

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

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REPORT ON THE 2007 STATE ELECTIONS

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Executive Summary

- As the primary activity of citizenship in this country, people with disabilities need to be able to vote in the same way as every other member of society, in the same places, and with support if required. Hence equitable access needs to be provided to all components of the electoral process provided by the State Electoral Office in NSW (SEO).
- The Physical Disability Council of NSW (PDCN) believes that the State Electoral Office needs to comply completely with the following sections in the *Disability Discrimination Act 1992* (Cth):
 - Section 23 – Access to Building and Premises
 - Section 24 – Access to Goods, Services and Facilities
- An inclusive society is achieved when people with disability are involved in every aspect of political, social, economic and cultural life, and hence have the same choices and options available to the general public. In reference to the 2007 State Elections this would provide all electors with a disability the choice of voting using any of the following:
 - Visiting a pre-poll voting centre;
 - Postal voting; or
 - Attending an accessible polling place.
- ‘Special Voting Centres’ especially for people with disabilities are not considered as acceptable, as these only reinforce separation and exclusion by using these polling places to camouflage the lack of access to a large percentage of polling places. The Physical Disability Council of NSW believes the development of Special Voting Centres to be discriminatory.

General Background on Disability

Over the past 100 years reforms to legislation in Australia has recognised the rights of all citizens to vote in Australia, to remove discrimination based on gender, race, aboriginal background and disability. As part of this right all people with disabilities require the same opportunities and resources to cast their vote. An inclusive society is achieved when people with disability are involved in every aspect of political, social, economic and cultural life.

More recently as part of the Attorney Generals Department, the Human Rights Branch has investigated mechanisms to ensure compliance with the Disability Discrimination Act particularly regarding access to premises.

The following statement provided by the Acting Disability Discrimination Commissioner at the Human Rights and Equal Opportunity Commission (HREOC) clearly supports this right for all members of our community:-

‘Standards of physical access and independent assistance at polling places are not uniform. Given the importance of voting, it is inappropriate to rely on individual complaints to improve access. The Australian Government should amend the Electoral

Act 1918 to ensure polling places are accessible, both physically and in provision of independent assistance to ensure the right to vote of people with disabilities.’¹

Definition of Disability

The Australian Bureau of Statistics (ABS) considers a person to have a disability if ‘he/she has one of the following that has lasted or is likely to last for six (6) months or more:

- Loss of sight (not corrected by glasses)
- Loss of hearing (with difficulty communicating or use of aids)
- Loss of speech
- Chronic or recurring pain that restricts everyday activities
- Breathing difficulties that restrict everyday activities
- Blackouts, fits or lack of consciousness
- Difficulty learning or understanding
- Incomplete use of arms or fingers
- Difficulty gripping
- Incomplete use of legs or feet
- A nervous or emotional condition that restricts everyday activities
- Restriction in physical activities or physical work
- Disfigurement or deformity
- Needing help or supervision because of mental illness or condition
- Head injury, stroke or other brain damage, with long term effects that restricts everyday activities; or
- Any other long term condition that restricts everyday activities.

Demographics of disability in NSW

The Australian Bureau of Statistics (ABS), people with disability in New South Wales make up 19.3% of the total population, the same as in the whole of Australia. (*ABS Catalogue No. 4430.0 Disability, Ageing And Carers, 1998*)

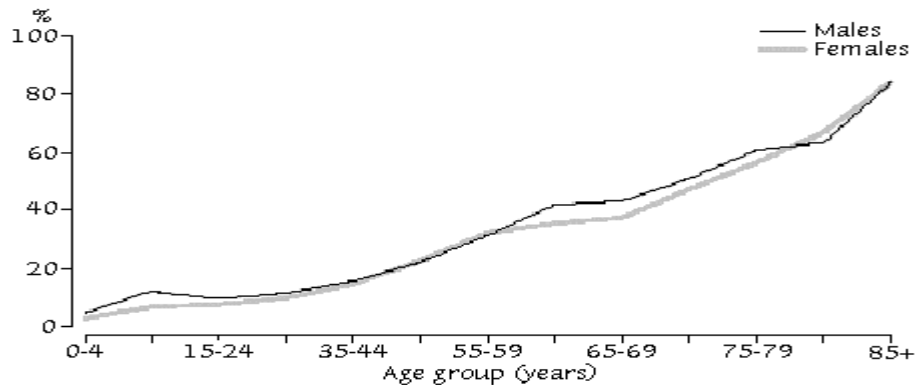
The Report of the 2007 State Election recognises that with an ageing population that additional resources will be required. As more Australians are living to reach older ages, the proportion of the population with a disability will increase also. As the ABS statistical reports indicate, about one-fifth of the population encounters restrictions, barriers and/or limitations in key areas of their lives. It is essential that the New South Wales Electoral Commission implements resources to ensure that all polling places provide access rather than just focusing on ‘declared institutional voting’.

