

Ph 1800 033 660 | E bca@bca.org.au | W [bca.org.au](http://www.bca.org.au/) | ABN 90 006 985 226

# Consultation on the proposed Disability Inclusion (Review Recommendations) Amendment Bill 2022

Lodged via: DHSdisabilityinclusionact@sa.gov.au

Author: Corey Crawford, National Policy Officer

corey.crawford@bca.org.au

6th April 2023

## Contents

[Consultation on the proposed Disability Inclusion (Review Recommendations) Amendment Bill 2022 1](#_Toc131699144)

[Contents 2](#_Toc131699145)

[1. Introduction 2](#_Toc131699146)

[1.1 About Blind Citizens Australia (BCA) 2](#_Toc131699147)

[1.2 About people who are blind or vision impaired 3](#_Toc131699148)

[2. Submission Context 3](#_Toc131699149)

[3. Blind Citizens Australia’s Submission 4](#_Toc131699150)

[3.1 South Australia’s history of electoral inclusion 4](#_Toc131699151)

[3.2 The 2018 trial of electronically assisted voting 5](#_Toc131699152)

[3.3 The exclusion of South Australian voters who are blind or vision impaired 6](#_Toc131699153)

[3.4 Legislating technology assisted voting (TAV) in South Australia 6](#_Toc131699154)

[3.5 Adopting TAV in South Australia 7](#_Toc131699155)

[3.6 Telephone voting as an additional option 8](#_Toc131699156)

[4. Recommendations 8](#_Toc131699157)

## 1. Introduction

### 1.1 About Blind Citizens Australia (BCA)

Blind Citizens Australia (BCA) is the peak national representative organisation of and for the over 500,000 people in Australia who are blind or vision impaired. For nearly 50 years, BCA has built a strong reputation for empowering Australians who are blind or vision impaired to lead full and active lives and to make meaningful contributions to our communities. BCA provides peer support and individual advocacy to people who are blind or vision impaired across Australia. Through our campaign work, we address systemic barriers by promoting the full and equal participation in society of people who are blind or vision impaired. Through our policy work, we provide advice to community and governments on issues of importance to people who are blind or vision impaired. As a disability-led organisation, our work is directly informed by lived experience. All directors are full members of BCA and the majority of our volunteers and staff are blind or vision impaired. They are of diverse backgrounds and identities.

### 1.2 About people who are blind or vision impaired

There are currently more than 500,000 people who are blind or vision impaired in Australia with estimates that this will rise to 564,000 by 2030. According to Vision Initiative, around 80% of vision loss in Australia is caused by conditions that become more common as people age.[[1]](#endnote-1)

Australians who are blind or vision impaired can live rich and active lives and make meaningful contributions to their communities: working, volunteering, raising families and engaging in sports and other recreational activities. The extent to which people can actively and independently participate in community life does, however, rely on facilities, services and systems that are available to the public being designed in a way that makes them inclusive of the needs of all citizens – including those who are blind or vision impaired.

## 2. Submission Context

BCA welcomes the opportunity to make a submission on the proposed Disability Inclusion (Review Recommendations) Amendment Bill 2022. This submission is based on existing legislation and frameworks:

* Disability Inclusion Act 2018 (SA) (the Act)
* Electoral Act 1985 (SA)
* Inclusive SA (South Australia’s first State Disability Inclusion Plan)
* National Disability Strategy 2021–2031
* United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

According to the YourSAy website, the Act ‘is designed to promote full inclusion within the South Australian community of people with disability, and to support and enhance the ability of people with disability to achieve their full potential as equal citizens.’[[2]](#endnote-2)

South Australia’s electoral system is clearly falling short of this target, with residents who are blind or vision impaired denied the right to cast a secret, independent and verifiable vote in state and local elections.

BCA believes the Disability Inclusion (Review Recommendations) Amendment Bill 2022 should have at its heart the principles of Universal Design, and that these principles must extend to electoral matters.

More specifically, BCA believes the Amendment Bill provides the South Australian government with a unique opportunity to take bold action on accessible voting. Indeed, the new legislation should contain a provision requiring the government to consider permanent accessible voting.

This submission examines accessible voting in South Australia and offers several recommendations. BCA’s response is based on extensive consultations with members and other people who are blind or vision impaired, and our ongoing advocacy work in the disability sector.

## 3. Blind Citizens Australia’s Submission

### 3.1 South Australia’s history of electoral inclusion

Since becoming a self-governing colony in 1856, South Australia has been at the forefront of electoral innovation.[[3]](#endnote-3) To save time and ink, South Australian voters were provided with pencils. Instead of requiring voters to put a line through the names of rejected candidates, South Australian ballot papers simply needed a cross to be marked in a square next to the preferred candidate. These reforms were later adopted for Commonwealth elections.

