



Office of the
**Custodial
Inspector**
Tasmania

Overcoming barriers to voting in prison - review report 2025



The Office of the Custodial Inspector acknowledges Tasmanian Aboriginal people as the Traditional Custodians of lutruwita/Tasmania. We recognise their continuing connection to Land, Sea, Waterways, Sky, and Culture and pay our respects to Elders, past and present.



About this review

This review describes the findings and recommendations from the Custodial Inspector resulting from a review of election voting rights of people in custody in Tasmania.

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For people in custody

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Cover photos courtesy of Norm Reed; photos are of Australian Electoral Commission mobile polling services at Tasmania Prison Service facilities. The photos have been digitally altered to protect the identity of the people in them.

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Summary from the Custodial Inspector

Democracy is about public participation. Being able to vote on who governs us—our representatives at the local, state and federal levels of government—and proposed changes to the Australian Constitution are core features of that participation. Despite this, people in custody face barriers to exercise their right to vote and, for some, their participation is restricted throughout their term of imprisonment.

Under Australia's system of compulsory voting, eligible citizens must enrol to vote and it is an offence not to vote. Across Australia, about 97% of eligible people are enrolled. In contrast, we heard during our review that only 57% of people in Tasmanian prisons eligible to vote were enrolled. This is a concerning statistic.

While the right to vote is unlikely to be a primary concern for some in custody, with far more basic conditions not being consistently met such as access to the open air, every right deserves to be respected. Importantly, the right to vote does ensure people in custody can have a say on the delivery of government services, which include prison services. Removing barriers to the right to vote will likely mean people in custody will be more able, as well as willing, to have a say.

In circumstances where someone is already in prison because they have committed an offence, or are alleged to have done so, prison administrators need to take reasonable steps to reduce barriers to voting. Not ensuring these barriers are reduced could result in people in their care committing a further offence of not voting, in part because of their imprisonment.

During our Wellbeing inspection in late 2022 questions arose about what was being done to promote the first compulsory local council elections in Tasmania. We observed no materials promoting the election nor information about how people in custody could vote. This was concerning given the *United Nations Standard Minimum Rules for the Treatment of Prisoners* provide that the treatment of people in custody should emphasise not their exclusion from the community but their continuing part in it.

This inspection was the impetus for subsequent enquiries and then this review of voting in Tasmanian prisons. Positively, this review highlights significant improvements the Tasmania Prison Service (TPS) has facilitated since we raised our initial observations on voting with it in 2022.



Following the Wellbeing inspection, we proactively engaged with the TPS to find out how it was facilitating participation in the 2023 referendum. This was a vote on the proposed law to alter the Australian Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Enabling voting in prison was especially pertinent given the high rate of incarceration of Aboriginal people in Tasmania. Around the same time the Australian Electoral Commission initiated contact with the Secretary of the Department of Justice to discuss voting options for people in custody. The subsequent efforts of the TPS and the Australian Electoral Commission to support in-person voting was an excellent demonstration of ensuring participation.

56 people in custody were assisted to enrol to vote prior to the referendum and mobile polling services were made available in all Tasmanian prisons for the first time since 2007. 176 votes were received. Anecdotal evidence from the Australian Electoral Commission indicated that this rate of participation was significantly greater than previous federal elections where only postal voting was available.

In the lead-up to the 2024 Tasmanian state election for the House of Assembly, we again made enquiries about whether mobile polling services would be available in prison. The TPS advised it had already proactively engaged with the Tasmanian Electoral Commission but unfortunately mobile polling services were not possible for this state election. However, during this review we heard about promising developments that suggest in the future this may no longer be the case.

We discuss our observations of these events in this report and then examine a number of barriers to voting experienced by people in custody. We observed issues connected to the opportunity to vote, such as the absence of mobile polling services, a lack of awareness amongst people in custody of their rights and responsibilities concerning voting and the significant issue of literacy limiting participation.

Whilst TPS staff went to considerable lengths to facilitate mobile polling services for the 2023 referendum, there is an absence of underlying policies or procedures on voting in Tasmanian prisons. This means staff, and ultimately people in custody, have limited guidance on how it occurs and what assistance can be provided. This is not ideal, but it is clear the TPS is addressing issues as they arise. Since the 2023 referendum it has also been actively working with electoral commissions as new elections approach. Preparations, for example,



are well underway for the federal election on 3 May 2025. In a response to a draft copy of this report, the Australian Electoral Commissioner provided an update on the range of activities being undertaken to support people in custody to participate in this election. Their correspondence, including copies of improved resources for people in custody, can be found at Appendix 4 – Australian Electoral Commission response.

We also consider a larger issue concerning the disenfranchisement of some people in custody. When people are sentenced to a term of imprisonment the punishment is the removal of their personal liberty. It is perhaps not so well understood that it may also result in their right—and in Australia’s compulsory voting system, responsibility—to vote being temporarily removed. People with a sentence of three years or more are ineligible to vote in Tasmania in local, state and federal elections. The landscape in Australia is confusing, however, as voting restrictions vary depending on the state or territory. The only consistency is in restrictions on voting at the federal level where, like Tasmania, people serving a sentence of imprisonment of three years or more cannot vote in federal elections. We consider whether sufficient factors exist to review the current restriction at the Tasmanian state and local government level. Most concerning is the impact that the voting restriction may have on Aboriginal people. The disproportionate incarceration of Aboriginal people makes voting restrictions essentially discriminatory.

We make seven recommendations. In drafting these recommendations, we have been conscious that matters relating to the federal sphere are often more properly within the ambit of the Commonwealth Ombudsman as the National Preventive Mechanism (NPM) Coordinator although we note they are not yet properly resourced, like the Tasmanian NPM. The recommendations are designed to improve people in custody’s ability to engage in the democratic process and the community as, ultimately, this is where they will return on their release.

Pleasingly, the Department of Justice and the Tasmanian Electoral Commission supported all recommendations relating to them. Unfortunately, the Minister for Corrections and Rehabilitation did not advise at this stage whether they supported making all people in custody eligible to vote in Tasmanian elections.

Richard Connock

Custodial Inspector

April 2025



Thank you

We would like to thank the people in custody who shared their experiences with us. We greatly value their contributions.

We would like to thank the staff who engaged with us at the Department of Justice and the Tasmania Prison Service. Whilst they are legislatively obliged to assist, their cooperation with the process is very positive. We also spoke with a number of external service providers who work in Tasmanian prisons and we valued their insights.

During this review we engaged with multiple electoral commissions, including in Tasmania, South Australia, Victoria and the Australian Capital Territory as well as the Australian Electoral Commission. We appreciate their gracious assistance.

We were fortunate to have Nicki Fox work with us for a semester as part of a placement through the Legal Professional Experience unit at the University of Tasmania's School of Law.¹ Nicki Fox assisted with this review, and we are grateful for their contribution.

¹ More details about the Legal Professional Experience unit can be found on the [University of Tasmania](#) website.



List of recommendations

Recommendation 1

The Tasmania Prison Service explores further opportunities with the Tasmanian Electoral Commission to raise awareness about voting and civic engagement.

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Recommendation 2

The Tasmania Prison Service ensures people in custody have ready access to electoral documentation, including enrolment forms, and free telephone calls to the Tasmanian Electoral Commission from the Common Auto Dial List on the prison telephone system.

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Recommendation 3

The Tasmania Prison Service amends *Director's Standing Order 4.02 Prisoner Mail* to ensure that mail between people in custody and the Tasmanian and Australian Electoral Commissions is not opened.

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Recommendation 4

Processes relating to people in custody voting are embedded in the Tasmania Prison Service's policies and procedures.

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Recommendation 5

The Tasmania Prison Service explores establishing a memorandum of understanding with the Tasmanian Electoral Commission.

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Recommendation 6

The Tasmania Prison Service, whilst continuing to support in-person voting for people in custody, engages with the Tasmanian Electoral Commission to explore the possibility of telephone voting as a future alternative method of voting.

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Recommendation 7

The Tasmanian Parliament considers making all people in custody eligible to vote in Tasmanian elections or increase the length of sentence that results in people's right to vote being restricted, with the purposes of:

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

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Introduction and methodology

As outlined in the Custodial Inspector's summary above, the issue of voting in prison arose in the context of our Wellbeing Inspection in late 2022. The subsequent 2023 referendum and the Tasmanian state election for the House of Assembly in 2024 prompted further consideration of the issue. We outline some observations on those processes below.

We then consider a range of factors relevant to people in custody, including the process for voting on release from custody and options for enrolment addresses whilst in prison. The low voter participation rate and some of the barriers to participate in election processes that exist for people in prison are also discussed. We then explore some practical measures that could help to overcome a number of barriers to voting in prison, including:

- improving information available on voting;
- increasing ease of contact with the Tasmanian Electoral Commission;
- better protecting the secrecy of the ballot;
- embedding new practices around voting in the Tasmania Prison Service (TPS) policy; and
- exploring the option of telephone voting.

We briefly explore engagement opportunities for Ashley Youth Detention Centre and then examine whether the restriction on voting for people serving a sentence of three years or more should be reviewed.

This review was conducted under s14 of the *Custodial Inspector Act 2016*. Evidence sources utilised in conducting this review included:

- onsite visits and inspections at Tasmanian custodial centres;
- meetings with senior TPS management;
- conversations with staff and people in custody;
- review of documentation, including the TPS's policies;
- observations by Inspection Officers;
- discussions with external service providers in Tasmanian prisons; and
- meetings with the Tasmanian Electoral Commissioner and staff, the Australian Electoral Commission, the South Australian Electoral Commissioner, the Australian Capital Territory Electoral Commissioner and the Victorian Electoral Commission.



On 14 March 2025 we wrote to the Minister for Corrections and Rehabilitation to provide a draft copy of this report and to seek a response to Recommendation 7. A copy of our letter can be found at Appendix 1. The draft report was also provided to the Department of Justice, the Australian and Tasmanian Electoral Commissions and the Department for Education, Children and Young People for comment and fact checking.

A copy of the responses from these public authorities and the Minister can be found at:

- Appendix 1 – Correspondence with the Minister for Corrections and Rehabilitation
- Appendix 2 – Department of Justice response
- Appendix 3 – Tasmanian Electoral Commission response
- Appendix 4 – Australian Electoral Commission response
- Appendix 5 – Department for Education, Children and Young People response



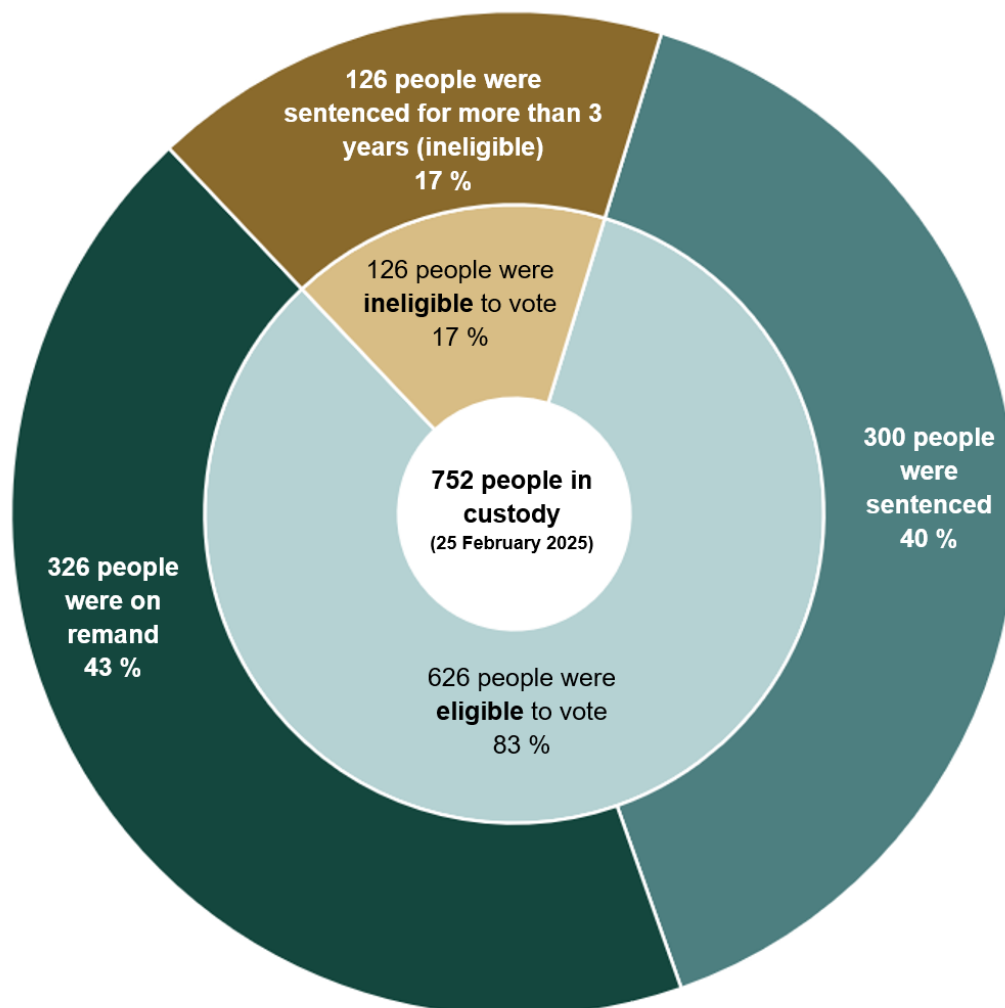
Voting in prison

In Tasmania, people on remand and people sentenced to less than three years imprisonment have the right and responsibility to vote in federal, state and local elections.² People with a sentence of three years or more are ineligible to vote.

The Tasmania Prison Service (TPS) provided data indicating that about 83% of people in Tasmanian prisons, or 626 people, were eligible to vote as at February 2025. Figure 1 provides a visual representation.

Figure 1. Proportion of people in Tasmania Prison Service custody who were eligible or ineligible to vote on 27 February 2025.

This image was created from data manually generated by Tasmania Prison Service.



² Section 31(2) of the *Electoral Act 2004 (Tas)*. To vote people need to be 18 years of age or older and an Australian citizen or a British subject who was on a Commonwealth roll on 25 January 1984.

During our Wellbeing Inspection in 2022, the local government elections for Tasmania were taking place. For the first time in Tasmania, it was compulsory to vote in local government elections.

Tasmanian local government elections: Tasmania has 29 municipal councils that are elected by a postal ballot every four years

During this inspection we did not observe any promotional material in Tasmanian prisons regarding the now compulsory local government elections. People in custody could, however, access newspapers³, radio and television, so would have been able to see news stories and advertisements about the election. They could also have spoken with family and friends.

