Submission made by Julia Farr Association

Select Committee on Matters Related to the General Election of 20 March 2010

1.0 INTRODUCTION

The Julia Farr Association makes this submission to the Legislative Council Select Committee on Matters Related to the General Election of 20 March 2010. Our submission includes commentary on one of the key matters identified by the Select Committee:

- *Provision of voting services including voting by post, services to people with disabilities and residents of declared institutions.*

The Julia Farr Association and its predecessor organisations have been involved with the disability community for over 130 years. The Julia Farr Association is an independent, non-government entity based in South Australia that fosters innovation, shares useful information, and promotes policy and practice that support people living with disability to access the good things in life. We are not a service provider – we deliver research, evaluation and information services that are anchored upon the stories shared by people living with disability, family members and other supporters. As such, we feel we are in a good position to offer comment and analysis without vested interest.

The Julia Farr Association believes that the present inquiry into matters related to the General Election of 20 March 2010 is timely in the current environment. There is a commitment in South Australia's 2007 Strategic Plan to explore ways to ensure people living with disability are actively engaged in their community[1]. Further, there is international emphasis through the UN Convention on the Rights of Person with Disabilities ratified by the Australian Government in July 2008, that measures are put in place to ensure people living with disability can fully participate in political life on an equal basis as others.

The present inquiry provides the opportunity to assess ways in which the provision of voting services can further reflect the rights and needs of people living with disability.

2.0 CITIZENS FIRST AND FOREMOST

The most important contextual point we can make is that people living with disability are citizens first and foremost, and as such belong at the core of our communities.

We refer the Select Committee on Matters Related to the General Election of 20 March 2010 to the Julia Farr Association 2010 publication '*Model of Citizenhood Support*' attached which "refers to an intentional set of arrangements that help ensure that people with greater degrees of vulnerability are supported to achieve the activities and status of citizenhood and in keeping with each person's lifestyle choices"[2].

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[1] *"All should be included in, and valued by, our community. The importance of this principle is underlined by focus on disability in the new plan"*, *South Australia's strategic plan 2007,* Government of South Australia, Adelaide, viewed 18 June 2010, <http://saplan.org.au/images/pdf/South_Australia_Strategic_Plan_2007.pdf>, p. 36.

[2] Julia Farr Association 2010, *Model of citizenhood support: Discussion paper,* Julia Farr Association, Unley, South Australia, p. 3. SEE ATTACHED

The five domains for *citizenhood support* set out in this publication provide a good context for ensuring that election arrangements have proper regard for the inherent status of people living with disability, and ensure that people living with disability have genuine opportunities to access voting services alongside non-disabled people.

We would be very happy to discuss these domains in more detail as they relate to a general election voting process.

> **R1** – *Ensure voting services uphold the place of people living with disability as valued citizens at the core of our communities*
>
> We recommend that voting services uphold the place of people living with disability as valued citizens at the core of our communities through ensuring people have equal access and opportunities to vote as non-disabled citizens.

3.0 INCREASING DEMAND FOR PROVISION OF VOTING SERVICES TO PEOPLE LIVING WITH DISABILITY

In 2003, over 3.9 million Australians were living with disability (20% of the population), of which around 1.2 million were living with a severe or profound limitation[3].

In 2003, over 362,000 people were living with disability in South Australia (nearly 24% of South Australia's population), of which over 105,000 people were living with a severe or profound limitation[4].

It is expected that (assuming normal patterns of longevity) the number of people living with severe or profound disability in Australia will increase significantly to over 2.29 million by 2030 (an increase of 85%)[5].   Although this is a projection for all Australia, is likely that such an increase will be mirrored in South Australia.

These statistics highlight the extent of the current and growing need for accessible voting services that support people living with disability to exercise their right to vote.

4.0 THE EXPERIENCES OF PEOPLE LIVING WITH DISABILITY VOTING IN THE MARCH 2010 ELECTION

The Julia Farr Association acknowledges that a variety of voting options were provided to support people living with disability to vote in the 2010 State election including:

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[3] AIHW 2009, *Australia's welfare 2009,* Cat. No. AUS 117, AIHW, Canberra.

