommendation 5: The Inquiry recommend that the Victorian Government amend the *Constitution Act 1975* (Vic) and *Electoral Act 2002* (Vic) to repeal voting exclusions affecting people with a sentence of five or more years.

Recommendation 6: The Inquiry recommend that the Victorian Government repeal section 48(2)(d) of the *Victorian Constitution Act 1975* (Vic) and insert "had a lack of mental capacity" as a valid excuse for failing to vote under section 163(3).

Recommendation 7: The Inquiry recommend that Commissioner's Requirement 4.3.2 be amended to repeal the categorical disqualification of persons "under the care of the Public Trustee."

Recommendation 8: **The Inquiry recommend that the relevant entity conduct an audit of the Commissioner's Requirement 4.3.2 for any inconsistencies with the *Electoral Act 2002* (Vic) and *Victorian Constitution Act 1975* (Vic).**

Recommendation 9: **The Inquiry recommend that the Victorian Government amend section 163(3) of the *Election Act 2002* (Vic) to exclude persons experiencing "incarceration or otherwise in lawful custody or detention" from receiving a notice under section 163(1).**

Recommendation 10: **The Inquiry recommend that the Victorian Government require the Victorian Electoral Commission to automatically re-enrol people who have been removed from the electoral role because of any law that barred them from voting due to sentence period length.**

Recommendation 11: **The Inquiry recommend that the VEC make information about voting eligibility, processes and political parties should be widely available to all people in prison in Victoria. These resources must be accessible and disseminated through various prison channels including programs like Aboriginal Wellbeing Officers and the Offender Services Network (OSN).**

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<u>Recommendation 18</u>: The Inquiry recommend that the Victorian Government implement Victoria's obligations pursuant to OPCAT as a matter of urgency.