****

**Vision Australia submission**

Submission to: **Victorian Department of Premier and Cabinet, Review of Electoral Regulations 2012**

Submitted to: legislationreform@dpc.vic.gov.au

Date: 12 June 2022

Submission approved by: Chris Edwards, Manager Government Relations and Advocacy, NDIS and Aged Care, Vision Australia

## Introduction

Vision Australia is providing this short submission to the review of Victoria’s Electoral Regulations 2012 (the Regulations) in order to draw attention to barriers that exist for people who are blind or have low vision when attempting to participate in Victoria’s electoral processes, and to offer suggestions for how these barriers could be substantially eliminated by changes to the Regulations. We would be happy to provide further information and to meet with the Department to discuss our concerns and suggestions in more detail.

Being able to participate fully and independently in the political process is one of the rights asserted by the United Nations Convention on the Rights of Persons with Disabilities (Article 29). Australia signed and ratified the Convention in 2008, yet Australians who are blind or have low vision are still not able to participate in many aspects of the political process on an equal basis with the rest of the community.

In Victoria, people who are blind or have low vision have never had access to independent, secret and verifiable voting options in state and local government elections, unlike their NSW counterparts, who used the iVote platform from 2011 until 2021.

There are a number of long-standing barriers to the full and equal participation of people who are blind or have low vision in Victoria’s political life, and in reviewing the Regulations we have identified three general areas where targeted updates could bring significant benefits to the blind and low vision community.

## Updates to Print-Dependent Processes

In Part 2 – Enrolment Procedures and Information, the Regulations prescribe a number of forms to be used, inter alia, when applying for enrolment, change of address, or to be a general postal voter. These forms are shown in hardcopy print form in the Schedule, and there is no explicit requirement that digital alternatives will or must be available.

Many people who are blind or have low vision find it difficult to complete and submit documents that are only available in hardcopy print (which, of course, they cannot read independently). Digital technologies are now readily available to provide accessible alternatives to printed forms, and it is important that the Regulations stipulate that accessible digital alternatives must be provided as part of the assertion of the right of people who are blind or have low vision to participate fully in political life.

Experience in other jurisdictions is that providing digital alternatives to print without also considering the accessibility implications of such alternatives can be little better than the original, inaccessible, print. For example, if a digital version of a form includes a requirement that a person must use a mouse or other pointing device to generate a digital signature, it will not be accessible to people who are blind or have low vision. The provision of digital versions of print forms must therefore comply with accessibility standards such as the Web Content Accessibility Guidelines (WCAG), and not merely replicate the structure and processes associated with the printed form.

## Inequitable Access to the Voting Process

Being able to cast an independent, secret and verifiable vote is such a basic cornerstone of Australian democracy that it is taken for granted and rarely discussed.

Only when it is jeopardised does this right become a topic of public discourse. When it appeared that a group of people who had missed the deadline to apply for a postal vote because they had only recently tested positive for COVID19, there was such a strong and immediate public outcry that the rules for use of the Australian Electoral Commission’s COVID-19 telephoning voting service were quickly amended so that this group would not be disenfranchised.

It is very likely that there are more Victorians who are blind or have low vision than there were in this group who were concerned that they may be unable to vote in the 2022 Federal election. Yet Victorians who are blind or have low vision have never had equal and full access to the voting process in state and local government elections. Unfortunately, the Regulations did not provide this access.

Since 2012 the Victorian Electoral Commission has used, on various occasions, human-assisted telephone voting, and “supercentres” that included voting machines, to provide some level of specific access to voting for people who are blind or have low vision. At the most recent local government elections the only option provided, in addition to attending a polling booth, was postal voting. None of these options by themselves provide the full and independent access to voting that is expected by our community and required as part of Australia’s obligations under the UN Convention on the Rights of Persons with Disabilities.

Overall, we believe that human-assisted telephone voting is the “least worst option” if in-home electronic voting is not available. However, such voting is, by definition, not independent, it is not secret in the way that casting one’s own ballot without having to verbalise it to anyone else is secret, and the person who is using the telephone voting service has no way of verifying that their vote has been recorded according to their preferences and actually put in the ballot box.