[4] ABS 2004, 'ALL PERSONS, Disability and long-term health condition status by age – South Australia – 2003', in *Disability, Ageing and Carers, Australia: Summary of Findings - State Tables for South Australia,* cat. No. 4430.0 Disability, Ageing and Carers,
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4430.02003?OpenDocument>.

[5] AIHW 2009, *Australia's welfare 2009,* Cat. No. AUS 117, AIHW, Canberra - *Table A4.2: Trends and projections in the number of people with disability, 1981–2030 ('000s)*

- Enabling people to submit an early or once-off postal vote if they are unable to attend a polling place on election day[6];

- Registering as a declared voter if they are unable to attend a polling place which enables people to be sent ballot papers automatically by post each election[7];

- Enabling people to cast their vote with assistance through either asking polling officials for assistance or being "accompanied by an assistant of their choosing, subject to polling place manager approval"[6];

- Providing seven electronic print enlargers to assist voters with visual impairments at identified pre-poll and polling centres[7].

However, the Julia Farr Association has identified through consultation with the South Australian disability community, that despite such measures people living with disability still experienced situations where they were not able to vote in the March 2010 State election on an equal basis as other non-disabled citizens.

The key issues were:

- People not being able to physically access polling places
  "Irrespective of information that stated my local voting premises (a church) was accessible there was a step which I required assistance with to enter"
  (A comment made by a member of the disability community);

- People not being aware of their right to vote or how to register to vote. A particular concern was raised about young people living with intellectual disability and their families not having sufficient information;

- People not having information available in accessible formats to help them to decide who to vote for;

- People having to rely on others to assist with voting, either through helping to complete a postal vote or providing assistance at polling places. A concern was raised about there being a compromise of privacy as a result of this reliance.

4.1   ACCESSIBLITY OF POLLING PLACES

In the UN Disability Convention it highlights that "States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment"[8]. It also states in the Disability Discrimination Act 1992 that it is

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[6] Electoral Commission SA 2010, *Early voting and special voting services for the 2010 state election*, viewed 22 June 2010, p. 1,
<http://www.ecsa.sa.gov.au/election2010/pdf/electionservices/Info_Sheet_Early_and_Special_Voting_Services.pdf>.
[7] State Electoral Office 2006, *Election report: South Australian Election 18 March 2006*, <http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/469/Election_Report_2006.pdf> .
[8] United Nations n.d., *Convention on the rights of persons with disabilities and optional protocol*, p. 9, <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

discriminatory to not provide people living with disability with the means to access public premises[9].

Currently if people living with disability are unable to access a polling booth they are required to submit an early vote through once-off postal voting, voting at declared institutions or registering as a declaration voter. This does not afford people the equal right to vote on election days if they want to, and contravenes the UN Disability Convention which highlights that "States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others"[10]. Submitting early or postal votes is an option available for all South Australian citizens. However such voting options "should not be offered in place of equal access to facilities in the local community"[11]. It is our view that every adult living with disability should be able to access their local polling place and cast their vote. This is a fundamental act of visible citizenship, and a definitive socially valued role.

In South Australia people are advised whether polling booths are fully accessible or accessible with assistance. In 2006 a total of 480 (60%) of booths were assessed as being fully accessible and 167 (24%) were assessed as being accessible with assistance[7]. However, because not all polling booths in the 2010 State Election were accessible and some accessible venues were not accessible as indicated, people living with disability experienced difficulties accessing polling booths.

The types of access barriers people living with disability experience can also impact on the capacity of people who are ageing to exercise their right to vote. With a projected "rapid increase in Australia's ageing population with people aged over 65 increasing from over 2.8 million in 2008 to nearly 10.4 million in 2056 (Australian Bureau of Statistics 2008)"[12], the need for the provision of accessible polling booths is likely to intensify.