The Tasmanian Electoral Commission (TEC) advised that local government elections are required to be conducted as universal postal vote processes, with no opportunity for alternate vote options. This means full information on candidates and their platforms, the voting process and timeframe, together with ballot papers and secure postal vote envelopes are all automatically sent to the postal addresses of all enrolled electors. For people in custody who are enrolled, they would receive mail to the TPS postal address or, alternatively, to their last enrolled address.

Nonetheless, the lack of any visible reminders of the local council elections prompted us to consider what is done in Tasmanian prisons to help people in custody participate in elections.

There are a number of barriers to voting in prison for those who are eligible, including:

- accessing information on voting in prison, including how to do it, who can do it and details about the election and candidates;
- awareness of the existence of the above information;
- the high rate of illiteracy amongst people in prison means enrolment and ballot paperwork can be difficult to complete without assistance; and
- the opportunity to vote – enrolling to vote, obtaining postal vote forms or registering as a general postal voter or accessing a mobile polling service.

³ There have been subsequent issues in late 2024 and early 2025 resulting in people in custody being unable to purchase their own copies of some newspapers following a contract with a newsagency discontinuing and a replacement arrangement not yet being found.



We were prompted to review what steps the TPS takes to address these barriers so people can exercise their right and responsibility to vote.

Following the inspection, we met with the Tasmanian Electoral Commissioner to learn more about voting in prisons. We were advised that mobile polling services in Tasmanian prisons ceased, around 2010, following a security incident at an Australian prison, but we could not find further details about this.

Information from the Australian Electoral Commission (AEC), which is responsible for conducting federal electoral events, indicated that mobile polling services for federal elections stopped in 2007 in Tasmanian prisons. This was at the request of the TPS, but no further information was available.

It appears that since then, and up until 2023, people in custody in Tasmania were only able to vote through postal voting. This is problematic as people with limited literacy may find navigating electoral information and the act of voting itself difficult. There is a high rate of people with limited or no literacy in prison.⁴

This inadvertent disenfranchisement of people in custody is not an issue that is restricted to Tasmania. A recent report by the New South Wales Inspector of Custodial Services outlined that their inspection of two correctional facilities found that not enough was done to facilitate voting in the 2023 referendum or during a recent election.⁵ The Inspector noted that failing to facilitate people in custody's legal right to vote may constitute maladministration.⁶ Thankfully, we observed a more positive outcome in Tasmania during the referendum.

Disenfranchisement, in this context, is the deprivation of a person in custody's right to vote

⁴ Tasmanian 100% Literacy Alliance (2021) *Submission by the Tasmanian 100% Literacy Alliance to the Standing Committee on employment, Education and Training inquiry into adult literacy and its importance*, [Don't take it as read: Inquiry into adult literacy and its importance](#), Submission 25.

Wise J, Harris B, Nickson R, Boughton B & Beetson J (2018) [Impact of the 'Yes, I Can!' adult literacy campaign on interactions with the criminal justice system](#), *Trends and Issues in Crime and Criminal Justice*, 562.

⁵ Inspector of Custodial Services (2023) [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre](#), New South Wales, pp. 7, 51-52.

⁶ Ibid, p.7.

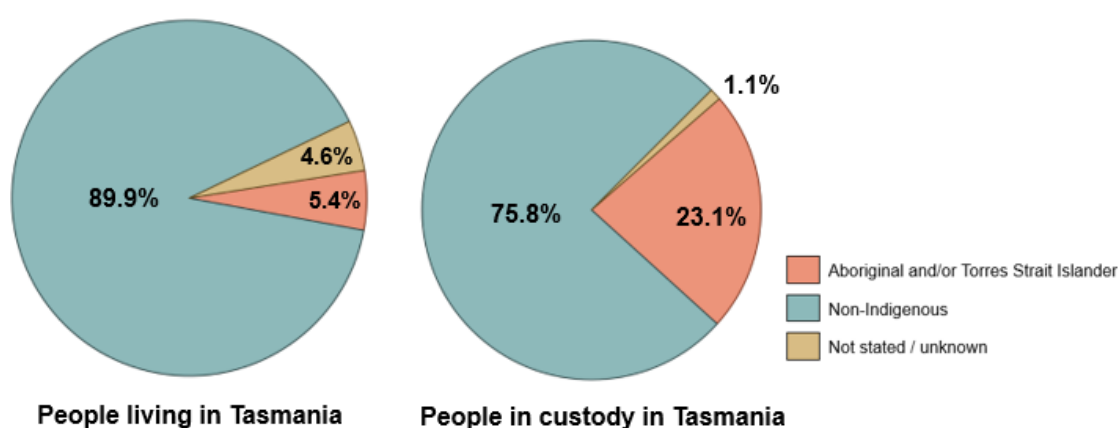


Mobile polling services in prison better enable voter participation

During follow-up conversations after the Wellbeing inspection with the TPS, we questioned whether any steps would be taken to ensure greater access to voting for the 2023 referendum on the recognition of an Aboriginal and Torres Strait Islander Voice to Parliament. Reducing barriers to voting in the referendum for people in custody was particularly important given the overrepresentation of Aboriginal people in Tasmanian prisons. Over 20% of the prison population in Tasmania is Aboriginal whereas Aboriginal and Torres Strait Islander people represented 5.4% of Tasmania's population in the 2021 Census.⁷ Figure 2 sets this information out in pie charts.

Figure 2. Indigenous status of people living in Tasmania and people in custody in Tasmania.

Data for these images was obtained from 2021 Census data from the [Australian Bureau of Statistics](#) and 2024 Report on Government Services from the [Australian Productivity Commission](#).



Around the same time we were engaging with TPS about voting options in prison for the referendum, the AEC wrote to the Secretary of the Department of Justice seeking to improve engagement with people in custody. To the TPS's credit, it went to considerable effort to actively engage with the AEC to better enable eligible people in custody to enrol and to ensure they could vote in mobile polling services in the referendum. The AEC noted that the TPS was very quick to respond positively.

This was the first time that AEC mobile polling services had been in a Tasmanian prison since 2007. Organising this took a large amount of work that

⁷ Australian Bureau of Statistics (2023) [Aboriginal and Torres Strait Islander prisoners](#), Australian Bureau of Statistics website, accessed 16 February 2024

Australian Bureau of Statistics (2022) [Tasmania: Aboriginal and Torres Strait Islander population summary](#), Australian Bureau of Statistics website, accessed 16 February 2024.



was completed in a short amount of time. It required logistical and security preparation and extensive cooperation between the TPS and the AEC.

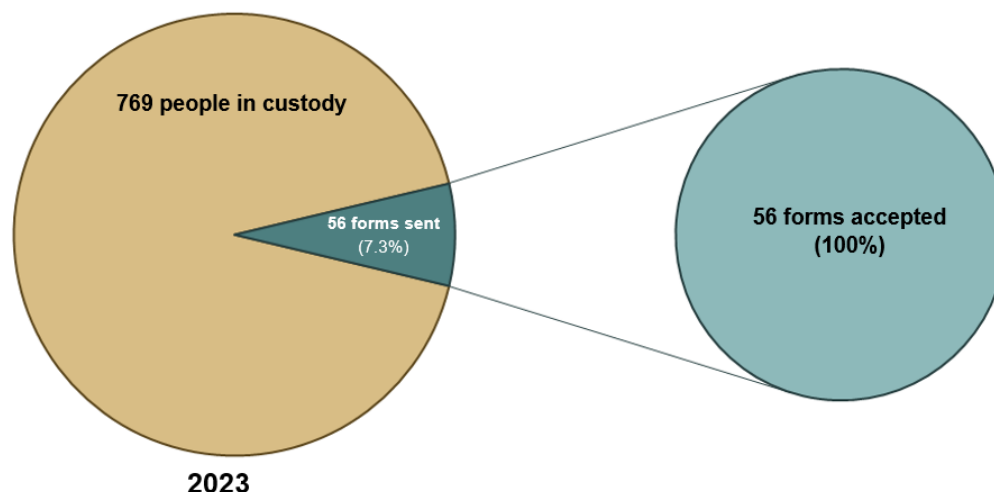
Mobile polling services involve teams from an electoral commission visiting voters who are not able to get to a polling place on the day of the vote. This may include aged care facilities, residential locations for people with disability, hospitals, homelessness services and prisons. Any enrolled voters, including staff and visitors, in these facilities at the time of the mobile teams' attendance can vote. Voting through mobile polling services occurs before polling day.

Work was undertaken to enable AEC staff to enter Tasmanian prisons and help eligible voters to enrol before the electoral roll was closed prior to the referendum. This assistance included providing support to people in custody to complete their forms properly.

A letter to people in custody from the Director of Prisons was posted in unit common areas around the various prisons (see Appendix 6) providing relevant information about the upcoming referendum. Information was also provided to all staff about how they could assist people in custody to enrol to vote. The AEC delivered online training for TPS staff in the lead-up to the 2023 referendum.

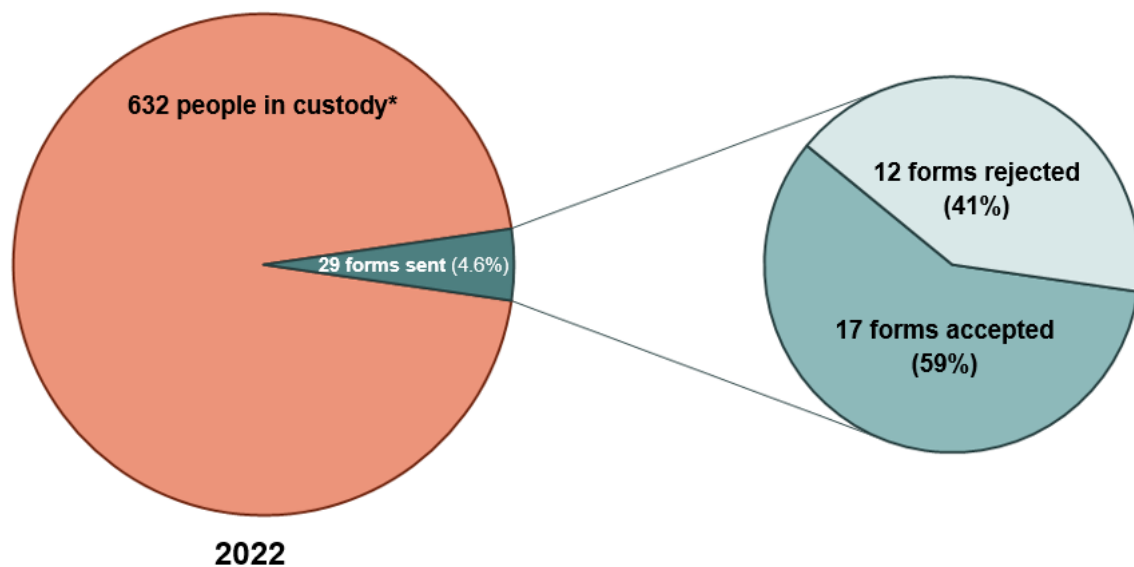
As a consequence of this work, 56 enrolment forms were received from people in custody and all 56 people were enrolled to vote prior to the rolls closing. There were 769 people in the TPS's custody at that time, so this was an excellent outcome in terms of increasing people in custody's participation in civil society. This data is visualised in Figure 3.

Figure 3. Number of people in custody submitting forms to enrol to vote with the assistance of the Australian Electoral Commission prior to the 2023 Voice Referendum.



In contrast, the AEC indicated that in the 2022 federal election it had no active engagement with Tasmanian prisons and it received 29 enrolment forms in the post from people in custody in Tasmania. The AEC processed 17 of these forms and rejected 12 where the information provided was incomplete. We were advised that there was a lot of correspondence back and forth to clarify errors, which was a very slow process. This also resulted in a high rate of attrition as some people did not pursue enrolment after these initial hurdles. Figure 4 provides a visualisation of these figures.

Figure 4. Number of people in custody submitting forms to enrol to vote prior to the 2022 Federal Election. Some forms were rejected due to incomplete information.



*Average number of people in custody between April 2022 and September 2022 obtained from [Department of Justice Tasmania data](#).

The TPS encouraged its staff, and staff from non-government organisations who visit the prison regularly, to consider applying for temporary roles with the AEC to work at the mobile polling services in the prison. This was a sensible approach, employing people familiar with the prison environment, and there was a positive uptake amongst non-uniformed staff. We asked, however, if there were any issues having the TPS staff employed in these temporary AEC roles in terms of impacting people in custody's willingness to vote. We were advised that an AEC staff member joined the mobile polling service team to observe if people in custody were being influenced or deterred from voting due to the TPS staff being the mobile polling staff, but no concerns were raised. It was likely relevant that the TPS staff were non-uniform staff, who would not be involved in use of force or disciplinary action against people in custody.



In the lead-up to mobile polling services coming into the prisons, notices were put in the prison newsletter informing people of their ability to vote in person. Mobile polling services were set up in:

- Risdon Prison Complex, including the Southern Remand Centre;
- Mary Hutchinson Women's Prison;
- Ron Barwick Prison;
- Hobart Reception Prison; and
- Launceston Reception Prison.

The AEC advised that 176 votes were lodged using the mobile polling services. This was facilitated through AEC staff vote-issuing cell to cell in some maximum rated units or in a central location in the various prisons with a privacy screen for voting (similar to a booth in a regular polling place) where people in custody could attend to vote (see Figure 5).

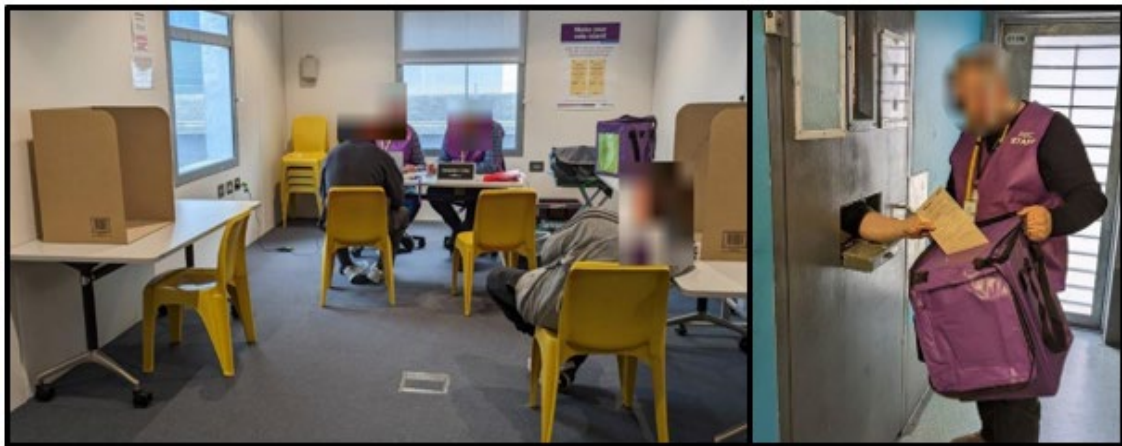


Figure 5. Photos of mobile polling services at Tasmania Prison Service facilities.

