

**Submission
No 60**

2012 LOCAL GOVERNMENT ELECTIONS

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**Parliament of New South Wales
Joint Standing Committee on Electoral Matters
Inquiry into the 2012 Local Government Elections**

Response Submitted by: Susan Thompson, Advocacy Advisor

1. INTRODUCTION

Vision Australia appreciates the opportunity to provide input, on behalf of its clients who are blind, deafblind or have low vision, to the Inquiry into The Administration of the 2012 New South Wales Local Government Elections and Related Matters, being conducted by the Joint Standing Committee on Electoral Matters (the Committee).

1.1 About Vision Australia

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 seven 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.

Our vision is that people who are blind or have low vision will have access to and fully participate in every facet of life they choose. 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
- 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.

The knowledge and experience we have gained through interaction with clients and their families, and also through the involvement of people who are blind or have low vision at all levels of Vision Australia, means that we are 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.

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.

Vision Australia is also a significant employer of people who are blind or have low vision. We employ 192 people with vision impairment, or more than 18% of our total staff.

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 33,500 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 the exercising of a secret, independent and verifiable vote.

2. DEMOCRATIC RIGHTS OF PEOPLE WHO ARE BLIND, DEAFBLIND OR HAVE LOW VISION

Currently in Australia, people who are blind or have low vision bear the responsibility to cast a vote, but are not universally afforded the right to cast that vote in secret.

For a person who is blind or has low vision, in order to cast a truly secret vote, they must be able to complete the ballot independently, and be able to independently verify their choices.

As noted in Vision Australia's public policy "Vision Australia Public Policy Access to Voting in Australian Elections and Referendums July 2011" (access to voting policy), contained in the appendix to this submission:

Eligible Australian citizens who are blind, deafblind, or have low vision, have both a constitutional and human right to cast a secret and independent vote in a manner comparable to their sighted peers, in all Australian Government elections and referenda. This right is guaranteed in the Australian Constitution, and asserted in a number of UN instruments, including the Universal Declaration on Human Rights, and specifically in Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD).

Furthermore, failure to provide equity in the exercise of democratic rights to voters who are blind, deafblind or have low vision would almost certainly constitute grounds for a valid complaint under anti-discrimination law at both state and Federal levels, and by extension, to the United Nations Committee on the Rights of Persons with Disabilities.

Vision Australia, as also expressed in its access to voting policy, asserts that:

"Australian Governments and parliaments therefore have an obligation to enact necessary legislation and provide sufficient resources to facilitate the development and continuation of equitable voting practices in Australian elections and referenda."

By extension, these rights are also applicable to the local government elections.

3. ACCESSIBLE VOTING FOR PEOPLE WHO ARE BLIND OR HAVE LOW VISION

3.1 Braille ballot papers

Vision Australia was very pleased to see that again, during the 2012 Local Government elections a number of people able to read Braille were provided access (through Braille ballot papers) to names of all standing candidates and a facility which enabled some Braille users to mark their chosen candidates, and wishes to acknowledge the significant commitment and effort of the NSW Electoral Commission for continuing this initiative.

By way of explanation for the Committee, the NSW Electoral Commission established a mechanism for the 2008 local government elections, by which enrolled blind voters wishing to avail themselves of Braille ballot papers registered their name and address with the commission. They were subsequently provided through the post, with a Braille ballot package containing the ballot papers in Braille, and instructions for completion in Braille.

The Braille ballot had a raised tactile square box to the side of each name in which the voter could, in pen, mark or write the number corresponding to the candidate for whom they wished to vote.

Ballot papers were provided for those 2008 elections in Grade 1 or uncontracted Braille (the first level of Braille), with the view to it being accessible to a greater number of Braille users.

Vision Australia's comments to the Committee regarding the use of Grade 1 versus Grade 2 braille following the 2008 election, reiterated below, suggested that Grade 1 may not have been the best choice.

3.2 Shortcomings of hard copy Braille ballot papers as the only accessible voting option.

3.2.1 Relatively low Braille usage amongst people who are blind

Due to the unavailability of accurate statistics, it is difficult to know how many people in Australia use Braille, or use it to a level of proficiency to enable it to provide (when available) access to information of any volume.

While there are certainly a number of people born with sufficiently low vision to mean that Braille will provide them with the key to literacy, blindness and low vision is, in the main, a disability of aging, and Braille use in the population of people who are blind or have low vision is relatively low.

This is not by any means to be taken to suggest that Braille does not play a vital role in literacy and access to information for those who utilise Braille, but is rather meant to suggest that hard-copy Braille is likely not a long-term solution to an accessible

(independent secret and verifiable) vote for the widest number of people who are blind or have low vision.

We are nevertheless of the view that the option of Braille Ballot papers is a step forward, and should be retained.

Recommendation 1: that the option of hard copy Braille ballots be retained as an option for those wishing to use them.

3.2.2 Grade 1 Braille

As noted in our comments following the 2008 Local Government elections, Experience suggests that though some people whose vision loss (particularly later in life) is sufficient for them to take up learning Braille, many of these people utilise it for small amounts of text such as labelling, short signage, and smaller amounts of text and may not progress beyond the first (uncontracted) level of Braille.

Further, many people who learn Braille only to the Grade 1 (uncontracted) level, can often struggle with dealing with reading material produced in Grade 1 which is of any length.

Further, for those Braille users proficient in Grade 2 (contracted) Braille, dealing with text of any length in the longer Grade 1 level can be extremely tiresome, as often pattern recognition in Grade 2 is long entrenched.

As we noted in our submission to this committee following the 2008 elections, Although we don't have the benefit of being able to survey those who utilized the Braille ballot papers, to gather more specific feedback related to the use of Grade 1 versus Grade 2 Braille for this purpose, some feedback would suggest that in retrospect, Grade 1 Braille may not have been the best solution for the reasons explained above.

