

EQUAL ACCESS TO DEMOCRACY PLAN

FOR THE

2008 LOCAL GOVERNMENT ELECTIONS

May 2008

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- Electoral Commissioner's Foreword -

I am pleased to present the New South Wales Electoral Commission's Equal Access to Democracy Plan for the September 2008 Local Government Elections.

The NSWEC's Equal Access to Democracy Plan for the September 2008 Local Government Elections is based on the Equal Access to Democracy Plan used at the March 2007 State election. This Plan was developed following a series of consultations with New South Wales Peak bodies (Peaks), consumer advocacy, and industry organisations to identify key issues that impact on access and equity of participation in the democratic process for people with disabilities.

The Equal Access to Democracy Plan for the March 2007 State election was developed to be a working document for ongoing review. As such, in July 2007, the NSWEC convened the Access Consultative Group to review implementation of the Equal Access to Democracy Plan at the 2007 State Election, and to determine goals and priorities for the 2008 Local Government Elections. This consultation process marked the conclusion of the 2007 Equal Access to Democracy process while concurrently marking the start of the Equal Access to Democracy Project for the 2008 Local Government Elections.

The Equal Access to Democracy Plan for the September 2008 Local Government Elections has been developed in consultation with an Equal Access to Democracy reference group, and incorporates important initiatives identified at the July 2007 meeting. The Plan builds on the successful strategies used at the 2007 State General Election and represents positive, practical solutions enabling real improvements to current arrangements.

The Plan identifies key issues that currently impact on access and participation in the democratic process for people with disabilities, and outlines initiatives to provide more choices at the 2008 Local Government Elections.

I am looking forward to continuing the partnerships with Peaks, consumer advocacy, and industry organisations, established through our consultations, as together we work to promote participation and improve access and equity to the electoral system in New South Wales for people with disabilities.



Colin Barry
Electoral Commissioner

- Why an Equal Access to Democracy Plan? -

The New South Wales Electoral Commission (NSWEC) has prepared an Equal Access to Democracy Plan for implementation at the September 2008 Local Government Elections.

The purpose of the Plan is to improve access and equity to electoral services for people with a disability at the election, and provide more openings to the electoral process (Appendix 1).

The Equal Access to Democracy Plan aims to fulfil a commitment made in the NSWEC's Corporate Plan for 2008 to 2011 to provide electoral services that support access to the democratic process, in a transparent manner, for all New South Wales electors.

The Equal Access to Democracy Plan developed for the March 2007 State General Election was developed to be a working document for ongoing review. In July 2007, the NSWEC convened the Access Consultative Group to review the implementation of the Equal Access to Democracy Plan, and to determine goals and priorities for the 2008 Local Government Elections.

Following these consultations, the NSWEC established an Equal Access to Democracy reference group which was invited to comment on the draft Equal Access to Democracy Plan for the September 2008 Local Government Elections (Appendix 2). This Plan incorporates comments received from the Equal Access to Democracy reference group on the plans, goals and strategies for the 2008 Local Government Elections.

The Equal Access to Democracy Plan is intended to support the principles of the *Disability Services Act* 1993 and in particular that:

- Persons with disabilities have the right to choose their own lifestyle and have access to information provided in a manner appropriate to their disability and cultural background to enable an informed choice
- Persons with disabilities have the same right as other members of the Australian community to participate in decisions which affect their lives
- Persons with disabilities receiving services have the same right as other members of Australian community to receive services in a manner which imposes least restriction on their rights and opportunities.

- What is the role of the NSWEC? -

The NSWEC's role is to provide high quality election services that are impartial, effective, efficient and in accordance with the law.

The NSWEC is responsible for:

- conducting elections for the Parliament of NSW and elections for local government councils
- conducting elections for registered clubs, statutory boards and State registered industrial organisations
- working with the Australian Electoral Commission in the management of the joint electoral roll in NSW
- providing administrative support to the Election Funding Authority.

The NSWEC recognises the diversity of the New South Wales community and the demand for high quality electoral services that meet a broad range of needs, expectations and levels of understanding of the democratic system.