Photo credit: Norm Reed. Photos have been digitally altered to protect the identity of the people in them.

26 votes were from electors in the electoral division of Franklin, where Risdon Prison Complex is located, and the remaining 150 were declaration votes. This means the voters were enrolled in electorates other than Franklin. Figure 6 puts this figure into perspective.

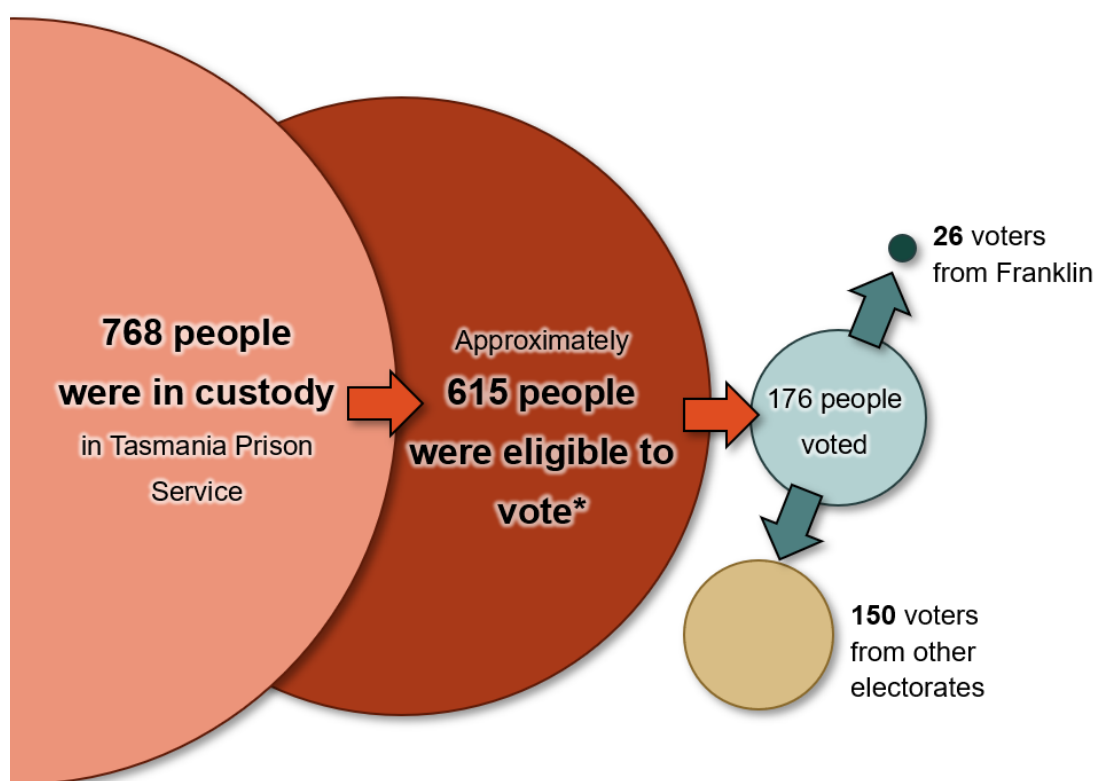


Figure 6. Number of votes lodged through mobile polling services at Tasmania Prison Service Facilities during the Voice Referendum.

*The estimated number of people eligible to vote was based on 2025 data from Tasmania Prison Service that indicated approximately 80% of the population of people in custody in Tasmania are eligible to vote.

Data supplied by the TPS in February 2025 indicated that approximately 80% of people in custody are eligible to vote. Based on this figure, we estimate that there were 615 people in custody eligible to vote in the referendum but only 350 (57%) were enrolled to vote. Assuming that all 176 votes were from people in custody, 29% of those eligible to vote in the referendum in custody did so using the polling services (or 50% of enrolled voters). Others may have also participated using postal ballots. In Australia as a whole, 89.95% of the enrolled population (over 17.6 million people) voted in the 2023 referendum.⁸

Despite this significant difference between national statistics and those for people in the TPS's custody, this was an impressive turnout for what is often considered a disengaged population. The nature of the ballot, a referendum, may have prompted a higher interest in the process so it will be interesting to observe the participation rate at subsequent elections with mobile polling services. This figure also included some staff who took the opportunity to vote.

⁸ Australian Electoral Commission (2023) [Voter turnout – previous events](#), Australian Electoral Commission website, viewed 12 March 2025;

Australian Electoral Commission (2024) [Size of the electoral roll and enrolment rate 2023](#), Australian Electoral Commission website, viewed 12 March 2025.



The AEC advised that it cannot turn anyone who is eligible to vote away from a polling station and this would include any staff on a scheduled break.

Conversations with the AEC and the TPS confirmed it was a positive process and a number of lessons were learnt that can be improved for the next federal election.

We were impressed by the dedication of the AEC Hobart staff that we met with. They demonstrated a tangible commitment to ensuring all eligible citizens were able to cast a vote, and a comprehensive understanding of the barriers people in custody face in participating in the electoral process.

We commend the TPS's engagement with the AEC and its actions in markedly increasing people in custody's ability to participate in the referendum.

Only postal voting in the 2024 Tasmanian state election

We made inquiries with the TPS about mobile polling services for the 2024 state election. The TPS advised that it reached out to the TEC, which undertakes the conduct of a range of Tasmanian state and local electoral events, but unfortunately the TEC was not able to facilitate mobile polling services at that time. Positively, there have been ongoing discussions between the TPS and TEC about enabling mobile polling services in future state elections. The AEC Hobart office has also engaged with the TEC to share the lessons it learnt from the referendum process.

One key lesson from other jurisdictions is the potential impact of lockdowns on mobile polling services. If a lockdown occurs when a mobile polling service is scheduled to occur, it may not be possible to proceed. In discussions with the TEC, it advised that it would take lockdowns into account for future events when scheduling a mobile service. Specifically, it would seek to enter prisons earlier in the pre-polling period so if a lockdown did occur, it may still be able to reschedule the mobile polling service to a later date.

Lockdowns happen when people in custody are confined to their cells or units during the times they would normally be allowed to leave them. Lockdowns can occur for many reasons such as emergencies, staffing shortages or for safety reasons.

Relevantly, TEC advised that it uses laptops for marking electors off the roll at its parliamentary elections. This means that it can load the entire state roll (all five divisions) onto the laptop, removing the need for a person in custody who is enrolled outside of Franklin to have to complete a declaration envelope in order to vote. We were advised that this allows improved accessibility, a much quicker process, and removes the barrier of having to complete the details on the declaration envelope (a process which may be a deterrent to participation).

Postal voting in the state election was still an option for those in custody. We queried the TPS about what was done to highlight the state election for people in custody, including whether information was provided in the Insider News, the prison newsletter produced by people in custody. The TPS advised that announcements were made across the prison Public Address (PA) system, advising people in custody of the deadline to register for a postal vote and that staff were available to assist anyone who wanted help completing the relevant form. The TPS said it also provided the postal vote form to all staff and asked them to offer assistance to anyone who required it. The TPS advised it had minimal uptake of people submitting forms to receive postal votes, less than 20 people.

Unfortunately, the TPS did not advertise in the prison newsletter about the state election but acknowledged that this would have been ideal. We were told that this was something they would pursue for any future elections.

When released, disenfranchised people can vote again

As noted, people in Tasmania serving a sentence of three years or more are not entitled to be enrolled on the State electoral roll⁹ or, if already enrolled, to remain on the roll for Tasmanian state and local government elections.

Positively, we heard during this review that no action is needed on release to be able to vote again. This can be contrasted with Victoria, where people in custody who have been released after serving a sentence of more than five years need to re-enrol to vote in Victorian state elections.

The New Zealand Waitangi Tribunal explored the impact of people being removed from the roll in its *He Aha i Pērā Ai? The Māori Prisoners' Voting Report*. The Tribunal heard evidence of Māori people in custody being reluctant or unable to complete their electoral re-enrolment. Additionally, the

⁹ Section 31(2) of the [Electoral Act 2004](#) (Tas).



overwhelming nature of release meant that people faced far more immediate, serious and pressing concerns, such as organising accommodation and employment and reconnecting with their community.¹⁰

The Tasmanian Electoral Commissioner advised that instead of people serving sentences of three years or more being removed from the electoral roll, there is a pause placed on the roll. On release from Tasmanian prisons the restriction to vote is automatically removed and there is no need to re-enrol or take any further action; people can simply vote in the next Tasmanian or Federal election. People may need to update their enrolment address if that is different to their previous enrolment address.

A range of options for enrolment address while in prison

An issue relating to voting and prisons is what address is used for the person voting, as this impacts which electorate they vote in. A person who is serving a sentence of imprisonment must enrol for the address where:

- they were last eligible to be enrolled (this will generally be the place where they last lived for at least a month); or
- one of their next of kin is currently enrolled if they have not been previously eligible to enrol; or
- they were born, if neither of the above apply; or
- they have the closest connection if none of the above apply.

These options demonstrate that people who are homeless, which is an issue for some people in custody, are not excluded from voting.

Concerns have been raised in the past that the concentration of people in prison in one electorate could create a 'prison electorate' or 'prison vote'.¹¹ The fact that only 26 of the 176 votes cast in the referendum were from electors in the Franklin electorate, where the majority of prisons in Tasmania are located, shows that this is not an issue.

On a related note, documentation confirming a person in custody's identity and address is not required to enrol to vote. Access to identification documentation

¹⁰ Waitangi Tribunal (2020) *He Aha i Pērā Ai? The Māori Prisoners' Voting Report*, Waitangi Tribunal, p 22.

¹¹ Criminal Law and Penal Methods Reform Committee of South Australia (1973) *First Report Sentencing and Corrections*, South Australia, p 130;
Victorian Electoral Commission (nd), *Easy English Guides, Vote ready enrolling and voting for people in prison*, Victorian Electoral Commission website, p 3, viewed 12 February 2025.



is often an issue in prison as some people do not have evidence of their identity. Fortunately, processes exist that allow someone enrolling to vote to simply have an enrolled voter, such as a TPS staff member or another person in custody, confirm their identity.



Figure 7. Map of Tasmania colour-coded to highlight the Tasmanian electorates.
Adapted from Australian Bureau of Statistics (<https://maps.abs.gov.au>).



Voter participation in prison is low and there are opportunities to increase awareness

Despite voting in Australia being compulsory in federal, state, territory and some local government elections, it seems most electoral commissions are lenient when assessing whether someone in custody is fined for not voting. This is a clear recognition of the barriers to voting that can arise in custodial environments.

The rate of voter participation in Tasmanian prisons seems low, despite it being compulsory. We reached this conclusion following discussions with the Tasmanian and Australian Electoral Commissions and reviewing anecdotal information received throughout the review. The most telling statistic is the rate of enrolment. The AEC estimated that 57% of eligible voters in the Tasmanian prison population were enrolled in June 2023, four months before the 2023 Voice referendum. This compares to an approximate enrolment of 97.3% of the eligible Tasmanian population and 97.7% for the whole of Australia.¹²

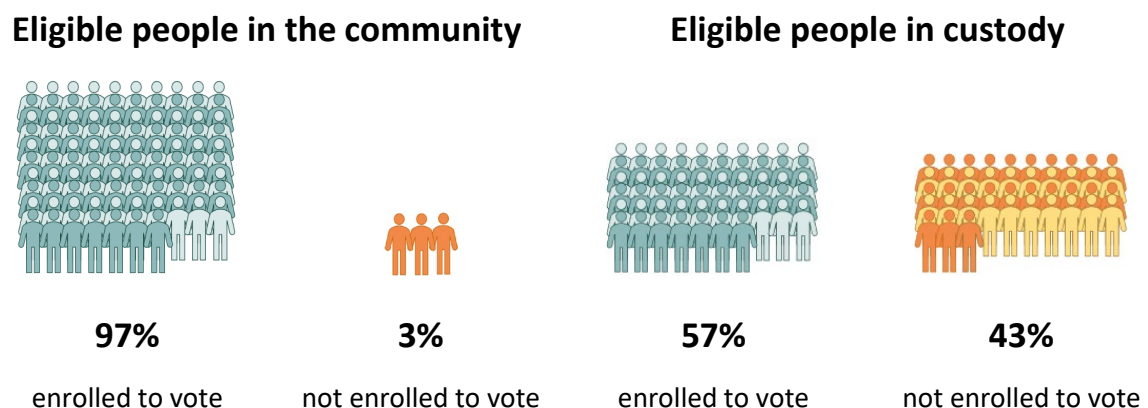


Figure 8. Comparison of the proportion of eligible people in the community and in custody in Tasmania who are enrolled to vote.

The proportion of people in custody enrolled to vote at the time of the Voice referendum may have been different to the above. This is due to the prison population constantly changing as people enter and leave and it also does not take into account the impact of engagement activities conducted by the AEC prior to the referendum to encourage people in custody to enrol.

¹² Australian Electoral Commission (2024) [Size of the electoral roll and enrolment rate 2023](#), Australian Electoral Commission website, viewed 12 March 2025.

The AEC advised that postal vote packs, which include the voter's postal vote certificate and ballot papers, do not contain an identifier that would enable the voter's identity or location to be ascertained. As a result, the AEC cannot determine how many postal packs were received from prisons at the 2022 federal election, the 2023 referendum or any other electoral event. However, anecdotal information from various sources combined with the low enrolment figures indicate that the number of votes has historically been consistently quite low. This means the Tasmanian prisons' mobile polling service figure of 176 votes in the referendum was very positive.

The low rate of participation is not overly surprising given the various barriers discussed throughout this report, including that voting in Tasmanian prisons has in recent history been only by postal ballot and that low levels of literacy in prison mean voting and enrolling are difficult for some. During conversations with people in custody, we frequently observed a lack of awareness about how to vote and eligibility to vote whilst in prison.