R2 – *Ensure all polling booths are physically accessible*

We recommend that all polling booths are physically accessible to ensure that people living with disability, and people who are ageing, have equal access and opportunity to visibly exercise their right to vote on election days.

Suggestions on how to ensure polling booths are physically accessible include:

- Consulting with the disability community to ensure polling place inspection checklists aligns with any changes to access standards[13], such as the

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[9] Disability Discrimination Act 1992 – Sect 23, <http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/s23.html>.

[10] United Nations n.d., *Convention on the rights of persons with disabilities and optional protocol*, p. 21, <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

[11] Physical Disability Council of Australia 2008, 'Submission to HREOC on accessibility of election procedures to people with disabilities', p. 2, < http://www.humanrights.gov.au/disability_rights/inquiries/electoral/PDCA.htm>.

[12] Fidock, A & Williams, R 2010, *tell us survey report 3: Accessibility*, Julia Farr Association, Unley, South Australia, p. 10.

[13] Australian Electoral Commission 2008, *Disability action plan 2008-2011,* viewed 24 June 2010, <http://www.aec.gov.au/pdf/publications/disability_action_plan.pdf>.

inclusion of the Disability (Access to Premises – Buildings) Standards 2010 tabled in Federal Parliament in March 2010;

- Consultation with the disability community about their views on the appropriateness of polling place locations[13];

- "Training for auditors, or use of trained auditors, to make the assessment. It is not always easy to judge whether a ramp is too steep, and door widths and counter heights will have to be measured"[14].

4.2 ACCESSIBILITY OF INFORMATION PROVIDED

The UN Disability Convention highlights that State Parties shall provide people with the opportunity to fully participate in the political process through "[e]nsuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use"[15].

In the March 2010 State Election a range of alternative communication systems were provided with particular focus on supporting people with vision or hearing impairment. These included providing seven print enlargers to assist voters with visual impairments at identified polling booths, promoting the election through the Royal Society of the Blind newsletter, providing closed caption on television advertisements, providing Braille for registered Braille users, and providing large print information[6] [7].

However, because the communication processes in place were targeted at specific members of the disability community and were not necessarily available at all polling booths, not all people living with disability had ready access to information that was easy to understand and use about the election and who they could vote for.

R3 – *Provision of information about election processes and candidates in a wider range of alternative formats*

We recommend that information about election processes and candidates are provided in a wider range of alternative formats to better respond to the diverse needs of people living with disability.

Suggestions include:

- Provision of information in easy English and other pictorial symbols (eg to elevate policy positions or party names);

- Use of photographs of candidates on election material including voting ballots to support people who require assistance with printed format;

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[14] ACROD 2000, 'Accessibility of election procedures to people with disabilities: Submission to HREOC's inquiry', viewed 24 June 2010, p. 1, < http://www.humanrights.gov.au/disability_rights/inquiries/electoral/ACROD.htm>.

[15] United Nations n.d., *Convention on the rights of persons with disabilities and optional protocol*, p. 21, <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

- Provision of print enlargers at all polling booths to provide people with greater access and choice about where they can vote.

> ***R4*** – *Provision of advertising and awareness campaigns about people's right to vote that are responsive to the diverse needs of people living with disability*
>
> In response to the concern raised about people living with disability not having sufficient information about their right to vote and how to register to vote, we recommend the following:
>
> That the Electoral Commission ensure that advertising and awareness campaigns which focus on educating people about their right to vote and how to enrol to vote is responsive to the diverse needs of people living with disability.
>
> Further it makes good sense to grow awareness among young South Australians, prior to their reaching voting age, about the meaning and importance of voting, and how to make an informed voting choice. Any such awareness-raising arrangements must be accessible to, and inclusive of, young people living with disability so that they engage with this topic alongside their non-disabled peers.

4.3 SECRET VOTING

The UN Disability Convention emphasises that State Parties shall "[p]rotect the rights of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation"[16]. However, people living with disability were not afforded this right to a secret vote in the March 2010 State Election as people experienced situations where they had to rely on assistance from others to cast their vote.