Furthermore, the world’s first permanent electoral administration was established in South Australia. After New Zealand, South Australia became the world’s second jurisdiction to give women the right to vote. At the same time, South Australia became the first place in the world to give women the right to stand for parliament.

Unfortunately, South Australia’s proud tradition of electoral inclusion has not been fully extended to people who are blind or vision impaired.

### 3.2 The 2018 trial of electronically assisted voting

For the 2018 South Australian state election, Electoral Commission SA (ECSA) offered electronically assisted voting through the VoteAssist service, which had been successfully used at the 2013 Western Australian state election. This allowed South Australian voters who are blind or vision impaired the opportunity to vote independently for the first time.[[4]](#endnote-4)

In June 2017, amendments to the Electoral Act 1985 (SA) enabling the VoteAssist trial were introduced to the South Australian Parliament. ECSA had been advocating for such amendments since 2010.[[5]](#endnote-5)

VoteAssist was available at four Royal Society for the Blind (RSB) locations across Adelaide in the two weeks leading up to polling day. It was not compulsory to make a booking, but users were encouraged to book ahead to minimise wait times.[[6]](#endnote-6) ECSA-trained RSB staff acted as election officials to administer the four polling locations.

VoteAssist used a computer terminal with headphones, special software, a numerical keypad and audio prompts to guide users through the voting process. As a stand-alone service, VoteAssist was not connected to the internet.

Having chosen their preferences via VoteAssist, voters’ ballot papers would be printed and placed into a Declaration Envelope. No votes were recorded or stored electronically on the VoteAssist service after voting occurred. This meant that voters who are blind or vision impaired no longer had to share their voting decision with anyone else.

Altogether, 100 voters who are blind or vision impaired used VoteAssist. Of the 64 users who participated in an anonymous survey, 96.8 per cent said they had a positive voting experience and 98.4 per cent said they would be eager to use a service like VoteAssist at a future election.

In its 2018 election report, ECSA strongly endorsed the provision of a secret and independent method of voting for South Australians who are blind or vision impaired. ECSA pledged to work closely with RSB and the disability sector to identify the best voting method for people who are blind or vision impaired at future state elections.

### 3.3 The exclusion of South Australian voters who are blind or vision impaired

The provision of accessible voting is not a legislated requirement in South Australia, meaning that VoteAssist was not used at the 2022 state election.

With no alternative system put in place, South Australians who are blind or vision impaired had to rely on someone else – such as a support worker, a spouse or other family member, or ECSA staff member – to fill in their ballot papers with a pencil. This meant that voters who are blind or vision impaired had to trust that their companion or ECSA staff member recorded their voting preferences correctly.

With all election materials, including ballot papers, mailed directly to voters, South Australia’s council (local government) elections similarly preclude voters who are blind or vision impaired.[[7]](#endnote-7)

As explained by a leading advocate for South Australians who are blind or vision impaired, ‘The Electoral Commission in South Australia has been very empathetic, but they have been restricted by the fact that legislation was not and is not in place ... It's especially disappointing because since 2007, there has been a system in place for people to vote in federal elections.’[[8]](#endnote-8)

### 3.4 Legislating technology assisted voting (TAV) in South Australia

Securing a method of casting a secret, independent and verifiable vote for people who are blind or vision impaired has been at the top of BCA’s policy agenda for many years.

BCA insists that a system of technology assisted voting (TAV), such as VoteAssist, be made available for all federal, state and local government elections to better allow people with disability to exercise their right of citizenship, and their compulsory democratic responsibility through the electoral process.

BCA therefore calls for the Disability Inclusion (Review Recommendations) Amendment Bill 2022 to include a provision requiring the South Australian government to consider permanent accessible voting in all future state and local elections.

The benefits of TAV would spill over to other South Australians unable to attend a polling station, including those with other disabilities and those who live in geographically isolated communities.

Such legislation would garner bipartisan endorsement, with the Member for Colton (Shadow Treasurer Matt Cowdrey) and the Member for Heysen (Shadow Attorney-General Josh Teague) having already signalled their support in Parliament.

### 3.5 Adopting TAV in South Australia

BCA urges the South Australian government to work with ECSA on the development of a TAV system that provides multiple options for voters who are blind or vision impaired to vote independently, secretly and verifiably at the next South Australian state election, due to be held on 21 March 2026.

The TAV system must allow voters the option of checking their completed ballot until the close of polling. BCA also recommends that TAV be used in conjunction with accessibility methods such as the provision of voting information and ballot papers in the voter’s preferred format.

