

CORRECTED EVIDENCE

ELECTORAL MATTERS COMMITTEE

Inquiry into the conduct of the 2014 Victorian state election

Melbourne — 5 October 2015

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Mr Matthew Potocnik.

The DEPUTY CHAIR — Welcome, everyone. Today we are hearing evidence for the inquiry into the conduct of the 2014 Victorian state election. Thank you all for coming. My name is Ros Spence, and I am the Deputy Chair of the committee. Louise Asher, our Chair, is an apology today, and she asks that I extend that apology to you.

I need to let you know that your evidence will be recorded by Hansard. You will get a copy of that evidence in a couple of weeks. The evidence that you give today is covered by parliamentary privilege. However, anything that you say in here, if repeated outside, is no longer covered. That particularly relates to the Defamation Act 2005.

Before we begin with your evidence, can you state your full name and whether or not you are appearing here in a personal capacity or on behalf of another organisation.

Mr POTOČNIK — My name is Matthew Andrew Potocnik, and I am appearing today in a personal capacity.

The DEPUTY CHAIR — Thank you. I will just ask you to talk to your submission and provide us with any additional information in regard to it. After you have spoken to that, we might have a few questions.

Mr POTOČNIK — I have prepared something so I might just read through that, although the document does have other pieces of information on it. I will start by thanking you for inviting me to appear before you today. Many individuals and organisations have contributed to this submission, some of which include AMIDA, Women with Disability Australia and Communication Rights Australia. I thank them too.

It is conclusive that no fully democratic election can be held in Australia because citizens with disability are not supported to participate and do not vote. My first recommendation is that the SmartRoll process must first include the registration of individuals who are in receipt of funding, and the accountability of services that actively support eligible citizens, who under the law exercise their rights and civic obligation in full compliance with the Australian democratic electoral process.

It is hard to adequately express the importance of the issues I am raising. If you have not experienced the enormous level of obstruction firsthand that exists right through the disability sector and, I dare say, the Victorian Electoral Commission. I brought this to the attention of two members of the then parliamentary Electoral Matters Committee before the 2014 Victorian state election. I was told, 'We will look into this after the election'. After the election approximately 5000 people had been stripped of their human rights and denied their civic obligation — discrimination.

While there are concessions for people with disability not to participate in the electoral process, unlike the rest of the population there is no process of accountability to ensure they do. This becomes particularly pertinent in regard to the SmartRoll process. It was implemented in 2010. People are added to the electoral roll when they register or change their drivers licence or a rental property. Students are registered through processes at secondary school. I made the suggestion to the Victorian Electoral Commission in February 2014 that people who are in receipt of government funding and who are eligible citizens need to be registered on the SmartRoll process.

My presentation today was to include a video testimony of Heather, a 2015 suffragette living in disability accommodation services under the Department of Health and Human Services. More than 100 years after women were given the vote in Australia, Heather is denied this right, which is often taken for granted. In Heather's testimony she states that she wished to vote last year at the Victorian state election but did not. She wants to vote in the 2016 federal election.

Heather is also excluded from the Royal Commission into Family Violence. She is a second-class person. The parliamentary inquiry into abuse in disability services has not acknowledged her abuse or the failure to ensure her human rights and her right to exercise her civic obligation. In Australia citizens use these rights

to demand a royal commission or a parliamentary inquiry. Heather has been excluded from them all. This is not what inclusion stands for.

The states and the commonwealth continue to abuse our most vulnerable citizens. The federal election will take place next year and the national disability insurance scheme will roll out nationally. People living with disability must be included with all their rights as citizens to participate in the electoral process and the reform of the disability sector, including the development of policies and safety framework.

The laws that have been broken I can only begin to list, probably starting with the state Disability Act 2006, the Victorian human rights charter 2007, the Electoral Act, the United Nations declaration on human rights — and the list goes on. This is a disgrace. I believe political leaders from all parties need to be held accountable for this. Federally there needs to be a statement released that assures people with disability and includes them politically in the rollout of the national disability insurance scheme and its responsibilities and safeguards. Inclusion is about the DHHS and the VEC changing their identity. They are not keepers; they are carers — and they need to understand the difference.

My second recommendation is to ensure inclusion of specialist services where access is allowed — a bridge developed to properly integrate these important citizens residing in community residential units. DHHS cannot own the list of CRUs, and specialist services must be granted access. I am referring to organisations such as AMIDA and Communication Rights Australia, which are capable of educating and supporting these new citizens. Otherwise we consolidate segregation. I get ignored and tarred with the same brush, even though I do not have a disability. I have brought my son in today to say that enough is enough. I have included a publication and story with an image of a sculpture, unveiled at the Victorian Equal Opportunity and Human Rights Commission, upon the release of the paper *Desperate Measures*, where families like mine were destroyed all because government legislation failed to be accountable.

In closing, I say I stand here and make reference before the law to Franz Kafka's poem of the same name:

Australia is not currently fit to host another election!

And I state we will not be ignored and people with disability will participate in choosing our next government:

There can be no elected government without its citizens.

Thank you.

The DEPUTY CHAIR — Thank you for that, Mr Potocnik. The submission you provided had a lot of information in it, and I personally got a lot of value out of reading it. Thank you for that.

Mr POTOCHNIK — Thanks, Ros.

The DEPUTY CHAIR — Does anyone have any questions?

Mr DIXON — With the automatic registration one of the aspects with SmartRoll is that through enrolment in schools 17-year-olds go onto the roll that way. Are you saying that that is happening only at the mainstream schools? There are obviously specialist schools where there are 17-year-olds.

Mr POTOCHNIK — I have said hello to you out at Glenroy.