The NSWEC Corporate Plan for 2008 to 2011 makes a commitment to provide electoral services that support access and equity to the democratic process, in a transparent manner, for all electors of New South Wales.

The NSWEC Values statement provides direction and guidance in order to conduct its business in an ethical manner including:

- integrity in the way that we approach our work
- impartiality in the conduct of elections to gain and maintain the confidence of clients and the community
- respect for the needs of all in our community to ensure equal access to the democratic process
- professionalism in providing election services
- fostering a learning culture amongst our staff so as to be a modern, forward thinking organisation that can meet the challenges of emerging issues.

- NSWEC's Electoral Environment -

Elections are conducted in a high profile environment where impartiality, accuracy, reliability and efficiency are essential.

The NSWEC's work is undertaken within a strict legal framework. Under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, every aspect of the conduct of elections is clearly defined including the time frame for conducting the election, entitlement to pre-poll and postal voting, and the way to cast a valid vote. The NSWEC has no discretion in the matter.

The Equal Access to Democracy Plan for the September 2008 Local Government Elections aims to provide improvements to electoral services that comply with the prescriptive provisions of electoral legislation.

- The Consultation Process -

On 27 July 2007, the Equal Access to Democracy Access Consultative Group met to address issues arising from the 2007 State General election, and to identify priority areas for the 2008 Local Government Elections.

Some areas identified included:

- Exploring the possibility of having more Easy English materials on NSWEC website
- Providing full access to information available on NSWEC website, through the Call Centre, Peaks, consumer advocacy, and industry organisations for distribution to constituents
- Reviewing Returning Officer accessibility guidelines to include guidelines for people who are visually impaired, people with intellectual disability, and people with mental health issues.
- Exploring the possibility of implementing eVoting at 2008 Local Government Elections
- Reviewing training manuals to include information on working with people with a physical disability, people with intellectual disability, and people with mental health issues.
- Consulting with councils to ascertain whether they would be able to provide a bus service to and from polling places on election day to assist people with disabilities
- Establishing an Equal Access to Democracy Reference Group.

These suggestions were evaluated according to whether they were:

- 1) Possible under the current legislation
- 2) Achievable by the 2008 Local Government Elections
- 3) Would deliver practical improvements

A draft Equal Access to Democracy Plan for 2008 Local Government Elections was then prepared and emailed to the Equal Access to Democracy Reference Group for comment before it was finalised.

The Plan addresses what is achievable for the September 2008 Local Government Elections. The Access Consultative Group will continue to assist in evaluating the implementation of the Plan at the 2008 Local Government Elections, and will provide ongoing recommendations to the NSWEC.

– NSWEC’s Goals –

Goal one: Establish partnerships with Peaks, consumer advocacy, and industry organisations to promote equal access and participation

In 2006, the NSWEC established partnerships with Peaks, consumer advocacy, and industry organisations to develop an Equal Access to Democracy Plan for the March 2007 State Election. The Peaks, consumer advocacy, and industry organisations were identified through a series of consultations with the NSW Council of Social Services and the Australian Federation of Disability Organisations.

The NSWEC is committed to working with Peaks, consumer advocacy, and industry organisations to examine concerns and find solutions that promote access and participation. To this end, the NSWEC has established a forum for ongoing consultation through the Access Consultative Group.

Through this forum, Peaks, consumer advocacy, and industry organisations can provide direct input to the NSWEC on the implementation of the Equal Access to Democracy Plan at the Local Government Elections, and timely information on electoral access issues to their members.

Working closely with Peaks, consumer advocacy, and industry organisations will enable access to information on the latest resources and adaptive technologies and enable the NSWEC to use the Peak, consumer advocacy, and industry organisations’ extensive community networks to publicise electoral information and promote electoral education.

