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Submission to HREOC on Accessibility of Election Procedures to People with Disabilities

The Physical Disability Council of Australia Ltd (PDCA) is a national peak organisation representing people with physical disabilities across Australia. PDCA works on a collective model, and decisions are made using a consensus approach. PDCA is entirely run *by* people with physical disabilities, *for* people with physical disabilities, and is the only organisation of its kind in Australia.

PDCA would like to take this opportunity to commend the Acting Disability Discrimination Commissioner and HREOC for addressing this issue in an open and public way, and believe that issues such as these should always be addressed in a transparent manner, in order to encourage and facilitate input from the sector/s that are affected most by these issues.

PDCA therefore has pleasure in putting forward the following submission on the 'Notice of Inquiry – Accessibility of Election Procedures to people with disabilities.'

The Issue:
Access to execute voting rights.

The Australian Institute of Health and Welfare in July 1999 stated that "More than 1 in 10 Australians – over 2 million people – reported one or more physical impairments or disabling conditions, resulting in one or more activity limitations, in 1993."

This means that lack of Equal Access to voting venues and provision of support for people with physical disabilities in Election Procedures is a major issue to a significant proportion of the Australian population. This does not, however, take into account the number of frail and elderly Australians who also experience mobility restrictions and who also wish to execute their right to vote in an election.

Physical Disability Council of Australia Ltd position:
<u>If it is compulsory to vote, it should be compulsory to provide facilities that accommodate **every** voter.</u>
Voting is compulsory in Australia unlike many other countries and people with physical disabilities are voters. It is for this reason that we have the right to take part in the same voting process and manner as other Australians, whether it be Local Government elections, State or Territory elections or Federal elections.

It is no longer good enough for people with disabilities to vote by postal vote in place of participating in the society norm of attending polling booths in their area, nor is it equitable for all other Australians, who do not have this opportunity.

Postal Voting should be an option for any Australian voter to choose, in the same way that all Australians should be able to choose to attend their local church, school, community hall or facility in order to cast a vote. Postal voting should not be offered in place of equal access to facilities in the local community. The opportunity to vote and decide on the future of our country, our State or Territory or our Local Community is a fundamental right for all Australians.

Current Situation:

- Many Polling venues are totally inaccessible, though often claim they are
- In a venue that is accessible there is no support for people with physical disabilities who cannot hold papers and pens
- Often the accessible venues are a considerable distance from a persons home, requiring accessible taxis to transport
- In rural and remote communities, many people with physical disabilities travel considerable distances to find inaccessible voting venues
- Many people with physical disability have been offered assistance outside polling booths, which negates the system of secret voting
- Many people with physical disabilities have been offered to be "carried up" steps which is undignified and dangerous to all concerned and denies the importance of a vote

Comments received:

1. "People with physical disabilities are denied community involvement on Election Day"
2. "No information gathering is available with a postal vote, there are no resources to help make decisions on who to vote for"
3. "I don't have inclusion in society as an ordinary voting citizen"
4. "Transport is an issue if you have to seek out an accessible polling booth further from home"
5. "This is a rights issue and people with disabilities have the right to cast their vote in the same way as other voting Australians"
6. "We've raised this issue, time and time again, even contributed to the Electoral Commission Action Plan, but nothing changes."
7. In 1981 this issue was raised, it is still the same 18 years later"
8. "Polling booths should not be inaccessible, they are part of the community mores'"
9. "People with disabilities should have the same range of choices as other Australians on where they choose to vote"
10. "Assisting people with disabilities outside polling booths does not allow for a secret vote"
11. "People who select the polling booths claim they are accessible. They are not!"
12. "Postal votes prevent people with physical disabilities from being included in society"
13. "It is Illegal to take voting papers outside a polling booth yet they do because of lack of access"
14. "Voting is compulsory and there is a legal obligation to vote, yet no legal obligation to prevent discrimination on the basis of access to polling booths and venues"
15. "If a postal vote hasn't been organised then the person cannot vote"
16. "There is nothing to stop Scrutineers from tampering with voting papers if taken outside a polling booth"
17. "This issue sends a clear message to a person with a physical disability that they are not valued as a voting citizen"
18. "People with physical disabilities in rural and remote areas often have to travel as much as 74k to find an accessible voting place".
19. "We can't be involved on Election days, with our Political Party or as a volunteer, because we can't get in to the venues."

What is needed?

- Accessible Venues for Voting
- Specific voting stations that are accessible for people with disabilities

- A designated staff person to assist people with disabilities, the frail and elderly
- Alternate format information provided, well in advance of voting days
- Alternate format information and papers available on voting days
- Clear indications on the level of access at each Polling Booth
- Discontinue assumptions that because it has been held in a certain place before, it must be accessible.
- Recognise that the lack of complaints does not equal "no problem'

Who is responsible?

PDCA believes that the Australian Electoral Commission, has a responsibility under the DDA (1992) to ensure that access to voting venues is appropriate, and meets the greatest need of all voters. It is inappropriate to take this issue for granted, and to allow the venue provider (such as Education Departments or Churches) to indicate what type of access is provided. The Australian Electoral Commission has a responsibility to find out what is deemed 'appropriate access' and not assume that because the facility has indicated it is accessible, that it is so.

Solutions:

1. DO NOT ASSUME TO KNOW WHAT ACCESS IS!
2. Work in a consultative way with local communities
3. Develop innovative solutions with people with disabilities and Access Advisors
4. Human Rights and Equal Opportunity Commission Advisory Notes on Access issued to all concerned with determining Polling Venues
5. Consultation within each local community and development of access solutions for voting inclusion, well before election times
6. Demand accessible venues and build this in to contracts and payments for Polling Venue provision
7. Insist on access audits being carried out on venues that have traditionally been used
8. Carry out access audits on proposed or new venues

Contributors:

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