

**RESPONSE TO THE STATE ELECTORAL OFFICE
DISCUSSION PAPER ON
EQUAL ACCESS TO DEMOCRACY PLAN**

– March 2006 –

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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 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.

The Physical Disability Council of NSW 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. ‘Special Voting Centres’ especially for people with disabilities are not considered as acceptable, but separatist in perspective as it does not enable equal participation in this core activity of citizenship. As such, The Physical Disability Council of NSW believes the development of Special Voting Centre 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 is investigating mechanisms to ensure compliance with the Disability Discrimination Act particularly access to premises.

In the following statement the Acting Disability Discrimination Commissioner at the Human Rights and Equal Opportunity Commission clearly supports this right:

- ‘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.’

(Source: HREOC, Dr Sev Ozdowski – Acting Disability Discrimination Commissioner 14 November 2003)

It is unfortunate that the NSW State Electoral Office Corporate Plan 2005 – 07 does not acknowledge compliance with the Disability Discrimination Act 1992 when considering legislation relevant to its duties and obligations.

Furthermore it is not satisfactory that the NSW State Electoral Office Corporate Plan 2005 – 07 considers it as satisfactory that only 80% of community peak organisations need to be satisfied with the provision of accessibility provided at the 2007 State Government elections.

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)

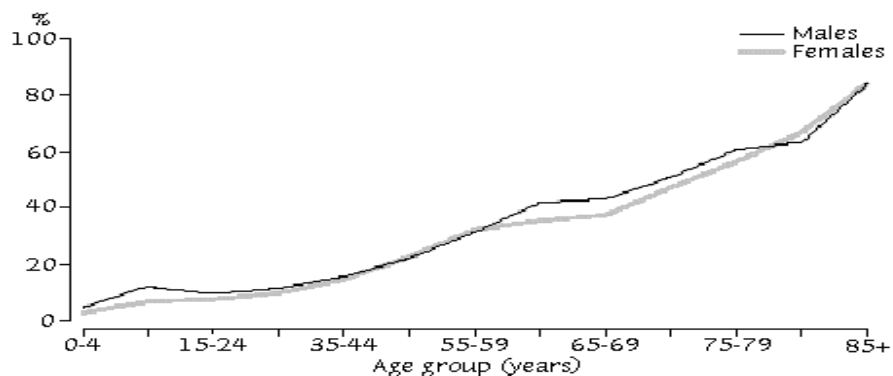
As more Australians are living to reach older ages, the proportion of the population with a disability will increase also. As the ABS statistical reports indicate, about one-fifth of the population encounters restrictions, barriers and/or

limitations in key areas of their lives.

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



(Source: *Australian Bureau of Statistics*)

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RESPONSE TO DISCUSSION PAPER - EQUAL ACCESS TO DEMOCRACY PLAN

1. Electoral Information

Existing issues identified by the State Electoral Office

- The electoral timetable and current production arrangements do not enable the supply of Braille candidate or party names in sufficient time for use before or on Election Day.
- Certain documents and information posted on the State Electoral Office website were not accessible to people with print disabilities.
- Electors with disabilities are often not aware of the availability of electoral information in alternative formats.

PDCN recommendations

- The State Electoral Office needs to use appropriate language such as 'people who use Braille to read' and/or 'people with a vision disability' rather than 'Braille candidates' and 'people with print disabilities'.
- Further information on web accessibility can be obtained from the Australian Electoral Office website at <http://www.w3.org/TR/1999/WAI-WEBCONTENT-19990505/full-checklist>
- Electoral Information 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

Existing issues identified by the State Electoral Office

- Develop diversified methods of communicating enrolment information.
- 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 AEC, target special events for persons with a disability as an opportunity to encourage enrolment.
- In partnership with the AEC, investigate the demand for enrolment forms to be provided in alternative formats.
- In partnership with the AEC, explore the development of an email subscription system for disseminating enrolment information.
- In partnership with the AEC, research the feasibility of electronic enrolment.

PDCN recommendations

- 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. Returning Officer's offices

Existing issues identified by the State Electoral Office

- Up-date the guidelines to Returning Officers to maximise consideration of accessibility issues when selecting office premises.

PDCN recommendations

- Similar to other members of our community, all people regardless of disability need to be able to physically access the office of the Returning Officer. Access to accessible public transport is essential.
- 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 booths confirm with the Access to Premises standards.

