

21 April 2022

The Hon Scott Morrison MP
Prime Minister of Australia
Parliament House
Canberra ACT 2600

The Hon Anthony Albanese MP
Leader of the Opposition
Parliament House
Canberra ACT 2600

Dear Prime Minister and Leader of the Opposition

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

We, the 65 organisations and individuals listed below, write to urge you to make a public commitment to protecting the rights of Australians with disability to vote.

On 21 May this year, most adult Australians will cast their vote in the Federal Election. There is no doubt that casting a vote to have your say on who governs our country is a fundamental constitutional right, a right that is recognised in international law and a right that is at the very heart of our democracy. However, there is a whole section of our community who can be removed from the Australian Electoral Roll and disallowed from having their say in every election: people with “unsound mind.”

Australia’s laws must recognise and protect the right of people with disability to vote in Australian elections. But archaic and offensive provisions in section 93(8)(a) of the *Commonwealth Electoral Act 1918* are being used to prevent some Australians from exercising this most fundamental democratic freedom because they can be deemed to be of ‘unsound mind’.

Section 93(8) applies disproportionately to people with intellectual disabilities and cognitive impairments, leaving them subject to a violation of their right to vote.

Between 2008-2012, more than 28,000 people were removed from the electoral roll due to the “unsound mind” provisions.

Section 93(8) must be repealed because it is inconsistent with Australia's international legal obligations under article 29 of the *United Nations Convention on the Rights of Persons with Disabilities (CRPD)* which states that people with disability must be afforded the right and opportunity to vote on an equal basis with others.

This reform is long overdue. For nearly eight years, successive Prime Ministers have consistently failed to act on the Australian Law Reform Commission's (ALRC) 2014 '*Equality, Capacity and Disability in Commonwealth Laws*' [report](#). This report called for section 93(8) of the *Electoral Act* to be amended to:

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

Not only does the operation of section 93(8) violate the fundamental human rights of people with disabilities, the language used is offensive and archaic, reflecting an outdated model of disability that has since been rejected by international law. Words like 'unsound mind' recall an era where people with disability were not seen as rights holders and had no protection at law. Australia's laws should keep pace with progress in disability rights. Doing so is fundamental to the protection and promotion of the human rights of people with disabilities.

Australian laws must recognise that people with disability enjoy the right to vote on an equal basis with their fellow Australians.

We therefore call on you to publicly commit to urgent law reform to implement the ALRC recommendations regarding section 93(8) during the next term of Government, should you win government.

Yours faithfully,

Kerry Weste,
President, Australian Lawyers for Human Rights



Angus Graham, OAM
Chair, Down Syndrome Australia



Catherine McAlpine
Chief Executive Officer, Inclusion Australia



Sebastian Zagarella
Chief Executive Officer, People With Disability Australia



Professor Emeritus Ron McCallum AO

Former Chair of the United Nations Committee on the Rights of Persons with Disabilities

Graeme Innes AM

Former Australian Disability Discrimination Commissioner and Race Discrimination Commissioner

Professor Megan Davis

Expert and Chair, United Nations Expert Mechanism on the Rights of Indigenous Peoples

Damian Griffis

Chief Executive Officer, First Peoples Disability Network Australia



First Peoples
Disability Network
Australia

Dwayne Cranfield

Chief Executive Officer, National Ethnic Disability Alliance (NEDA)



Tracylee Arestides

*National Manager, Policy, Projects, Sustainability
Australian Federation of Disability Organisations*



Dr Leanne Beagley
Chief Executive Officer, Mental Health Australia



**Mental Health
Australia**

Heidi La Paglia Reid
Director of Policy and Programs, Women With Disabilities Australia



Dr Cassandra Goldie
Chief Executive Officer, Australian Council of Social Service



Sam Klintworth
National Director, Amnesty International



Professor Christine Bigby
President, Australasian Society for Intellectual Disability



Justine O'Neill
Chief Executive Officer, Council for Intellectual Disability



Simon Burchill
General Manager, Physical Disability Australia



Bob Buckley
Convenor, Autism Aspergers Advocacy Australia (A4)



Mary Sayers

Chief Executive Officer, Children and Young People with Disability Australia



Michael Bleasdale

Executive Officer, Rights & Inclusion Australia



Charbel Zada

Community Health Promotion Officer for the LGBTQ+ People With Disability Project, ACON



