

Blind Citizens Australia



Electoral Reform Green Paper

STRENGTHENING AUSTRALIA'S DEMOCRACY

27 November 2009

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Joint Standing Committee on Migration
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About Blind Citizens Australia

Blind Citizens Australia is the peak national representative organisation of people who are blind or vision impaired. Our mission is to achieve equity and equality by our empowerment, by promoting positive community attitudes, and by striving for high quality and accessible services which meet our needs. As the national peak body we have over 3100 individual members, 15 branches nationwide; in metropolitan, regional and rural locations and 13 affiliate organisations that represent the interests of Australians who are blind or vision impaired.

As such, it is important for Blind Citizens Australia to advocate for equality in areas of community participation and social inclusion for all Australians who are blind or vision impaired.

Blind Citizens Australia is funded by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to provide policy advice to the Australian Government and other agencies relating to people who are blind or vision impaired.

Background

Blind Citizens Australia is pleased to have this opportunity to consult on this important issue of Electoral Reform. We wholeheartedly support the undertaking of this review, and see the review as a positive move by the government to promote, protect and enfranchise the Australian electoral system.

The scope of this submission focuses primarily on the concerns of Australian voters who are blind or vision impaired. Whilst understanding that the discussion paper raises some issues, and poses many questions that may be of significant interest to some people who are blind or vision impaired, the scope of this submission is limited to

- discussing the ways that Australian voters who are blind or vision impaired are disenfranchised by the current Commonwealth electoral system;
- the legal, moral and ethical arguments for full inclusion;
- Providing solutions that will ameliorate these significant barriers to full and equitable access for all Australians who are blind or vision impaired.

As Joe Ludwig, Special Minister of State, states in his introduction to the Green Paper "...I would expect that all Australians believe that the right to vote is one of our most cherished and fundamental human rights, and one that should not be taken away lightly, and as Australia is a signatory state to many of the important human rights documents that protect the enfranchisement of its citizens, it is unacceptable that the franchise of Australian voters who are blind or vision impaired continues to be largely impacted by negative barriers. While these internationally recognised documents specifically state "

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."
(Universal Declaration of Human Rights Article 21) and "...every voter has the right to equal and effective access to a polling

station in order to exercise his or her right to vote” and “...

the right to vote in secret is absolute and shall not be restricted in any way whatsoever” (Declaration on Criteria for Free and Fair Elections, 1994).

Australian voters who are blind or vision impaired continue to be denied the dignity of an independent secret and verifiable ballot.

While the Commonwealth Electoral Act of 1918 understood the need to allow voters who are blind or vision impaired the right to have assistance in casting their ballot, and the near 100 years of social and technological development have provided us with the tools that can make the electoral process accessible for all Australians, voters who are blind or vision impaired are still unable to participate fully and equitably in the political process.

One of the integral articles of the United Nations Convention on the Rights of Persons with Disabilities, Article 4, encourages Universal Design as the requisite to allow all citizens full and equitable access to the community. Blind Citizens Australia asserts that if the principle of Universal Design was to be incorporated into the Commonwealth electoral system, there would be no barriers inhibiting the franchise of Australian voters who are blind or vision impaired.

Blind Citizens Australia has been working on several fronts to bring to light the systemic problems that Australian voters who are blind or vision impaired face in trying to access their franchise of voting in Federal elections; not only their right of

citizenship, but also their compulsory responsibility. These barriers include;

- lack of accessible information about
 1. important issues
 2. candidates
 3. policy platforms
 4. polling sites
- Inaccessible ballot forms
- Inaccessible polling sites

For many of the 881 voters who took part in the electronically assisted voting trial of the 2007 Federal election, it was the first time ever that they had been able to cast an independent, secret and verifiable ballot. Given the subsequent recommendation from the Joint Standing Committee on Electoral Matters (JSCEM) recommending the Federal government discontinue the trial in future elections, it may well have been not only the first time but also the last time Australians who are blind or vision impaired had the opportunity to participate in our most significant act of civil and political participation with the same independence, dignity and secrecy that other Australians take for granted.

Blind Citizens Australia contends that this lack of full inclusion is discriminatory, in breach of our United Nations obligations and unacceptable. Australia has been a world leader in the development of free and fair elections; the "Australian Ballot" has been adopted throughout most of the democratic world as the best practice for National, State and local elections, The secret ballot developed in South Australia in 1856, has gone on to be adopted by such stalwarts of representative democracies as the United Kingdom (1872) and the United States (1884).