¹ Human Right and Equal Opportunity Commission, Acting Disability Discrimination Commissioner Dr Sev Ozdowski –November 2003

Key Statistics about People with Disability in NSW

- People with disability of all types account for one-fifth of the entire population.
- People with physical disability represent over half of all people with disability.
- People with physical disability live and work in every community and location of NSW.
- 19% of the Australian population has a disability.
- 30% of people with disability have one that is physical.
- An additional 27% of people with disability have a physical disability plus at least one other type of disability.
- In 1998 there were 2.3 million Australians over the age of 65, including 976,500 people over 75 years of age.
- By 2051 there will be 6.6 million Australians over the age of 65 representing in excess of 26% of the population.
- By 2051 more than 5% of the population (approximately 1.2 million people) will be 85 years or over.
- Over half of all people aged 65 years and over have a disability.
- Almost 90% of people aged 85 years and over have a disability.
- Currently, almost 95% of people with disability live in the community. About 5% live in long-stay institutions.

Disability rates by age and sex, 1998



RESPONSE TO THE REVIEW of the 2007 STATE ELECTIONS

1. Electoral Information

- Information provided in the 'Equal Access to Democracy News' provided a clear Plain- English summary of information regarding the electoral process.
- Any information provided by the NSWEC, whether verbal and print needs to be reliable and accurate, in appropriate formats

PDCN recommendations the following

- Electoral Information to be provided in formats such as Braille, Large Print, disk, audio, Plain English and pictographs need to be investigated. Additionally these formats will assist community members with poor literacy, including voters from CALD backgrounds.

2. Enrolment

- Provide information regarding enrolment in the following formats:
 - Large Print
 - Audio disk
 - Plain English
 - Pictographs
- Seek the assistance of Peak Disability Organisations and Service Providers to identify low areas of enrolment and to promote enrolment to their members;
- In partnership with the Australian Electoral Commission (AEC), target accommodation facilities and programs for people with disabilities to enhance enrolment;
- Initiate campaigns targeting people with disabilities living in rural NSW; and
- In partnership with the AEC, research the feasibility of electronic enrolment.

PDCN recommendations the following

- Returning Officers to ensure personal and electoral details are accurate and confidential for younger people with disabilities living in accommodation facilities, particularly when the residential address is dissimilar to that of the family home. Accommodation facilities may include nursing homes, boarding houses, hostels and supported accommodation facilities.

3. Facilities used by the Returning Officer

- The Report on the 2007 State Elections indicates that a review of polling place layouts to facilitate compliance with the Access Standards was conducted. Following this polling places were classified as being either fully accessible or not at all, and polling places that were not completely accessible were not regarded as acceptable. PDCN supports this method of classification being used the NSWEC.
- As part of improving services for electors with a disability, Disability Awareness Training was provided by Vision Australia, to assist in recognizing the needs of people with vision impairments. Though this training probably excluded the needs of people with physical disabilities.

PDCN recommendations the following

- Access to the office of the Returning Officer should be available to all citizens, regardless of their level of physical ability.
- 'Disability Awareness Training' should not be limited to vision impairment, but should give equal consideration to physical disability.
- To assist the Returning Officer to audit potential venues for accessibility, advice from approved Access Auditors can be obtained from the following website <http://www.access.asn.au/> so that all polling places conform with the spirit of the Disability Discrimination Act 1992.

4. Voting before the day of the Elections

- Conduct a publicity campaign to inform electors with a disability of the options available to them should they wish to vote before the election date.
- Development of a system in which the Postal Vote Application Form seeking information about whether electoral information in alternative formats is required.
- Review the instructions on all electoral forms with a view to improving their accessibility (consider the use of pictures, diagrams, Easy Read and / or the feasibility of audio format).