The low rate of electoral participation in prisons is not limited to Tasmania. According to the South Australian and Australian Capital Territory Electoral Commissioners, the rates of voting in South Australia and the Australian Capital Territory are not high despite it being compulsory for all people in custody to vote. In the 2024 Australian Capital Territory Legislative Assembly election, for example, there were 43 votes in the prison mobile polling services from a total prison population of generally just under 400 voters. This figure was consistent with previous elections. In New South Wales, in a statewide survey of people in custody following the state election in 2023, 89% of the 338 respondents reported that they did not vote and 59% reported that they were unaware of the election prior to it occurring.¹³

This anecdotally low rate of participation should be an issue of concern given voting is not only a right in Australia but a responsibility. Steps to further increase civic engagement amongst the Tasmanian prison population ought to be explored where possible. The recent actions of the TPS demonstrate that it is taking a variety of steps to ensure that people in custody can exercise their right to vote, and the TEC's recent recruitment of an Inclusion and Accessibility Coordinator may present further opportunities for the TPS to improve civic engagement and understanding of the electoral process in Tasmanian prisons.

¹³ Inspector of Custodial Services (2023) *Inspection of Shortland Correctional Centre and Cessnock Correctional Centre*, New South Wales, p 52.



One of the guiding principles of the *Corrections Act 1997* is that people subject to the Act continue to be members of the community and should be assisted to become socially responsible. Voting is one aspect of social responsibility. Another guiding principle is that people who are subject to the *Corrections Act 1997* retain their normal rights and responsibilities as citizens, except as these are limited in accordance with law. Therefore, even if voter participation rates are low, it is incumbent on the TPS to continue to ensure people in custody are able to vote, are aware how to and understand the importance of voting.

Recommendation 1

The Tasmania Prison Service explores further opportunities with the Tasmanian Electoral Commission to raise awareness about voting and civic engagement.

Accessibility of voting information is important and likely to improve

People in custody's access to information about voting and enrolment has improved from when we initially started considering the issue. As noted, we observed no information for people in custody about voting in the local council elections in late 2022. We saw some documentation in several prisons in the lead-up to the Voice referendum. Ensuring enrolment and postal vote forms are easily available prior to elections and to release from prison would be good practice. For example, enrolment forms could be made available on the prison computer network so people in custody with access to computers could print their own forms.

Whilst access to information has improved, the reading accessibility of that information could be better. Most of the forms or information available for people in custody to enrol or update their enrolment details would be inaccessible for someone with limited literacy. For example, the AEC paper-based form *Enrol to vote or update your details as a prisoner in Tasmania*, shown in Figure 9, is complex and would likely require assistance to complete.¹⁴ The struggle for some to understand the forms is highlighted in the 12 rejected

¹⁴ Australian Electoral Commission (2023) [Enrol to vote or update your details as a prisoner in Tasmania](#), Australian Electoral Commission website, viewed 4 March 2025.

forms of the 29 completed in Tasmanian prisons following the announcement of the 2022 federal election, discussed earlier in this report.

A person on **remand** is someone in custody, awaiting trial or sentencing, who has not been given bail. A person on remand is considered innocent until proven guilty. In contrast, a person in prison who has been sentenced has been found guilty of an offence and has received a term of imprisonment.

Confusingly, the form makes no mention of people on remand despite them constituting approximately 43% of people in Tasmanian prisons eligible to vote. It only refers to 'prisoner' and the form is specifically only for people who have been sentenced. There is no separate guidance for people on remand.

[illegible]

Figure 9. A copy of 'Enrol to vote or update your details as a prisoner in Tasmania' form. Downloaded from the Australian Electoral Commission's website.

There is an online version of this form but people in custody in Tasmania do not have access to the internet to complete it.¹⁵ In the future, if Tasmanian prisons introduce individual tablets with restricted access to websites, completing the form online may become a feasible option. The Australian Electoral Commissioner, in their response to a draft copy of this report at Appendix 4, has noted this is an option in some prisons interstate and they need to cater to the needs of people in custody in all jurisdictions.

¹⁵ Australian Electoral Commission (2023), [Enrol to vote as a prisoner](#), Australian Electoral Commission website, viewed 12 March 2025.



The AEC also produces a fact sheet on enrolling and voting while in prison,¹⁶ a copy of which can be seen in Figure 10. The fact sheet is also complex, but it is a helpful resource for someone assisting a person in custody with limited or no literacy. Again, concerningly, there is no mention of people on remand, only people serving a full-time prison sentence, which has the potential to cause confusion.

Easy Read is a special way of writing information to make it easier for people to read. It is designed to make information easier to access for people with intellectual disability as well as people who need help to read, people who use other languages, older people and anyone who wants an easy-to-read document.

We could not locate an Easy Read¹⁷ document or other accessible information specifically for people in custody on the AEC or TEC website. The AEC's *How to vote by mail. Easy Read version* would be of some assistance in a custodial environment but the document is not specific to the prison audience and assumes the reader has access to the internet.¹⁸

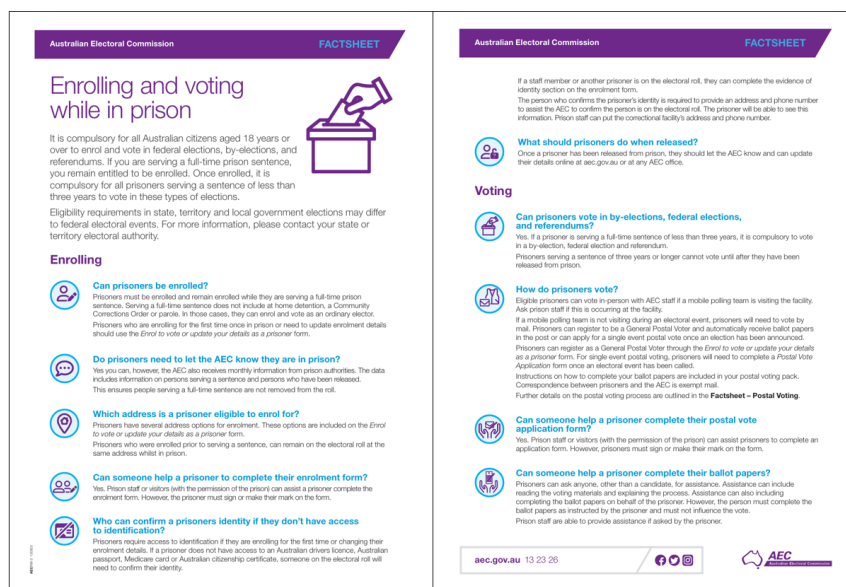


Figure 10. A copy of the Australian Electoral Commission's fact sheet 'Enrolling and voting while in prison'. Downloaded from the [Australian Electoral Commission's website](https://www.aec.gov.au).

¹⁶ Australian Electoral Commission (nd), [Enrolling and voting while in prison \[Fact Sheet\]](https://www.aec.gov.au), Australian Electoral Commission website, viewed 04 March 2025.

¹⁷ For an Easy Read fact sheet on Easy Read please see: Inclusion Australia (2023) [What is Easy Read?](https://www.inclusion.org.au), Inclusion Australia website, viewed 12 March 2025.

¹⁸ Australian Electoral Commission (nd), [How to vote by mail easy read version](https://www.aec.gov.au), Australian Electoral Commission website, viewed 12 March 2025.



We are not the only oversight body to comment on accessibility of electoral material. The New South Wales Inspector of Custodial Services commented in 2025 on a number of issues relating to material provided to people in custody during the Voice referendum, including the issues above regarding the Easy Read documentation and confusion in messaging about whether people on remand were eligible to vote.¹⁹

The Australian Electoral Commissioner's response to our draft report has provided important context to our comments above. They highlighted the important work they have already done, and continue to do, to improve the information and services they provide to support electoral participation by voters who are in prison, either under sentence or on remand. They have also provided copies of more recently updated resources for people in custody. These can be found at Appendix 4 – Australian Electoral Commission response. The Commissioner said that they will review forms, related information and education resources following the 3 May 2025 election to ensure the Commission is providing more fulsome guidance for people on remand. In their response they also noted,

For eligible voters who experience information-access barriers—whether due to limited literacy, digital literacy or internet access or for language reasons—resources are produced in up to 34 international and 25 First Nations languages, with a number of these in audio-visual formats.

In discussions with the TEC, we were also advised that following the recent expansion of their office from 15 to 35 staff, an Inclusion and Accessibility Coordinator has been recruited. Positively, we were advised that engagement with the prison population will be an area of focus for this role, which will likely include producing more accessible materials on voting for people in custody in consultation with the TPS. This will be an important means for the TPS to work towards implementing Recommendation 1 of this report.

Lessons on improving accessibility can be learnt from interstate jurisdictions. We heard, for example, about positive practices in South Australia that came about as a consequence of the COVID-19 pandemic. Mobile polling services were not possible in the 2022 South Australian state election due to COVID-19. One of the measures to address this situation included making videos available

¹⁹ Inspector of Custodial Services (2025) [Inspection of Bathurst Correctional Centre 2023](#), New South Wales, pp 64-67.



to people in custody with instructions on how to complete enrolment forms. We were advised, however, that the 2022 election demonstrated that prisons were not suitable for postal voting due to the often low literacy of people in custody. We were told that staff are needed to explain to people how to vote.

Ultimately, the best way to improve accessibility and engagement in the electoral process in prison is to have people directly helping people. We have observed that more engagement between the TPS and the AEC has resulted in increased assistance for people in custody in Tasmania to complete enrolment forms. Unsurprisingly, we were advised that with more support to fill in forms, there has been more engagement. We noted above the increase in the number of enrolment forms and the reduction in the number of invalid forms when AEC staff were present in prison providing assistance. During an onsite visit to the Ron Barwick Prison health exposition in 2024, we talked to members of the AEC who were helping people check their enrolment. They had also assisted with this at Mary Hutchinson Women's Prison earlier that day. At both locations they had been able to enrol a number of people who were not currently on the electoral roll. This is a positive result given the prison population has generally had low levels of engagement in the past with the electoral system.

Another option to increase enrolment and broaden the electoral commissions' reach within the prison is for the TPS or the electoral commissions to proactively engage with people in custody who provide peer support. Training peer support workers in how to help people fill in enrolment forms rather than solely relying on staff may increase engagement. This would be another effective way to implement Recommendation 1 of this report.

We also heard about Official Visitors interstate letting people in custody know during visits when mobile polling services would be present (in addition to official electoral posters being displayed). Positive reports also came from Victoria where people with lived experience of imprisonment assisted with the delivery of education programs on voting in prison, with significantly more engagement as a result. Exploring a variety of options to promote the opportunity to vote is a worthwhile endeavour.

Phone access to the Tasmanian Electoral Commission should be explored

Another simple measure to improve accessibility, given the low levels of literacy in Tasmanian prisons, is to allow permanent telephone access to the TEC to assist with enquiries. This provides agency to people in custody and gives them



an option to ask for help when they need it, rather than having to wait for someone from an electoral commission to visit the prison or ask a TPS staff member for help. Sometimes some people in custody may not wish to seek assistance from TPS staff. We have heard concerns from people in custody about ‘using up all your requests’. That is, some people in custody are hesitant to ask too often for assistance because they are concerned their requests will start to be ignored by some staff members.

The prison telephone system, Unity, has a ‘Common Auto Dial List’ (CADL) of numbers that people in custody can call for free. It would be helpful if the TEC could be added to that list so people in custody can make direct enquiries about matters relating to their enrolment and their right to vote, just as they could if they were in the community.

Recommendation 2

The Tasmania Prison Service ensures people in custody have ready access to electoral documentation, including enrolment forms, and free telephone calls to the Tasmanian Electoral Commission from the Common Auto Dial List on the prison telephone system.

In response to a draft copy of this report, the Australian Electoral Commissioner said that they would welcome the Australian Electoral Commission’s phone number also being added to this list. A copy of the Commissioner’s correspondence can be found at Appendix 4 – Australian Electoral Commission response.

The secrecy of postal votes could be better protected

Casting your vote in secret is a fundamental part of our modern democracy.²⁰ However, it is possible that mail between the Tasmanian and Australian Electoral Commissions and people in custody could be opened by TPS staff, as it is not classed as privileged mail in the relevant TPS policy. There was no evidence that this had occurred in Tasmania, but a simple change could be made to ensure it does not happen, to provide confidence to people in custody that their vote is secret. The New South Wales Inspector of Custodial Services

²⁰ Smith R, Brightwell I, Buckland R, Drum M, Harbord J et al (2018) [Implications of changes to voting channels in Australia: a research report commissioned by the Electoral Regulation Research Network](#), University of Melbourne Law School, p 28.



noted in their *Inspection of Bathurst Correctional Centre 2023* report that they observed ballot forms having been opened.²¹

Director's Standing Order (DSO) 4.02 Prisoner Mail specifies that TPS staff are not to open privileged mail, except in some circumstances if there is a potential threat to prison security. Correspondence to and from a range of people, bodies and organisations—such as members of parliament, lawyers and various oversight bodies—is included in the definition of privileged mail. All other mail can be reviewed but not censored.²²

Changes should be made to the DSO 4.02 to include correspondence to and from the Tasmanian and Australian Electoral Commissions as privileged mail.

Recommendation 3

The Tasmania Prison Service amends *Director's Standing Order 4.02 Prisoner Mail* to ensure that mail between people in custody and the Tasmanian and Australian Electoral Commissions is not opened.

In response to our draft report, the Australian Electoral Commissioner expressed their support for this recommendation but also noted that people in custody having the ability to both send and receive mail in a timely fashion is critical to their ability to use postal voting effectively. The Commissioner said this is due to the tight timeframes that apply to applications for, and the receipt and return of, postal voting packs once the writs for an election (or other electoral event) have been issued.

The Commissioner's comment is an important one. People in custody have raised concerns with us generally about delays in mail being sent and received and in the context of an election, delays can impact whether someone's vote is counted. The Ombudsman has previously reported on delays in the processing of their mail to and from people in custody.²³

²¹ Inspector of Custodial Services (2025) [Inspection of Bathurst Correctional Centre 2023](#), New South Wales, p 66.

²² Section 29(1)(m) of the *Corrections Act 1997* (Tas).

²³ Ombudsman Tasmania (2022) [Annual Report 2021-2022](#), Tasmania, p 18.



Policy guidance is needed on voting in Tasmanian prisons

Director's Standing Orders (DSOs) are policy and procedure documents that govern operations on a diverse range of topics in Tasmanian Prisons.

We did not find evidence that voting had been considered in the context of any of the TPS's policies or procedures. The extensive list of DSOs does not include the issue of voting. This lack of guidance for staff on how to facilitate voting is surprising given voting is compulsory and a large swathe of people in custody are required to vote.