Recently the Commonwealth Government passed "an amendment to the Electoral Act, which will ensure the 300,000 Australians who are blind or have low vision finally have a secret ballot in Federal Elections"[17].

The review of the 2007 Commonwealth election trial of the use of electronic voting machines "demonstrated that electronic voting for people who are blind or have low vision provided an intuitive, secure, secret and independent method of casting their vote"[18]. Another benefit of electronic voting identified was "that it could be used as an 'audio assisted voting system' for any Australian who requires assistance with printed format"[19].

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[16] United Nations n.d., *Convention on the rights of persons with disabilities and optional protocol*, p. 21, <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

[17] Australian Human Rights Commission Media Release, 17 June 2010, 'Blind people finally receive a secret ballot', p. 1, < http://www.humanrights.gov.au/about/media/media_releases/2010/57_10.html>.

[18] Australian Electoral Commission n.d., *Report into electronically assisted voting at the 2007 federal election for electors who are blind or have low vision,* Australian Electoral Commission, <http://www.aec.gov.au/Voting/files/bvi_final.pdf>, p. 6.

[19] Ibid, p. 7.

Various State governments have also introduced and trialled a range of electronic voting systems to support people with vision or hearing impairment to vote in secret. However, South Australia has not introduced electronic voting as a means to support people living with disability, or people who require assistance with printed format, to submit a secret vote.

> **R5** – *Provision of electronic voting machines to enable people living with disability, or people who require assistance with printed format, to vote in secret at polling booths*
>
> We recommend that a system like the one used by the Commonwealth be made available to enable people living with disability, and other people requiring assistance with printed format, to exercise their right to vote in secret.

5.0 CONCLUSION

The Julia Farr Association asserts that attending to the issues highlighted in this submission, and the resulting recommendations, will help people living with disability have equal access and opportunity to exercise their right to vote as non-disabled citizens.

We acknowledge that there are financial and structural considerations associated with these recommendations. However, the Julia Farr Association believes that with the increasing demand for accessible voting services due to the ageing population, the investment is wise and will assist Australia in achieving its obligations under the UN Disability Convention.

6.0   SUMMARY LIST OF RECOMMENDATIONS

Below is a summary of the recommendations provided in this submission.

> **R1** – *Ensure voting services uphold the place of people living with disability as valued citizens at the core of our communities*
>
> We recommend that voting services uphold the place of people living with disability as valued citizens at the core of our communities through ensuring people have equal access and opportunities to vote as non-disabled citizens.

> **R2** – *Ensure all polling booths are physically accessible*
>
> We recommend that all polling booths are physically accessible to ensure that people living with disability, and people who are ageing, have equal access and opportunity to visibly exercise their right to vote on election days.

R3 – *Provision of information about election processes and candidates in a wider range of alternative formats*

We recommend that information about election processes and candidates are provided in a wider range of alternative formats to better respond to the diverse needs of people living with disability.

R4 – *Provision of advertising and awareness campaigns about people's right to vote that are responsive to the diverse needs of people living with disability*

R5 – *Provision of electronic voting machines to enable people living with disability, or people who require assistance with printed format, to vote in secret at polling centres*

We recommend that a system like the one used by the Commonwealth be made available to enable people living with disability, and other people requiring assistance with printed format, to exercise their right to vote in secret.

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Model of citizenhood support

Discussion paper

Published by

Julia Farr Association

Adelaide, Australia

TABLE OF CONTENTS

1.0 Purpose

The purpose of this paper is to outline a new framework for assisting vulnerable people into lives of citizenhood.

2.0 Initial definitions

Citizenhood refers to an active lifestyle that has the prospect of fulfilment for the person concerned. Such a lifestyle is one where, as part of a personally defined set of lifestyle choices, the person is in and part of their local community, contributing and growing through involvement in meaningful valued activities, and participating in a network of relationships characterised by acceptance, belonging and love.

Citizenhood Support refers to an intentional set of arrangements that help ensure that people with greater degrees of vulnerability are supported to achieve the activities and status of citizenhood and in keeping with each person's lifestyle choices.