For the 2012 Local Government elections, Vision Australia did produce the ballot papers in Grade 1 Braille, as it had done for the 2008 elections, as contracted by the NSW Electoral Commission. However, we would reiterate that in the light of experience, we are of the view that Grade 2 Braille should be used.

Recommendation 2: That for future Local Government elections the NSW Electoral Commission contract to have ballot papers produced in grade 2 Braille.

3.2.3 Inability to verify vote

The lack of a means to independently verify the accuracy of the vote cast was again a major shortcoming with the use of the Braille ballot for the 2008 Local Government elections.

While Braille readers had access to the candidate names, and a tactile raised line box in which to record the selection, any numbers/marks recorded, were required to be made in print for counting by sighted officials. Thus a blind voter was not able to verify whether their numbers were legible to a sighted reader, or to be sure they were not losing track of the numbering sequence.

For a person living alone this meant they had no way to verify they had cast a valid vote. For a person with access to assistance from a sighted person who could check the ballot, this meant their vote was not secret.

One client who is totally Blind and though a very proficient Braille user indicated he was not confident in his accuracy to mark the ballot in print and thus needed to ask a sighted friend to verify it's accuracy. He noted: "This meant my ballot was even less secret than had I asked a polling official not known to me to assist me to cast my vote".

3.3 Other Braille voting initiatives

Vision Australia is aware that both Queensland and Victoria have offered Braille ballots, which additionally allowed for people to record their voting selections using Braille, and Braille readers were engaged to read these votes for election officials.

We are of the view that provided those engaged to read the Braille voting ballots for the purposes of counting votes are neither aware of the council or the ward, this represents a real opportunity to address the short comings of requiring Braille users to mark the ballot with pen.

Recommendation 3: That the NSW Government enacts any necessary legislation to enable the NSW Electoral Commission to facilitate Braille users to be able to read the candidates list in Braille, as well as to mark their choices in Braille.

4. FUTURE ACCESSIBLE VOTING

Vision Australia certainly recognizes the commitment towards providing accessible voting for people who are blind or have significantly low vision demonstrated by the provision of a Braille ballot for the 2008 and 2012 Local Government elections. However we believe that a more universally accessible system of voting would serve a greater number of voters who are blind or have low vision, and if extended to the broader community could be far more cost effective.

I draw the Committee's attention to Vision Australia's submission to the inquiry into the conduct of the 2011 NSW state elections, appended to this submission. In that submission we indicated our strong support for Ivote as it was implemented for that election.

We indicated that Ivote received a wide level of support amongst those who used it, and that the incorporation of both the telephone keypad interface and the home computer interface represented a set of options which provided accessible voting for a wide diversity of people who are blind or have low vision.

Ivote:

- provided an easy and relatively familiar interface via a telephone keypad option for older people who are not computer literate;
- provided the option of magnified print for those who could access a computer with screen magnification software;
- provided options for those people accessing a computer with refreshable Braille; and
- provided options for those unable to use magnification or Braille with the option of using their computer with synthetic voice output.

Recommendation 4: That the NSW government enacts the necessary legislation to enable voting to be conducted with the options provided by Ivote in the 2011 NSW state election.

5. ENROLMENT MATTERS.

Vision Australia is aware of difficulties around the print only nature of enrolment and change of enrolment address.

The current requirements would seem to be that in order for an individual to change their enrolment address, it is required that they fill in a hard copy print form, and physically sign it.

Clearly this is not possible for many people who are blind or have low vision. The Commission, should the legislation provide for it, could screen a person's identity by a number of verification questions, and be able to change enrolment details by phone, thus allowing for a person's privacy and reducing the need for reliance on assistance.

Recommendation 5: That the NSW government enacts any required legislation, and the Electoral Commission work with Vision Australia, Blind Citizens Australia and other stakeholders to develop a workable solution for enrolment and change of enrolment for people unable to complete hard copy print forms.

6. INDIVIDUAL COUNCILS CONDUCTING THEIR OWN ELECTIONS

Vision Australia notes that the voting process in relation to the administration of the Braille ballot was conducted centrally by the Commission. We would have concerns about the future viability of accessible voting should council elections continue to be conducted by individual councils.

We are of the view that sustainability of a universal system of voting which also provides an independent, secret and verifiable vote for people who are blind or have low vision such as Ivote, should be the goal for all Australian jurisdictions.

As such, to achieve that goal, the economies of scale would be greater by a system which is resourced centrally.

7. LIST OF RECOMMENDATIONS

Recommendation 1: that the option of hard copy Braille ballots be retained as an option for those wishing to use them.

Recommendation 2: That for future Local Government elections the NSW Electoral Commission contract to have ballot papers produced in grade 2 Braille.

Recommendation 3: That the NSW Government enacts any necessary legislation to enable the NSW Electoral Commission to facilitate Braille users to be able to read the candidates list in Braille, as well as to mark their choices in Braille.

Recommendation 4: That the NSW government enacts the necessary legislation to enable voting to be conducted with the options provided by Ivote in the 2011 NSW state election.

Recommendation 5: That the NSW government enacts any required legislation, and the Electoral Commission work with Vision Australia, Blind Citizens Australia and other stakeholders to develop a workable solution for enrolment and change of enrolment for people unable to complete hard copy print forms.

8. CONCLUSION

Given the crucial impact of local government in the day-to-day lives of people with disabilities, Vision Australia asserts that Local Government elections deserve the same consideration as State and Federal elections in providing people who are blind

or have low vision with their democratic right to a secret thus independent and verifiable vote.

Vision Australia urges the NSW Government to institute legislative changes to enable local government elections to be considered together with state elections in implementing a broad based voting process which facilitates all citizens, including those who are blind or have low vision.

Vision Australia would be happy to provide the committee with any additional information, or to appear before the committee in person.