Suggested strategies:

- Peaks, consumer advocacy, and industry organisations identify themselves as happy to participate in the reference group.
- Equal Access to Democracy Reference Group is established.
- Consultation with the Equal Access to Democracy Reference Group is available through email and teleconferences.
- NSWEC prepare reiteration of Equal Access to Democracy Plan for 2008 Local Government Elections.
- Forward draft reiteration of Equal Access to Democracy Plan to Equal Access to Democracy Reference Group for comment.
- In partnership with Peaks, consumer advocacy, and industry organisations, encourage the dissemination of timely and accessible information on enrolment, the NSWEC’s legislative and operational environment, and key election messages during the election.
- The NSWEC Website is reviewed to ensure content templates and navigation complies with accessibility standards.
- The Equal Access to Democracy Access Consultative Group reconvene to provide feedback and advice to the NSWEC on the implementation of the Plan at the Local Government Elections.

Action:

Director, Corporate Communications Branch

Performance measures:

1. Equal Access to Democracy Reference Group established.
2. Peaks, consumer advocacy, and industry organisations provided with an opportunity to comment on the Equal Access to Democracy Plan for the 2008 Local Government Elections through the Equal Access to Democracy Reference Group.
3. Prior to the 2008 Local Government Elections, the NSWEC provide Peaks, consumer advocacy, and industry organisations with key election information for distribution to their members.
4. Access Consultative Group provide ongoing means for assisting the NSWEC to further improve access and electoral information dissemination.
5. Accessibility standards are applied to the design and architecture of the NSWEC website.
6. After the September 2008 Local Government Elections, the Equal Access to Democracy Access Consultative Group to reconvene to assist the NSWEC review implementation of the Equal Access to Democracy Plan.
7. Access Consultative Group provide feedback and advice to the NSWEC on accessibility and participation issues at the Local Government Elections.

Goal two: Provide inclusive and accessible election information

The NSWEC aims to provide inclusive and accessible information for the election. There are a number of challenges in providing timely election information in alternative formats, for instance, the electoral timetable and current production arrangements may not enable the supply of Braille candidate or party names in sufficient time for use before Election Day.

The NSWEC is committed to produce election information in alternative formats and seeks to diversify its election advertising campaign by disseminating election information through Peaks' community networks and newsletters.

Suggested strategies:

- Where appropriate, polling places, Returning Officer's offices and pre-poll voting centres accessibility to be classified as "full access" or "partial access", with full accessibility information available.
- Full access information to be available on the NSWEC website, through the Elector Enquiry Centre and provided to Peaks, consumer advocacy, and industry organisations for distribution to constituents.
- Returning Officer accessibility guidelines reviewed to include guidelines for people who are vision impaired, people with an intellectual disability, and people with mental health issues.
- NSWEC to liaise with councils and council access committees about accessible premises in council areas.
- NSWEC to review PDFs on website.
- Confirm TTY number is on the NSWEC website.
- Explore the possibility of having more Easy English materials on the NSWEC website.
- NSWEC to provide key election information to Peaks, consumer advocacy, and industry organisations in electronic format.
- Peaks, consumer advocacy, and industry organisations to disseminate election information through their community networks and newsletters.
- NSWEC's advertising brief to develop an information campaign strategy to include requirements for provision of electoral information to persons with a disability that is inclusive and provides greater information access.
- NSWEC to provide election information in a range of alternative formats such as Easy English, Large Print, Audio, Braille and TTY text telephone.
- NSWEC to publicise the options of voting before Election Day in the media and through Peaks, consumer advocacy, and industry organisations' community networks and newsletters.
- NSWEC to develop and pilot with two organisations an easy read electoral education "train the trainer" module to enable Peaks, consumer advocacy, and industry organisations to promote access and participation at the election. If successful, this resource will be promoted and made widely available to community groups and organisations that require it.

- NSWEC to provide “How to Vote” step by step guides in community languages for distribution within ethnic communities.
- All guides to be written in plain English, and information guides to be translated.
- NSWEC’s website includes requirements for web content to comply with accessibility standards.
- Post the Equal Access to Democracy Plan on the NSWEC website in accessible format.
- Advertise full access information the NSWEC website, through Call Centre and Peaks, consumer advocacy, and industry organisations for distribution to constituents.
- NSWEC to survey electors with a disability following the 2008 Local Government Elections to determine how services can be improved for future elections.