3.0 Background

It is hard if not impossible for each one of us to meet all of our personal needs and wants directly through our own skills and efforts. It is a rare person who has the extraordinary range of capacity to undertake their own dental work, maintain a market garden, construct a house, make clothes, and grow the cotton to make those clothes, and so on.

In this sense we all have a degree of vulnerability, and we manage this by living a life characterised by interdependence, where we interact with other people in our world to fulfil a broad canvas of needs and preferences, ranging from fresh vegetables to primary healthcare, from artistic expression to blocked drains, from borrowing the lawnmower to minding the kids. From such interactions, a layered tapestry of relationships emerges, and this is one of the hallmarks of a truly rich life.

This broad range of transactions and encounters, characterised by people being sometimes in giving roles and sometimes in receiving roles, is part and parcel of citizenhood.

Some people are born with, or acquire, physical or intellectual impairments that bring with them greater vulnerability, and to a point where it becomes very hard to move into habits of citizenhood without assistance. This can also be true for people who are born, or otherwise move into, unrelenting lifestyles characterised by a poverty of resources/opportunities.

4.0 Imperative

It is hard to find evidence that the current dominant form of disability support is demonstrably supporting people living with disability into citizenhood. Just about every piece of research that JFA has published has shown that people living with disability are not being adequately supported into active lives. This was further emphasised by Shut Out, the Federal Government's analysis report of the consultation for the National Disability Strategy.

Meanwhile, pockets of more hopeful activity emerge in various places at various times. However, such initiatives and movements are not always formally reported and broadcast in a way that ties them into other related activities and considerations. As such, they are like individual jigsaw puzzle pieces that may have been well-described but without actually tying them into the other puzzle pieces nearby, those pieces further away, and the puzzle solution overall.

It also appears clear that in a number of jurisdictions, including South Australia, government is struggling to articulate a comprehensive model of disability support, in terms of its goals and its components.

Therefore, the following model outline marks the beginning of JFA's journey to take a lead in the articulation of a comprehensive model of support based on the goal of citizenhood.

5.0 Framework for Citizenhood Support – overview

The Framework for Citizenhood Support consists of five main themes:

1. Carrying a vision of personal citizenhood
2. Asserting a citizenhood-based approach to service systems
3. Accessing supported information
4. Accessing material resources
5. Building fellowship and connection

Each of these themes is outlined in the following sections, in each case including a brief summary statement together with an initial scan of the blockers and the enablers.

6.0 Carrying a Vision of Personal Citizenhood

6.1 Statement

The vision is about the articulation, affirmation and realisation of a preferred lifestyle, reflecting the person, their ordinary life goals, and their opportunity to participate as a citizen.

6.2 Blockers

Examples of issues that block this vision from taking shape and taking place include:

- Experience of service recipiency that leads to passivity, fear, perverse incentives and horizon shrinkage.
- Poor access to information and advice
- poverty of personal material resources
- social isolation

6.3 Enablers

Examples of enablers to assist this vision to take shape and take place include:
- Reclaiming the right to have a personal vision of choice and inclusion, on the same basis as other citizens
- Therapeutic response to people's previous trauma (healing the wounds)
- Building a strengths-based, affirming self-perspective
- Identifying preferences about those life elements to be preserved and those that could be different
- Making a plan
- Living the plan
- Marking the changes

7.0 Asserting a citizenhood-based approach to service systems

7.1 Statement

If a person needs support to be an active citizen, that support must happen in a way that upholds and reflects the person's personal authority, citizenhood, human rights, and potential.

