

## **Vision Australia Submission to the Inquiry into 2014 Victorian State Election**

Submitted to the Parliament of Victoria, Electoral Matters Committee.

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### **Introduction**

Victoria has regressed since the 2014 election and fallen well behind other States in providing accessible voting for people who are blind or have low vision. There are approximately 90,000 people who are blind or have low vision in Victoria and they continue to experience unnecessary discrimination when it comes to voting.

NSW has shown that accessible voting options exist, that they are secure and affordable and can be successfully implemented.

Eligible Australian citizens who are blind, deafblind, or have low vision, have both a constitutional and human right to cast a secret and independent vote in a manner comparable to their sighted peers, in all Australian Government elections and referenda. This right is guaranteed in the Australian Constitution, and asserted in a number of UN instruments, including the Universal Declaration of Human Rights, and specifically in Article 29 of the Convention on the Rights of Persons with Disabilities.

However, a number of barriers remain which impede upon the realisation of this right. At the Victorian Election in November 2014, many people who are blind or have low vision were still unable to cast a secret and independent vote in a manner comparable to their sighted peers.

Vision Australia is aware of methods and technologies that would enable voters who are blind or have low vision independent access to voting in elections, such as electronically assisted voting, online voting and telephone voting. Indeed, other jurisdictions have already implemented such methods and technologies which are readily utilised by our community.

In this submission, we outline some of the activities associated with the 2014 Victorian Election, the impacts these had on people who are blind or have low vision and their ability to cast a secret and independent vote specifically and more broadly, to participate in an essential part of democracy.

Vision Australia challenges any suggestion that if a newly-introduced service fails to generate significant uptake, then it should be withdrawn. Many people who are blind or have low vision have developed various ways of dealing with long-standing discriminatory barriers such as inaccessible voting processes, and they do not necessarily feel compelled to abandon those methods just because a new, untried

and untested service is introduced. Many people choose to wait and see if the new service lives up to expectations before investing time and energy in using it themselves. There was a significant increase in the number of people using the iVote system in NSW, between the 2012 and 2015 elections; in part, because by 2015 the system was widely known to be accessible and effective, and people who were initially hesitant now judged that the service was "safe" to use. The VEC has a responsibility to demonstrate that new services it develops and introduces do, in fact, meet the community's needs and expectations, and the removal of services after only one limited trial is wasteful and short-sighted. Neither does it expunge the VEC's civic duty/obligation to continue making accessibility improvements.

Information about Vision Australia can be found at the end of this submission.

### **Provision of 2014 Election Information**

We appreciate that the VEC have invested in developing and providing accessible information in print, web and other media formats. In particular, we recognise that the VEC has achieved compliance with World Content Accessibility Guidelines 2.0 (WCAG).

However, generally speaking, party and candidate information continues to be inaccessible for voters who are blind or have low vision. This includes information about parties and candidates that are presented in a range of formats such as policy documents, TV advertisements and how-to-vote cards.

While we realise that the VEC is not directly responsible for the activities of political parties and candidates, the Commission nevertheless does have an influential and persuasive role in promoting best practice in accessibility. The lack of a legislative mandate should not be used as a justification of inaction. We therefore recommend that the VEC emphasise to candidates and parties, for example, during general briefings, that candidates and parties have a social and legislative responsibility to make their materials accessible to everyone, including people who are blind or have low vision.

The right to be informed about candidate and party choices, what they mean, what the candidates stand for and the consequences of preferential voting, is also crucial to full and equitable participation. Further, it's within the parties and candidates' interest to ensure their material is effectively communicated to the entirety of the voting public. In this respect, improving knowledge of voting options would be within the VEC's purview of "providing education services and work(ing) to engage all Victorians who are entitled to vote in the democratic process".

### **Voting options for people who are blind or have low vision**

Victorian Voters who are blind or have low vision had less choice in how, where and when they would be able to vote in the 2014 Victorian state election, compared to the 2010 election.

## **Voting locations**

Access to polling centres is crucial to ensuring that electors are afforded equitable access to the voting process. This includes not only access to the centre itself, but also access to the site or the location of the voting centre. We appreciate that the VEC have criteria for determining the accessibility of potential voting centres.

These criteria should include accessibility features specific to voters who are blind or have low vision, such as:

- Signage of Building Code standard size and colour contrast;
- Wayfinding mechanisms such as tactile ground surface indicators and navigational cues for passage to, and within centres;
- Centres located within easy walking distance from public transport;
- An accessible path of travel from transport to the voting centre, including adequate street crossing mechanisms.