Susan Thompson
Advocacy Advisor

APPENDIX

VISION AUSTRALIA SUBMISSION TO PARLIAMENT OF NEW SOUTH WALES JOINT STANDING COMMITTEE ON ELECTORAL MATTERS INQUIRY INTO THE ADMINISTRATION OF THE 2011 NSW ELECTION AND RELATED MATTERS

1. Introduction

Vision Australia appreciates the opportunity to provide input, on behalf of our clients who are blind, deafblind or have low vision, to the Inquiry into The Administration Of The 2011 NSW Election And Related Matters being conducted by the Joint Standing Committee on Electoral Matters (the Committee).

Appended to this submission are a number of documents which provide further information:

- Vision Australia Public Policy Access to Voting in Australian Elections and Referendums July 2011”
- SAMPLE OF FEEDBACK about I-VOTE FROM THE VIP-L EMAIL LIST
- Article “The participation of we persons with sensory disabilities in political and in public life” by Ron McCallum AO

1.1 About Vision Australia

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 seven 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.

Our vision is that people who are blind or have low vision will have access to and fully participate in every facet of life they choose. 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
- 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.

The knowledge and experience we have gained through interaction with clients and their families, and also through the involvement of people who are blind or have low vision at all levels of Vision Australia, means that we are 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.

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.

Vision Australia is also a significant employer of people who are blind or have low vision. We employ 192 people with vision impairment, or more than 18% of our total staff.

Given that Vision Australia is a national disability services organisation, that we provide services at a local level through 57 service centres and outreach clinics, and given that we work with over 49,000 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 the exercising of a secret, independent and verifiable vote.

1.2 Democratic rights of people who are blind, deafblind or have low vision

As noted in Vision Australia's public policy "Vision Australia Public Policy Access to Voting in Australian Elections and Referendums July 2011" (access to voting policy), provided as Appendix 1 to this submission:

Eligible Australian citizens who are blind, deafblind, or have low vision, have both a constitutional and human right to cast a secret and independent vote in a manner comparable to their sighted peers, in all Australian Government elections and referenda. This right is guaranteed in the Australian Constitution, and asserted in a number of UN instruments, including the Universal

Declaration on Human Rights, and specifically in Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD).

Furthermore, failure to provide equity in the exercise of democratic rights to voters who are blind, deafblind or have low vision would almost certainly constitute grounds for a valid complaint under anti-discrimination law at both state and Federal levels, and by extension, to the United Nations Committee on the Rights of Persons with Disabilities.

Vision Australia, as also expressed in its access to voting policy, asserts that:

“Australian Governments and parliaments therefore have an obligation to enact necessary legislation and provide sufficient resources to facilitate the development and continuation of equitable voting practices in Australian elections and referenda.”

2. Accessible and secret voting for people who are blind, deafblind or have low vision

2.1 The truly secret vote

For a person who is blind or has low vision, in order to cast a truly secret vote, they must be able to complete the ballot independently, and be able to independently verify their choices.

Secrecy is not achieved by a voter being dependent on another individual, whether or not the individual is known to the voter; or whether or not that other individual is in person or over the phone.

It is only truly achieved by a system which allows a voter who is blind, deafblind or has low vision to independently access the information on the ballot setting out the choices to be made; independently make those selections, and independently verify those selections.

2.2 The current situation

Despite the Constitutional right and judicial obligation for all eligible Australian citizens to discharge their democratic power via the federal, state and local ballot, people who are blind, deafblind, or who have low vision, have, until very recently, been unable to cast a secret, independent vote.

Over the last ten years the development of digital technologies has made it possible for people who are blind or have low vision to cast a vote using electronic methods.

Vision Australia recognises that an enormous amount of work has taken place around Australia over that ten year period to develop solutions which enable an independent and secret vote for Australians who are blind or have low vision.

This work has seen a range of systems developed and deployed at both the state and federal level. It has ranged from:

- The highly flexible solution offered to NSW people with disability in 2011, deploying the flexibility of either a telephone interface using a remote interactive voice response system; or remote internet access (enabling a voter who is blind or has low vision and able to use the internet, to vote using their chosen computer access technology from the convenience of home;
- A range of computerised kiosks at fixed and limited locations which employ computers to provide access via synthetic speech or screen magnification in state elections in a number of states; and finally
- The most unsatisfactory least secret approach in the form of a call centre based live (albeit anonymous) phone representative recording a voter's choices with a second person backing this up.

This latter system was deployed for the 2010 Federal election, and Vision Australia received many calls from people who are blind or have low vision expressing significant disappointment at the backward step this represented in affording them a 'secret, independent and verifiable' vote.

It was thus extremely concerning, given the amount of very positive feedback we received following the use of I-Vote in the NSW 2011 election, to see this call centre approach taken for the recent by-election in the seat of Clarence.

3. The secret vote for NSW citizens who are blind or have low vision

When Vision Australia made its submission to the Committee following the 2008 NSW election, it expressed disappointment at the minimal progress that had been made to afford people who are blind or have low vision in NSW a secret independent vote. Further, it urged the New South Wales Government to introduce a fully accessible voting mechanism for the 2011 state election.

Vision Australia and its clients were extremely encouraged that New South Wales rose to the challenge. It provided its citizens who are blind or who have low vision with the most advanced and flexible mechanism to cast a secret independent and verifiable vote yet seen in Australia, the New South Wales 'I-Vote'.

3.1 The operation of I-Vote.

Vision Australia congratulates the New South Wales Electoral Commission and all associated professionals, on the outstanding independent voting solutions provided to people who are blind or have low vision.

3.2 How I-Vote worked.

While members of the committee as state MPs would certainly be aware of what was provided for in the enabling legislation which made I-Vote possible, they may not be aware of the way in which it worked to provide a secret, independent and verifiable vote for people who are blind or have low vision.