7.2 Blockers

Examples of issues that hinder or block this collaborative, rights-based relationship between the person and the service system, include:

- Bureaucratic service systems
- Subsuming of the person within a service organisation's vision for itself and its sustainability
- Poor recruitment, induction, training and support of support agency staff
- Agency leadership incoherence

- Learned culture patterns of object-based practice, which may include neglectful, abusive and oppressive practice
- Constraints created by block contracts and related mechanisms for allocating and distributing public funds for disability support

7.3   Enablers

Examples of enablers to assist a collaborative, rights-based relationship between the person and the service system, include:
- Building within the 'disability related organisations a deep awareness of people's fundamental needs and rights
- Building habits of system co-design, based on the principle of, "*nothing about us without us"*
- Rebuilding an organisation's value base and vision around personal authority and citizenhood
- Articulating organisational strategy that intentionally guides that organisation towards personalised support arrangements
- Redesigning organisational systems so that they uphold personal authority and citizenhood
- Recalibrating organisational skills in support of personal authority and citizenhood e.g. person-centred planning, person-centred support, person-centred mindfulness
- Auditing, recruiting and retaining staff in line with this
- Building organisational culture, by upholding personal authority, citizenhood, human rights, and potential
- Understanding and habitually applying safeguarding practice, as opposed to restrictive practice

8.0 Access to supported information

8.1   Statement

Citizens need information to make choices, to assess risk, to test ideas, and to grow capacity. Good information makes it more possible for the person to make an informed choice.

Supported information refers to the resourcing of information so that it is accessible and understandable, and soundly relates to the person's best interests (as typically articulated by the person) and in any case incorporating citizenhood, protection of human rights, and upholding the person's potential.

8.2 Blockers

Examples of issues that hinder or block the carriage of supported information include:

- Information is unavailable or inaccessible
- Information is under-represented, misrepresented or otherwise misaligned with the personal's expressed personal authority, access to citizenhood, protection of human rights, and upholding of potential.

8.3 Enablers

Examples of enablers to assist carriage of supported information include:

- Openness, driven by the assumption that people need information to support active citizenhood
- Framing information in accessible ways
- Hearing, and being guided by, the person's expressed personal authority
- Careful attention to citizenhood, protection of human rights, and upholding of potential when preparing information to assist a person to make an informed choice
- Recognising that information is a two-way street, and can deliver benefits in terms of diversity and co-design
- Discerning information that is helpful not diverting

9.0 Access to material resources

9.1 Statement

People need to be able to access material resources that enable and reflect active citizenhood, that are reasonable in terms of 'leveling the playing field' and achieving a fair go. These material resources include both personal assistance and mainstream community resources.

9.2 Blockers

Examples of issues that hinder or block access to material resources include:

- Insufficient public funds, or access to those funds, necessary to critically support active citizenhood
- Lack of critical control over how such funds are personally deployed
- Insufficient accountability in how public funds translate to outcomes in personal authority and citizenhood
- Inaccessible community resources across some, many or all aspects of community life

9.3 Enablers

Examples of enablers to assist access to material resources include:

- Entitlement-based individualised funding that is fair and equitable (for example, a National Disability Insurance Scheme, depending on how it's conceived and implemented)
- Accessible community resources
- Attitudes of welcome within community
- Habitual recognition and inclusion of people living with disability as valued citizens in the lives of our social institutions for example education, health, democracy and so on.

10.0 Fellowship and connection

10.1 Statement

Society is built on the ideas of interdependency and association. Through such association, rich and trusting relationships emerge that help sustain and grow us on life's journey.

10.2 Blockers

Examples of issues that hinder or block the building of fellowship and connection include:

- Society classifies 'disability' as a problem, where 'difference' equates to 'separateness' and sometimes even carries assumptions of 'deviance'
- History of service systems that exclude and isolate people living with disability
- Ongoing wounds caused by the above

10.3 Enablers

Examples of issues that hinder or block the building of fellowship and connection include:

- Development of a community awareness narrative, that focuses on diversity and rights
- Intentional building of networks and associations in people's lives
- Development of safeguards that help people to succeed in citizenhood roles

11.0   Next steps

Mindful that this framework will continue to evolve as it is developed in detail, the Julia Farr Association will use this model of citizenhood support as the driving context for its strategic influence work for the next three years.

For more information about the Model of Citizenhood Support, please contact the Julia Farr Association.

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