Action:

Director, Corporate Communications

Performance measures:

1. NSWEC provides key election information to Peaks, consumer advocacy, and industry organisations in accessible electronic format.
2. Peaks, consumer advocacy, and industry organisations provided with timely key election information to disseminate to their members through community networks and newsletters.
3. Alternative format electoral information developed as part of an integrated communication strategy.
4. Information on options for voting before election day publicised in the media and through Peaks, consumer advocacy, and industry organisations’ community networks and newsletters by July 2008.
5. Easy Read electoral education “train the trainer” module developed and piloted with two organisations by June 2008.
6. “How to Vote” step by step guides in community languages distributed within ethnic communities.
7. Write all guides in plain English, and information guides to be translated.
8. Redesigned website complies with accessibility standards.
9. Fully wheelchair accessible information to be made available on the NSWEC website, through Call Centre and provided to Peaks, consumer advocacy, and industry organisations for distribution to constituents.
10. NSWEC to develop a web page for electors with a disability for the 2008 Local Government Elections
11. Peaks, consumer advocacy, and industry organisations provided with an opportunity to review Returning Officer guidelines to include guidelines for people who are vision impaired, people with an intellectual disability, and people with mental health issues.

12. All advertisements and brochures identify fully accessible polling places with an explanation of what the symbol means.
13. NSWEC to survey electors with a disability following the 2008 Local Government Elections to determine how services can be improved for future elections.

Goal three: Promote equal access at buildings used at elections

The Local Government Elections in September 2008 require that the NSWEC lease for eight weeks approximately 100 buildings across the State for use as Returning Officers' offices and pre-poll centres. The NSWEC is required additionally to lease for one day only some 2,200 polling places. These buildings must accommodate the needs of over 4.3 million electors. Voting is by attendance with the option for eligible electors to register as a general postal voter or to apply for a postal vote (see Goal four).

The NSWEC does not own any of the buildings it uses during elections, and therefore has very limited influence over the level of accessibility of premises appointed as Returning Officers' offices, pre-poll centres and polling places.

Suggested strategies:

- Adopt a more robust accessibility audit instrument to enable an accurate measurement of accessibility at polling places.
- Returning Officer manuals to include information on how to assess and address accessibility at Returning Officers' offices, pre-poll centres and polling places.
- Review the accessibility status of all Returning Officers' offices, pre-poll centres and polling places and ensure timely publication during the election period.
- Review instructions for the lay-out of polling places including the need for appropriate lighting, maximum accessibility for entry and exit paths and the need to facilitate flow-through of electors.
- Review all forms and signage against accessibility criteria.
- Apply luminous contrast graphic design principles to signage to improve accessibility.
- Make multilingual posters and multilingual How to Vote guides available at all polling places.

Action:

Director, Elections Branch

Performance measures:

1. Returning Officer manuals include information on how to assess accessibility at Returning Officers' offices, pre-poll centres and polling places.
2. List of polling place accessibility status finalised by June 2008.
3. List of Returning Officers' offices and pre-poll centres accessibility status finalised by June 2008.
4. Polling place lay-out at the election follows optimal accessibility principles.
5. All forms and signage reviewed in accordance with accessibility criteria.
6. Luminous contrast graphic designs and maximum accessibility features incorporated into specifications for the election furniture order by February 2008.
7. Multilingual posters and multilingual How to Vote guides to be promoted and made available at all polling places.

Goal four: Provide more options that promote equal access to enrolment and voting

Enrolment is managed by the Australian Electoral Commission (AEC) on behalf of the NSWEC. Legislation does not permit electors to enrol electronically by digital signature.

Electors with a disability unable to sign or complete the enrolment form may authorise another person to witness the elector marking their mark as their signature. An elector who is physically or mentally incapable of marking the enrolment form may have another person sign on their behalf, but must provide a written certificate from a registered medical practitioner.