There was at least one process relating to voting that was already occurring prior to mobile polling starting again but is not documented in the DSOs. Currently each month the TPS is required to send the AEC a list of all people in custody.²⁴ This information is also sent four days before the electoral roll closes. The AEC also has an agreement to manage the roll on behalf of the TEC and presumably this agreement and the Tasmanian *Electoral Act 2004* provides another basis for the sharing of information.²⁵

Having information in the DSO about current processes and what assistance staff can provide as part of the voting process would be valuable. Policies and procedures are an important source of accurate information and guidance for staff if they receive enquiries or have questions about people in custody voting.

One issue we heard concerns about is what information can be provided about political candidates. There is currently no guidance about this for TPS staff, although we have seen evidence of good practice in the context of the referendum. During a visit to the prison, we noted that common areas had AEC booklets available outlining the arguments for the yes and no positions. The TPS provided these booklets, as mentioned in the letter from the Director of Prisons to people in custody in Appendix 6. In the context of elections, we heard of one interstate electoral commission that was required, as part of its functions to compile candidate information for the community, which could then be distributed to people in custody. We also heard examples of electoral commission websites being 'whitelisted', so people in custody could access

²⁴ See sections 92 and 109 of the [Commonwealth Electoral Act 1918](#).

²⁵ See section 42 of the [Electoral Act 2004](#).



information about elections from prison despite internet access being otherwise restricted.

A **whitelist** of websites allows only those listed sites to be accessed from a computer while blocking all other websites.

Direction in the form of policy would clarify issues like provision of political information to people in custody. For example, the Corrections Victoria's *Commissioner's Requirement 4.3.2 Prisoner Voting* provides helpful guidance on electoral information that can be provided to people in custody:

General Managers will ensure that prisoners eligible to vote during a State and Federal election are provided with general electoral information prepared by the Australian Electoral Commission (AEC) and Victorian Electoral Commission (VEC) or political party, 'how to vote' information, and candidate campaign material.²⁶

The Australian Electoral Commissioner, in their response to a draft of this report at Appendix 4, noted that mobile polling teams can provide people in custody with candidate how-to-vote materials, if they have been supplied to the AEC prior to polling commencing. They also noted that candidates may provide campaign material directly to the prison and ask for it to be made available to people in custody. The TPS having direction about how this occurs in practice would be valuable.

The New South Wales Inspector of Custodial Services' 2025 report on its inspection of Bathurst Correctional Centre has some salient lessons about why policy and procedures are important. A key concern expressed by staff and people in custody was the lack of clear and consistent advice on eligibility and postal voting phases or procedures.²⁷ This no doubt contributed to only 10% of the minimum eligible population voting in the Voice referendum.²⁸

²⁶ Corrections Victoria (2021) [Commissioner's Requirements 4.3.2 Prisoner Voting](#), Department of Justice and Community Safety, Corrections Victoria website, viewed 12 March 2025.

²⁷ Inspector of Custodial Services (2025) [Inspection of Bathurst Correctional Centre 2023](#), New South Wales, p 65.

²⁸ Inspector of Custodial Services (2025) [Inspection of Bathurst Correctional Centre 2023](#), New South Wales, p 64.



There is also a risk that mobile polling services may again cease in the future as an option for people in custody if key staff, who initiated their reinstatement, leave their roles. It would be good practice to establish policies or procedures to ensure that voting is facilitated in the future and is not dependent on individuals within the TPS.

Recommendation 4

Processes relating to people in custody voting are embedded in the Tasmania Prison Service's policies and procedures.

We raised the prospect of the TPS establishing a memorandum of understanding (MOU) with the Tasmanian and Australian Electoral Commissions to embed processes and ensure the continuation of mobile polling in prisons. The AEC responded that it did not consider a MOU was necessary to facilitate access to enrolment and voting for people in custody for federal electoral events. It indicated it may consider documenting the way they work with the TPS in future if changes in legislation and/or operational arrangements required it. The TEC saw merit in considering an MOU. An MOU would be a valuable resource if corporate knowledge is lost with staff movement.

Recommendation 5

The Tasmania Prison Service explores establishing a memorandum of understanding with the Tasmanian Electoral Commission.

Telephone voting is worth exploring

One of the barriers to voting in prison is having the opportunity to vote. We discussed with the Tasmanian and Australian Electoral Commissions whether telephone voting was an additional option for people in custody. Mobile polling is critically important to ensure people in prison can vote, but there are various issues that can arise in a prison context that may restrict voting at mobile polling services during the limited time they are present. Speaking with interstate electoral commissions, for example, we heard about the challenges that unexpected lockdowns can present to being able to facilitate mobile polling services. Some people may also have court or be engaged in visits with family, education or employment during the period when mobile polling services are open. We have also highlighted above that postal voting is not always an



effective option for people with limited or no literacy if they cannot receive assistance. Telephone voting would potentially lessen barriers to voting in prison.

The AEC noted that people in custody are not currently eligible to vote by telephone in federal elections. The ability to cast a secret vote using a telephone-assisted process through the AEC is provided to electors who are blind or have low vision, and electors working in the Antarctic (or on a ship that is in transit to or from the Antarctic). In February 2022 the Australian Government also enacted legislation to ensure COVID-affected Australians who were required to isolate could vote by phone in the 2022 federal election.²⁹

For state and local elections, the TEC's *Procedures for telephone voting and for transmitting votes cast under these procedures* only apply to electors who are outside Tasmania (including overseas).³⁰ However, a Tasmanian bill—the *Electoral Amendment (Alternative Voting Procedures) Bill 2025*—has been the subject of public consultation and was recently passed in the Tasmanian House of Assembly.³¹ If passed by the Tasmanian Parliament it would increase the availability of telephone voting in Tasmanian elections. This could potentially include people in custody.

If this were to occur, we were advised that an important prerequisite would be the Tasmanian Electoral Commissioner being satisfied that the prison phone line is private and not monitored, to ensure the secrecy of the ballot.

Enabling telephone voting should be actively supported to increase opportunities to vote in prison, in addition to mobile polling services.

Recommendation 6

The Tasmania Prison Service, whilst continuing to support in-person voting for people in custody, engages with the Tasmanian Electoral Commission to explore the possibility of telephone voting as a future alternative method of voting.

²⁹ Australian Electoral Commission (2022) [Annual Report 2021-22](#), Canberra.

³⁰ A copy of the approved procedure can be found on the Tasmanian Electoral Commission's [website](#).

³¹ More information on the progress of the Bill can be found on the Tasmanian Parliament [website](#).



Our recommendation above only relates to the Tasmanian jurisdiction given our ambit but we note the AEC has flagged in its response to this report (found at Appendix 4 – Australian Electoral Commission response) that the eligibility criteria for secure telephone voting in federal electoral events are set out in legislation and not a matter within its control. The Commissioner said that the AEC will adapt its secure telephone voting service in response to any changes the Commonwealth Parliament may make to those eligibility criteria. The current operating model for secure voting may present some challenges though as it requires the voter to have the ability to directly receive a code via SMS or email to cast their vote. The Commissioner said this is critical to ensuring the secrecy of all votes cast using this service.



Engagement with Ashley Youth Detention Centre

The primary focus of this review was on adult custodial centres, given the requirement for a person to be aged 18 years or over to vote, but we did raise the issue of engagement with Ashley Youth Detention Centre (AYDC) with the Australian and Tasmanian Electoral Commissions.

The Australian Electoral Commission (AEC) advised that as the number of people in youth detention in Tasmania who are aged 18 or over is very small, it does not currently offer enrolment services or mobile polling at AYDC. It is a similar situation with the Tasmanian Electoral Commission (TEC). This seems reasonable given the average daily number of young people in AYDC is 16.³²

The AEC advised, however, that it is considering its engagement model moving forward given the value of early engagement with young people in encouraging electoral participation. It indicated that, subject to consultation with the Department for Education, Children and Young People, this model could consist of:

- periodic education sessions for staff and young people at AYDC;
- providing enrolment materials (as provisional enrolment is available to young people once they turn 16); and
- before each electoral event, providing postal voting applications to any young people in detention who are 18 years of age or older.

Similarly, the TEC is open to providing educational services to young people in AYDC. This option is now more feasible for the TEC in light of its recent funding increases, which have enabled the creation of its Inclusion and Accessibility Coordinator role.

³² Productivity Commission (2025) [Table 17A.1 Young people in detention and under community-based supervision](#) [data set], Report on Government Services website, viewed 1 April 2025.



Disenfranchisement: is it time for a review in Tasmania?

Disenfranchisement is the removal of a person's right to vote

Restrictions on people in custody's right to vote vary across Australia

In Tasmania, the disenfranchisement of people serving a sentence of three years or more impacts roughly 17% of the prison population. This figure would vary in prisons across Australia due to differences in electoral laws. Australia's federal system of government means that states and territories can enact different laws regarding the right to vote for people in custody at state or territory level, and at lower levels of government. The differences between the states and territories' electoral laws demonstrate the variety of positions various parliaments have settled on since Australia's federation. These positions have not been static, with a variety of changes being made over the years.

The main consistency across Australia is the restriction on participation in federal elections, as the same rule applies to people in custody across all states and territories.

It is worthwhile briefly exploring the current differences around Australia as they demonstrate the variety of approaches currently in force.

Commonwealth

The Commonwealth Parliament has varied the federal voting restriction period for people in custody several times since federation. Currently, only people serving a sentence of less than three years are eligible to vote in federal elections and referendums.³³ As discussed above, the restrictions in Tasmanian state and local elections are the same. This consistency potentially reduces confusion although in conversations with people in custody we often encountered a lack of knowledge about their right to vote.

³³ Section 93 (8AA) of the *Commonwealth Electoral Act 1918*; and Section 4 of the *Referendum (Machinery Provisions) Act 1984*.



The *Commonwealth Electoral Act 1918* was amended in 2006 to disenfranchise all people serving a sentence of imprisonment from voting in federal elections, regardless of sentence length. Vickie Roach, an Aboriginal woman who had been sentenced in 2004 to six years imprisonment, challenged this change in the High Court.

The High Court ruled in *Roach v Electoral Commissioner* [2007] HCA 43 that the restriction was unconstitutional because of its impact on the requirement of representative democracy. Disenfranchising all people serving a sentence of imprisonment was considered arbitrary as it did not account for the severity of a person's crime. The High Court deemed the three-year restriction, which was the law prior to the unconstitutional legislative change, to be reasonable as it took into account considerations beyond just the fact that a person was imprisoned.

States and territories

The right to vote for people who are serving a sentence of imprisonment in state, territory and local council elections varies among states and territories:

- People in custody in the Australian Capital Territory (ACT) have been able to vote in ACT Legislative Assembly elections regardless of the length of their sentence since 2008, but it is not compulsory to vote if the person is in a prison outside the ACT.³⁴
- People in custody in South Australia have been able to vote in state and local government elections regardless of the length of their sentence since 1976.³⁵ This followed a recommendation of the Criminal Law and Penal Methods Reform Committee of South Australia that stated, 'The right to vote seems to us to have no connection with the question whether the voter is a good or a bad citizen.' The Committee did specify that it did not think it 'desirable that something of a prison electorate should come into existence' and so recommended that people in custody should not vote in the electorate where the prison happens to be but as absentee voters from the electorate of their last known address.³⁶

³⁴ Sections 72(2) and 129(2) of the *Electoral Act 1992* (ACT). ACT Legislation Register (2025), *Electoral Act 1992* [Law History], ACT Government website, viewed 12 March 2025.

³⁵ Orr G (1998) 'Ballotless and Behind Bars: The Denial of the Franchise to Prisoners', *Federal Law Review*, 26(1):55-82, doi: 10.22145/flr.26.1.3.

³⁶ Criminal Law and Penal Methods Reform Committee of South Australia (1973) *First Report Sentencing and Corrections*, South Australia, p 130.



- People in Victorian prisons are entitled to be enrolled as an elector and vote in Legislative Council and Legislative Assembly of Victoria elections and local government elections if their sentence is less than five years.³⁷
- New South Wales and Western Australia both limit the right to vote to those serving a prison sentence of less than one year.³⁸
- The Northern Territory and, relatively recently, Queensland, mirror the federal voting restrictions, so only people serving a sentence of less than three years can vote.³⁹

Throughout Australia, all people on remand can vote.

In 2018, the South Australian Government introduced the *Electoral (Prisoner Voting) Amendment Bill 2018* to restrict the right to vote to largely align with federal law. This was criticised in the Legislative Council, with Members citing concerns such as:

- the impact on human rights;
- the effect on rehabilitation and re-entry to society; and
- whether removal of voting rights is an effective, or desirable, form of punishment.⁴⁰

The Law Society of South Australia provided a submission criticising the bill, calling it 'regressive' and outlining its concerns about human rights, rehabilitation, and the impact on Aboriginal people.⁴¹ The bill ultimately failed and voting rights for people in custody in South Australia remain unchanged.

It is also important to note that the change in Queensland law in 2019 to mirror federal law was a broadening of voting rights, not a restriction. The previous position in Queensland was that people serving a sentence of imprisonment were disenfranchised altogether.⁴² This, together with the rejection of the

³⁷ Section 48(2) of the *Constitution Act 1975* (Vic)
Victorian Electoral Commission (nd), [Easy English Guides](#), *Vote ready enrolling and voting for people in prison*, Victorian Electoral Commission website, viewed 12 February 2025.

³⁸ Section 30(4) of the *Electoral Act 2017 No 66* (NSW);
Section 18(1) of the *Electoral Act 1907* (WA).

³⁹ Section 14(1) of the *Northern Territory (Self-Government) Act 1978*;
Section 64(1) of the *Electoral Act 1992* (QLD).

⁴⁰ South Australian Legislative Council (2018) *Debates*, 27 November 2018, pp 2191-2203.

⁴¹ Mellor T (18 June 2018) '*Electoral (Prisoner Voting) Amendment Bill 2018*' *Correspondence to The Hon Vickie Chapman MP, Attorney-General*, The Law Society of South Australia.

⁴² Parliament of Queensland (2019) *Explanatory Notes: Electoral and Other Legislation Amendment Bill 2019*, p 5.



change in South Australia, indicates that there is some willingness in Australia to consider increased voting rights for people in prison.

