



**Australian Federation of  
Disability Organisations**

# **Inquiry into Civics Education, Engagement, and Participation in Australia**

**Submission to the Joint Standing Committee  
on Electoral Matters**

**24 May 2024**

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## About AFDO

The Australian Federation of Disability Organisations (AFDO) is a Disabled People's Organisation (DPO) run by and for people with disability, reaching over 4 million Australians.

We are a unique representative organisation covering both disability specific and population-based disability communities and the pre-eminent national voice representing people with disability across Australia and internationally.

Our Members are 37 national and state disability advocacy organisations run by and for people with disability and their families, representing Australians with disability.

Our vision is "That all people with disabilities must be involved equally in all aspects of social, economic, political and cultural life."

### **Our Members:**

Advocacy for Inclusion Inc. - ACT	Arts Access Australia
Autism Aspergers Advocacy Australia	Blind Citizens Australia
Brain Injury Australia	Deaf Australia
Deafblind Australia	Deafness Forum Australia
Disability Advocacy Network Australia	Disability Justice Australia
Disability Resources Centre - Vic	Down Syndrome Australia
Enhanced Lifestyles - SA	Physical Disability Australia
People With Disabilities WA	Polio Australia
South West Autism Network - WA	Women With Disabilities ACT
Women with Disabilities Victoria	National Mental Health Consumer & Carer Forum
Advocacy WA	All Means All
AED Legal Centre - Vic	AMAZE - Vic
Arts Access Victoria	Aspergers Victoria
Disability Advocacy & Complaints Service - SA	Explorability Inc - SA
Integrated disAbility Action - NT	Leadership Plus – Vic
Multiple Sclerosis Australia	National Union of Students - Disabilities Dept.
National Organisation for Fetal Alcohol Spectrum Disorder	Star Victoria Inc
TASC National Limited - Qld	Tourettes Syndrome of Australia
Youth Disability Advocacy Service - Vic	

## Acknowledgement

AFDO acknowledges Aboriginal and Torres Strait Islander people as the traditional custodians of the land on which we stand, recognising their continuing connection to land, waters, and community. We pay our respects to the peoples of the lands on which these operate and to their respective Elders past and present. We also pay our respects to the traditional owners of all lands on which we operate or meet around the country.

AFDO acknowledges people with disability, particularly those individuals that have experienced or are continuing to experience violence, abuse, neglect, and exploitation. We also acknowledge their families, supporters, and representative organisations and express our thanks for the continuing work we all do in their support.

# 1. Introductory comments

The Australian Federation of Disability Organisations (AFDO) welcomes the opportunity to contribute to the Inquiry into Civics Education, Engagement, and Participation in Australia, and thanks the Joint Standing Committee on Electoral Matters for its consideration of this submission. This submission will focus primarily on the barriers preventing people with disability from engaging with and participating in the electoral process.

Current legislation in Australia unjustly denies many people with disability, particularly those with intellectual disability or cognitive impairments, the fundamental right to vote. This exclusion is primarily enforced through the outdated and discriminatory criterion of being of "unsound mind."

Voting is an inalienable human right, protected under international human rights instruments, and the denial of this right to people with disability is a violation of their inherent dignity and equality.

People with disability are further excluded from civic participation by the denial of voting rights to both prisoners and individuals experiencing homelessness. They are more likely to be both incarcerated or experience homelessness, leading to a disproportionate impact and greater disenfranchisement. This intersectionality underscores the urgent need for legislative reform to ensure that all Australians, regardless of their disability status, can exercise their right to vote and engage in civic life.

Beyond the legislative barriers, there are other significant obstacles that prevent people with disability from enjoying full participation in the electoral process.

The accessibility of voting itself, including the physical act of casting a ballot, and the accessibility of information necessary to make informed voting decisions, remain significant challenges. While Australia has made commendable progress in improving the physical accessibility of voting facilities, more work is needed to address the less tangible barriers that impede the full civic participation of people with disability.

To foster a truly inclusive democracy, it is imperative that current legislation is amended to prevent the disenfranchisement of people with disability. Only then can Australia ensure that all its citizens, including those with disabilities, are fully able to participate in civic life and exercise their right to vote.

