

Submission

No 12

Review of the Parliamentary Electorates and Elections Act 1912 and the Election Funding, Expenditure and Disclosures Act 1981

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**Response to Review of NSW Parliamentary Electorates and
Elections Act 1912 (excluding Part 2)
and Elections Funding, Expenditure and Disclosures Act
1981**

Submission to:

NSW Joint Standing Committee on Electoral Matters

Email: electoralmatters.committee@parliament.nsw.gov.au

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Introduction

- 1) Vision Australia is the largest provider of services to people who are blind, have low vision, are deafblind or have a print disability in Australia. It has been formed over the past six years through the merger of several of Australia's oldest, most respected and experienced blindness and low vision agencies. These include Royal Blind Society (NSW), the Royal Victorian Institute for the Blind, Vision Australia Foundation, Royal Blind Foundation of Queensland, and Seeing Eye Dogs Australia.
- 2) Our vision is that people who are blind or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families. The service delivery areas include:
 - early childhood
 - orientation and mobility
 - employment
 - accessible information
 - recreation
 - independent living
 - advocacy, and
 - working collaboratively with Government, business and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.
- 3) The knowledge and experience we have gained through interaction with clients and their families, and also by the involvement of people who are blind or have low vision at all levels of the Organisation, means that Vision Australia is well placed to provide advice to governments, business and the community on the challenges faced by people who are blind or have low vision fully participating in community life.
- 4) We have a vibrant client consultative framework, with people who are blind or have low vision representing the voice and needs of clients of the Organisation to the Board and Management through Local Client Groups, Regional Client Committees and a peak internal Client Representative Council. The involvement of people who are blind or have low vision and who are users of Vision Australia's

services representing the views of clients is enshrined in Vision Australia's Constitution.

- 5) Vision Australia is also a significant employer of people who are blind or have low vision. We employ over 180 people with vision impairment, or more than 18% of our total staff.
- 6) Given that Vision Australia is a national disability services organisation, that we provide services at a local level through 67 service centres and outreach clinics, and given that we work with over 47,000 people who are blind, have low vision, who are deafblind, or have a print disability each year, we understand the impact of blindness on individuals and their families. In particular, we are well placed to understand and represent the needs, aspirations and expectations of our clients as they relate to participation in the political process.

Comments in Relation to the JSCEM Review

- 7) Vision Australia welcomes the opportunity to make comment in response to the review of the NSW *Parliamentary Electorates and Elections Act 1912* (excluding Part 2) and *the Election Funding, Expenditure and Disclosures Act 1981* (henceforth referred to as *the PEEA* and *the EFEDA* respectively). We have made several previous submissions about various matters related to elections and the voting process in NSW insofar as they affect people who are blind or have low vision. In particular, we draw the Committee's attention to our submission as part of the Inquiry into the Administration of the NSW Election and Related Matters, which contains background and policy-related information that is relevant to the current Review, and which is appended to this submission.
- 8) The UN Convention on the Rights of persons with Disabilities ("the Convention") contains the clearest and most authoritative expression of the fundamental and irreducible human rights of people with disabilities. Article 29 addresses rights in relation to participation by people with disabilities in the political process. It is most pertinent to the current Review, and is therefore included below:

"Article 29 - Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- a. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and

opportunity for persons with disabilities to vote and be elected, inter alia, by:

- i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
 - ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
 - iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- b. Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
- i. Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
 - ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.”
- 9) Despite the history of democracy in Australia and the rights expressed in Article 29 of the Convention, people who are blind or have low vision continue to be denied guaranteed access to a secret, independent and verifiable vote in Australian elections. They are also prevented from accessing key information about elections (such as the information sheets, How-to-Vote cards, etc.) because it is not provided in accessible formats. There have been numerous trials in recent years of online and telephone voting, but there is no legislative protection for the continuation of such initiatives.
- 10) We look to the current Review to provide greater legislative protection for the rights of people who are blind or have low vision to participate fully in the political process as envisioned by the Convention.

Recommendation 1

That both the PEEA and the EFEDA be reviewed to assess their consistency with the principles of the UN Convention on the Rights of Persons with Disabilities.

Access to Election-Related Information

- 11) People who are blind or have low vision cannot participate fully in the political process unless they have equal and independent access to relevant information. Both Acts contains various sections that legislate the availability of various types of information to the public, but they do not contain provisions that ensure equal access for people who are blind or have low vision. For example, Section 66JA of the PEEA requires that certain information about registered political parties be distributed to electors, but there is no requirement that such information must be provided in formats that are accessible to people who are blind or have low vision. Section 52 of the EFEDA prescribes public access to the various candidate registers maintained by the Election Funding Authority, but again there is no requirement that such information must be accessible to people who are blind or have low vision, whether as a default or on request.

Section 151F of the PEEA deals with the provision of election material by the various parties, including their “how to vote” cards. There is no requirement that such material be provided in formats that are accessible to people who are blind or have low vision (braille, audio, large print, HTML, etc.). It is frequently noted by our clients that they feel very disempowered by their lack of access to this material. The “how to vote” cards in particular are, for many voters, an important element in the decision making process, and people who are unable to read print are denied this information. While we recognise that this election material is provided by parties and candidates themselves, it is nevertheless information available to others to assist in their voting choice.

Recommendation 2

That a systematic review of both Acts be undertaken to identify those sections that legislate the types of information that are available to the public, and that requirements be added that all such information must be accessible, either by default or on request, to people who are blind or have low vision.

Provision of Accessible Ballot Papers

- 12) The provision of braille ballot papers in a number of recent elections has provided improved access to the voting process for those people who are braille readers and who are also able to mark their ballot papers in print. The usefulness of braille ballot papers is reduced, however, because of the requirement that the braille ballot paper must adhere to the format of the print ballot paper as prescribed in the PEEA. A more flexible approach would allow the braille ballot

paper to be designed in a way that maximises its usefulness for braille readers, without diminishing its ability to capture voters' intentions accurately.

- 13) It is also worth noting that the prescription of the form of the ballot paper has a negative impact on the design of electronic ballot papers in technology-assisted voting (Division 12A of the PEEA). The option to cast a vote using the internet does offer the opportunity for a person who is blind or has low vision, and who has the necessary skills and technology to access the internet, to cast a secret, independent and verifiable vote. However, the prescribed form of the ballot paper makes the web interface a complex visual environment for a person who is blind or has low vision, and requires that they have a much greater level of computer skill than is required by a sighted person completing the web-based ballot paper. Information that can be seen visually at a glance because it is presented in different columns on the same line of the screen is much less immediately available to a person using screen-reading software (which converts the onscreen text into synthetic speech or braille), because the software places columns below each other. This means that it takes longer to navigate complex information that is presented in columns, and the user has to navigate backwards and forwards through the information to get a complete sense of it. This is particularly an issue in the ballot paper for the Legislative Council, with its typically large number of candidates. One way of making this option easier to use would be to amend the current legislative prescription that the presentation of the ballot paper on the webpage must reflect the "look" of the print ballot paper. This would give the designers greater flexibility in presenting the information on the webpage without preventing the transformation of the information onto a print ballot paper at the conclusion of the voting process.

Recommendation 3

That the requirement in the PEEA that all ballot papers must have the same visual form be amended to allow greater flexibility in the design of braille and web-based ballot papers.