

**INQUIRY INTO ADMINISTRATION OF THE 2007 NSW
ELECTION AND RELATED MATTERS**

Organisation: NSW Disability Discrimination Legal Centre (Inc.)

Name: Ms Geri Kaufman

Position: Policy Officer

Telephone:

Date Received: 27/02/2008



The Chair,
Joint Standing Committee on Electoral Matters,
Parliament House,
Macquarie Street,
Sydney, NSW, 2000.

27 February 2008

Dear Sir or Madam,

Inquiry into the Administration of the 2007 NSW Election and Related Matters

The NSW Disability Discrimination Legal Centre (NSW DDLC) welcomes the opportunity to contribute to the Inquiry into the Administration of the 2007 NSW Election and Related Matters, currently being conducted by the Joint Standing Committee on Electoral Matters.

NSW DDLC was established in 1994 to help people with disability understand and protect their rights under disability discrimination law. We do this through the delivery of direct legal services to people with disability, delivery of community legal education and undertaking policy work. NSW DDLC aims for a society where people will be able to participate in all aspects of life through the:

- removal of barriers;
- elimination of discrimination;
- empowerment of people with disabilities;
- promotion of awareness; and
- the ability to exercise rights.

NSW DDLC's objectives are:

- To promote community awareness of the potential to use discrimination laws to advance the rights of people with disabilities;
- To provide legal services for people with disabilities, their associates and representative organisations, who have been discriminated against;
- To ensure the effective participation of people with disabilities in the management and operation of the Centre;
- To reform laws and change policies, practices and community attitudes that discriminate against people with disabilities;
- To develop and be involved in appropriate networks; and
- To maintain the necessary infrastructures and administration systems in order to further the Centre's aims and objectives.

Access to independent and secret voting for blind and vision-impaired people

While this submission focuses on access to independent and secret voting for blind and vision impaired people, NSW DDLC strongly advocates that people with a wide range of disabilities be entitled to exercise their voting rights freely and independently. This requires effective, systemic improvements to current voting procedure. For example, further change is needed with regard to the lack of accessible polling places and their distance to accessible transport nodes. Significant improvements are also needed in the areas of hearing augmentation and access to sign-language interpreters.

This submission relates to the case of a particular client who is blind and who we have been assisting since 2004 in making a formal complaint to the NSW Anti-Discrimination Board about barriers to access preventing him from casting his own independent and secret vote.

NSW DDLC has focused on this case in a previous submission dated 31 July 2006 in relation to the draft Bill to the *Parliamentary Electorates and Elections Act* (NSW) 1912, (the Act). In that submission we expressed our concern that the draft Bill contained no proposed amendments that would improve access to the voting procedure for vision-impaired and blind people. We strongly recommended at that time, that the New South Wales Electoral Commission pilot electronically assisted voting technology as a means of removing barriers to access for blind and vision impaired people.

Our client's matter is currently awaiting decision from the Administrative Decisions Tribunal. The New South Wales Electoral Commission however, maintains that its ability to vary voting procedure is strictly limited by the terms of the Act.

Electronically assisted voting technology

The Australian Electoral Commission (AEC) ran a trial at the recent Federal election which allowed people with vision impairment to cast a secret ballot through electronically assisted voting technology. Twenty nine pre-polling places around Australia were selected for the trial by the AEC. NSW DDLC applauds this initiative in assisting people with disability to exercise their democratic rights.

Our client referred to above used the electronically assisted voting technology at the Federal election. In discussions with our client he expressed delight in the simplicity of the system and in the ability to vote independently and secretly for the first time. His only concern is the distance needed to travel to reach the test site.

Positive initiatives implemented at the 2007 State election

NSW DDLC appreciates that some initiatives were implemented at the 2007 State election to improve access. We are pleased that several of the recommendations made in our previous submission were implemented, such as the provision of election information in Braille, audio, large print and electronic formats. The availability of hand-held magnifiers at all pre-polling and polling places was also a positive step. Disability awareness training, delivered by Vision Australia for returning officers and election officials was also introduced. NSW DDLC supports this initiative and recognises that training such as this will assist electoral staff to be more knowledgeable and responsive to disability related issues and concerns.

Recommendations

As stated above, the New South Wales Electoral Commission asserts that its ability to vary voting procedure is strictly limited by the terms of the Act. In particular, the relevant section, (section 108) prescribes the manner in which assistance is to be provided to blind and vision-impaired people. The section does not include any method for independent or secret voting but requires the voter to cast their vote with the assistance of another person.

NSW DDLC urges the New South Wales Electoral Commission to amend the Act, legislating for the provision of electronically assisted voting technology as has recently occurred at the Federal level under the *Commonwealth Electoral Act 1918*. Blind and vision-impaired people should not be forced to be reliant on section 108 of the Act.

We recommend that the recent trial of electronically assisted voting methods become a permanent system of voting and eventually used at all polling places. The trial should feed into broader changes to remove barriers to people with disability engaging in the democratic process.

We also recommend that the disability awareness training delivered by Vision Australia and introduced at the 2007 State election be ongoing and that people with disability continue to be included in the provision of this training.

NSW DDLC notes that the New South Wales Electoral Commission Equal Access to Democracy Plan (the Plan) intends to incorporate improvements for the 2008 Local Government General election. We strongly recommend that the Plan include a goal to extend the initiatives referred to above and to implement trials using electronically assisted voting technology to allow blind and vision impaired people to cast a secret and independent ballot.

If you would like to discuss these issues further please contact either me or Joanna Shulman, Principal Solicitor on (02) 9310 7722. We are available to provide further evidence at a committee hearing if requested.

Yours faithfully

Geri Kaufman
Policy Officer
NSW Disability Discrimination Legal Centre