Mr DIXON — Yes. Do they come onto the roll that way?

Mr POTOCHNIK — As far as I know that is not included in SmartRoll process. But I cannot emphatically say that that is the case. It needs to be looked into.

Ms PATTEN — Thank you for your submission. Can you tease out a bit more of what your second recommendation was, which was about DHHS not providing information to education units?

Mr POTOČNIK — I believe there was a submission by AMIDA where it had received a grant to provide information and support to people living in those residential units. The Department of Health and Human Services did not even send them out. I was told earlier this week, because I was not at the hearing — which happened, I think, last week — that not one of the DVDs was distributed to any of the community residential units.

Ms PATTEN — Right. Okay.

Mr POTOČNIK — I also think it is important that specialist organisations such as initial Communication Rights Australia are engaged in some capacity around ensuring that these people are supported to vote. That is one of the other aspects.

Mr NORTHE — Matthew, well done in your submission, both in writing and in person. It is not easy to do, and well done. From reading some of your material it appears that you have had previous conversations with the VEC, which were probably not all too complimentary, by the way, but in terms of your two recommendations have you explicitly to VEC, and what has been their response if you have?

Mr POTOČNIK — No, in this report today — —

Mr NORTHE — Yes, the two recommendations.

Mr POTOČNIK — I have not put those recommendations to the VEC, no.

Mr NORTHE — That is fine. If you had, I was just curious what their response would have been to that, that was all.

The DEPUTY CHAIR — Matthew, in your submission you refer a lot to the need for support for disabled people to vote. I wonder if you could talk to us a bit more about the various support mechanisms that you are talking about, because what we think ‘support’ is might not actually be what you know ‘support’ is required to be?

Mr POTOČNIK — And often — —

Ms BLANDTHORN — And can I add to your question, which is in the same vein if you like, but also as family members of someone with a disability, what supports are there for you as well in terms of exercising your right to vote?

Mr POTOČNIK — Okay. I might have to get you to repeat that. I cannot hold it all in my head at the same time.

In the submission I have drawn attention to what I have called active support, and to someone who is not a disability services professional the term loses a lot of meaning. Active support is the concept of providing the least amount of support to enable someone to do something. It becomes an issue because often it is easier to, say, go and take the washing off the line, rather than say, ‘Johnno, I’ll give you a hand here; we’ll go and take the washing off the line’. But the pretence behind that type of activity is that there is maximum engagement with the person who has the disability and there is an upskilling rather than a de-skilling, because obviously if you are performing tasks for another person that can de-skill them. In terms of participating in the electoral process, this helps define the level of participation and support supplied by the carer, and to some degree moves the speculation away from the fact that the carer may be influencing a person with disability.

Mr NORTHE — So in Levi’s case he can communicate through eyes and smiles?

Mr POTOČNIK — Yes, he does communicate with his eyes. He has got a lot of expression and he lets you know what he is up to. At the same time I have got to make sure that he has a drink, because he might be really, really thirsty and he will just look at that jug, and all he is going to do is look at the jug. I just instinctively go and get him a glass of water, and I think, ‘Oh yeah’.

Ms BLANDTHORN — My question was an extension of the previous question, which was that you have talked about engaging people with different disabilities or abilities. But in terms of how being a carer for someone with a disability might impact on you exercising your own right to vote, are there certain supports that you think should be provided that are not provided for carers of people with disabilities?

Mr POTOCHNIK — I think that is a really important point. It is broader than just the aspect of you being able to participate as a carer in the electoral process. I think I drew reference in my July written submission to a parent who phoned me at the Victorian Electoral Commission and said, ‘What have you done? You have got my son so excited. He wants to vote’. Her son was, I think, in his 30s or 40s, and she said, ‘You know, it is going to take us nearly a week to de-escalate him from the excitement that he is in about voting’. I remember that particular man. He knew the politicians as well.

I also made the recommendation, in regard to what you are saying, that organisations such as Carers Victoria need to engage the parents and people with disability who are living in the community, who are not living in supported residential care, because there are a lot of conceptions held by parents that, ‘Oh, look, it is too hard for me to do it’. In that case they may well need services but services that are more specific to them being supported or the person with the disability being supported within the family unit, so looking at it as a whole mechanism, a whole situation. They certainly need education into the aspect that it can be easy to vote, that there are choices, that it is not about having to go out on that day, that it is not about having to go out during the early voting period, that you can send correspondence by mail, and there are other things available as well.

Ms PATTEN — We have had a number of disability groups mention the lack of accessible voting and our inability to properly use new technologies to make that easier. I did not see it in your submission, but is accessibility an issue in your mind?

Mr POTOCHNIK — I consider this whole topic obviously to be accessibility.

Ms PATTEN — Yes, specifically to the polling booths.

Mr POTOCHNIK — I think DHHS — and I am being sarcastic — has done a terrific job in having a photo on there, but it has not held fast to actually providing us with accessible services. There is technology developing all the time. They did not have iPads not that long ago. I am aware of technology. I have gone to a technology event at Levi’s school and there was a German invention that used eye recognition. I thought, ‘This is great’ and I moved him up towards it. It had a number of electric guitars there, and when he looked at a particular guitar it started playing and moving. It was terrific. He sort of got an instant thing. I think that system was about \$20 000 worth and I did not have that in my wallet on the day, but technology like that is terrific. Its application originally was in defence, and it is really lovely to see that it is making its way through to people with disabilities.

The DEPUTY CHAIR — Thank you for providing the evidence today and for your submission. You will receive a copy of the Hansard transcript of your evidence in about a fortnight. You can correct any typing errors in that but not matters of substance, so again thank you.

Witness withdrew.