Whilst this independence and secrecy of the ballot has been adopted around the world, Australia's own voters who are blind or vision impaired are still expected to be happy having someone else fill in the ballot for them. Blind Citizens Australia believes that 150 years is too long to wait!

This Electoral Reform review gives Australia the opportunity to once again lead the world and enfranchise all Australian voters.

As a result of the JSCEM report on the 2007 trial of electronically assisted voting for Australian voters who are blind or vision impaired, Blind Citizens Australia has campaigned for changes in the electoral process. We have met with several members of the committee, including Daryl Melham MP, Chair, and we have worked with other representatives from the blindness sector and the Australian Electoral Commission in order to develop a satisfactory solution to providing voters who are blind or vision impaired the dignity of an independent, secret and verifiable ballot.

In order for the electoral system to be fully accessible several key changes need to be implemented;

- All voting material must be produced in all formats
- Polling sites must be fully accessible to all voters
- Ballot forms must be accessible to all voters
- The process of casting a ballot must be accessible to all voters
- The principles of dignity, independence, secrecy and integrity must be upheld throughout the electoral cycle.

As discussed in the Green Paper, there are widely accepted international law, common values and public expectations that all citizens should and must hold full and equitable

access to the political system. Blind Citizens Australia urges the government to take this opportunity to amend the Australian electoral system in order to ensure that all Australian voters have equal opportunity to cast an independent, secret and verifiable ballot, with dignity and self respect.

Questions

3(a)

Given the inherent challenges of achieving and maintaining harmonisation in a Federal system, which areas of harmonisation should be given priority attention?

Understanding that the move to a fully technology driven, on-line ballot is a very contentious issue for a multitude of reasons, Blind Citizens Australia do not at this stage advocate for online voting.

We do see the example of the Australian Capital Territory's electoral system of offering electronically assisted voting at all polling booths, for all elections as a model that would benefit the Commonwealth electoral system. Clearly by the example of the ACT it is possible to provide a ballot that offers all voters the opportunity to cast an independent, secret and verifiable ballot.

Blind Citizens Australia sees this model as a system that would be suitable to roll out nationally, harmonising all Federal, State and local government elections to allow a greater level of access to the political process. The example of the ACT not only enables voters who are blind or vision impaired their full and rightful franchise, it also opens the political process to other Australian voters who are unable to utilise the current ballot.

3(d)

What is the best way to ensure that our electoral laws are easily understood by participants in the electoral process?

Blind Citizens Australia believes that it is incumbent on all Federal and State and Territory Electoral Commissions to provide all printed election education materials in the full range of formats that Australian voters use to obtain information; print, large print, audio, Braille, and e-text. As the various United Nations documents already referenced explicitly state, access to information is one of the basic tenets of Human Rights.

7(a)

How can enrolment processes best ensure maximum participation in Australia's elections?

As with all areas of the political process, Blind Citizens Australia sees the lack of accessible information and in particular the lack of an accessible enrolment process as barriers to full and equitable participation for Australians who are blind or vision impaired.

7(b)

Are there any changes that you think should be introduced to enrolment processes, such as:

- automatic enrolment?*
- automatic update of enrolment details?*
- online enrolment?*
- online update of enrolment details?*

Blind Citizens Australia sees the need for the enrolment process to be simplified. The proposals to have automatic enrolment processes through inter-government

arrangements will help to simplify electoral enrolment for a large number of Australian voters, however for reasons of privacy, we see the need to have an opt-out arrangement that will allow voters to choose if they do not want their personal information accessible across government agencies.

9(a)

Do you think that any changes should be made to existing electoral education programs?

As already mentioned, Blind Citizens Australia sees the provision of election education materials in the full range of formats that Australians depend upon as being the first step in changing all election education programs. When Australian voters are unable to access the information they need to make informed choices about election issues, candidates and policy, they are disenfranchised.

As a signatory to the Universal Declaration of Human Rights, the United Nations Covenant on Civil and Political Rights and the United Nations Convention on the Rights of Persons with Disabilities, Australia is obligated to provide full and equitable access to all areas of social, economic, civil and political life. This includes making all government funded information accessible to all citizens.

As such, Blind Citizens Australia expects that all election education material, all publicly funded political party information and all election outcomes be provided in the full range of formats at the same time.