## 2. Summary of recommendations

1. Immediately, and as a matter of urgency, amend the *Commonwealth Electoral Act 1918* (Cth) to repeal:
  - s 93(8)(a), which provides that a person of “unsound mind” who is “incapable of understanding the nature and significance of enrolment or voting” is not entitled to have their name on the electoral roll or to vote in any Senate or House of Representatives election; and
  - (b) s 118(4), which relates to objections to enrolment on the basis that a person is of “unsound mind”.
2. Any legislative, procedural, or operational changes to the conduct of elections and to electoral requirements should consider their potential impact on people experiencing homelessness and avoid introducing additional barriers to their participation in the electoral process.
3. Specialist homelessness services should be granted an exemption under the *Commonwealth Electoral Act 1918* (Cth) that allows them to be classed as ‘home’ for enrolment purposes.
4. The Australian Electoral Commission should build ongoing partnerships with specialist homelessness services, including engaging in enrolment drives at their premises prior to elections.
5. The Australian Electoral Commission should continue and expand upon its mobile polling program through specialist homelessness services and other key service providers.
6. The Australian Electoral Commission should commission further research into the relationship between homelessness and electoral participation, including the experiences of people with disability who are homeless, as this is a severely under-researched area with minimal established data.
7. Amend the *Commonwealth Electoral Act 1918* (Cth) to repeal s 93(8AA), which states that “a person who is serving a sentence of imprisonment of 3 years or longer is not entitled to vote at any Senate election or House of Representatives election.”
8. The Australian Electoral Commission should conduct research into and promote strategies to build the capacity of disability organisations and their staff to support and inform people with disability to participate in the electoral process.
9. The Australian Electoral Commission should explore strategies to engage families and supporters of people with disability in education about voting rights and support.

- 10.** The Australian Electoral Commission should further explore peer education as a strategy to build the individual capacity of people with disability to participate in the electoral process.
- 11.** The Australian Electoral Commission should continue to produce guides and information in Easy Read and other accessible formats, with a view to generating further exploration of strategies to produce and disseminate this type of information.
- 12.** All Australian political parties and election candidates should be required to produce campaign materials in Easy Read and other accessible formats.

### 3. Voting as an inalienable human right

Under the *Commonwealth Electoral Act 1918* (the Act), every Australian citizen aged 18 or older is eligible to vote in federal elections if they are validly enrolled. However, certain disqualifications exist, including being of “unsound mind”, being incarcerated for a period of three years or more, and convictions for treason or treachery without pardon.<sup>i</sup> Individuals experiencing homelessness are also frequently excluded due to being unable to register at a fixed address. These restrictions are particularly problematic for people with disability, who are disproportionately affected due to higher rates of incarceration and homelessness.

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) guarantees this right through Article 29, which emphasises participation in political and public life. This provision underscores the commitment to ensuring that all individuals, including those with disabilities, can fully participate in the democratic process.

*States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:*

*a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:*

*i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;*

*ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;*

*iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;*

*b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:*

*i. Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;*

*ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.<sup>ii</sup>*



The CRPD Committee has consistently emphasised that voting rights should not be denied on the basis of disability, advocating for a presumption of voting capacity and the removal of discriminatory practices. States are obligated to provide reasonable accommodations to facilitate the exercise of voting rights for all persons with disabilities.

*“Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived, or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of article 2 of the Convention.”<sup>iii</sup>*

In addition, universal enfranchisement is further protected under Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which states:

*Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:*

*(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;*

*(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;*

*(c) To have access, on general terms of equality, to public service in his country.”<sup>iv</sup>*

These treaties bind the Australian government and mandate that effective measures be taken to ensure all eligible individuals can exercise their voting rights, including facilitating voter registration and removing unreasonable obstacles, such as residence requirements that disenfranchise the homeless.

Australia's current legislation does not meet these international standards, and it is imperative to amend the laws to ensure all citizens, regardless of disability, can fully participate in the democratic process.

