Inquiry into the 2015 NSW state election

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Ordinary People Ordinary Lives

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Who is the Physical Disability Council of NSW?

The Physical Disability Council of NSW (PDCN) is the peak body representing people with physical disabilities across New South Wales. This includes people with a range of physical disability issues, from young children and their representatives to aged people, who are from a wide range of socio-economic circumstances and live in metropolitan, rural and regional areas of NSW

The objectives of PDCN are:

• To educate, inform and assist people with physical disabilities in NSW about the range of services, structure and programs available that enable their full participation, equality of opportunity and equality of citizenship

• To develop the capacity of people with physical disability in NSW to identify their own goals, and the confidence to develop a pathway to achieving their goals (ie: self-advocate).

• To educate and inform stakeholders (ie: about the needs of people with a physical disability) so they are able to achieve and maintain full participation, equality of opportunity and equality of citizenship.

Overview

The Physical Disability Council of NSW appreciates the opportunity to consider, and make comment to the review of the 2015 NSW State Government elections for the Joint Standing Committee on Electoral Matters (Report 5/55-2014).

Background information

Prior to the NSW state government elections in March 2015 the following programs were funded as part of the 2014- 15 budget:

• $44 million to conduct the State General Election in March 2015, including $2.2 million for the *I-vote* online voting system

• $3.8 million as part of a two year project totalling $5.7 million to develop a Roll Management System replacing the reliance and the cost of the electoral roll sourced from the Australian Electoral Commission

• $600,000 to deliver Tablet devices for the *I-roll* product to be used in polling places and

- $300,000 for an Online Electoral Material Registration System. [1]

As part of this state government budget the following programs aimed at providing information about electoral processes and access to democracy were provided for people with disability, people from culturally diverse backgrounds (CALD) and Aboriginal and Torres Strait Islanders:

1. A range of specific communications to special interest groups including electors with a disability, culturally and linguistically diverse electors and Aboriginal and Torres Strait Islander electors;
2. Candidate information and registered third party campaign advertising;
3. Information to inform electors who are eligible to use iVote services; and
4. Communication messages to electors impacted by redistribution. [2]

The Convention in the Rights of Persons with Disabilities (CRPD) Article 29 - Participation in Political and Public Life confirms the importance of informing people with disability of their legal obligations and political rights. The National Disability Strategy- Rights Protection, Justice and Legislation, Policy Direction 2 - Remove societal barriers preventing people with disability from participating as equal citizens [3] highlights the importance of acknowledging that civil rights such as the ability to vote need to be recognised and protected. As part of its statutory responsibility, the NSW Electoral Commission (NSWEC) receives state government funding to provide electoral services targeting people with disability. The NSWEC is required to implement the following goals as identified in the Access to Democracy 2014- 2016 Disability Action Plan:

- Goal 1: Disability Action Plan goals are integrated into overall corporate and business planning and review mechanisms.
- Goal 2: Policy development and service delivery is informed by research, evaluation and community consultation.
- Goal 3: Continue to explore opportunities to expand voting options for electors with disability
- Goal 4: Continue to explore opportunities to expand voting options for electors who are carers of people with disability.

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[1] NSW State Government- NSW Treasury (2015) No.7 Premier and Cabinet Cluster
[2] Parliament of NSW - Joint Standing Committee on Electoral Matters (Report 5/55-2014) Preparations for the 2015 NSW State Election
[3] Australian Government – Department of Social Security (2009) National Disability Strategy 2010- 2020

- Goal 5: The capacity of the agency is enhanced by employing people with disability and their carers and enabling election staff to provide assistance that promotes equal access and participation with dignity.
- Goal 6: Barriers to the accessibility of electoral information process for people with disability are identified and addressed.
- Goal 7: Barriers to the accessibility of voting services for people with disability and their carers are identified and addressed.
- Goal 8: A range of communication formats and channels are used to inform people with disability about enrolment, elections and voting.

Planning and Evaluation

Goal 1: Disability Action Plan goals are integrated into overall corporate and business planning and review mechanisms.

STRATEGIES

1. Develop an Equal Access to Democracy Disability Action Plan 2014-2016 with specific and achievable strategies.
2. NSWEC corporate planning, policy and review documents that recognise the need for the agency to deliver appropriate services for electors with disability and their carers.
3. Increase the integration of community education, information and resources for electors with disability and their carers into election operations planning and arrangements.
4. Ensure community education, information and resources for electors with disability and their carers can be contextualised to a variety of situations including guided discussions, group work and/or supported decision making models.

