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From: JUSTICE ACTION [mailto:JA@justiceaction.org.au]
Sent: Tuesday, 28 February 2006 2:50 PM
To: FPA, Committee (SEN)
Subject: Submission for Electoral Integrity (prisoners' vote) Bill

Committee Secretary
Senate Finance and Public Administration Committee
Department of the Senate
Parliament House
Canberra ACT 2600

Dear Committee Secretary

RE: Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill.

We are concerned that the people most affected by this change to law - prisoners - have not been directly invited to make an oral or verbal submission to this Inquiry.

We wrote to all relevant Ministers and Commissioners around Australia requesting they notify prisoners under their control of the Electoral and referendum Amendment (Electoral Integrity and Other Measures) Bill and invite them to make a submission to your Inquiry.

We also suggest that your inquiry visit prisons and meet with prisoners who will be directly affected by the change and their elected representatives to ensure you hear directly from the people whose democratic duty will be disregarded.

Please find following our submission on the above Bill.

Currently Australian prisoners serving sentences of less than only three years can vote in federal elections. In August 2004 Federal Parliament restricted the right to vote to those serving sentences of three years or less.

Now the coalition wants all prisoners barred from voting in federal elections with the introduction late last year of the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill.

Prisoners' vote gets life!
But they're crims anyway § why should they vote?

There is no evidence that disenfranchising prisoners deters crime or assists in rehabilitation. It is more likely to increase alienation and disengagement from mainstream society and any sense of civic responsibility.

This would disenfranchise 25,353 voters of which more than half are expected to serve sentences of less than two years; ie who are likely to be released within a political term. It is a double disenfranchisement for the 5,656 Indigenous people in jail who lost their ATSIC vote last year.

So why is the Government bothering?

It is cheap law and order politics. Removing prisoners' political voice means politicians can now officially ignore prisons and prisoners. They have sentenced them to civic death.

What's the logic?

Previously Senator Nick Minchin said 'any @pub test' would find that law-abiding citizens resented allowing prisoners the vote'. (24/06/04)

There is no logical connection between committing an offence and the right to vote regardless of what pub this so-called test was conducted in.

Internationally

Fellow Commonwealth Nations like Canada and South Africa have removed such blatantly discriminatory laws.

'Denying penitentiary inmates the right to vote is more likely to send messages that undermine respect for the law and democracy than messages that enhance those values,' Chief Justice McLachlin of the Canadian Supreme Court, *Sauve v Canada* (10/12/02).

The European Court of Human Rights recently ruled in favour of giving British prisoners the vote, 'Prisoners lose their liberty, not their place in the human race nor their position in the society.' *Hirst v the United Kingdom No 2* (6/10/05).

Australia is a signatory to the International Covenant on Civil and Political Rights. Article 25, in combination with Article 2, provides that every citizen shall have the right to vote at elections under universal suffrage without a distinction of any kind on the basis of race, sex or other status.

The right to vote is not a selective reward for those who the Government decides are morally decent. It is a fundamental citizenship right in a constitutional democracy.

Voting is a democratic duty not a privilege.

Please find attached related material.

- European Court Ruling (Guardian UK. 45k PDF)
- Prisoners vote in Canada ("hundreds voting at... 106k. PDF)
- The Age opinion piece (The Age Vic Au. 60k. PDF)
- The Government response ("voting changes..." 54k. PDF)
- European Court judgement

(<http://www.echr.coe.int/Eng/Press/2005/Oct/GrandChamberJudgmentHirstvUK061005.htm>)

- Canadian Supreme Court Judgement

(http://www.lexum.umontreal.ca/csc-scc/en/pub/2002/vol3/html/2002scr3_0519.html)

- www.prisonreformtrust.org.uk

We would be happy to provide further information to the committee if required. Please contact us through the below details.

Yours sincerely

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