## 4. The legal disenfranchisement of people with disability via the “unsound mind” exclusion

Section 93(8) of the Act, known as the "unsound mind" exclusion, prevents individuals deemed to be of unsound mind from enrolling or voting.

*“A person who:*

*(a) by reason of being of unsound mind, is incapable of understanding the nature and significance of enrolment and voting; ...*

*is not entitled to have his or her name placed or retained on any Roll or to vote at any Senate election or House of Representatives election.”<sup>v</sup>*

This exclusion is vaguely defined and broadly applied, lacking a clear definition in both the Act and common law. It can be interpreted to include individuals with various impairments, such as intellectual and psychosocial disability, acquired brain injuries, and degenerative conditions like dementia, many of whom could vote with appropriate assistance.

The ambiguity of the unsound mind exclusion also often leads to the disenfranchisement of individuals with episodic mental health conditions, such as bipolar disorder or schizophrenia. These individuals may be judged by medical practitioners as unfit to understand the nature and significance of voting at certain stages of their illness, despite being capable of voting independently on election day.

The exclusion also allows any elector to object to another person's enrolment based on the unsound mind provision, provided the objection is supported by a medical practitioner's opinion.

Between 2008 and 2012, approximately 28,000 people were removed from the electoral roll under the unsound mind provisions, with a significant number of removals occurring during the 2010 federal election.<sup>vi</sup> However, there is a lack of detailed data on the disabilities of those removed or the relationships between the objectors and the disenfranchised individuals. This lack of transparency raises concerns about the fairness and accuracy of the process.

In 2012, the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 was introduced to amend section 93(8) of the Act by removing the term "unsound mind." Instead, it proposed that a person is not entitled to vote if said person 'in the opinion of a qualified person' is incapable of understanding the nature and significance of enrolment and voting".<sup>vii</sup> However, the Joint Standing Committee on Electoral Matters recommended that there was no urgent need to change the term, and the amendment was not made.<sup>viii</sup>

The issue resurfaced in the Australian Law Reform Commission (ALRC) Inquiry into Equality, Capacity, and Disability in Commonwealth Laws. The ALRC initially recommended replacing the term "unsound mind" with a provision excluding persons

who lack decision-making ability regarding enrolment and voting. They expressed concerns that allowing individuals with intellectual disability to vote could threaten the electoral system's integrity.<sup>ix</sup> However, in its Final Report, the ALRC recommended repealing the provisions that deny voting rights to persons with intellectual disabilities, noting strong stakeholder support for this repeal and opposition to introducing a new capacity test.<sup>x</sup>

The Human Rights Law Centre (HLRC) contends that the term "unsound mind" is both archaic and stigmatising, and as such further breaches the CRPD under Article 8, which mandates states to respect the dignity of individuals with disability.<sup>xi</sup> Even if the term were removed, as proposed in the 2012 Bill and recommended by the Australian Law Reform Commission (ALRC), the law would still contravene the CRPD as the provision would still target people with intellectual disability. The CRPD requires substantive equality, meaning active measures must be taken to ensure that people with intellectual disability can enjoy their voting rights equally. The legislation, even without the term "unsound mind," would still involve capacity assessments based on complaints and medical evaluations, perpetuating disenfranchisement.

To comply with the CRPD, the Act should be amended to remove the "unsound mind" exclusion and reflect non-discrimination, presumption of legal capacity, and supported decision-making. The CRPD Committee has stated that any restriction on voting based on disability or legal capacity is discriminatory. Additionally, reasonable accommodations, such as accessible polling places and comprehensible electoral information, are necessary to ensure that individuals with disability can fully exercise their voting rights, especially given the penalties for failing to vote in Australia.

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### **Recommendation 1:**

Immediately, and as a matter of urgency, amend the *Commonwealth Electoral Act 1918* (Cth) to repeal:

- s 93(8)(a), which provides that a person of "unsound mind" who is "incapable of understanding the nature and significance of enrolment or voting" is not entitled to have their name on the electoral roll or to vote in any Senate or House of Representatives election; and
- (b) s 118(4), which relates to objections to enrolment on the basis that a person is of "unsound mind".

