

Custodial Operations Policy and Procedures

20.3 Inmate voting rights

Policy summary

An inmate's eligibility to vote in a Federal, NSW State or Local Government election or in Referendums while in custody depends on:

- if the inmate is sentenced
- the length of their sentence
- if the inmate was enrolled to vote prior to entering custody.

Torres Strait Islander or Aboriginal inmates who meet the eligibility criteria may vote at a Torres Strait Regional Authority (TSRA) ward election, regardless of imprisonment status or length of sentences. Voting in TSRA elections is not compulsory.

Management of Public Correctional Centres Service Specifications

Service specifications	Decency and respect
	Rehabilitation and reintegration

Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW), and all CSNSW employees.

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1 Inmate voting rights

1.1 Policy

CSNSW will provide inmates with the opportunity to vote, if they are eligible.

Election materials, including 'how to vote' cards, are not permitted to be distributed in correctional centres and candidates may not address inmates.

An information fact sheet titled *Prisoners*, as well as prisoner enrolment forms, is available on the [Australian Electoral Commission](#) (AEC) website.

1.2 NSW state and local government elections

Remand inmates and inmates serving sentences of less than 12 months are entitled to vote in NSW State and Local Government elections if they were enrolled to vote before entering custody.

Inmates serving sentences of more than 12 months are not entitled to vote.

Inmates should complete the *Enrol to vote or update your details as a prisoner in new south wales* form if they want to:

- enrol in NSW State and Local Government elections while they are serving a custodial sentence, or
- update their details on the electoral roll to reflect their status as a prisoner.

The form can be downloaded from the AEC website.

Once completed this form will advise the AEC that the inmate was enrolled before entering custody and is now absent from their enrolled address. The AEC will not remove the inmate's name from the electoral roll while they are in custody.

Enrolment and voting obligations for people in full-time custody are different in each state and territory. To find out whether they are currently enrolled, eligible inmates can contact the AEC or have family and/or friends visit the AEC website.

1.1.2 Federal elections and referendums

It is compulsory to enrol and vote for Federal elections and referendums if a person is:

- 18 years of age or over, and
- an Australian citizen (or a British subject who was on the Commonwealth electoral roll on 25 January 1984).

Inmates serving full-time sentences of less than three years must vote in federal elections. However, inmates serving sentences of more than three years are not entitled to enrol and vote.

A person who has been convicted of treason or treachery and has not been pardoned is not entitled to enrol or vote.

1.3 TSRA elections

TSRA elections are held every four (4) years. A person is entitled to vote at a TSRA ward election if:

- they are a Torres Strait Islander or an Aboriginal, and
- the person's name is on the Federal Electoral Roll, or their residence, as shown on that roll, is within the ward concerned.

All Torres Strait Islander or Aboriginal inmates who meet the above criteria are eligible to vote at a TSRA ward election, regardless of imprisonment status or length of sentences. Voting at TSRA elections is not compulsory.

1.4 Standing for election to the TSRA elections

A person is not qualified to stand for election, or to be elected, as a member of the TSRA if:

- convicted of an offence against a Commonwealth, State or Territory law and sentenced to imprisonment for one year or longer, or
- convicted of an offence against a Commonwealth, State or Territory law involving dishonesty and sentenced to imprisonment for 3 months or longer

However, despite being convicted and sentenced to imprisonment, a person is not disqualified from standing for election, or being elected as a member of the TSRA if:

- at least 2 years have passed since the person was convicted and they were never actually imprisoned for the offence, or
- at least 2 years have passed since the person was released from prison, or
- the Federal Court of Australia, on application by the person, declares that despite the conviction, he/she ought not to be disqualified from standing for election, or being elected, as a member of the TSRA.

Information on TSRA elections is available for inmates on the AEC website.

2 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

3 Definitions

COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services NSW
AEC	Australian Electoral Commission
TSRA	Torres Strait Regional Authority

4 Document information

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1.1	12/03/20	General formatting update and improvements