

21 April date 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Section 93(8) must be repealed because it is inconsistent with Australia's international legal obligations under article 29 of the *United Nations Convention on the Rights of Persons with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*



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*



**Women  
With  
Disabilities  
Australia**  
(WWDA)

**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  
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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  
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**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 Crock**

*Co-Director of the Sydney Centre for International Law  
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**Professor Jennifer Smith-Merry, PhD**

*Centre for Disability Research and Policy  
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**CDS**

**Centre for**

**Disability**

**Studies**

**Maria Nawaz**

*Acting Executive Director, Grata Fund*



**Yvonne Keane AM**

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**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**

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**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**

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*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*