## 5. Other barriers to electoral participation for people with disability

While the unsound mind exclusion is the most egregious barrier preventing the civic participation of people with disability, there are a number of other factors that further impede their enfranchisement.

### 5.1. Housing insecurity and homelessness

People with disability are at greater risk of experiencing housing insecurity and homelessness.<sup>xii</sup> Previously, individuals were required under the Act to register at a fixed address in order to vote, largely excluding those experiencing housing insecurity or homelessness. While the Act was amended to allow individuals to enrol as “itinerant voters”, rates of electoral participation among this population remain extremely low.<sup>xiii</sup>

In their report entitled ‘An Exploration of Homelessness and Electoral Participation’, Coram et al identified the most significant obstacles to homeless individuals voting. For both enrolled and unenrolled individuals, these were:

- Believing voting was pointless or that there was no one worth voting for.
- Seeing politicians as untrustworthy and self-interested.
- Not knowing where to vote or being unable to access a polling place.
- Believing that politicians don’t listen or care.
- Not wanting their name on the electoral roll.
- Finding voting too complicated or burdensome.<sup>xiv</sup>

For those who were enrolled to vote, the most significant obstacles included:

- Not knowing where to vote or being unable to access a polling place.
- Not having much knowledge of or interest in elections/politics.
- Being unaware an election was taking place.
- Forgetting to vote.
- Isolation/feeling disconnected from society.<sup>xv</sup>

Importantly, while people experiencing homelessness were largely not less interested or more disengaged than the rest of the electorate, they did express high levels of disillusionment with politics and ‘the system’, which was closely related to their lived experience of homelessness.<sup>xvi</sup> On the contrary, the study found that the political interest of those experiencing homeless tended to be higher than that of the general population, however their turnout rate remained significantly lower.<sup>xvii</sup>

As this research demonstrates, mere legislative change allowing for the participation of itinerant voters is insufficient, and greater work needs to be done to increase community awareness and encourage greater participation in the electoral process among this population.

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**Recommendation 2:**

Any legislative, procedural, or operational changes to the conduct of elections and to electoral requirements should consider their potential impact on people experiencing homelessness and avoid introducing additional barriers to their participation in the electoral process.

**Recommendation 3:**

Specialist homelessness services should be granted an exemption under the *Commonwealth Electoral Act 1918 (Cth)* that allows them to be classed as ‘home’ for enrolment purposes.

**Recommendation 4:**

The Australian Electoral Commission should build ongoing partnerships with specialist homelessness services, including engaging in enrolment drives at their premises prior to elections.

**Recommendation 5:**

The Australian Electoral Commission should continue and expand upon its mobile polling program through specialist homelessness services and other key service providers.

**Recommendation 6:**

The Australian Electoral Commission should commission further research into the relationship between homelessness and electoral participation, including the experiences of people with disability who are homeless. As this is a severely under-researched area with minimal established data,

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**5.2. Incarceration for a period of three years or more**

The Act also excludes individuals serving a prison sentence of three years or more from voting, regardless of their enrolment status. This is once again inconsistent with Australia’s obligations under the ICCPR, which states:

*“The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.”<sup>xviii</sup>*

Universal enfranchisement is an important tool of social inclusion and reintegration, and allowing prisoners the right to vote would be consistent with a penal system that affirms reformation and social rehabilitation.

This exclusion is relevant to people with disability, particularly people with intellectual disability and/or psychosocial disability, as they are vastly more likely to be overrepresented at all stage of the criminal justice system.<sup>xix</sup> Per the Australian Institute of Health and Welfare, people with disability make up 29% of the prison population,

despite being only 18% of the general population.<sup>xx</sup> These numbers are even higher among First Nations people, for whom it is estimated that 95% charged with criminal offences and appearing in court have an intellectual disability, cognitive impairment, or mental illness.<sup>xxi</sup>

Given this data, it is clear that any restrictions preventing incarcerated persons from voting will have a disproportionate impact on people with intellectual and psychosocial disability, and so the Act should be amended to remove these provisions forthwith.

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### **Recommendation 7:**

Amend the *Commonwealth Electoral Act 1918 (Cth)* to repeal s 93(8AA), which states that “a person who is serving a sentence of imprisonment of 3 years or longer is not entitled to vote at any Senate election or House of Representatives election.”