Vision Australia is currently conducting a survey of the experiences of people who are blind or have low vision voting in the recent Federal election. Although the survey is still open, preliminary results indicate that only 54% of respondents used the human-assisted telephone service provided by the Australian Electoral Commission, and 34% of those that did use it found aspects of the experience challenging. This is despite the fact that the service has been offered at every Federal election after 2007 and has therefore had ample time to address initial technical and training issues. Moreover, almost 25% of respondents said that they were not confident that their vote was secret, and almost 20% were not confident that their vote had been recorded according to their preferences and submitted correctly. We suggest that if such levels of unconfidence about the voting process were present in the general community, there would be a public outcry and swift remedial action similar to what we observed just before the Federal election in relation to the COVID-19 telephone voting service.

The “gold standard” of accessible voting remains the iVote platform that was used in NSW from 2011 until 2021. There was an eightfold increase in usage between 2011 and 2015, which is a very clear indication that people who are blind or have low vision felt that it met their needs. The iVote system succeeded because it recognised that the blind and low vision community are a microcosm of the broader community, and have an equally diverse range of needs. The three components of the iVote platform (automated telephone voting, human-assisted telephone voting, and in-home internet voting) provided full and independent access to voting for the vast majority of people who are blind or have low vision in NSW. Although the specific software that implemented this suite of options will inevitably evolve or be replaced by other offerings, the inclusive, multimodal approach taken by iVote is fundamental to providing equal and full access to the voting process for people who are blind or have low vision.

Although S.47A of the Regulations specifies that people who are blind or have low vision are eligible to vote by electronic means, our interpretation of the Regulations is that they preclude the deployment of an iVote-like system that allows for in-home internet voting as one of its suite of options. To this extent we believe that the Regulations are deficient and not fit for purpose, because they do not result in a level of access to voting for people who are blind or have low vision that is consistent with community expectations and compatible with Australia’s obligations under the Convention.

## Access to Political Information

Our clients often report their frustration that they are not able to access the “how to vote” cards produced by political parties. Such cards are rarely, if ever, produced in formats that are accessible to people who are blind or have low vision. One client said, in relation to voting in the 2022 Federal election, “I downloaded my local candidate’s How to Vote card: it was a PDF file but it was completely unintelligible to the screen-reading software I use, and I was not able to make any sense of it at all”.

While many people do not rely on How to Vote cards in finalising their voting preferences, they are still available as a guide that people can refer to. To the extent that people who are blind or have low vision are not able to access this information that is widely available to the rest of the community, they are not able to enjoy full and equal participation in Victoria’s political life.

S.17(1)(c)(i) of the Regulations requires that an English translation be submitted along with any How to Vote card that includes a section in a language other than English. We recommend that the Regulations be expanded to include a requirement that any How to Vote Card must be accompanied by a digital version that complies with the relevant provisions of the Web Content Accessibility Guidelines.

## Conclusion

The Regulations in their current form do not address long-standing barriers that Victorians who are blind or have low vision experience when attempting to participate fully and equally in the political process. We believe that they must be amended to accept the use of parallel accessible digital alternatives to print forms, allow for an iVote-like suite of voting options for people who are blind or have low vision in all state and local government elections, and require that How to Vote cares be available in an accessible digital format. If these changes are made then some of these long-standing barriers will be substantially eliminated.

## About Vision Australia

Vision Australia is the largest national provider of services to people who are blind, deafblind, or have low vision in Australia. We are formed through the merger of several of Australia’s most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families.

Vision Australia service delivery areas include: registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment, Assistive/Adaptive Technology training and support, Seeing Eye Dogs, National Library Services, Early childhood and education services, and Feelix Library for 0-7 year olds, employment services, production of alternate formats, Vision Australia Radio network, and national partnership with Radio for the Print Handicapped, Spectacles Program for the NSW Government, Advocacy and Engagement. We also work collaboratively with Government, businesses and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 30,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation. Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant Client Reference Group, with people who are blind or have low vision representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment.