

20 January 2023

Our ref: ADCDOC23/88

Review Committee
NSW Electoral Commission
Via email: TAV.Review@elections.nsw.gov.au

Dear Review Committee

Submission to the NSW Electoral Commissioner's review into technology assisted voting

The NSW Ageing and Disability Commission (ADC) welcomes the opportunity to make a submission to the review of technology assisted voting (TAV), and to respond to the comprehensive Issues and Questions paper produced by the NSW Electoral Commission.

The ADC was established on 1 July 2019, with the objectives of protecting adults with disability and older people from abuse, neglect and exploitation, and protecting and promoting their rights. In this context, our submission is focused on matters that particularly impact on adults with disability and older people, as well as carers. We have primarily focused on Question 3 in the Issues and Questions paper: *'The needs of electors who are blind or have low vision, and other electors with a disability, in relation to independently casting a secret and verifiable vote.'*

We have had the benefit of considering the submissions to the review that have been published on your website. We note and support the submissions that have been made by key disability peak and representative organisations, including Vision Australia; Blind Citizens Australia; Accessibility NSW; Deaf Australia; Deaf Connect; and Carers NSW.

Maximising the ability of people with disability to independently cast a secret and verifiable vote

It is vital that all efforts are made to ensure that people with disability have the opportunity to vote on an equal basis with others, consistent with Australia's obligations under Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (CPRD). Among other things, the CPRD requires voting procedures, facilities and materials to be appropriate, accessible and easy to understand and use; and protection of the right of people with disability to vote by secret ballot in elections, *'facilitating the use of assistive and new technologies where appropriate.'*

We note the submissions of agencies representing people who are blind or have low vision, which highlight the high value they have placed on the iVote system for enabling them to independently cast a secret and verifiable vote. We support the view that any change to the system/ voting arrangements must provide at least what was previously available through iVote. People with disability should be maintained as a mandatory category of NSW electors entitled to use TAV.

Overall, there is a need to ensure that a range of accessible options are available to maximise the ability of people with disability to independently cast a secret and verifiable vote, including accessible technology assisted options. While TAV is particularly important for people who are blind or have low vision, technology assisted options can be valuable for a much broader range of people with disability, including relevant older people, and for carers. In this regard, it will be important to ensure that the TAV options consider the needs of electors with cognitive impairment – including simplifying language, instructions and processes to facilitate broader accessibility, and providing options for relevant electors to become familiar with the technology and processes ahead of an election.

We would not support measures for the NSW Electoral Commissioner to ‘verify eligibility of persons claiming to fall within a technology assisted voting elector class with external agencies or organisations’. While we appreciate that some people may incorrectly claim eligibility in order to use TAV, we do not consider that this risk would justify intrusive measures that impact on a person with disability’s privacy, or require them to have to take additional steps to provide evidence of their eligibility.

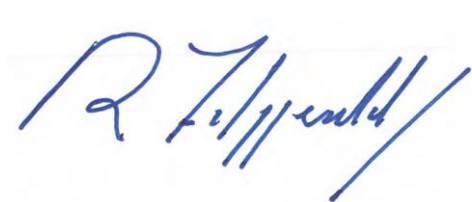
Meeting the needs of people with disability through co-design

It will be important to ensure that people with disability are at the table at an early point in the design and development of changes to the TAV systems, through a co-design approach. Any changes to the systems and processes, including identification of appropriate options, should be guided by the lived experience and expertise of people with disability and their supporters.

Consistent with our earlier comments, we consider that this should include people with a broad range of disabilities, including older people, as well as carers.

Thank you for the opportunity to make a submission on this important issue. Please do not hesitate to contact Rory O’Neill, Principal Projects Officer, on 9407 1825 or rory.oneill@adc.nsw.gov.au if you have any questions or would like to discuss.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R Fitzgerald', with a long horizontal stroke at the end.

Robert Fitzgerald AM
NSW Ageing and Disability Commissioner