Goal 2: Policy development and service delivery is informed by research, evaluation and community consultation.

STRATEGIES

5. Maintain regular consultation with the NSWEC Equal Access to Democracy Disability Reference Group on the development and review of the Action Plan and other issues affecting electors with disability and their carers as required.
6. Research and review what other electoral bodies are doing in regard to provision of information and services for electors with disability and their carers.

7. Encourage electors with disability and carers to provide feedback to the NSWEC on the quality of electoral information and services through the Reference Group and other feedback mechanisms.

8. The election experiences of electors with disability and their carers are collected and considered through post-election surveys conducted by the NSWEC and/or disability and carer organisations.

9. The Equal Access to Democracy Disability Action Plan is reviewed and revised after each election cycle by key stakeholders including people with disability and their carers.

Goal 3: Continue to explore opportunities to expand voting options for electors with disability.

STRATEGIES

10. Seek legislative amendments to expand voting options for electors with disability at all elections.

11. Continue to monitor the electoral environment for opportunities to further improve voting options for electors with disabilities.

12. Continue to foster appropriate voting methods that provide the suitable means of casting an independent and secret vote, including iVote® for electors with a disability.

Goal 4: Continue to explore opportunities to expand voting options for electors who are carers of people with disability.

STRATEGIES

13. Seek legislative amendments to expand voting options for electors who are carers at all elections.

14. Continue to monitor the electoral environment for opportunities to further improve voting options for electors who are carers.

15. Continue to foster appropriate voting methods that provide the suitable means of casting an independent and secret vote for carers of people with disability.

Capacity Building

Goal 5: The capacity of the agency is enhanced by employing people with disability and their carers and enabling election staff to provide assistance that promotes equal access

and participation with dignity.

STRATEGIES

16. Encourage and facilitate opportunities for people with disability and their carers to apply to work for the NSWEC and at the elections.
17. Ensure NSWEC reception and Elector Enquiry Centre staff are trained in the use of the National Relay Service.
18. Provide disability education to all election staff to ensure they are aware of the specific and varied needs of electors with disabilities.
19. Ensure the document 'Guidelines to Providing Services to People with Disabilities' is referred to in all operational manuals and available to all election staff.
20. Ensure election staff are aware of equipment, facilities and information available for electors with disability so they can readily be made available to people requiring them.
21. Provide the Elector Enquiry Centre with all necessary information to respond to enquiries from electors with disability, particularly in relation to voting options, accessible information and accessibility of polling places.

Goal 6: Barriers to the accessibility of electoral information process for people with disability are identified and addressed.

STRATEGIES

22. Develop relevant and accessible electoral information for electors with disability including enrolment information.
23. Ensure that all enrolment information is presented in a variety of formats including audio, AUSLAN, large print, rich text format (RTF), captioning, voiceover and Easy Read.
24. Ensure language, photographs and graphics are sensitive, appropriate, inclusive in all NSWEC publications and on the website.
25. Ensure that all electoral information is easy to understand, written in plain English and available in hard copy upon request.
26. Review the design, navigation and content on the NSWEC website to ensure compliance with appropriate government accessibility standards, including the on-line completion and submission of forms relating to enrolment.
27. Make available the NSWEC Community Education Officer to present information sessions addressing enrolment and election processes for clients of disability service providers or to

provide 'train the trainer' sessions for workers in those services.

28. Develop and distribute an information kit, in collaboration with the NSWEC Equal Access to Democracy Disability Reference Group, to provide Registered Political Parties and candidates with information about the importance of providing accessible voting information to electors with disability and their carers in an appropriate and timely manner to enable their participation in the democratic process.

Goal 7: Barriers to the accessibility of voting services for people with disability and their carers are identified and addressed.

STRATEGIES

29. Assess the accessibility of venues that could be used as voting centres and select those complying with accessibility standards

30. Ensure accessible voting centres and the level of accessibility is clearly identified on the NSWEC website for all Returning Officers' offices, pre-poll venues and polling places.

31. Provide accessible voting screens at all polling places for people with mobility issues.

32. Ensure all election staff receive instruction on the layout of polling places to maximise accessibility of entry and exit paths.

33. Ensure managers of fully wheelchair accessible voting centres are aware of the accessibility status of their venue and how to maximise and ensure that accessibility.

34. Use luminous contrast graphic design on cardboard furniture, such as voting screens and ballot boxes, to assist electors with depth perception.