PDCN recommendations the following

- Sufficient time needs to be provided by the SEO for people with disabilities to make alternative arrangements if no polling places are accessible. Given that by the time the SEO announces which polling places will be accessible, it is too late to organize a postal vote if required.

5. Polling places

PDCN advises that the SEO continues using the following classifications:

- **"Suitable for wheelchair access"** referred to premises that had barrier free paths or ramps with a gradient no more than 1:14, were at least 1.5 metres wide on curves, non-slip and level, had safety railings, non-slip floors, door entrances at least 820mm wide, and corridors at least 1.2m wide.

- **"Assisted access"** is not accessible and hence not acceptable terminology.
- Review the instructions for the layout of polling places to ensure maximum accessibility.
- Review the feasibility of providing temporary ramps at polling places.
- Review the suitability of all signage at polling places.
- Review the parking requirements for polling places and investigate the feasibility of providing dedicated parking to improve accessibility.
- Wheelchair accessible voting compartments are available in all polling places.
- Provide a number of user-friendly pencils and hand held magnifiers as part of the Returning Officers standard equipment for polling places.

PDCN recommendations the following

- An inclusive society is achieved only when people with disability are involved in every aspect of political, social, economic and cultural life. 'Special Voting Centres' especially for people with disabilities are not considered as acceptable, but separatist. Equal participation in voting, this core activity of citizenship is essential for **all Australian citizens**.
- It is recognized that Community Centres, public schools, churches, Girl Guide and Scout facilities are frequently used for polling places. The State Government is aware of when the elections will occur. PDCN believes that it is unacceptable for the SEO to continue to provide inaccessible polling places. Knowing this PDCN finds it unacceptable that voters in approximately 17% of electorates were unable to cast their vote at the local polling booth, with 9 electorates being located in metropolitan Sydney and the remaining in rural NSW.
- To assist the Returning Officer to audit potential venues for accessibility, advice from approved Access Auditors can be obtained from the following website <http://www.access.asn.au/> so that polling places conform to the spirit of the Disability Discrimination Act.
- Access maps including the location of parking and transport facilities, signage, continuous accessible paths of travel inside and outside the polling places and accessible toilets need to be included. This map could be used to show where party hawkers are not permitted.
- It is vital that a continuous accessible path of travel is provided inside and outside the polling place.
- It is suggested that the State Electoral Office use appropriate language and not refer to user-friendly pencils for people with a disability.
- Signage must inform voters that the polling place is accessible. Directional signage should also be included.

5. Training of Polling Officials

- Recruitment criteria for Polling Officials to include relevant skills.
- Review all training programs to include guidelines to ensure that Polling Officials are aware of appropriate ways to provide assistance to electors with a disability.
- Implement a strategy for receiving feedback from electors regarding the quality of services provided during polling.
- Develop an awareness program as part of the 'Equal Access to Democracy Plan' across all branches of the SEO.

PDCN recommendations the following

- A checklist to assist in maintaining access should be developed to be used in preparation and on the day of election. Currently accessible entrances are often blocked, and the inaccessible entrance used instead.
- All training programs to include Disability Awareness Training, focusing on both physical and vision impairment.
- Ensure personal details are accurate for younger people with disabilities living in Nursing Homes, Boarding Houses, Hostels and Supported Accommodation Facilities.

6. Casting a vote

- Identify and research feasible technological solutions available to enable people with disabilities to vote independently.
- Supply and publicise the availability of magnifying devices and user friendly pencils at Polling places to assist electors with disabilities to vote.
- Review signage and posters at polling places to include Large Print and pictures to make them more distinguishable.
- Consider displaying a Large Print sample of the ballot paper at polling places to assist voters.
- Consider the feasibility of providing an audio form of the ballot paper and voting instructions to assist electors.
- Explore ways to increase awareness of the option of assisted voting.
- Research and monitor the feasibility of electronic voting.

PDCN recommendations the following:

- To assist the Returning Officer to audit potential venues for accessibility, advice from approved Access Auditors can be obtained from the following website <http://www.access.asn.au/> so that polling places conform to the spirit of the Disability Discrimination Act.