3.2.1 The internet option.

The internet option for those using I-Vote provided a screen-based means to select candidates and verify those selections before submitting the ballot.

People using screen access technology which provides information from the screen through either synthetic speech, a braille display or screen magnification could access the voting process from their own home, using the access technology which best suited their individual needs.

Further, they could vote in their own time, and without the accessibility challenges inherent in travelling to an unfamiliar polling place among crowds.

The web interface was, however, not without its challenges for a large segment of our client base.

It was designed around the World Wide Web Consortium (W3C) web Accessibility guidelines, and underwent user testing by people who are blind and have low vision. However, it was unquestionably a complex visual environment, and required at least an intermediate level of expertise in using the internet with screen access technology, and was thus not suitable for a great many of our clients. This includes those who are older and thus not as computer literate as well as those who have had to learn to use computers with screen access technology after losing vision later in life.

Information that could be seen visually at a glance because it was presented in different columns on the same line was much less immediately available to a person using a screen reader, because the screen reader 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 was particularly an issue in the ballot paper for the Legislative Council, with its large number of candidates. One way of making this option easier to use would be to abandon the current stipulation that the presentation of the ballot paper on the webpage has to reflect the "look" of the

print ballot paper. This would give the designers greater flexibility in presenting the information on the webpage, but even if this is done, the internet option will still only be feasible for a person who has a high degree of confidence and skill in using the internet. It is worth noting that a number of our clients who do have the technical skill to use the internet option nevertheless chose to use the telephone option because they found it easier, less time-consuming, and provided more surety in confirming the accuracy of selections.

3.2.2 The phone option

The phone option for those using I-Vote provided an extremely user-friendly means to select candidates and verify those selections before submitting the ballot of choices, using the universally familiar telephone keypad-based interface and audio output to provide candidate names and verify choices.

As with the internet option, those accessing I-Vote by phone were able to vote, in their own time, and without the accessibility challenges inherent in travelling to an unfamiliar polling place among crowds.

4. Universally accessible voting

4.1. Advantages of a telephone option

For a great many of Vision Australia's clients, a telephone-style option to access I-Vote affords the most universally usable means of providing an independent, verifiable and thus secret vote.

Firstly, almost everybody in Australian society will have had continuous exposure to a telephone keypad, particularly given the importance of telephone communication to people who are blind or have low vision.

Secondly, increasingly both business and government are deploying Interactive Voice Response (IVR) systems which require people, whether they have a vision impairment or not, to use a telephone keypad. Thus, over time, this means of interacting with organisations will bring about increased reliance on the telephone keypad for business transactions; and

Thirdly, while many people who are older (and blindness and low vision is primarily age-related) are not necessarily comfortable doing business over the internet, they are often reasonably comfortable doing the same business using IVR over the telephone. Phone banking is a good example of this.

Finally, for a person who is blind or has low vision who is not able to vote from home, while public internet cafes or even a friend's computer may not have the technology to enable them to use the internet, they will likely be able to use the telephone from any location.

4.2 Client feedback on phone voting through I-Vote.

Prior to the 2010 federal election and the announcement that only a call centre-based option would be provided for accessible voting, Vision Australia received feedback from clients who experienced electronically assisted voting (using a telephone style keypad attached to a computer terminal for the 2007 federal election). These clients strongly expressed a view that this call centre approach was a retrograde step.

Further, in preparing this submission, Vision Australia heard from people who are blind or have low vision who were very pleased with the accessibility afforded them by the phone option in I-Vote.

A sample of these comments is provided in Attachment 2 to this submission.

In addition to those comments, we further provide personal comments from:

Graeme Innes AM, Disability Discrimination Commissioner, and
Professor Emeritus Ron McCallum AO, Senior Australian for 2011
Chair, United Nations Committee on the Rights of Persons with Disabilities and Vice-
Chair, Vision Australia.

Mr Innes, who is totally blind, said:

“...I was very pleased to have the opportunity to vote independently and in secret at the NSW State election. I used the telephone system, as with the large ballot papers for the upper house it was much quicker and easier for me than the internet. I view the system as the best one I have ever used. It provided me with complete independence and I didn't have the discomfort of having human intervention in the process. I was able to vote from the convenience of my office, completely in private, and take as long as I wanted to - the benefit of saving and coming back to the vote was very much appreciated. I look forward to this system being in place again at the next State election.”

Professor Emeritus McCallum, who is also totally blind, said:

“I found using the telephone keypad to be a very easy way to record my votes for the lower and upper houses of the NSW Parliament when voting in the 2011 State election. As a blind person I found the phone keypad to be much easier to use than is a computer. Please retain the phone option.”

5. Retention of telephone option of I-Vote

Vision Australia is extremely concerned that despite the very positive experience of our clients using I-Vote, particularly the telephone option, that the New South Wales Electoral Commission may not be intending to retain this option. This would be

nothing short of discriminatory to the growing number of our clients who experience vision loss in older age, and thus would find the telephone their only viable option for a secret and independent vote.

We note with dismay the recent by-election held in the seat of Clarence, in which voters who are blind or have low vision were not provided with this more optimal voting mechanism.

We note that in the north of NSW, there is a large population of older people, many of whom would experience significant vision loss.

We are aware that in this instance, people who were eligible for I-Vote did not take advantage of it, due to the absence of a telephone voting option.

Vision Australia asserts that a call centre-style telephone option, is contrary to the democratic and human rights of people who are blind or have low vision. It does not constitute either a secret vote nor a dignified experience for someone to have to convey their vote to someone over a phone line, while a third party looks on to verify the accuracy. It is not a situation a non-disabled voter would accept, and it would not be acceptable to a great many of our clients.

Further, in Vision Australia's view, the NSW Electoral Commission or the relevant Government of the day would not be able to claim that the cost of the phone component of I-Vote would constitute 'unjustifiable hardship' under the "Disability Discrimination Act" (the DDA).