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### **5.3. Non-legislative barriers to electoral participation**

In addition to these barriers relating directly to provisions contained within the Act, there are a number of additional barriers preventing the full civic participation of people with disability. In their report entitled ‘Strategies to Support People with Intellectual Disabilities to Participate in Voting’, Bigby et al identified the following:

- Limited support from staff in disability organisations and family members.
- Minimal attention paid to issues related to voting by disability organisations or lack of encouragement to their staff to provide support.
- Low expectations from staff and family.
- Uncertainty of disability support staff about the legitimacy of some types of voting support they might provide.
- Doubts by staff and families about the capacity of people with more severe intellectual disabilities to understand and participate in voting.<sup>xxii</sup>

These barriers could, however, be overcome when the following facilitating factors were present:

- Support from family members for voting.
- Staff willingness to provide some types of support for voting.
- Staff acknowledgement of the rights of people with intellectual disabilities to vote.<sup>xxiii</sup>

In their evaluation of a capacity building initiative implemented by the Victorian Electoral Commission (VEC), which focused on upskilling staff in two disability organisations to increase their awareness of voting and assisting them in supporting people with intellectual disability to vote, the following changes were observed:

- The number people who had voted increased from 21 (45%) to 24 (51%).

- The number of people enrolled increased from 17 (36%) to 22 (47%).
- The number of people who were certain about their enrolment status increased from 31 (66%) to 42 (89%).<sup>xxiv</sup>

While there has been minimal research into the participation rates of this population in the Australian electoral process, this data would indicate that disability organisations could play a critical role in increasing voter participation among people with disability.

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**Recommendation 8:**

The Australian Electoral Commission should conduct research into and promote strategies to build the capacity of disability organisations and their staff to support people with disability to participate in the electoral process.

**Recommendation 9:**

The Australian Electoral Commission should explore strategies to engage families and supporters of people with disability in education about voting rights and support.

**Recommendation 10:**

The Australian Electoral Commission should further explore peer education as a strategy to build the individual capacity of people with disability to participate in the electoral process.

**Recommendation 11:**

The Australian Electoral Commission should continue to produce guides and information in Easy Read and other accessible formats, with a view to generating further exploration of strategies to produce and disseminate this type of information.

**Recommendation 12:**

All Australian political parties and election candidates should be required to produce campaign materials in Easy Read and other accessible formats.

## 6. Concluding comments

AFDO thanks the Committee again for their consideration of this submission, and strongly urges them to address the substantial barriers preventing people with disability from fully participating in the electoral process.

Current legislation, particularly the "unsound mind" exclusion, unjustly disenfranchises many individuals with intellectual and psychosocial disability, violating their fundamental human rights.

This exclusion is compounded by the additional disenfranchisement faced by people with disability who are incarcerated or experiencing homelessness, highlighting the urgent need for comprehensive legislative reform.

Furthermore, while strides have been made in improving the physical accessibility of voting facilities, significant challenges remain in ensuring that all aspects of the voting process, including the accessibility of information, are fully inclusive.

By amending current laws and implementing measures to support the full civic engagement of people with disability, Australia can move towards a truly inclusive democracy where every citizen, regardless of their disability status, can exercise their right to vote and participate in civic life.

