



Physical Disability Council of NSW
Ordinary People Ordinary Lives

Submission for the Department of Premier and Cabinet
Draft Electoral Bill 2017

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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.

Our core function is to influence and advocate for the achievement of systemic change to ensure the rights of all people with a physical disability are improved and upheld.

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 (i.e: self-advocate).
- To educate and inform stakeholders (i.e: 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.

Introduction:

The Physical Disability Council of NSW (PDCN) appreciates the opportunity to review and provide comment to the Department of Premier and Cabinet on the draft Electoral Bill 2017. This submission for PDCN will discuss the Electoral Bill 2017 with a focus on provisions made in Part 5 Enrolment procedures and information and Part 7 Conduct of Parliamentary elections.

PDCN believes it is essential that the civil and political rights, and the requirements of people with disabilities are considered to ensure the Electoral Bill 2017 meets its objectives, specifically;

(b) to promote and maintain an electoral system characterised by accessibility, integrity and fairness that provides for the election of members of Parliament of New South Wales in accordance with the Constitution Act 1902 and

(e) to enable the citizens of New South Wales to participate freely in fair and transparent electoral processes.

Discussion

The proposed Electoral Bill 2017 states that the New South Wales Electoral Commission (NSWEC) has the function of ensuring compliance with the proposed legislation and for instituting proceedings for electoral offences under the proposed act ¹. The NSW Electoral

¹ New South Wales Government, Draft Government Bill, Electoral Bill 2017, page 24

Commission has the statutory responsibility of providing electoral services targeting people with disabilities to ensure their full participation in the political process.

PDCN believes it is essential that the Electoral Bill 2017 includes provisions which explicitly uphold the rights of people with disabilities and guarantee NSW state and local government elections are accessible in person, wherever possible and through postal or technology assisted voting procedures. Additionally, it is vital that participation in elections is facilitated through easy access to information about the electoral process including enrolment, registration for early voting, assisted voting and changing personal details on the electoral roll.

The Convention on the Rights of People with disabilities (CRPD) Article 12: equal representation before the law and Article 29: participation in political and social life guarantee persons with disabilities legal and political rights and the opportunity to enjoy them on an equal basis with others². This includes protection of the right to vote and ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use³. The importance of recognising and protecting civil rights, such as the right to vote is further confirmed through the National Disability Strategy - Rights Protection, Justice and Legislation, Policy Direction 2 - Remove societal barriers preventing people with disability from participating as equal citizens⁴.

Part 5 -Enrolment procedures and information

The Electoral Bill 2017 includes ‘(k) being a person with a disability (within the meaning on the Anti-Discrimination Act 1977)’ as a circumstance in which an elector may be deemed unable to attend a voting centre on election day⁵. The legislation states in these circumstances an individual is eligible to register as an early voter, in Part 5 37 (g)⁶.

People with disabilities make up 18.3% of the Australian population⁷ and consequently will be represented amongst individuals who will register as an early voter with the NSW electoral commission. Early voters accounted for 25% of the votes cast at the 2015 NSW state election⁸. Early voters include individuals accessing both postal and technology assisted voting such as ivote.

It is essential that information about registering and the process for voting in this manner is easily available and in accessible formats to ensure people with disabilities are supported to fully participate in the political process.

PDCN believes that all electoral information, including enrolment information must be easy to understand, written in plain English and available in hard copy upon request. Furthermore, to ensure accessibility information should be presented in a variety of formats including AUSLAN,

² United Nations, Convention on the Rights of People with Disabilities (CRDP), p21

³ Ibid, CRDP, page 21

⁴ Commonwealth of Australia, National Disability Strategy, 2011, page 37

⁵ New South Wales Government, Draft Government Bill, Electoral Bill 2017, page 17

⁶ New South Wales Government, Draft Government Bill, Electoral Bill 2017, page 23

⁷ Australian Bureau of Statistics, Disability, ageing and carers Australia: Summary of findings, 2015

⁸ NSW Electoral Commission, Electoral statistics, 15/09/2017,
http://www.elections.nsw.gov.au/about_elections/electoral_statistics

large print, easy English, audio, braille, rich text format and captioning available on all video materials. In addition, the design and content on the NSWEC website must be easy to navigate to ensure individuals regardless of computer literacy are able to successfully access information, including information concerning accessibility and services provided by the NSWEC for people with disabilities.

Part 7- Conduct of Parliamentary elections

Division 6 – Subdivision 1

111 Use of prescribed centres as voting centres

PDCN believes it is essential that physical access requirements are considered for all voting centres to ensure that people with disabilities do not encounter barriers to their participation if they elect to vote in person on election day at a polling place.

PDCN feels accessibility must be prioritised during the selection of premises to be used as voting centres. In provision ‘111 use of prescribed centres as voting centres’ wheelchair accessibility is considered a desirable feature that would make a room or hall suitable to be appointed as a polling place. However, PDCN recommends requirements for physical accessibility be explicitly stated in the Electoral Bill 2017 and for the establishment of mandatory accessibility requirements for each electoral division.

PDCN has concerns that the entrance and exit requirements of voting centres may not meet AS 1428 design standards. Although provisions in the Electoral Bill guarantee that an individual who is unable to access a voting centre can cast their vote outside with assistance from electoral officials, PDCN feels this provides an inadequate level of privacy and does not provide people with disabilities the opportunity to enjoy their political rights on an equal basis with other members of the community.

Other physical access requirements that must be considered are the height of registration tables and polling booths, with accessible polling screens available at all polling places. The availability of accessible parking at voting centres, the proximity of accessible public transport and accessible bathroom facilities should be a priority when voting centres are appointed. Information on the degree to which each voting centres meets these requirements should be easy to access and clearly provided by the NSW Electoral Commission in a variety of formats.

Recommendation 1: PDCN recommends all electoral information, including enrolment information and accessibility must be easy to understand, written in plain English and available in hard copy upon request.

Recommendation 2: PDCN recommends all electoral information and materials are provided in various formats, including AUSLAN, large print, easy English, audio, braille and rich text formats. This must include information on the physical accessibility of voting centres and services provided by the NSWEC.

Recommendation 3: PDCN recommends requirements for physical accessibility be explicitly stated in the Electoral Bill 2017 and mandatory accessibility requirements instituted for each electoral division.