6. Awareness of I-Vote

In the lead up to the 2011 election, as part of its participation in the development of I-Vote, Vision Australia was pleased to assist New South Wales Electoral Commission to contact our clients to ensure they were aware of the accessible voting options provided by I-Vote.

It was evident from many client contacts that despite the main stream communication about I-Vote, there was a low level of awareness of this initiative among the community of people who are blind or have low vision.

Many of those clients contacted who were unaware of this option, expressed great enthusiasm for registering for I-Vote, even though they might have already received their postal vote papers.

This direct contact with many of our clients resulted in raising the number of registrations for I-Vote from people who are blind or have low vision.

Vision Australia recommends that a joint publicity campaign between Vision Australia and the New South Wales Electoral Commission be undertaken well in advance of

the announcement of the next election, to ensure that people who are blind, deafblind or have low vision can maximise their opportunities for a secret vote through I-Vote options.

7. Extension of I-Vote to local government elections

Vision Australia has always considered that accessible voting initiatives would be more cost-effective and thus more likely to be continued by extending them to a broader population base. We believe that I-Vote has borne this out.

Vision Australia is of the view that the I-Vote system (including the telephone access options) should be further extended to include by-elections and local government elections.

8. Accessible election information

Vision Australia is pleased that there is an increased recognition by electoral commissions of their obligations to provide information in a range of alternative formats. However, as noted to the Committee in 2009, our clients continue to express that they feel very disempowered by their lack of access to the how-to-vote cards distributed in printed form by electoral candidates. This is 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 information is provided by parties and candidates themselves, it is nevertheless information available to others to assist in their voting choice. Given that the "Parliamentary Electorates and Elections Act 1912" Section 151F sets out requirements regarding certain aspects of how-to-vote cards. It would surely not be much of an extension to expand these requirements for them to be made accessible to those with print disabilities. The how-to-vote card information could be made available in an audio and large print format as a part of future accessible voting systems; and it could be made available on a web page linked to from the Electoral Commission web site in HTML for reading online or in text or RTF format for downloading.

Vision Australia does not agree with the tendency of electoral commission staff in various states and territories to claim that for an electoral commission to facilitate access to this information would compromise their neutrality in the fair conduct of elections. On the contrary, it could be equally argued that the Commission's failure to ensure that parties and candidates provide this information in an accessible manner to voters who are blind or have low vision is compromising this neutrality by not taking action to facilitate an informed electorate within this segment of the community.

We recommend that this committee consider ways of facilitating the New South Wales Electoral Commission to apply more direct pressure on candidates to provide how-to-vote card information in alternative formats so as to provide voters who are blind or have low vision with the same information as that provided to electors at the polling places.

9. Enrolment process

In relation to enrolment we note that this process is still essentially a paper-based process.

Many Vision Australia clients who are blind or have low vision do not necessarily have access to reliable assistance to complete forms and other paperwork.

For one group of our clients (those able to access computers and the internet), for the enrolment forms and thus the enrolment process to be truly accessible, they need to be able to complete the enrolment form on their computer using their screen reading or screen magnification software. The electronic forms need to be designed and formatted to facilitate this.

Two possible ways in which this could be achieved are

- a web page designed to enable completion of the form online for either submitting with an electronic signature, or printing out and signing; or
- a downloadable appropriately designed document for completion on a computer using screen reading and screen magnification software for printing out and signing.

The other group of our clients (those unable to access computers and the internet), may require the assistance of Electoral Commission staff to complete the form.

10. Registering for I-Vote

Vision Australia would be keen to see a process established whereby people who are blind or have low vision could register on an ongoing basis for I-Vote, to avoid needing to do it for every election. We would see this as similar to the process of registering as a permanent postal voter.

11. Conclusion

Vision Australia hopes that the comments we have submitted on the conduct of the New South Wales 2011 election will lead to the continuation of I-Vote, and a retention of the important element of the telephone based accessed to I-Vote, which was so well received among people who are blind or have low vision.

Vision Australia would be happy to discuss any of the matters raised in this submission, and we look forward to being able to promote both phoned based and internet access to I-Vote to our clients for future New South Wales elections.

Susan Thompson
Advocacy Officer

17 February 2012



**Vision Australia
Public Policy
Access to Voting in Australian Elections and Referendums**

July 2011

Policy summary

This policy is about the accessibility of voting and other Australian electoral processes for people who are blind, deafblind or have low vision. The right to cast a secret and independent vote in general elections and referenda is guaranteed by the Australian Constitution and also asserted by various UN instruments. However, people who are blind or have low vision have until recently not been able to exercise this right. Governments throughout Australia must take all necessary measures to ensure that technologies such as the internet and electronically assisted voting are employed to allow people who are blind or have low vision to participate fully and independently in the election process without further delay.

If you would like this policy in an alternative format or wish to discuss it with Vision Australia's Policy and Advocacy team, please contact us:

Vision Australia

Policy & Advocacy Department

Tel: 1300 84 74 66 (within Australia)

(+61 2) 9334 3333 (outside Australia)

Email: advocacy@visionaustralia.org

Website: www.visionaustralia.org

Purpose

The purpose of this policy statement is:

1. To clearly articulate Vision Australia's view on the rights of our clients to participate fully in the democratic process of voting in Australian Government elections and referendums;
2. To set out Vision Australia's public position on the most appropriate methods and strategies for ensuring that our clients are afforded equitable access to democratic processes; and;
3. To set out what Vision Australia will do to ensure that this policy is considered by governments, parliaments and other public bodies that have responsibilities for reviewing legislation and conducting elections and referendums across all Australian jurisdictions.

