

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [11.17 a.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The ability to cast a secret ballot is a central feature of democratic elections.

At present, many vision impaired and other disabled persons do not have the opportunity to vote secretly an opportunity that many of us take for granted.

Under existing electoral processes, a person who is unable to vote without assistance has no choice but to enlist the help of another to cast their vote.

This Government wants to make sure that as many people as possible participate equally in our democratic process—especially in the lead up to next year's State election.

This Government has already pioneered changes to improve access to the franchise for electors with a disability.

Amendments to the Parliamentary Electorates and Elections Act introduced by the Government last year extended the right to apply for a postal vote and pre-poll vote to persons with a disability.

Persons with a disability are also eligible to become registered as general postal voters as a result of the Government's electoral reforms.

Still, more can be done to increase the opportunities available to vision impaired and disabled electors for electoral participation.

In its report on the 2007 State election, the Joint Standing Committee on Electoral Matters recommended that the New South Wales Electoral Commission examine ways to allow vision impaired electors to cast a secret ballot.

Advances in technology mean that there is now a range of options that can be explored to enable disabled persons to vote privately. Braille ballot papers, electronic voting kiosks and Internet voting are the most common examples.

In 2008, the local government regulations were amended to permit the use of Braille ballot papers for the visually impaired at local government elections.

Over 5,000 vision impaired persons were offered the option of registering for Braille ballot papers at the last local elections. Of those, however, only 52 electors registered.

Despite the fact that a number of vision impaired voters used Braille ballot papers successfully at the 2008 elections, the New South Wales Electoral Commissioner has advised that they are not an ideal option going forward particularly for State elections for a number of reasons.

First, only around one in nine vision impaired people can actually read Braille. This means that Braille ballot papers do not assist most blind and vision impaired electors. Nor are they cost effective. For example, the cost of providing Braille ballot papers to the 52 electors who requested them for the 2008 local government elections was \$24,862, or \$478 per vote.

In addition, the sheer size of the Braille ballot paper required for a Legislative Council election means that it would be extremely difficult for vision impaired electors to cast a valid vote without assistance. For example, a sample ballot paper for the NSW Legislative Council commissioned by the Electoral Commissioner is 67 pages in length.

An alternative approach is electronic or 'e-voting', which involves the use of purpose-built electronic voting kiosks at polling places.

E-voting was trialled by the Commonwealth at the 2007 federal election at a cost of over \$2,500 per vote. However, the Commonwealth Joint Standing Committee on Electoral Matters subsequently recommended that e-voting trials be discontinued due to high costs and low rates of participation.

The Electoral Commissioner has advised that the high infrastructure costs associated with e-voting kiosks means that they could only be located in a small number of polling booths.

Preliminary work done by the NSW Electoral Commission indicates that a more promising option would be Internet voting, or 'I-voting'. 'I-voting' would involve voters using a personal computer with assistive features in their home or other place to cast their vote over a secure internet connection.

The NSW Electoral Commission's research indicates that I-voting would be significantly cheaper to establish than e-

voting.

I-voting also has the potential, in the future, to be used for the benefit of other groups, such as disabled people, people in rural and remote electorates, illiterate people, and people with poor English language skills, at minimal additional cost. Eventually, I-voting might also provide a means by which overseas voters can participate in State elections.

I-voting has been used successfully at public elections in several countries including the Netherlands, France, the UK, Denmark, Finland and Spain.

The Government is keen to make I-voting available for New South Wales elections.

I am pleased, therefore, to introduce this bill, which provides for the Electoral Commissioner to conduct an investigation into the feasibility of providing internet voting for vision-impaired and other disabled persons, and if such internet voting is feasible, propose a detailed model for adoption by Parliament.

Given the subject matter, it is appropriate that this be done by legislation rather than executive order.

In undertaking that investigation, the Electoral Commissioner will be expected to consult with stakeholders in the disability sector and take appropriate technical advice.

Subject to the Electoral Commissioner's report, the Government plans to introduce Internet voting in time for the next election. The Electoral Commissioner will therefore report to the Premier within 3 months, and that report will be tabled in Parliament.

In addition to the development of I-voting, the bill will also make a number of amendments to clarify certain administrative processes under the Act—many of which were requested by the Electoral Commissioner.

Schedule 2 of the bill clarifies that t-shirts and other small items that might bear political slogans do not also need to bear the name and address of the person on whose instructions the matter was printed, or the name and address of the printer.

The proposed amendment is consistent with section 328 of the Commonwealth Electoral Act.

Schedule 2 also amends the Act to make clear that electoral material must clearly identify the actual person, political party, organisation or group on whose behalf the material is to be distributed not just the "author" of that material.

The amendments in schedule 3 of the bill clarify the rules governing the registration of parties.

At present, parties that wish to nominate candidates for election must register with the New South Wales Electoral Commission.

Under the Act, the Electoral Commissioner can refuse to register a party name on various grounds for example, if the name is obscene or offensive, or if it is identical to the name of another registered party, or so nearly resembles the name of another registered party that it is likely to be mistaken for that name.

The Commonwealth Electoral Act gives the Commonwealth Electoral Commissioner similar grounds to refuse to register the name of a party applying for federal registration.

Even though the Commonwealth and New South Wales provisions regarding party names are consistent, it is possible that a party which has been registered under the Commonwealth Act may be refused registration under the very same name in New South Wales.

This would be a strange result and one which could lead to voter confusion.

To ensure consistency at the Commonwealth and State levels, the bill therefore provides that the NSW Electoral Commissioner cannot refuse to register a party on the relevant grounds if the party, or an associated party, is already registered under that name under the Commonwealth Electoral Act.

The only exception is where the proposed name of an aspiring party too closely resembles the name of an existing party that is only registered in New South Wales and not at the Commonwealth level.

Schedule 3 of the bill also seeks to provide greater certainty for the Electoral Commission with respect to amendments to the Register of Parties.

In particular, it clarifies that amendments to registration details can be made at any time other than in the period between the issue of the writ for an election and polling day.

It also confirms that the Electoral Commissioner is not obliged to take any action with respect to amendment applications in period between the issue of the writ and polling day.

Finally, Schedule 4 of the Act amends an uncommenced provision of the *Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009* to clarify that political parties and Members of Parliament may request access to data regarding pre-polling places, as well as ordinary polling places. This amendment corrects a minor drafting oversight in the 2009 amendments.

These changes are about streamlining our electoral process removing red tape and enabling more people to

participate in a fairer and more accessible system.

I commend the bill to the House.