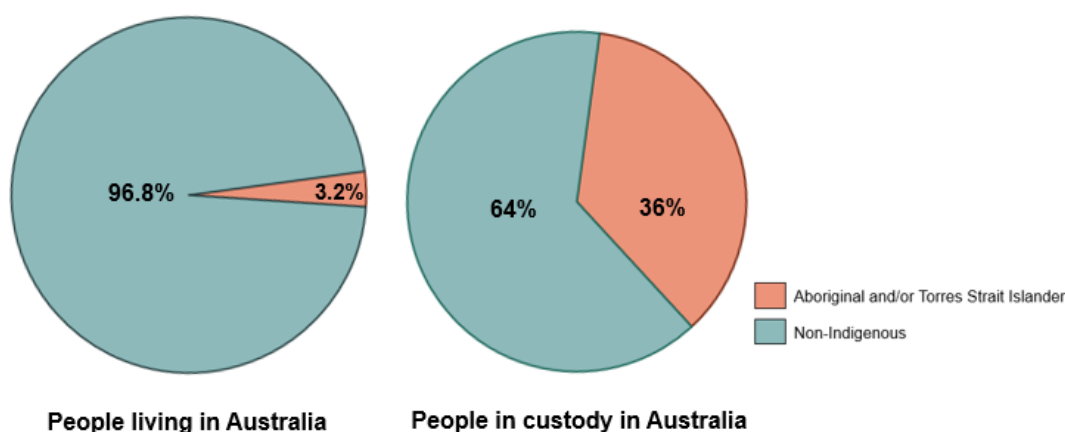
There does not appear to have been any obvious negative impacts from all people in custody being able to vote in South Australia since 1976 and the ACT since 2008. If extending the right to vote to all people in custody has even the potential to improve conditions for those deprived of their liberty and increase rehabilitation, it should be considered.

Voting restrictions have a disproportionate impact on Aboriginal and Torres Strait Islander people

The disenfranchisement of people in custody has a disproportionate impact on Aboriginal and Torres Strait Islander peoples given their overrepresentation in Australian prisons. Nationally, Aboriginal and Torres Strait Islander people represented 36% of all people in custody as at 30 June 2024.⁴³ Aboriginal and Torres Strait Islander peoples represented 3.2% of Australia's population in the 2021 Census.⁴⁴ This is depicted in Figure 11. According to the Australian Bureau of Statistics, the rate of incarceration of Aboriginal and Torres Strait Islander peoples is also increasing.⁴⁵ We discussed above the relevant statistics in Tasmania.

Figure 11. Indigenous status of people living in Australia and people in custody in Australia

Created with data obtained from [census](#) and data from the Australian Bureau of Statistics website.



⁴³ Australian Bureau of Statistics (2024) *Aboriginal and Torres Strait Islander prisoners*, Australian Bureau of Statistics website, accessed 12 March 2025.

⁴⁴ Australian Bureau of Statistics (2021) *Australia: Aboriginal and Torres Strait Islander population summary*, Australian Bureau of Statistics website, accessed 12 March 2025.

⁴⁵ Australian Bureau of Statistics (2024) *Aboriginal and Torres Strait Islander prisoners*, Australian Bureau of Statistics website, accessed 12 March 2025.

The Victorian Aboriginal Legal Service submission to the Inquiry into the 2022 Federal Election articulated that the over-incarceration of Aboriginal people means that disenfranchisement disproportionately affects Aboriginal communities.⁴⁶ It noted it has been estimated that 0.6% of Aboriginal people in Australia are disenfranchised by restrictions on voting from prison, compared to 0.075% of non-Aboriginal people.⁴⁷ As detailed above, the Law Society of South Australia made similar observations in its submission regarding the bill to reduce the voting rights of people in custody in South Australia.

The arguments surrounding the restriction on people in custody's right to vote

Given the disproportionate impact on Tasmanian Aboriginal people, it is perhaps time for the Tasmanian Parliament to review the extent of the restriction on people in custody's right to vote in state and local elections.

A variety of arguments are raised for and against placing restrictions on the right to vote for people in custody, some of which we discuss below.

Additional punishment

Disenfranchisement is another form of punishment for those sentenced to three years or more, in addition to that imposed by the courts. It is the right of parliaments to legislate as they wish and impose such restrictions but there is nonetheless a legitimate question as to why the extra punishment of disenfranchisement, as well as the deprivation of liberty, is necessary.⁴⁸

In the parliamentary debate on the *Electoral (Prisoner Voting) Amendment Bill (2018) (SA)*, the position was taken that if disenfranchisement is used as a punishment, it should be a matter for the judiciary during sentencing and should not be imposed in addition to a sentence.⁴⁹ In both Canada and the United

⁴⁶ Victorian Aboriginal Legal Service (2022) [Victorian Aboriginal Legal Service Submission to the Inquiry into the 2022 Federal Election](#), Victorian Aboriginal Legal Service website, accessed 12 March 2025.

⁴⁷ Churchill M (2020) [Voting rights in prison: issues paper](#), University of Queensland, p 8.

⁴⁸ Ibid;

Mellor T (18 June 2018) '[Electoral \(Prisoner Voting\) Amendment Bill 2018](#)' *Correspondence to The Hon Vickie Chapman MP, Attorney-General*, The Law Society of South Australia, at para 14.

⁴⁹ South Australian Legislative Council (13 November 2018) [Debates](#), , p 2058, per Mark Parnell MLC.



Kingdom, significant cases on the voting rights of people in prison have left open the option for disenfranchisement to be imposed by courts.⁵⁰

It has been argued that this additional punishment acts to deter people from committing crimes. In 1997, when recommending the disenfranchisement of anyone serving a prison sentence, the Commonwealth Parliament Joint Standing Committee on Electoral Matters cited deterrence and providing a 'disincentive to crime' as the basis of its reasoning.⁵¹ Four years earlier, that same committee recommended allowing all people in custody to vote to encourage 'prisoners to observe their civil obligations'.⁵²

Although there are a variety of opinions, there is little evidence that losing the right to vote deters people from committing crimes. In *Sauvé v Canada (No 2)* the majority (voting against disenfranchisement) stated that 'neither the record nor common sense supports the claim that disenfranchisement deters crime or rehabilitates criminals'.⁵³ Regardless of whether it is a deterrent, disenfranchisement is likely to be considered less significant than the loss of liberty and therefore only a minor deterrent compared to a prison sentence.

The right and the responsibility to vote

Some argue that the right to vote is an inalienable right and should be protected regardless of the actions of an individual.⁵⁴ This often relates to the position at international law of voting rights, as discussed below. It also aligns with Australia's compulsory voting system which aims for full voting participation.

The contrasting perspective centres on civic responsibility and the idea of the social contract. It raises questions about why someone who breaches the law should also benefit from the privilege of voting for representatives who make our laws.

⁵⁰ *Sauvé v Canada (No 2)* (2002) 3 SCR 519; *Hirst v United Kingdom (No 2)* (2005) IX Eur Court HR 187.

⁵¹ Joint Standing Committee on Electoral Matters, Parliament of Australia (1997) [Report of the inquiry into all aspects of the conduct of the 1996 federal election and matters related thereto](#), Australia, pp 48-49.

⁵² *Ibid*, p 48.

⁵³ *Sauvé v Canada (No 2)* (2002) 3 SCR 519, per McLaughlin CJ at [49].

⁵⁴ Churchill M (2020) [Voting rights in prison: issues paper](#), University of Queensland; Mellor T (18 June 2018) '[Electoral \(Prisoner Voting\) Amendment Bill 2018](#)' *Correspondence to The Hon Vickie Chapman MP, Attorney-General*, The Law Society of South Australia.



The idea of a **social contract** has been the subject of many philosophical discussions, dating back to antiquity. Essentially, the idea is that people surrender some rights or powers in order to have others defended and upheld when part of a society ruled by a central authority, such as a monarch or democratic institutions. For example, people implicitly consent in Australia to being a part of a democratic society, governed by our federal and state constitutions and subject to our laws, which remove some rights or power but with the ultimate outcome of ensuring a cohesive society and upholding other important rights, like the ability to participate in the governance of that society.

However, if the goal is to encourage people in custody to abide by the social contract, disenfranchisement can have the opposite effect as it creates further detachment from the law. It has been asserted that people will be less likely to respect and follow the law when they are denied the ability to vote for the people who make those laws.⁵⁵

A fatal flaw in relying on the breach of the social contract as a basis for disenfranchisement is that it relies on the social contract being mutually beneficial. The disproportionate incarceration of Aboriginal and Torres Strait Islander peoples indicates a potential imbalance in this 'contract'.⁵⁶

Rehabilitation and reintegration

Rehabilitation and reintegration are about encouraging pro-social behaviours and reincorporating people into civil society on their release from prison. Justices Gummow, Kirby and Crenan relevantly noted in *Roach v Electoral Commissioner*:

Voting in elections for the parliament lies at the very heart of the system of government for which the Constitution provides.

...

⁵⁵ Dhami MK (2005) 'Prisoner Disenfranchisement Policy: A Threat to Democracy?', *Analyses of Social Issues and Public Policy*, 5(1):235-257.

⁵⁶ Koch C and Hill L (2008) 'The Ballot Behind Bars After Roach', *Alternative Law Journal*, 33(4):220-224.



*Prisoners who are citizens and members of the Australian community remain so. Their interest in, and duty to, their society and its governance survives incarceration. Indeed, upon one view, the Constitution envisages their ongoing obligations to the body politic to which, in due course, the overwhelming majority of them will be returned following completion of their sentence.*⁵⁷

It is the position of the Australian Human Rights Commission that 'enfranchisement is a powerful and positive tool to assist with social reintegration and rehabilitation of prisoners'.⁵⁸ It has been suggested that this is achieved somewhat by facilitating the improved self-image of people in custody as useful and responsible in their voting.⁵⁹

In *Sauvé v Canada (No 2)*, the minority of judges formed the view that the right to vote is meaningful to people in custody and therefore the temporary disenfranchisement could have an ongoing rehabilitative effect.⁶⁰ As noted above, however, the majority reached the opposite conclusion.

In New Zealand, the Waitangi Tribunal formed the view that disenfranchisement was inconsistent with the purpose of the New Zealand corrections system, which has a legislated purpose of contributing to a just society by assisting in the rehabilitation of offenders and their reintegration into the community.⁶¹

Arguably, increasing all detained people's ability to be involved in governance and the exercise of civil and political rights is a means of promoting better engagement with society. This is especially relevant in Tasmanian given the concerning high rate of recidivism.⁶²

⁵⁷ [2007] HCA 43 at [81] and [84].

⁵⁸ Australian Human Rights Commission (2010) *The right to vote is not enjoyed equally by all Australians*, Australian Human Rights Commission website, viewed 12 March 2025.

⁵⁹ Dhami MK (2005) 'Prisoner Disenfranchisement Policy: A Threat to Democracy?', *Analyses of Social Issues and Public Policy*, 5(1):235-257.

⁶⁰ (2002) 3 SCR 519, per Gonthier J at [183].

⁶¹ Waitangi Tribunal (2020) *He Aha i Pērā Ai? The Māori Prisoners' Voting Report*, Waitangi Tribunal, p 25.

⁶² Productivity Commission (2025) *Report on Government Services: Part C Justice* [data table CA.4], Productivity Commission website, viewed 12 March 2025.



International law provides a basis to review voting rights for people in custody

Article 25 of the *International Covenant on Civil and Political Rights* (ICCPR) provides:

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.

In 1996 the United Nations Human Rights Committee stated in ICCPR General Comment 25:

In their reports, States parties should indicate and explain the legislative provisions which would deprive citizens of their right to vote. The grounds for such deprivation should be objective and reasonable. If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence. Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote.⁶³

For people in custody who are citizens, the question is whether restricting the right to vote to those sentenced to three years or more is an objective and reasonable criterion. It is certainly unreasonable that the voting restriction has a disproportionate impact on Aboriginal and Torres Strait Islander peoples. A factor of some weight in favour of increasing the eligibility of people in custody's right to vote are rules 5.1 and 88.1 of the *United Nations Standard Minimum*

⁶³ UN Human Rights Committee (1996) [ICCPR General Comment No. 25: Article 25 \(Participation in Public Affairs and the Right to Vote\)](#), [The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service](#), United Nations Digital Library website, accessed 12 March 2025.



Rules for the Treatment of Prisoners (the Nelson Mandela Rules).⁶⁴ Those rules relevantly provide:

Rule 5

The prison regime should seek to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

Rule 88

The treatment of prisoners should emphasize not their exclusion from the community but their continuing part in it.

In line with these rules, expanding the right to vote to all people in custody would significantly minimise a difference between prison life and life at liberty. This difference tends to lessen their responsibility. Expanding the right to vote would also emphasise their continuing role in the community.

All countries that are party to the United Nations Human Rights Committee must provide periodic reports on civil and political rights. In its responses to the reports of several countries, the Committee has recommended reviews on blanket voting bans for those sentenced to imprisonment. It has not, however, detailed what an appropriate restriction on voting rights may be.⁶⁵

The *United Nations Declaration on the Rights of Indigenous Peoples* at Article 5 articulates the right to participation of Indigenous people:

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Australia endorsed this Declaration in 2009, notably after being one of only four countries in the United National General Assembly that voted against its

⁶⁴ UN Office on Drugs and Crime (2016) [The United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#), United Nations, pp 3, 26-27.

⁶⁵ UN Human Rights Committee (2019) [‘Concluding observations on the fourth periodic report of Estonia’](#), CCPR/C/EST/CO/4;

UN Human Rights Committee (2017) [‘Concluding observations on the second periodic report of Turkmenistan’](#), CCPR/C/TKM/CO/2;

UN Human Rights Committee (2015) [‘Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Island’](#), CCPR/C/GBR/CO/7;

UN Human Rights Committee (2015) [‘Concluding observations on the second periodic report of Cambodia’](#), CCPR/C/KHM/CO/2.



adoption in 2007. The Declaration is not a treaty and is not legally binding, but it is persuasive in terms of articulating rights. Relevantly, Aboriginal people's right to participate fully in the political life is restricted if they are in custody and serving a sentence of three or more years. It is concerning, given the overrepresentation of Aboriginal people in custody, that Aboriginal people are more likely to be impacted by this disenfranchisement than the rest of the population despite their right to participate fully in political and social life.

Recommendation 7

The Tasmanian Parliament considers making all people in custody eligible to vote in Tasmanian elections or increase the length of sentence that results in people's right to vote being restricted, with the purposes of:

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

We sought a response from the Minister for Corrections and Rehabilitation to Recommendation 7. A copy of our letter, and the Minister's response, can be found at Appendix 1. Unfortunately, the Minister's undated response, received on 4 April 2025, did not directly address this recommendation nor was our offer to meet to discuss the report taken up.

Appropriately, the Department of Justice and the Tasmanian Electoral Commission did not comment on this recommendation given it is a matter for the Tasmanian Parliament.