Policy Context

Despite the Constitutional right and judicial obligation for all eligible Australian citizens to discharge their democratic power via the federal, state and local ballot, people who are blind, deafblind, or who have low vision, have, until very recently, been unable to cast a secret, independent vote. For example, the *modus operandi* under the Commonwealth Electoral Act 1918 and the Referendum (Machinery Provision) Act 1984, prescribes a physical form of an official ballot paper, the official method of casting a valid vote, and the legitimate means of tallying votes, that for the most part have been inaccessible to Australian citizens who are blind or have low vision.

The development of digital technologies has made it possible for people who are blind or have low vision to cast a vote using electronic methods (Electronically Assisted Voting, online voting), and various trials have taken place at a number of elections throughout Australia over the past few years, beginning with the ACT election in 2001 and including the Federal election in 2007. Technology also exists that would allow people who are blind or have low vision to use their home telephone to cast a vote by interacting with an automated telephone system.

Policy Details

1. Eligible Australian citizens who are blind, deafblind, or have low vision, have both a constitutional and human right to cast a secret and independent vote in a manner comparable to their sighted peers, in all Australian Government elections and referenda. This right is guaranteed in the Australian Constitution, and

asserted in a number of UN instruments, including the Universal Declaration on Human Rights, and specifically in Article 29 of the Convention on the Rights of Persons with Disabilities.

2. Australian Governments and parliaments therefore have an obligation to enact necessary legislation and provide sufficient resources to facilitate the development and continuation of equitable voting practices in Australian elections and referenda.
3. There are several complementary methods and technologies that governments can introduce to ensure that our clients are able to cast an independent, secret ballot. These include:
 - A. Electronically Assisted Voting, which is based on terminals that provide output in enlarged on-screen text, synthetic speech, and refreshable braille and that allow a vote to be cast and preferences assigned.
 - B. Telephonically Assisted Voting, in which voters can use their home telephone to interact with an automated system that records votes and preferences by means of menu selections.
 - C. Online Voting, in which votes are cast using an accessible website.
4. These methods all provide the means for our clients to have independent, private access to the voting process consistent with constitutional and human rights, and accordingly they should be progressively deployed in all Australian elections and referenda, either individually or in combination.
5. Even where independent and private access to the Voting process is provided, some of our clients may prefer to have a family member or a polling officer complete a ballot paper on their behalf by following their instructions. This method does not result in independent private access to the voting process, however it is the method that historically has been offered to people who are blind, deafblind or have low vision, and some people may still prefer it. Governments and electoral authorities must ensure that people who are blind, deafblind, or have low vision continue to have access to this method of voting upon request.

What we want government to do

1. Governments and electoral authorities, as well as political parties and candidates, have an obligation to make available in formats accessible to our clients, any information relating to the electoral process that they make available to the general community. This information includes:

- A. Information regarding electoral roll matters or other electoral authority information;
 - B. Information about an election/referendum, or specific information regarding a proposed constitutional change;
 - C. How to vote cards;
 - D. All advertising material on all communication channels such as news media, social media, and any other web-based platform; and;
 - E. Policy Brochures.
2. Governments and electoral authorities must ensure that buildings and premises used as polling places comply with relevant accessibility standards, such as the Access to Premises Standards developed under the Disability Discrimination Act 1992.

What Vision Australia will do to implement and promote this policy

Vision Australia is committed to promoting this policy at all levels of the community, in order to work towards achieving a truly independent and secret vote for our clients in Australian elections and referenda. Vision Australia will fulfil this commitment in a number of ways, by:

1. Continuing to work with all levels of government, relevant parliamentary committees, political parties, and state and Federal electoral authorities, to ensure that this policy is consistently considered and regularly promoted.
2. Continuing to work with clients, other organisations and the broader community, to ensure that accessible voting remains a prominent public policy issue and to gain support for the content of this policy.
3. Making this policy available to the general public via our website and on request from Vision Australia offices, in print and accessible formats, to help educate the community on the issues that face people who are blind, deafblind, or who have low vision, in accessing their right to an independent, secret and verifiable vote.
4. Ensuring that this policy is updated regularly to keep pace with developments in accessible voting technologies around the world, through our continued work with international organisations such as the World Blind Union.

How this Policy has been developed

This Policy has been developed by Vision Australia's Policy and Advocacy team. It reflects our direct and extensive involvement with clients, other state, National and international organisations, as well as governments and statutory bodies. It also draws on the direct experiential knowledge of staff, and research and consultation within the organisation and the broader community, including representatives of people who are blind, deafblind or have low vision.

Monitoring and Review

This policy will be reviewed every two years. Feedback is welcome and will assist this review process.

About Vision Australia

Vision Australia is the largest provider of services to people who are blind, deafblind or have low vision in Australia. It has been formed through the merger of several of Australia's oldest, most respected and experienced blindness and low vision agencies.

Our goal is that people who are blind, deafblind or have low vision will increasingly have the choice to participate fully in every aspect of life in the community. To help realise this goal, we are committed to providing high quality services to our clients and their families. We also work collaboratively with Government, business and the community to eliminate the barriers people who are blind, deafblind or have low vision face in accessing the community or in exercising their rights as Australian citizens.

Our Clients

The Australian Bureau of Statistics estimates that there are approximately 300,000 people in Australia who are blind, deafblind or have low vision. Some estimates suggest that this number will almost double over the next two decades. Vision loss is, by and large, a disability that is age-related, and the ageing of the population is thus a primary factor in this trend.

People who are blind or have low vision are an important section of the community and their needs and perspectives must be taken into account by governments in the development of policy and by industry when designing and introducing new technology.

People who are deafblind constitute an important segment of Vision Australia's client group, and we are committed to providing high quality services to them. People who are deafblind have the same rights and expectations as the rest of the community and their needs must be given the same degree of attention as other groups.

Policy ends.