Associate Professor Melissa Castan

Director, Castan Centre for Human Rights Law



MONASH
University

CASTAN
CENTRE FOR
HUMAN RIGHTS
LAW

Zed Tintor

Deputy Chief Executive Officer, LGBTIQ+ Health Australia



Jean Cotchin

Campaign Manager, Every Australian Counts



Julian Trollor

Chair, Intellectual Disability Mental Health

Head, Department of Developmental Disability Neuropsychiatry

Professor, Discipline of Psychiatry and Mental Health

Faculty of Medicine and Health, UNSW Sydney



Department of
Developmental
Disability
Neuropsychiatry

Professor Adam Jaffe

John Beveridge Professor of Paediatrics

Head of Discipline of Paediatrics and Child Health

Head of Discipline of Paediatrics and Child Health

Faculty of Medicine and Health, UNSW Sydney



Professor Rob Carter
*Foundation Chair in Disability Economics
Melbourne Disability Institute
The University of Melbourne*



Dr Bronwyn Morkham
National Director, Young People In Nursing Homes National Alliance



Jen Blyth
Chief Executive Officer, Deaf Australia



Daniel Web
Legal Director, Human Rights Law Centre

**Human
Rights
Law
Centre.**

Professor Ben Saul

*Challis Chair of International Law, Sydney Law School
University of Sydney*

Professor Mary Crook

*Co-Director of the Sydney Centre for International Law
University of Sydney*

Professor Jennifer Smith-Merry, PhD

*Centre for Disability Research and Policy
The University of Sydney*

CDS

Centre for

Disability

Studies

Maria Nawaz

Acting Executive Director, Grata Fund



Yvonne Keane AM

Chief Executive Officer, Reimagine Australia



Jonathon Huyor

Chief Executive Officer, Public Interest Advocacy Centre (PIAC)



David Craig

Interim Chief Executive Officer, VALID



Robbi Williams

Chief Executive Officer, JFA Purple Orange



Purple Orange

Peter Scutt,

Chief Executive Officer, Mable



Robin Banks and Michael Small
Directors, Equality Building



Nadia Mattiazzo
Chief Executive Officer, Women with Disabilities Victoria



Associate Professor Amy Maguire
Co-Director, Centre for Law and Social Justice, University of Newcastle Law School



**CENTRE FOR
LAW AND
SOCIAL
JUSTICE**

George Newhouse
Chief Executive Officer, National Justice Project



Graham Droppert SC
National President, Australian Lawyers Association



Alan Thomas
President, Healthcare Consumers Association



Natalie Lang, Secretary,
Australian Services Union NSW/ACT



Felicity Crowther
Executive Director, South Australian Council on Intellectual Disability



Michael Stanton
President Liberty Victoria

**LIBERTY
VICTORIA**

Inclusion Melbourne & I Can Vote Campaign



Greg McIntyre SC
President International Commission of Jurists, Western Australian Branch



Dean Dadson
SARU Core Worker, Self Advocacy Resource Unit



Kerry Marshall
Chair Women With Disabilities ACT



Nicolas Lawler

Chief Executive Officer, Advocacy for Inclusion – Incorporating People with Disabilities ACT



Karly Warner

Chief Executive Officer, Aboriginal Legal Service (NSW/ACT) Limited



Julie Waud

Acting Chief Executive Officer and Senior Solicitor of the Aboriginal Legal Service of WA Ltd



Shannon Wright

Chief Executive Officer, Seniors Rights Service



Jason Teoh

Solicitor, Marrickville Legal Centre



Rebecca Kelly
President Down Syndrome Tasmania



Daniel Payne
Chief Executive Officer, Down Syndrome Victoria



Lorraine Clark, AM
President, Down Syndrome New South Wales



Joanna Quilty
Chief Executive Officer, NSW Council of Social Service



Caitlin De Cocq Van Delwijnen
Network Coordinator, Queensland Independent Disability Advocacy Network (QIDAN)

Brendan Cullinan

Chief Executive Officer People With Disabilities (WA) Inc



people with
disabilities
western
australia

Paige Armstrong

Chief Executive Officer, Queenslanders with Disability Network Ltd (QDN)



QUEENSLANDERS WITH DISABILITY NETWORK
NOTHING ABOUT US WITHOUT US

Helen Campbell OAM

Executive Officer, Women's Legal Service NSW