35. Provide hand-held magnifiers, Maxi-pens and large print information at all polling places.

36. Ensure signage and posters at polling places use large print, simple font, good contrast, pictograms and images to make them easier to read.

37. Encourage the use of disability and carer service provider premises and the employment of staff from those services for both pre-poll and Election Day voting.

38. Continue to offer and publicise the availability of iVote® and postal voting for electors with disability and their carers who would prefer to vote by post, internet or telephone.

39. Ensure all voting options available to electors with disability and their carers are publicised through disability and carer organisations, the media, social media, in NSWEC advertising and on the NSWEC website.

Goal 8: A range of communication formats and channels are used to inform people with

disability about enrolment, elections and voting.

STRATEGIES

40. Ensure a variety of accessible enrolment and election information is made available through the NSWEC website and distribution to disability and carer organisations in a timely manner.

41. Improve prominence on the NSWEC website of information for people with disability and their carers.

42. Ensure people with disability and their carers and disability and carer organisations are made aware of the accessible information and services that are available from NSWEC.

43. Ensure the NSWEC election advertising campaign strategy and associated images are inclusive and appropriate for reaching electors with a disability and their carers.

44. Provide timely and appropriate election information to disability and carer organisations and people with disability and their carers through electronic election newsletter distribution. [4]

Discussion

PDCN understood that the purpose of this review was to determine the effectiveness of goals and strategies included in the Disability Action Plan (DAP) to guide preparations of the 2015 NSW State elections. Without actions, resources, the department responsible for implementation, milestones, date of completion and key performance indicators for each of the eight goals identified in the DAP it is difficult to assess the effectiveness of the DAP. PDCN is supportive of each of the eight goals and strategies identified in the Disability Action Plan, but believes that the Electoral Commission should have provided the additional requirements identified above followed by the ability for the public to make comments on the proposed DAP before using it as a measure of success for state elections.

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[4] NSW State Government- Electoral Commission (2014) Equal Access to Democracy Disability Action Plan 2014/ 16

> **Recommendation 1:**
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> **For each of the eight goals included in the Disability Action Plan to be achievable it is recommended that for each strategy it contain the following additional information:**
>
> - **Actions**
> - **Resources**
> - **Department responsible for implementation**
> - **Milestones**
> - **Expected date of completion and**
> - **Key performance indicators**

The Equal Access to Democracy Disability Action Plan 2014 to 2016 itemises eight goals and PDCN considers the most relevant to people with physical disability as:

- Goal 1: Disability Action Plan goals are integrated into overall corporate and business planning and review mechanisms.
- Goal 3: Continue to explore opportunities to expand voting options for electors with disability, and
- Goal 5: The capacity of the agency is enhanced by employing people with disability and their carers and enabling election staff to provide assistance that promotes equal access and participation with dignity.

To implement Goal 2 of the NSWEC Vision Statement: to build a common understanding between stakeholders and the governmental body, NSWEC needs to ensure an understanding of the needs of people with disability, and the different functional needs of the large spectrum of people with different physical disabilities.

The DAP should be completed with the inclusion of the following information: plans, actions and key performance indicators, so that all stakeholders can assess the outcome of programs included in the DAP. Further advice and approval on the DAP should be sought from the Access to Democracy Reference Group.

PDCN would recommend that references to people with 'special needs' should be changed to the 'needs of people with disability'.

Recommendation 2:

PDCN recommends that the NSWEC access 'Words Matter' from the Physical Disability Council of NSW to ensure that appropriate language is used in all correspondence.

The incidence of disability among ATSI communities is known to be significantly higher than that in the general community. To ensure that NSWEC understands that people with disability may have a dual disability, PDCN recommends that the NSWEC cross- reference relevant Plans with Charters and Plans for people from ATSI and CALD backgrounds. Additionally it would be advantageous to attain advice and resources from PDCN, the NSW Aboriginal Disability Network or the Multicultural Disability Advocacy Association for issues regarding the relevancy of dual disability.

As part of the inclusion of people with physical disability it would be beneficial for NSWEC to cross reference the DAP with other Charters and Plans such as the NSWEC Future Directions Plan 2013-2016 and the Election Services Charter 2014-2016.

Recommendation 3:

PDCN recommends that the NSWEC where ever possible to cross reference the DAP with other Charters and Plans to facilitate inclusion.

Following the successful implementation of the automated enrolment and re-enrolment initiative approximately ten years ago, it is understood that NSWEC has continued working with the Australian Electoral Commission (AEC) to establish a mechanism where people enrolled in NSW electronically are automatically processed on to the federal electoral roll.