Appendix 2

SAMPLE OF FEEDBACK about I-VOTE FROM THE VIP-L EMAIL LIST

to Vision Australia submission to review of the New South Wales 2011 election

This attachment contains a sample of the kind of feedback received by Vision Australia regarding the use of I-Vote in the New South Wales 2011 state election, anonymous for privacy and any personal unrelated comments to recipient removed.

They come from the Vision Impaired Persons email list VIP-L

Vip-l@freelists.org.

From: vip-l-bounce@freelists.org [mailto:vip-l-bounce@freelists.org]

On behalf of Susan Thompson

Sent: Thursday, February 02, 2012 4:55 PM

To: "vip-l@freelists.org" (vip-l@freelists.org);

"bca-l@yahogroups.com.au" (bca-l@yahogroups.com.au)

Subject: [vip-l] NSW state election 2011 feedback required

Hi all,

Vision Australia is preparing a submission to the review of the 2011 NSW state election.

We are keen to have anything you care to put in writing about your experiences with voting at the NSW 2011 election, especially I-vote.

The good, the bad or the terrific <smile>

Please respond to me directly at:

Susan.thompson@vision Australia.org, as I don't have incoming
List email to this address at the moment.

Thanks for any feedback you can provide.

Regards

Susan

Susan Thompson

Advocacy Officer (Mon-Thur)

Advocacy and Campaigning

VISION AUSTRALIA

4 Mitchell Street

ENFIELD NSW 2136

Ph: (02) 9334 3425

Email: susan.thompson@visionaustralia.org

From: ST.

Sent: Thursday, 2 February 2012 5:45 PM

To: Susan Thompson

Subject: Feedback

Hi Susan,

I found the election process fantastic. It was thorough and clear. I found it quite easy and hassle free. It was great not to have to have someone helping me and struggling with paper work.

Hope this helps,

Regards,

XXX

From: C. A.

Sent: Thursday, 2 February 2012 10:45 PM

To: Susan Thompson

Subject: Re New South Wales State Election 2011

Hi Susan,

I enjoyed using the I-vote telephone service. It was great that I could just use my home phone in the privacy of my own home. I could vote at any time of the day that suited me. I guess there were a few steps involved such as registering and choosing a pin that I would remember later on and receiving the second pin on my mobile phone was a good idea. One concern was though, was that after I had voted along with many other VIPs, The State Electoral commission notified me that I'd failed to vote. I think that there must have been a glitch in the computer. I did attempt to have a go at voting on-line but I felt that it was a bit difficult with all the screens to go through.

I would like to see this continued. It gave me a secret independent vote for the first time in my 64 years. The Sighted community take it for granted. They can just walk in and have their name marked off and away they go into the polling booth and place their mark whereas, I have had to rely on friends and family to assist me and there is no privacy in that. So please let us see this be continued for the benefit of all.

Kind regards,

XXX

From: R. G.

Sent: Friday, 3 February 2012 11:55 AM

To: Susan Thompson

Subject: RE: [vip-I] NSW state election 2011 feedback required

G'day Susan, I I-voted in last year's NSW State Election and am a convert to this new system of voting. I found telephone voting simple and easy to understand. Being able to make corrections & changes were easy and I'd like to see this service available for all elections.

I hope this feedback is of some use?

Kind Regards,

XXX

From: I. C.

Sent: Friday, 3 February 2012 1:09 PM

To: Susan Thompson

Subject: Re: [vip-I] NSW state election 2011 feedback required

Dear Sue

I voted at the state election using the I-vote telephone system. I thought it would be simpler than going on line and it proved exceptionally easy and simple to use. I particularly enjoyed being able to vote from the comfort of my own home. I much preferred it to the system used at the last Commonwealth election which involved travelling to a special voting location.

HTH

XXX

From: G. C.

Sent: Saturday, 4 February 2012 1:19 PM

To: Susan Thompson

Subject: Re: NSW state election 2011 feedback required

Hi Susan,

I found the voting process quite easy.

The good thing about I-vote, was that I could practice voting before the real ballot papers came online.

XXX

From: Graeme Innes <Graeme.Innes@humanrights.gov.au>

Sent: Wednesday, 8 February 2012 1:53 PM

To: Susan Thompson

Subject: NSW State election [SEC=UNCLASSIFIED]

Hi Susan.

I was very pleased to have the opportunity to vote independently and in secret at the NSW State election.

I used the telephone system, as with the large ballot papers for the upper house it was much quicker and easier for me than the internet.

I view the system as the best one I have ever used. It provided me with complete independence and I did not have the discomfort of having human intervention in the process.

I was able to vote from the convenience of my office, completely in private, and take as long as I wanted to- the benefit of saving and coming back to the vote was very much appreciated.

I look forward to this system being in place again at the next State election, and encourage other organisations to use the system. Perhaps Vision Australia could introduce it for its Board elections to demonstrate it to more people who are blind or have low vision.

Thanks

Graeme Innes AM

Disability Discrimination Commissioner

Australian Human Rights Commission

Level 3, 175 Pitt Street, Sydney NSW 2000

GPO Box 5218, Sydney NSW 2001

T +61 2 9284 9692 Complaints info line 1300 656 419

E graeme.innes@humanrights.gov.au <<mailto:graeme.innes@humanrights.gov.au>>

www.humanrights.gov.au <<http://www.humanrights.gov.au/>>

Human rights: everyone, everywhere, everyday

Human rights: something we all have in common

Get facts, be inspired, dig deeper and take action.

Description: Description: Logo for [tellmesomethingidontknow.gov.au](http://www.tellmesomethingidontknow.gov.au)

<<http://www.tellmesomethingidontknow.gov.au/>> Description: Description: Logo for
[somethingincommon.gov.au](http://www.somethingincommon.gov.au) <<http://www.somethingincommon.gov.au/>>

Appendix 3

The participation of we persons with sensory disabilities in political and in public life

by
Ron McCallum AO[1]

Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), provides that ratifying countries like Australia must "guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others". The range of disabilities is broad, however, In this short piece my comments will be confined to the right of we persons with sensory disabilities to vote in federal, Territory and State elections, and the right to sit as members of juries. Put briefly, my focus will be upon persons like myself who are blind, or who are significantly vision impaired, and persons who are deaf or who are significantly hard of hearing.