Conclusion

This review arose because of the lack of any sign in Tasmanian prisons during an inspection in late 2022 of a looming local election, in which voting had recently become compulsory. We have actively engaged with the Tasmania Prison Service (TPS) on this issue since then as we were concerned that people in custody would not have an accessible means to vote in the 2023 referendum. It has been pleasing to see the rapid developments as a consequence of this engagement and the Australian Electoral Commission's proactive contact with the Department of Justice, including the first mobile polling services in Tasmanian prisons since at least 2007 and increased engagement between the Tasmanian and Australian Electoral Commissions and the TPS. This has led to increased engagement of people in custody with the electoral process. While the increase has been modest, any increase should be celebrated and indicates that the TPS is better meeting its obligation to ensure the differences between life at liberty and life in prison are minimised. This report makes a number of recommendations with the view to further improving people in custody's access to electoral processes.

A significant policy issue also arose in the context of the review, and we have recommended that Tasmania should consider removing the restriction on people in custody's right to vote in Tasmanian elections if their sentence is three years or more. While there are different positions across Australia, there are no restrictions at the state/territory and local level in both the Australian Capital Territory and South Australia, which does not appear to have resulted in negative consequences. There are also several potential benefits to allowing people in custody to vote, including minimising the disenfranchisement of Aboriginal people, better alignment with international law, maintaining connection and engagement outside prisons, and avoiding the imposition of an additional punishment.



Appendix 1 – Correspondence with the Minister for Corrections and Rehabilitation

Letter from the Custodial Inspector to the Minister



Office of the
Custodial Inspector
Tasmania

1800 001 170

ci@custodialinspector.tas.gov.au
www.custodialinspector.tas.gov.au

Level 6, 86 Collins Street, Hobart Tasmania 7000
GPO Box 960, Hobart Tasmania 7001

14 March 2025

The Hon M Ogilvie MP
Minister for Corrections and Rehabilitation
Parliament of Tasmania

Email: madeleine.ogilvie@parliament.tas.gov.au

Dear Ms Ogilvie

Draft *Overcoming barriers to voting in prison - review report 2025*

My Office has been conducting a review under s14 of the *Custodial Inspector Act 2016* relating to barriers to people in custody voting. Please find attached a draft of my report, *Overcoming barriers to voting in prison - review report 2025*.

I have written to the Secretary of the Department of Justice to seek a response to the report and the six recommendations. However, you will note the last recommendation relates to the Tasmanian Parliament reviewing the disenfranchisement in Tasmanian elections of people in custody serving a sentence of three years or more. I am writing to you as the responsible minister to give you an opportunity to respond to this particular recommendation. I would also welcome any more general comments you may have about the report. If you would like to make any representations, please do so by 3 April 2025. It is my intention to insert a copy of your response in the final report.

I would welcome the opportunity to meet with you if you would like to discuss the draft report. Please contact Sam Christensen, Principal Inspection Officer, if you would like to arrange a suitable time prior to 3 April 2025. His contact details are 6165 9459 or sam.christensen@custodialinspector.tas.gov.au.

I have also sought feedback from the Australian and Tasmanian Electoral Commissions.

I will finalise the report after 3 April 2025. This may require some follow up after I receive feedback from relevant stakeholders. I will then table the final report in the Tasmanian Parliament.



I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'C' with an 'R' inside it, followed by a long horizontal stroke.

Richard Connock
Custodial Inspector

Letter from the Minister to the Custodial Inspector

Minister for Innovation, Science, and the Digital Economy
Minister for Corrections and Rehabilitation
Minister for the Environment
Minister for the Arts and Heritage

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GPO Box 123 HOBART TAS 7001 Australia
Phone: +61 3 6165 7686
Email: minister.ogilvie@dpac.tas.gov.au



Mr Richard Connock
Custodial Inspector
ci@custodialinspector.tas.gov.au

Dear Mr Connock

Thank you for your letter of 14 March 2025 in relation to the *Overcoming barriers to voting in prison – review report 2025*. I understand this report will be tabled in Parliament.

I appreciate the draft report noting the positive highlights and steps taken by the Tasmanian Prison Service (TPS) over the past two years to reintroduce in-person voting.

The TPS remains closely engaged with the Tasmanian Electoral Commission (TEC) and the Australian Electoral Commission (AEC) in readiness for the upcoming Legislative Council and Federal elections respectively. I also note the TEC and TPS are working together in order to commence in-person voting for state-based elections.

I will seek to ensure the TPS and Department of Justice continue to provide me updates on this matter, and the outcome/s of facilitating voting at the upcoming Federal Election.

Again, thank you for your draft report and for the opportunity to review.

Yours sincerely

A handwritten signature in blue ink that reads "Madeleine Ogilvie".

Hon Madeleine Ogilvie MP
Minister for Corrections and Rehabilitation



Appendix 2 – Department of Justice response

Department of Justice
OFFICE OF THE SECRETARY

Level 1, 85 Collins St, Hobart TAS 7000
GPO Box 825 Hobart TAS 7001
Phone 03 6165 4943
Email secretary@justice.tas.gov.au Web www.justice.tas.gov.au



Mr Richard Connock
Custodial Inspector
Office of the Custodial Inspector

Email: ci@custodialinspector.tas.gov.au


Dear Mr Connock

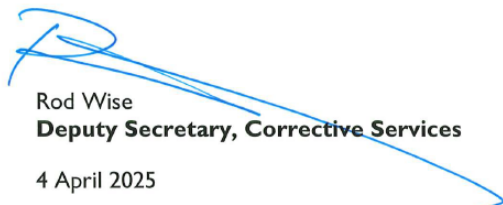
Overcoming barriers to voting in prison – review report 2025

Thank you for the opportunity to provide a response to the Overcoming barriers to voting in prison – review report 2025.

The Department of Justice's response is attached to this correspondence.

If you require any clarification or any further information, please do not hesitate to contact Tristan Bell, Assistant Director, Tasmania Prison Service at Tristan.Bell@justice.tas.gov.au or 

Yours sincerely


Rod Wise
Deputy Secretary, Corrective Services
4 April 2025

The Department of Justice (the Department) acknowledges the work undertaken by the Custodial Inspector (CI) and his staff in relation to this report and acknowledges the comments made throughout the report.

The Department continues to work in partnership with the CI to improve the corrections system in Tasmania.

The Tasmania Prison Service has worked actively over the past 2 years to enable in-person voting to occur in prisons, as well as supporting enrolment and information sessions across prisons to assist prisoners and remandees to enrol to vote. It is pleasing to see that this hard work has been recognised throughout the report. The Tasmania Prison Service is committed to continuing to work with electoral bodies to further improve the opportunities prisoners and remandees have to vote and to help them to remain engaged in this important area.

The Department supports all the recommendations made that are the responsibility of the department, noting that one recommendation is to the Tasmanian Parliament and another relies on the Tasmanian Electoral Commission to implement.

Please see below the Department's response to each of the recommendations.

Department of Justice response to recommendations

1 The Tasmania Prison Service explores further opportunities with the Tasmanian Electoral Commission to raise awareness about voting and civic engagement.

Response

The TPS has been working closely with the TEC (and the Australian Electoral Commission) over the past year to better support engagement of prisoners in the electoral process. It is noted that the TPS cannot make any commitments on behalf of the TEC.

Level of acceptance	Supported
Responsible agency(ies)	Department of Justice
Responsible business area	Assistant Director Engagement
Proposed completion date	Ongoing



- 2 The Tasmania Prison Service ensures people in custody have ready access to electoral documentation, including enrolment forms, and free telephone calls to the Tasmanian Electoral Commission from the Common Auto Dial List on the prison telephone system.**

Response

The TPS has supported enrolment sessions occurring within prison facilities delivered by the AEC and TEC on a regular basis over the past two years. Enrolment forms are readily available if requested, but hard copies can be placed in facilities. The TPS will explore the willingness of the TEC to be added to the CADL.

Level of acceptance	Supported
Responsible agency(ies)	Department of Justice
Responsible business area	Assistant Director Engagement
Proposed completion date	August 2025

- 3 The Tasmania Prison Service amends Director’s Standing Order 4.02 Prisoner Mail to ensure that mail between people in custody and the Tasmanian and Australian Electoral Commissions is not opened.**

Response

DSO to be amended to align mail from AEC and TEC with other confidential mail in the DSO with similar conditions/restrictions.

Level of acceptance	Supported
Responsible agency(ies)	Department of Justice
Responsible business area	Policy
Proposed completion date	December 2025



4 Processes relating to people in custody voting are embedded in the Tasmania Prison Service’s policies and procedures.

Response

The TPS will include guiding principles in the relevant DSO.

Level of acceptance	Supported
Responsible agency(ies)	Department of Justice
Responsible business area	Policy
Proposed completion date	December 2025

5 The Tasmania Prison Service explores establishing a memorandum of understanding with the Tasmanian Electoral Commission.

Response

The TPS will explore this with the TEC.

Level of acceptance	Supported
Responsible agency(ies)	Department of Justice
Responsible business area	Policy
Proposed completion date	December 2025



6 The Tasmania Prison Service, whilst continuing to support in-person voting for people in custody, engages with the Tasmanian Electoral Commission to explore the possibility of telephone voting as a future alternative method of voting.

Response

The TPS will explore this as an option with the TEC, noting that this is a decision that sits with the TEC and requires the TEC to complete the work. The TPS will support any work that needs to be done within TPS facilities for this to occur.

Level of acceptance	N/A - responsibility of another agency	
Responsible agency(ies)	Other (please specify)	<i>TEC</i>
Responsible business area	TEC	
Proposed completion date	TBA	

7 The Tasmanian Parliament considers making all people in custody eligible to vote in Tasmanian elections or increase the length of sentence that results in people's right to vote being restricted, with the purposes of:

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

Response

As this recommendation is to the Tasmanian Parliament, the TPS will not comment on this recommendation.

Level of acceptance	N/A - responsibility of another agency	
Responsible agency(ies)	Tasmanian Parliament	
Responsible business area	NA	
Proposed completion date	TBA	



Appendix 3 – Tasmanian Electoral Commission response



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Mr Richard Connock
Custodial Inspector
Office of the Custodial Inspector

Dear Mr Connock

Overcoming barriers to voting in prison – review report 2025

Thank you for the opportunity to both review and provide a response to the Overcoming barriers to voting in prison – review report 2025.

Attached please find my responses to each of the report's recommendations.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "AH", with a long horizontal stroke extending to the right.

Andrew Hawkey

Electoral Commissioner

4/04/2025



On behalf of the Tasmanian Electoral Commission (TEC), I thank the Office of the Custodial Inspector for the opportunity to review the ‘Overcoming barriers to voting in prison – review report 2025’.

I recognise the work undertaken to produce this thorough analysis of the current electoral landscape within the Tasmanian prison system, and the range of actionable recommendations made.

The TEC is committed to improving the franchise of the prisoner and remandee cohort, and will continue to work actively with both your office and the Tasmania Prison Service (TPS) to achieve that outcome.

Please see my response below to each of the recommendations.

1 The Tasmania Prison Service explores further opportunities with the Tasmanian Electoral Commission to raise awareness about voting and civic engagement.

The TEC is committed to the continuation of our work with the TPS to improve elector awareness and engagement, and the accessibility of voter services to prisoners and remandees. The TEC has recently employed an Accessibility and Inclusion Coordinator and Education and an Engagement Coordinator who will further support our continued improvements in this space.

2 The Tasmania Prison Service ensures people in custody have ready access to electoral documentation, including enrolment forms, and free telephone calls to the Tasmanian Electoral Commission from the Common Auto Dial List on the prison telephone system.

The TEC is committed to supporting processes which both maintain and improve prisoner enrolment levels. The TEC would support the addition of the TEC to the Common Auto Dial List in prison facilities.

3 The Tasmania Prison Service amends Director’s Standing Order 4.02 Prisoner Mail to ensure that mail between people in custody and the Tasmanian and Australian Electoral Commissions is not opened.

The TEC welcomes initiatives which uphold the core principle of ‘secrecy of the vote’.



4 Processes relating to people in custody voting are embedded in the Tasmania Prison Service’s policies and procedures.

The TEC supports this recommendation.

5 The Tasmania Prison Service explores establishing a memorandum of understanding with the Tasmanian Electoral Commission.

The TEC would welcome the establishment of an MOU.

6 The Tasmania Prison Service, whilst continuing to support in-person voting for people in custody, engages with the Tasmanian Electoral Commission to explore the possibility of telephone voting as a future alternative method of voting.

Subject to the successful passage of current legislation, the TEC will be able to consider the inclusion of prisoner/remandee voting as part of established telephone voting processes. The TEC are open to exploring this as an option noting that TPS support would be required to ensure secrecy of the vote is upheld.

7 The Tasmanian Parliament considers making all people in custody eligible to vote in Tasmanian elections or increase the length of sentence that results in people’s right to vote being restricted, with the purposes of:

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

This recommendation is a matter for the Tasmanian Parliament. As such, the TEC will not make comment.



Appendix 4 – Australian Electoral Commission response



Electoral Commissioner

Mr Richard Connock
Office of the Custodial Inspector
Level 6, 86 Collins Street,
Hobart, Tasmania, 7000

Dear Mr Connock,

Draft Overcoming barriers to voting in prison – review report 2025

Thank you for your letter of 14 March 2025 regarding your *Overcoming barriers to voting in prison – review report 2025*. The Australian Electoral Commission welcomes the review and the opportunity to respond to the draft report.

Consistent with our purpose under the *Commonwealth Electoral Act 1918*, and our organisational values of professionalism, agility and quality, the AEC is committed to ensuring all eligible electors can enrol to vote and participate in federal electoral events, regardless of their personal circumstances. This commitment, and our recognition that some electors still experience barriers to electoral participation, drive our ongoing work to improve access to the franchise.

The complexity of electoral event-delivery, and the dynamic environment in which we operate, mean improving electoral participation by disadvantaged Australians is both an incremental process and one that depends on the commitment of partners at all levels of government. As a world leader in electoral management and a committed learning organisation, the AEC is proactive in seeking to understand how we can do better and in driving the change process.

As the draft report points out, the outcomes of the work the AEC did in collaboration with the Tasmanian Prison Service in advance of the 2023 Voice Referendum to improve prisoner engagement were positive. While this was heartening to see, the AEC agrees that there is more that can be done to support increased enrolment and participation rates among prisoners.

Informed by the outcomes of our post-referendum lessons process and engagement with stakeholders since that event, and with the continued support of the TPS, we will be seeking to build on these improvements at the coming federal election. We are also working with the Tasmanian Electoral Commission to share our learnings and ensure we align our approaches as far as possible for the benefit of all stakeholders.