4. Voting before Election Day

Existing issues identified by the State Electoral Office

- Conduct a publicity campaign to inform electors with a disability of the options available to them should they wish to vote before Election Day.
- Recommend to the Government that an elector with a disability be eligible to vote in person at a Pre-poll Centre before Election Day.
- Recommend to the Government that a Carer be eligible to register as a General Postal Voter.
- Consider the development of a system where the Postal Vote Application asks the elector whether they require electoral information in alternative formats.
- 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).
- Consider the provision of a telephone enquiry facility to Postal Voters on how to complete and return their ballot material.

PDCN recommendations

- The State Electoral Office need to give people with disabilities sufficient time to make alternative arrangements if no polling booths provide sufficient access. Often by the time the State Electoral Office announces which polling booths will be accessible, it is too late to organize a postal vote if required.

5. Polling Places

Existing issues identified by the State Electoral Office

- Conduct an accessibility audit of all premises suitable for use as Polling Places.
- Up-date the Checklist provided to Returning Offices to enable an accurate measurement of accessibility.
- Define the accessibility symbols used in advertising Polling Places. "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" referred to the level of access that would enable an elector using a wheelchair to access the polling place with assistance.
- 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.
- Apply aluminous contrast graphic design principles to cardboard election furniture and signage to improve accessibility for people with vision impairment.
- Review the dimensions of tables and tabletop screens and provide wheelchair accessible voting compartments.
- In partnership with a Peak Disability Organisation, pilot Special Voting Centres that are fully wheelchair accessible, provide closed circuit television for magnification, information in Large Print, hand held magnifiers and user-friendly pencils.
- Provide a number of user-friendly pencils and hand held magnifiers as part of the Returning Officers standard equipment for polling places.

PDCN recommendations

- An inclusive society is achieved 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 in perspective as it does not enable equal participation in this core activity of citizenship.
- It is recognized that Community Centres, public schools, church, Girl Guide and scout facilities are frequently used for polling booths. As the State Government is aware of when these elections will occur, and many community facilities managed by Local Government such as community centres have already been made accessible in accordance with the *Disability Discrimination Act 1992 (Cth)*. Furthermore PDCN believes that it is unacceptable for the State Electoral Office to continue to not take responsibility for providing inaccessible polling places.
- The State Electoral Office and the Department of Education are both State Government institutions and have obligations under the Disability Discrimination Act 1992. Both need to work together ensure that full access is provided.
- 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 booths confirm with the Access to Premises standards.
- Access Maps including the location of parking and transport facilities, signage, continuous accessible paths of travel inside and outside the polling booth 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 booth.
- It is suggested to reorganize the polling booth so that candidates can cast their vote while registering their name, rather than initially registering their name and then having to go to a different location to cast their vote.
- To provide accessible sites in country NSW, temporary accessible structures maybe an option.
- Additionally it was suggested to provide polling booths at three (3) different heights with a greater writing space made from MDF to allow for the larger polling forms.
- It is suggested that the State Electoral Office use appropriate language and not refer to user-friendly pencils for people with a disability.
- Due to the difficulty of policing designated parking for people with disabilities, providing designated parking on- site or offsite was not considered as a priority.

- Signage must inform candidates whether the polling booth is totally accessible. Directional signage would also be recommended.

6. Training of Polling Officials

Existing issues identified by the State Electoral Office

- 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 for implementation of the Equal Access to Democracy Plan across all Branches of the SEO.

PDCN recommendations

- A checklist to be developed and available on the polling date.
- Training programs to include Customer Service including Disability Awareness Training.
- Ensure personal details are accurate for younger people with disabilities living in Nursing Homes, Boarding Houses, Hostels and Supported Accommodation Facilities.
- Review correspondence sent to people who fail to vote so that innocent members of the community are not labeled as non-law abiding.

7. Casting a vote

Existing issues identified by the State Electoral Office

- 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.
- Include Braille text on election signage and ballot boxes.
- Review signage and posters at Polling Places to include Large Print and pictures to make them more distinguishable.
- Continue to review the feasibility of Braille or other tactile overlay templates for ballot papers.
- 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.
- In partnership with a Peak Disability Organisation, pilot Special Voting Centres that are fully wheelchair accessible, provide closed circuit television for magnification, information in Large Print, hand held magnifiers, user friendly pencils and specially trained staff to assist electors with disability.
- Research and monitor the feasibility of electronic voting for special category electors.
- Review procedures for the enforcement of compulsory voting to ensure that electors with disability are not disadvantaged.

PDCN recommendations

- 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 booths conform with the Access to Premises standards.