The right to vote

Article 29 paragraph A of the CRPD deals with the right to vote in the following manner. It provides that ratifying nations must

- 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.

The *Commonwealth Electoral Act 1918* has always provided that polling officers may assist blind and vision impaired persons like myself by filling in ballot papers in accordance with our instructions,[2] or allowing us to nominate a person to assist us in filling in the ballot papers.[3] On past occasions I have been assisted by my wife or daughter, however, while this type of voting is private voting, it is not true voting via a secret ballot.[4] In order to enable persons who are blind or who have significant loss of vision to vote secretly, since 2001, commencing in the Australian Capital Territory, various forms of accessible voting have been tried. These methods have included

braille ballot papers in municipal elections; as well as voting using the telephone keypad or by phoning a call centre, or by using computer machines with synthetic speech, usually at special voting centres.[5]

At the 26 March 2011 New South Wales State election, a new iVote system was tried.[6] I used iVote which enables blind or vision impaired persons to vote using either a telephone keypad or the internet. I lodged my votes via an ordinary telephone where I used the telephone key pad to select the candidates for whom I cast my votes. This was done electronically without the need to instruct a call centre person.

iVote is a mainstream service because as well as enabling we persons with disabilities to vote, persons who live more than twenty kilometres from a polling station, or persons who would be interstate on the day of the election were able to use iVote. The figures available to me show that those who registered to use iVote were 781 persons with a reading disability, as well as 1,452 persons with other disabilities. 1,829 persons who lived more than twenty kilometres from a polling station, and 47,041 people who would be outside New South Wales on election day also registered. In relation to actual voting, 46,893 persons cast votes, with 2260 persons voting by phone and 44,633 people voting on the internet.[7] While the facility to vote using the telephone is a little more expensive than using the internet, for most blind persons the telephone is much easier than is the web. It is my hope that iVote will soon be used throughout Australia for all elections. iVote is pretty much like telephone or internet banking in its simplicity.

In fact, the technology has advanced to a stage where, if our politicians wished it, all of us could vote referenda style on important issues. For example, if everyone with access to a telephone or to the internet was given opportunities to vote referenda style, would we have a democracy more in tune with public opinion? At the present time, a referendum on whether we should permit gay marriage would likely gain majority support. The outcome on a referendum on an emissions trading scheme is less certain, but why not use this modern technology to lessen the disconnect between the people and our politicians. In this electronic age we should no longer be inhibited by the limitations of paper voting.

Jury Service

Article 29 of the CRPD does not mention jury service, possibly because in many countries juries are unknown. However, paragraph B of Article 29 says in part that countries must

- 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.

In Australia, the practice appears to be in all jurisdictions that blind and deaf persons are automatically excluded from jury service.[8] In New South Wales, for Example, section 14 of the *Jury Act 1977* requires the Sheriff to delete from the supplementary jury roll persons who the Sheriff determines are ineligible to serve. Item 12 of schedule 2 of the Act provides that the following classes of persons are ineligible for jury service. It says, "A person who is unable, because of sickness, infirmity or disability, to discharge the duties of a juror." Pursuant to this item the practice is to automatically exclude blind and deaf persons from jury service.

In March 2002, the New South Wales Attorney-General referred to the New South Wales Law Reform Commission the question whether blind or deaf persons should be enabled to sit on juries. In its 2006 report, the Law Reform Commission recommended that we should be enabled to sit, provided that trial judges are given a discretion to exclude persons in appropriate situations.[9] Furthermore, it was recommended that interpreters and stenographers who assist blind or deaf jurors, after swearing an appropriate oath could go into the jury room to render further assistance. In relation to the judicial discretion to dismiss a juror, it would be confined to situations where even with reasonable accommodation the person cannot perform the functions of a juror in the circumstances of the trial. For example, in my view it would be appropriate to exclude a blind person from a jury in a murder trial where the primary evidence related specifically to eyesight identification of the accused.

So far, the New South Wales Parliament has not amended the *Jury Act*. Hopefully, the new Premier O'Farrell Government will speedily amend this statute.

Voting by secret ballot and sitting on juries are hall marks of Australian citizenship. iVote has shown a cost effective and mainstream way for we blind and vision impaired citizens to vote by secret ballot, and it is my hope that iVote will soon operate in all elections for State, Territory and for our Australian Parliament. In relation to sitting on juries, it is also my hope that all governments will speedily adopt the recommendations of the New South Wales Law Reform Commission to enable we blind and deaf citizens to sit as jurors in our courts.

End Notes

[1] Professor Emeritus University of Sydney, and Consultant HWL Ebsworth Lawyers.

[2] *Commonwealth Electoral Act 1918* s 234(2)&(3).

[3] *Commonwealth Electoral Act 1918* s 234(1).

[4] See *Fittler v New South Wales Electoral Commission and Anor (No.2)* [2008] NSWADT116.

[5] I am grateful to Mr Michael Simpson of Vision Australia for assisting me with the history of accessible voting.

[6] For further details, see Jennifer Foreshew, "Logica Tie Boosts Electoral Commission: \$40m Project Puts Organisers in Poll Position", *The Australian Newspaper*, IT Business, p 32, 5 April 2011.

- [7] I am grateful to Mr Tim Noonan for drawing these figures to my attention.
- [8] See Report, *Blind or Deaf Jurors*, (New South Wales Law Reform Commission, R114, September 2006), pp 1-2. I was a member of its reference group and also wrote a submission in favour of blind and deaf persons serving on juries.
- [9] *Ibid*, pp 56-61.