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- <sup>i</sup> *Commonwealth Electoral Act 1918 (Cth) s 93(8)*.
- <sup>ii</sup> United Nations (2006) *Convention on the Rights of Persons with Disabilities*, Treaty Series, vol. 2515, Dec. 2006, art. 29, Accessed 20 May 2024. <<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-29-participation-in-political-and-public-life.html>>
- <sup>iii</sup> United Nations Committee on the Rights of Persons with Disabilities (2011) *Views of the Committee on No 4/2011: Communication Bujdosó v Hungary*, UN Doc CRPD/C/10/D/4/2011, Accessed 30 May 2024. <[https://www.ohchr.org/Documents/HRBodies/CRPD/Jurisprudence/CRPD-C-10-D-4-2011\\_en.doc](https://www.ohchr.org/Documents/HRBodies/CRPD/Jurisprudence/CRPD-C-10-D-4-2011_en.doc)>
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- <sup>v</sup> *Commonwealth Electoral Act 1918 (Cth) s 93(8)*.
- <sup>vi</sup> Joint Standing Committee on Electoral Matters (2012) *Advisory Report on the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012*, Accessed 15 May 2024. <[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Completed\\_Inquiries/em/electReferendumBill2012/Final%20report/index](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Completed_Inquiries/em/electReferendumBill2012/Final%20report/index)>
- <sup>vii</sup> Explanatory Memorandum, Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 (Cth) (First Reading Bill), 3.
- <sup>viii</sup> Joint Standing Committee on Electoral Matters (2012) *Advisory Report on the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012* [2.91], [2.94].
- <sup>ix</sup> Australian Law Reform Commission (2014) *Equality, Capacity and Disability in Commonwealth Laws*, DP 81, Accessed 20 May 2024. <<https://www.alrc.gov.au/publication/equality-capacity-and-disability-in-commonwealth-laws-dp-81/>>
- <sup>x</sup> Australian Law Reform Commission (2014) *Equality, Capacity and Disability in Commonwealth Laws*, Report 124, Accessed 20 May 2024. <<https://www.alrc.gov.au/publication/equality-capacity-and-disability-in-commonwealth-laws-alrc-report-124/>>
- <sup>xi</sup> Human Rights Law Centre (2014) *Disenfranchising persons of “unsound mind”: discrimination in Australia’s electoral law*, Submission to the Australian Law Reform Commission Inquiry on Legal Barriers for People with Disability, Accessed 20 May 2024. <[https://www.hrlc.org.au/s/HRLC\\_Submission\\_Disenfranchising\\_persons\\_of\\_unsound\\_mind\\_Jan2014.pdf](https://www.hrlc.org.au/s/HRLC_Submission_Disenfranchising_persons_of_unsound_mind_Jan2014.pdf)>
- <sup>xii</sup> Australian Institute of Health and Welfare (AIHW) (2022) *People with disability in Australia*, Accessed 2 May 2023. <<https://www.aihw.gov.au/getmedia/3bf8f692-dbe7-4c98-94e0-03c6ada72749/aihw-dis-72-people-with-disability-in-australia-2022.pdf.aspx?inline=true>>
- <sup>xiii</sup> Coram, V., Louth, J., Hill, L., Tually, S., & Goodwin-Smith, I. (2019) *An Exploration of Homelessness and Electoral Participation*. University of South Australia and The University of Adelaide, Adelaide.
- <sup>xiv</sup> Ibid.
- <sup>xv</sup> Ibid.
- <sup>xvi</sup> Ibid.
- <sup>xvii</sup> Ibid.
- <sup>xviii</sup> United Nations (1966) *International Covenant on Civil and Political Rights*, Treaty Series, 999: 171, art. 10, Accessed 20 May 2024. <<https://humanrights.gov.au/our-work/commission-general/international-covenant-civil-and-political-rights-human-rights-your#:~:text=possible%20for%20adjudication.-,3.,their%20age%20and%20legal%20status.>>>
- <sup>xix</sup> McCausland, R. & Baldry, E. (2017) “I feel like I failed him by ringing the police”: Criminalising disability in Australia’, *Punishment & Society*, 19(3): 290-293.
- <sup>xx</sup> Australian Institute of Health and Welfare (2019) *The health of Australia’s prisoners 2018*, AIHW, Australian Government, Cat. no: PHE 246.
- <sup>xxi</sup> Mr Peter Collins, Director, Legal Services, Aboriginal Legal Service of WA, Committee Hansard, Perth, 19 September 2016, p. 16.
- <sup>xxii</sup> Bigby, C., Tipping, S., Bould, E., Thiele, R. (2019) *Final report: Strategies to support people with intellectual disabilities to participate in voting*, Living with Disability Research Centre, La Trobe University: Bundoora, VIC.
- <sup>xxiii</sup> Ibid.
- <sup>xxiv</sup> Ibid.