The ability to vote electronically was initially introduced to assist people with vision impairment to caste their vote independently by secret ballot. With this capacity people with vision impairment are no longer denied this rite, in keeping with Article 29a (i) - Participation in Political and Public Life of the Convention of the Rights of Persons with Disabilities. But this ability to vote electronically does not necessarily assist a person with physical disability with access to their closest polling place. Access to polling places may be prevented due to any of the following circumstances;

- NSWEC is unable to lease accessible polling places on the day of the election
- Lack of parking, accessible public transport or toilet facilities
- An inability to meet the entrance and exit requirements of a polling place whilst still meeting AS 1428 design standards
- Difficulty enrolling to vote or changing some personal particulars
- A lack of privacy casting ones vote

The following quotation illustrates the difficulties frequent to a person with physical disability trying to access a polling place:

> A person with physical disability stated that her closest accessible polling booth was 45 minutes away by electric wheelchair and would cost around $20 to $50 if she caught a taxi. Consequently, our client decided to vote at her closest polling booth, which was ten minutes away by electric wheelchair. However, as the polling booth was not accessible, she was forced to vote outside. She did not have sufficient privacy and felt very undignified. Furthermore, our client was unable to place the ballot in the ballot box herself as the ballot box was outside the building and therefore had to rely on electoral officials to do it for her. [5]

In the recent state government elections the ability to vote electronically was introduced to eligible NSW residents including people with disability, people living 20km or more from the closest polling place or people currently located overseas. NSWEC conducted a general survey seeking feedback from people using IVote with the following findings;

- IVote was effective in facilitating a secret and independently verifiable vote for electors who were blind or had vision impairment and that the system enfranchised a lot of people who would not have otherwise vote
- The take-up of the iVote system was highly successful with actual numbers of users being over four times the original estimates. Registrations and votes received from electors in rural and remote areas exceeded the original take-up estimates almost threefold
- There was lower than estimated take-up rate amongst blind or vision impaired voters and voters with a disability

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[5] Australian Government- Australian Law Reform Commission (2014) Equality, Capacity and Disability in Commonwealth Laws

- Significantly high satisfaction levels with iVote overall (91% of iVote users were either satisfied or very satisfied) and individual elements of the system. Most iVote users were interested in using the system again and would recommend it to other people

- Feedback suggested by users was for increased promotion of iVote and to amend the legislation to allow a wider group of people to use it

- From the perspective of users, both registration and voting were relatively easy to complete

- The average cost per vote cast using iVote was lower than originally anticipated largely due to the extension of eligibility to electors outside the State during pre-poll voting and on polling day

- The system was cost effective when compared to other systems with similar aims and

- With a take-up of 200,000 votes, the costs would lower to around $24 per vote. With increased usage to around 500,000 the cost per iVote could be comparable (or possibly cheaper) than postal and pre-poll voting method. [6]

Recommendation 4:

That based on feedback on the iVote program, PDCN recommends that the NSWEC fund a program to promote the availability of iVote to people with physical disability, ensuring they are aware of options other than needing to attend a polling place.

Recommendation 5:

PDCN recommends that the AEC adopt legislation federally that recognises the status of NSW residents who may have already used iVote to register and vote for state government elections.

The AEC has developed educational resources aimed at facilitating learning about the functions and operations of government, rights and democracy, and voting at elections for school aged users. The purpose of inclusion within the school curriculum is to facilitate an understanding of the importance of democracy and the impact of this ideology, rather than just focusing on management of the electoral roll and the provision of electoral resources.

These educational resources are available on the AEC website and could be made available on

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[6] NSW Parliament (2011) Report on the Conduct of the 2011 NSW State Elections

the NSW Electoral Commission website.

Access to these resources would be particularly relevant to people with disability living in rural and remote communities, removing feelings of isolation.

The following two programs are available on the AEC website:

• Educational resources for students in years 5, 7 and 9 – 'Democracy Rules' is relevant across the curriculum and particularly to the following subjects: Civics and Citizenship, Australian Politics and History, Indigenous Studies and Studies of Australia and the Asia Pacific. It provides background knowledge to enable teachers to confidently lead students in electoral education.

• Educational resources for year 9 and 10 students – 'Making a Nation' aimed at focusing on the following topics:
  - Creating a System of Representation
  - Changing the constitution

Recommendation 6:

PDCN recommends that the NSWEC adopt and facilitate similar educational resources for primary and secondary school students as on the AEC website in order to develop an understanding of the foundations of democracy in NSW.