As Vision Australia is aware of the practical and logistical task of upgrading physical infrastructure in time for the election, it may be appropriate for the VEC to offer competent sighted-guide assistance on request, both during the pre-poll period and on Election Day.

Two Vision Australia premises were used as pre-polling centres during the recent Election and we make every effort to ensure that the above assertions are adhered to, at a high standard, as a matter of general practice. We were disappointed that more Vision Australia sites were not used, as there had been in previous years. For people who are blind or have low vision, familiarity is crucial for safety, independence, general amenity and convenience. We recommend that Vision Australia sites be considered as permanent voting centres.

Vision Australia also recommends to the Committee that as Victoria has a fixed term election cycle, the designation of voting centres should be planned well in advance of election time. Designating polling centres well in advance will enhance safe and convenient access for all electors, and the best opportunity for the blindness and low vision community to familiarise themselves with their nearest centres.

## **Accessibility supercentres**

Following a proposal from members of the Equal Access Advisory Group, the VEC trialled the provision of Accessibility Supercentres in the early voting period of the 2014 election. We understand that six regional centres were selected for targeted investment, where accessible voting infrastructure and services were delivered. Vision Australia expressed concerns with this approach from the outset, as we considered the development of accessibility in local voting centres as a better investment option.

We recognise that people who are blind or have low vision prefer to access voting centres that are convenient, accessible and are familiar. While the Accessibility Supercentres were equipped with all the accessibility measures the VEC had chosen to implement for this election, the location of the centres did not attract many voters with accessibility requirements.

The VEC additionally provided wayfinding information about the location of the Accessibility Supercentres. As these centres were not highly used, they are not planning to provide wayfinding information again. As this service is not generally provided by the VEC for all voting centres, Vision Australia considers choosing and investing in the accessibility of voting centres, in commonly used and accessible community spaces, as a higher priority than the provision of wayfinding instructions.

## **Voting methods**

Three methods were provided specifically for voters who are blind or have low vision, which resulted in voters being able to cast secret and independent votes, to a varying degree. These methods were magnification aids, Braille ballot packs and Electronically Assisted Voting (which we address at length below).

Magnification aids were provided at all voting centres in the early voting period, and on Election Day, which facilitate access to materials to voters with low vision.

Braille ballot packs are offered on an on-demand basis and the VEC contacts registered Braille users directly to offer this service. We understand that the VEC may not continue to offer this service due to low patronage.

Having to complete a braille ballot paper in print deters many people who are blind from using them, for a number of reasons. Firstly, because they are not confident that they can reliably write print numbers, and secondly because they have concerns about keeping track of which squares they have marked, and ensuring that they have completed a valid ballot in correct sequence.

The problem is not that braille usage is declining but that the VEC has failed to provide effective mechanisms for braille users to cast a vote. If a person requests a braille ballot paper, then they should be able to mark it in braille, or at least in some way other than print. We also feel strongly that the VEC should engage in consultation with the community to find out why services, such as braille ballot papers, are not being used rather than making a reactionary decision to discontinue them.

Braille is the primary tool for literacy, numeracy and information access, available to people who are blind, deafblind, or people whose vision is insufficient to allow them to use print effectively. We urge the VEC to continue to offer this service in an improved format, so that voters who are blind or have low vision have choice in how they cast a secret and independent vote at Elections.

## **Electronically Assisted Voting**

Electronically Assisted Voting (EAV) was available at all Accessibility Supercentres, and selected early voting centres, for the exclusive use of: voters who are blind or have low vision, voters who have English language or literacy difficulties, and those with a motor impairment. EAV voting was conducted using a tablet device, provided onsite, with gesture based input. The EAV system was developed and tested by the

VEC, but was not widely offered for familiarisation to potential users, prior to the election period.

Only 200 voters who are blind or have low vision used EAV at the 2014 Victorian Election. We understand that those who did choose to make use of this voting option, were mostly satisfied with the experience.

The VEC have expressed their reservation at further investing in EAV when it has been utilised by such a small number of voters. However, we consider that the low uptake of EAV in the 2014 election does not indicate a lack of need and/or low demand for an easily accessible, genuinely confidential and secret vote. Rather it highlights the issues encountered by people who may have otherwise chosen to make use of this voting option. This includes: the very limited availability of EAV in only a few locations, lack of familiarity and no opportunity to test the new system prior to voting, and that it was not yet well understood as a new voting method, nor has it been consistently used in different settings.

It is essential that accessible voting methods are available on polling day, and not just during the early voting period. While some people will choose to cast a pre-poll vote, others genuinely want to participate at the same time as the rest of the community. Early voting restrictions also deny people with a disability, who need to use these accessible voting options, the choice to wait until all policy announcements have been made before casting their vote.

Limiting EAV accessible voting solely to people with a disability, prevents family members from voting together, and prevents others from choosing these voting options. The results in the recent NSW election demonstrate that where electronic voting systems are made available to broader categories of voters (e.g. people who are overseas, in remote areas, or voting outside their electorate), a critical mass of voters choosing this system can be achieved. This in turn provides greater opportunities for both assessing and improving the use of new technology.

To improve the uptake and in turn, the return on investment into EAV, we recommend:

- Making EAV available in both the early voting period and on Election Day, in as many voting centres as possible;
- Increasing and maintaining collaboration with the blind and low vision community to optimise EAV design and use;
- Expanding the category of voters eligible to use EAV, as exists in other jurisdictions such as NSW, to enhance the uptake and sustainability of the system.

### **Voting for Victorians who are blind or have low vision relative to other states**

Victorian Voters who are blind or have low vision are less able to cast secret and independent votes at Victorian elections, than their counterparts in other states.

As you may be aware, the NSW system is currently best practice in Australia, both in terms of service delivery and infrastructure and technology considerations. The iVote system was utilised by 284,000 people (compared to 47,000 in 2011). The

percentage of people who are blind or have low vision using iVote has increased from 1.4% of the overall vote to 1.9%; this represents an almost eightfold rise in users from 668 in 2011 to 5,296 successfully registered votes in the 2015 election.

First used in 2011, the NSW iVote system, provides access to online voting for: those with vision impairment and other disabilities, for people who live more than 20km away from a polling place, or for those who are interstate or overseas on Election Day, via a web-based platform. Voters can use a computer, smartphone or telephone system, depending on their preference.

The evidence is stark. At contemporary elections, 5,296 people who are blind or have low vision used the NSW accessible voting options compared to only 200 using EAV in Victoria.

Low voter uptake, of an expensive parallel system, impacts negatively on public perceptions of people with vision impairment and the organisations that support them.

Small changes to the EAV on offer has a big impact; consistency is critical to building the level of comfort and confidence the blind and low vision community has in the EAV system overall. Therefore, a consistent national approach to EAV is preferable.

### **Legislative barriers to access to voting**

The Victorian Electoral Commission has suggested legislative restrictions may prevent the introduction of a system of accessible voting, similar to the iVote system used in NSW.

If the Victorian Electoral Act does in fact prevent the introduction of the most accessible voting options, then we implore this Committee to recommend amendments to the Act in order to allow the introduction of best voting practices in this state. Australian parliaments have an obligation to enact necessary legislation and provide sufficient resources to facilitate the development and continuation of equitable voting practices in Australian elections and referenda.

### **Conclusion**

The Victorian Electoral Commission needs to take urgent action to improve accessible voting options for people who are blind or have low vision.

In particular, Electronically Assisted Voting must be made available on election day, and it should be expanded to mirror the NSW iVote system so that eligible voters can vote using a computer, smartphone or telephone system, depending on their preference.

## About Vision Australia

Vision Australia is the leading national provider of services to people who are blind or have low vision. We provide services to approximately 33,000 Australians each year across 28 offices, and outreach locations, through a mix of charitable donations and Government funding.

Vision Australia's mission is for people who are blind or have low vision to increasingly be able to live the life they choose, by participating fully in every facet of community life. To help realise this goal, we provide high-quality services to the blindness and low vision community in areas, such as:

- early childhood
- orientation and mobility
- employment
- accessible information (including library services)
- recreation
- independent living
- Seeing Eye Dogs
- Advocacy

We have gained a vast knowledge of the experiences and concerns of students who are blind or have low vision, and their families, in navigating the education system. Vision Australia staff provides a range of education-related services to children, adolescents and adults involved in formal education, from primary and secondary school, to TAFE and tertiary studies. These include:

- Orthoptic vision assessments
- Technology assessments for students from pre-school to TAFE and university levels from our adaptive technology consultants
- Advice and support to children and their families from our children's services staff
- Support transitioning into and between schools
- A range of library and information services for students either directly or through arrangements with education institutions
- Advocacy advisors who work with students who are blind or have low vision, educators and Disability Liaison Officers in universities and TAFE colleges throughout Australia to help find an equitable support solution