In addition to a VoteAssist-type service, TAV could incorporate mobile voting kiosks.[[9]](#endnote-9) In other jurisdictions, voting kiosks often feature a range of accessibility features including both audio and visual output (with headphones provided for voters who need to make use of audio instructions) and large button controllers for voters who are unable to use touchscreens; as well as built in printers and scanners to allow voters to print out, check and scan in their ballot once they are satisfied with their selection.

Some voting kiosks even allow voters to make their voting choices ahead of time on a device of their choosing, then use QR code readers to transfer those voting preferences to an official ballot. BCA believes such kiosks have the potential to improve the electoral engagement of voters who are blind or vision impaired, as well as voters with motor impairment-related disabilities.

Regardless of the TAV system chosen, BCA believes it is imperative that throughout the design, tender and implementation process that ECSA provides opportunities for genuine consultation and feedback by people who are blind or vision impaired and other people with disabilities.

### 3.6 Telephone voting as an additional option

Whilst BCA strongly endorses a TAV system, we recognise the utility of telephone voting services. Human-assisted telephone voting services were used at the federal and Victorian state elections in 2022 and the NSW state election in March 2023.

BCA favours an automated telephone voting system. An automated system would alleviate the issue of having to disclose voting preferences to strangers and trusting that they will appropriately mark these preferences, by allowing for less human intervention through the keypad or similar being used to make selections.[[10]](#endnote-10)

## 4. Recommendations

In order to provide equal access to voting to all voters who are blind or vision impaired, and to improve the electoral participation of people with disability in future elections, BCA makes the following recommendations:

1. That the Disability Inclusion (Review Recommendations) Amendment Bill 2022 include a provision requiring the South Australian government to consider permanent accessible voting in all future state and local elections.
2. That the South Australian government and the Electoral Commission SA (ECSA) then adopt a technology assisted voting (TAV) system for the next South Australian state election, due to be held on 21 March 2026.
3. That ECSA provides opportunities for genuine consultation and feedback on the chosen TAV system by people who are blind or vision impaired and other people with disabilities.
4. That TAV be used in conjunction with accessibility methods such as the provision of voting information and ballot papers in the voter’s preferred format.
5. That automated telephone voting systems be used as an optional extra instead of human-assisted telephone voting services.
1. Vision 2020 Australia, “Eye Health in Australia,” accessed 31 January 2023,
<http://www.visioninitiative.org.au/common-eye-conditions/eye-health-in-australia>
 [↑](#endnote-ref-1)
2. Your SAy, “Review of the Disability Inclusion Act 2018,” accessed 3 April 2023, <https://yoursay.sa.gov.au/disabilityinclusionamendmentbill2022>
 [↑](#endnote-ref-2)
3. Judith Brett, From Secret Ballot to Democracy Sausage: How Australia Got Compulsory Voting (Melbourne: The Text Publishing Company, 2019).
 [↑](#endnote-ref-3)
4. InDaily, “Vision-Impaired Voters to Have Access to Electronic Voting at State Election,” 8 February 2018, <https://indaily.com.au/news/2018/02/08/vision-impaired-voters-access-electronic-voting-state-election/>
 [↑](#endnote-ref-4)
5. Electoral Commission SA, “Election Report: 2018 South Australian State Election,” accessed 4 April 2023, <https://ecsa.sa.gov.au/html/publications/2018-election-report/ECSA_2018-Election-Report_Web.pdf>
 [↑](#endnote-ref-5)
6. Vision Australia, “New Way to Vote in South Australian State Election,” accessed 4 April 2023, <https://va.org.au/news/2019-08-23/new-way-vote-south-australian-state-election>
 [↑](#endnote-ref-6)
7. Electoral Commission SA, “Voting in Person,” accessed 4 April 2023, <https://www.ecsa.sa.gov.au/voting>
 [↑](#endnote-ref-7)
8. Vision Australia, “Peter Greco’s Push for Accessible Voting in South Australia,” 11 November 2022, <https://www.visionaustralia.org/community/news/2022-11-11/peter-grecos-push-accessible-voting-south-australia>
 [↑](#endnote-ref-8)
9. Blind Citizens Australia, “Submission to the Technology Assisted Voting Review,” 13 January 2023, <https://pwd.org.au/joint-submission-to-the-technology-assisted-voting-review/>
 [↑](#endnote-ref-9)
10. Blind Citizens Australia, “Submission to Inquiry of All Aspects of the Federal Election,” 16 September 2019, [https://www.bca.org.au/wp-content/uploads/
2019/11/Blind-Citizens-Australia-Federal-Election-Inquiry-Submission-Sept-2019.docx](https://www.bca.org.au/wp-content/uploads/2019/11/Blind-Citizens-Australia-Federal-Election-Inquiry-Submission-Sept-2019.docx)
 [↑](#endnote-ref-10)