In this context, the AEC notes the comments made in the draft report about the current prisoner enrolment form and information fact sheet. In responding to those comments below, I take the opportunity to highlight the work we have already done to improve the information and services we provide to support electoral participation by voters who are in prison, either under sentence or on remand.

Forms and information and education resources

The AEC produces a range of forms and information and education resources to support eligible voters to exercise their right and responsibility to vote.

10-12 Mort Street, Canberra ACT 2600 P 02 6271 4411

www.aec.gov.au



As the draft report notes, the AEC provides Easy Read guides on how to enrol and how to vote by mail. For eligible voters who experience information-access barriers—whether due to limited literacy, digital literacy or internet access, or for language reasons—resources are produced in up to 34 international and 25 First Nations languages, with a number of these in audio-visual formats.

The AEC also produces materials that are tailored to the needs of particular cohorts of voters, including prisoners. While we review those materials regularly, I acknowledge the observations in the draft report regarding the paper-based *'Enrol to vote or update your details as a prisoner in Tasmania'* form (prisoner enrolment form) and *'Enrolling and voting while in Prison'* fact sheet.

The prisoner enrolment form's front page contains an overview of prisoners' enrolment and voting rights and the required privacy statement. It is important that prisoners have access to this information, and it is information that we are legally required to provide them. However, we acknowledge that this may make it difficult for prisoners with limited literacy to read and complete the form. Given this, we agree with the observation in the draft report that the fact sheet is likely to be a helpful resource for prison staff or other intermediaries engaged in assisting prisoners with limited literacy.

The AEC is working to improve resources for prisoners. As part of our preparations for the coming federal election, we have developed and distributed to prisons new, simpler resources to support prisoner enrolment. This includes a flyer entitled *'A guide to assisting prisoners to enrol'* and a poster that provides a plain English step-by-step guide to completing the prisoner enrolment form. I enclose copies of these resources for your information. (These are tailored to each jurisdiction as different enrolment rules may apply for state/territory and local government elections.)

While both these new products indicate that the prisoner enrolment form is intended for use by persons serving a sentence of imprisonment, the AEC acknowledges that only the poster makes it clear that those held on remand should complete an ordinary enrolment form. The AEC will review the prisoner enrolment form and related information and education resources following the coming federal election to ensure we are providing more fulsome guidance for remandees.

The draft report notes there is an online version of the prisoner enrolment form, but that prisoners in Tasmania do not have access to the internet to complete it. While the AEC is aware that such limitations exist, as a national agency we cater to the needs of prisoners in all jurisdictions, including those where some internet access is permitted.

Enrolment and voting services

The AEC undertakes significant work, in partnership with corrections authorities, to ensure voters who are in prison can enrol to vote and have ready access to a voting service.

Building on the success of our approach at the 2023 referendum, our national enrolment support service for the coming election has seen:

- the enrolment forms and education materials discussed above distributed across Tasmania's prisons (including forms and materials for remandees), so prison staff and other intermediaries supporting prisoners to enrol, or to update their enrolment, can help them do so accurately, and
- AEC staff conducting face-to-face enrolment sessions at the Risdon Prison Complex, Mary Hutchinson Women's prison and Ron Barwick prison, although the session planned for the Southern Remand Centre was affected by the facility being locked down at the time.

As we did at the referendum, the AEC will also be sending mobile polling teams to Tasmanian prisons during the early voting period for the coming election. AEC staff delivering this service are trained to help prisoners understand how to cast a formal vote and assist them during the voting process. Mobile polling teams can also provide prisoners with candidate how-to-vote materials, if these have been supplied to the AEC prior to polling commencing. Candidates may also provide campaign material directly to the prison and ask for it to be made available to prisoners.



Postal voting will continue to be an option for prisoners who are unable to vote with a mobile polling team.

As does the draft report, the AEC recognises the important role that intermediaries, including prison staff, play in facilitating electoral participation by prisoners. While this informed our delivery of online training for TPS staff in the lead-up to the 2023 referendum, we understand that resourcing constraints may make it challenging for prison management and custodial staff to take up such opportunities.

In this context, we agree that equipping service provider staff and peer support workers to assist prisoners with enrolment may be useful in further increasing engagement. We will consider the feasibility of extending the offer of training to these groups in future.

Conclusion

Given the range of factors that can impact access to voter information and services for people in prison, the AEC will continue to engage with corrections authorities, and state and territory electoral bodies, to explore and scope new or enhanced information and education initiatives that could be developed for voters who are in prison and those engaged in supporting them. This will include reviewing and updating existing information resources, and the possible creation of new materials in accessible formats. We will also continue to engage with the sector to ensure we are leveraging the most appropriate information, distribution and support networks to reach this cohort of voters.

Supplementary comments

Recommendation 2

The draft report states that it would be helpful for the Tasmanian Electoral Commission to be added to the 'Common Auto Dial List' list of telephone numbers that prisoners can call for free using the prison telephone system. We would welcome the AEC's 13 23 26 number being added to that list.

Recommendation 3

In addition to supporting the recommendation that all correspondence between prisoners and the AEC be treated as privileged mail, we note that prisoners having the ability to both send and receive mail in a timely fashion is critical to their ability to use postal voting effectively. This is due to the tight timeframes that apply to applications for, and the receipt and return of, postal voting packs once the writs for an election (or other electoral event) have been issued.

Recommendation 6

In relation to the discussion of telephone voting in the draft report, I note for completeness that the eligibility criteria for secure telephone voting in federal electoral events are set out in legislation, and not a matter within the control of the AEC. As it did at the 2022 federal election, the AEC will adapt its secure telephone voting service in response to any changes the Commonwealth Parliament may make to those eligibility criteria. That said, I note that the current operating model for secure telephone voting requires the voter to have the ability to directly receive a code via SMS or email in order to cast their vote; this is critical to ensuring the secrecy of all votes cast using this service.

I commend you on a comprehensive and considered report. I authorise inclusion of this response and additional attachments within the report and would welcome seeing the final report on submission to the Tasmanian parliament.

Please let me know if you have any questions about the above response.

I note that Hannah Brown will contact your office separately in relation to some minor factual inaccuracies in the draft report.

Yours sincerely



Jeff Pope APM
Acting Electoral Commissioner
28 March 2025

Attachments

- How to complete a prisoner enrolment
- Guide for assisting prisoners to enrol



Attachment 1: How to complete a prisoner enrolment (TAS)

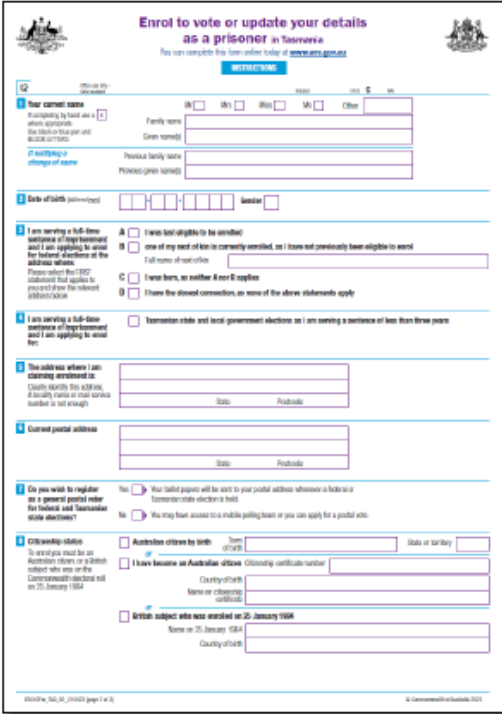
Australian Electoral Commission

How to complete a prisoner enrolment

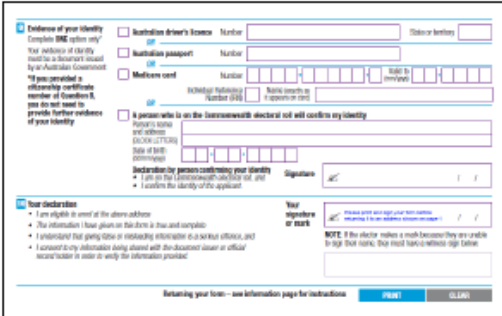
Tas

If you are a prisoner serving a full-time sentence, you may still be entitled to vote. If you are 18 years or over and an Australian citizen (or an eligible British subject) you must enrol for federal elections.

Page 1



Page 2



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

Write your name

Write your date of birth and indicate gender

Select the first statement that best fits you

Are you entitled to enrol in Tasmanian state elections?

Write the address where you are claiming enrolment

Write your preferred postal address

Do you want to register as a postal voter?

Evidence of your citizenship

Evidence of your identity

Sign the form

aec.gov.au

13 23 26

AEC

Australian Electoral Commission

Authorised by The Electoral Commissioner, Canberra



Attachment 2: Guide for assisting prisoners to enrol (TAS)

Australian Electoral Commission

i **Enrolment for prisoners**
Enrolment and voting in federal elections is compulsory for all persons aged 18 years and over who are Australian citizens, which includes prisoners serving a full-time prison sentence of less than 3 years. Some British subjects permanently living in Australia are also required to enrol to vote (see aec.gov.au).

If you are assisting a prisoner to complete their enrolment, follow the steps in this guide to ensure correct enrolment. Forms are available from the AEC website (aec.gov.au).

AEC staff may have limited ability to contact prisoners to correct or clarify details after the enrolment form is submitted.

In what circumstances should the prisoner enrolment form be used?

- When a person is serving a full-time prison sentence and is not currently enrolled.
- When a person is currently enrolled, serving a full-time prison sentence and needs to update enrolment details.

This form **should not** be used for people on remand, on parole or serving a sentence in home detention. Standard enrolments can be used for these voters.

To complete the form, you will need:

- evidence of the person's identity or a person confirming identity
- address for claimed enrolment
- postal address of the prison where the sentence is being served.

Who can assist prisoners with their form?
Prison staff or visitors (with the permission of the prison) can assist a prisoner to complete the enrolment form. However, the prisoner must sign or make their mark on the form.

AEC
Australian Electoral Commission

Guide for assisting prisoners to enrol

Tasmania (Tas)

aec.gov.au 13 23 26

Authorised by The Electoral Commissioner, Canberra

Australian Electoral Commission

Important details on prisoner enrolment forms

- 1** Provide the prisoner's name
- 2** Date of birth
Voters must be aged 18 years or over to vote in elections. Provide date of birth and indicate gender
- 3** Enrolment criteria
Select the **first** statement which applies to the prisoner's situation.
- 4** Tasmanian voter eligibility
Check this box if the prisoner is eligible to enrol for Tasmanian state elections.
- 5** Address for enrolment
List the address where:
A: the prisoner was last eligible to enrol (this will generally be the last place the prisoner lived) or;
B: the prisoner's next of kin is currently enrolled (if the prisoner has not previously been eligible to enrol); or;
C: the prisoner was born, if neither of the above apply; or;
D: the prisoner has the closest connection if none of the above apply.

Page 1

Page 2

- 6** Postal address for prison
Provide the postal address of the prison where the sentence is being served.
- 7** Postal voter registration
Does the prisoner want to register as a postal voter for federal elections and Tasmanian state elections?
- 8** Citizenship status
To enrol and vote in elections, the prisoner must be an Australian citizen. If they have become an Australian citizen, provide their citizenship certificate number if available.
- 9** Evidence of identity
The prisoner can provide their:
• Australian driver's licence, or
• Australian passport, or
• Medicare card.
If the prisoner has no form of identification, a person who is on the Commonwealth Electoral Roll can confirm their identity with their details. Prison staff can use the correctional facility's address and phone number.
- 10** Prisoner Declaration
The prisoner must sign the form here.



Appendix 5 – Department for Education, Children and Young People response

Department for Education, Children and Young People
OFFICE OF THE SECRETARY

GPO Box 169, HOBART TAS 7001 Australia
OfficeoftheSecretary@decyp.tas.gov.au
Ph (03) 6165 5757



File no: DOC/25/53897/1

25 March 2025

Richard Connock
Custodial Inspector
By email: ci@custodialinspector.tas.gov.au

Dear Mr Connock,

Draft Overcoming barriers to voting in prison - review report 2025

Thank you for your correspondence received 14 March 2025, inviting the Department for Education, Children and Young People to comment on the *Draft Overcoming to Voting in Prison – Review Report 2025*.

The Department for Education, Children and Young People is supportive of the work the Office of the Custodial Inspector has commenced regarding overcoming barriers to voting in prison. The Department for Education, Children and Young People has no specific comment on the draft report.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Ginna Webster".

Ginna Webster
SECRETARY



Appendix 6 – Letter from Director of Prisons to people in custody

Department of Justice
TASMANIA PRISON SERVICE

672 East Derwent Highway, Risdon Vale 7016
PO Box 24, Lindisfarne Tas 7015
www.justice.tas.gov.au



13 September 2023

To all prisoners and remandees

RE: Enrolment to vote in upcoming Voice referendum

You are likely aware that there will be a referendum on 14 October 2023 about whether to change the Constitution to recognise the First Peoples of Australia by establishing a body called the Aboriginal and Torres Strait Islander Voice.

If you are on remand or serving a sentence of less than three years you will be eligible to vote in the referendum. In order to vote you must be correctly enrolled. Enrolments for the referendum close next Monday (Monday the 18th of September) at 8pm and if you want to vote you need to be enrolled by this time.

If you are not already enrolled or you are not sure if you are enrolled please speak with a staff member who will assist you to become enrolled. We will also have staff from the Australian Election Commission on site at Risdon on Friday this week to assist you to enrol.

Voters will be asked to vote 'yes' or 'no' on a single question. The question on the ballot paper will be:

"A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.

Do you approve this proposed alteration?"

If you would like information about the referendum there will be copies of the official referendum booklet containing the yes and no cases available in the libraries and some common areas for you to review.

Yours sincerely

Ian Thomas
Director of Prisons

CC: GMs and Superintendents



Appendix 7 – List of acronyms

ACT	Australian Capital Territory
AEC	Australian Electoral Commission
AYDC	Ashley Youth Detention Centre
DSO	Director's Standing Order
MOU	Memorandum of understanding
NSW	New South Wales
NT	Northern Territory
QLD	Queensland
SA	South Australia
TAS	Tasmania
TEC	Tasmanian Electoral Commission
TPS	Tasmania Prison Service
VIC	Victoria
WA	Western Australia





Office of the
**Custodial
Inspector**
Tasmania

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Email: ci@custodialinspector.tas.gov.au
Website: www.custodialinspector.tas.gov.au