Electronic voting as an alternative to marking the ballot paper was explored by the NSWEC after the 2007 State Election. This is an area which would need legislative change to implement even on a trial basis due to the prescriptive nature of the legislation. Such fundamental change would not be possible to implement in time for the September 2008 Local Government Elections.

The NSWEC has recommended that the *Local Government (General) Regulation 2005* be amended so that a person can apply for a pre-poll vote if he or she cannot attend a polling place due to a disability. They may also register as a general postal voter. Registration as a general postal voter means that as soon as ballot papers are printed, the Returning Officer will send the ballot paper(s) to the elector.

The NSWEC is currently considering the implications of a recent Administrative Decisions Tribunal decision which would allow visually impaired electors to vote using a Braille ballot paper. Further information will be made available on the NSWEC website, through the elector enquiry centre and in newsletters.

Suggested strategies:

- Within the constraints of legislation, improve the format and design of ballot papers to maximise accessibility.
- Provide large print information, user-friendly pencils and hand held magnifiers as part of standard equipment for polling places.
- Provide table top screens and wheelchair accessible voting compartments.
- Voting compartments' design specifications take account of the needs of people who use wheelchairs.
- Signage and posters at polling places include Large Print and pictures to make them more distinguishable.
- Peaks, consumer advocacy, and industry organisations to promote increased awareness of the options for voting at polling places, including assisted voting.
- Provide information to Peaks, consumer advocacy, and industry organisations to enable them to inform their members on the options available for voting at the election, including postal voting, pre-poll voting and assisted voting at polling places.
- NSWEC to keep Peaks, consumer advocacy, and industry organisations updated with any developments concerning eVoting.

- Recommend to the Government that the *Local Government (General) Regulation 2005* be amended to enable people with a disability to cast their vote in a pre-poll centre, or register as a general postal voter.
- NSWEC to consult with councils to see if they are able to provide a bus service on election day to assist people with disabilities to get to and from polling places.
- NSWEC to consider the implications of the Administrative Decisions Tribunal decision regarding Braille ballot papers.

Action:

Director, Elections Branch

Performance measures:

1. Ballot papers with accessible design features used at the 2008 Local Government Elections.
2. Large Print information, user friendly pencils and hand held magnifiers supplied and publicised at polling places.
3. Wheelchair accessible voting compartments receive positive feedback from people who use wheelchairs.
4. Wheelchair accessible voting compartments available at each wheelchair accessible voting centre.
5. Signage and posters at polling places enhanced to include Large Print and pictures to make them more distinguishable.
6. Information on the options, including assisted voting, publicised at all polling places and through Peaks, consumer advocacy, and industry organisations.
7. Information provided to Peaks, consumer advocacy, and industry organisations to enable them to inform their members on the options available for voting at the election, including postal voting, pre-poll voting and assisted voting at polling places.
8. Peaks, consumer advocacy, and industry organisations advised of latest developments concerning eVoting through newsletters.
9. Peaks, consumer advocacy, and industry organisations advised of status of proposed amendments to the Local Government (General) Regulation 2005 through newsletters.
10. Councils contacted to see if they are able to provide a bus service on election day to assist people with disabilities to get to and from polling places.
11. Peaks, consumer advocacy, and industry organisations advised of latest developments concerning Braille ballot papers through newsletters, the NSWEC website, and the elector enquiry centre.

Goal five: Enable election staff to provide assistance that promotes equal access and participation.

At the September 2008 Local Government Elections, the NSWEC will employ approximately 12,000 election officials to work at polling places and pre-poll centres across the State. Providing appropriate training to such a large number of casual staff employed for limited periods presents a considerable challenge for the NSWEC.

The NSWEC is committed to ensuring that election officials provide high quality inclusive electoral services that are sensitive to the needs and dignity of people with disabilities.

The NSWEC seeks to ensure Returning Officers and election officials provide appropriate assistance to people with disabilities during the election.

Suggested strategies:

- Include guidelines in election manuals to ensure that Returning Officers and Polling Officials are aware of appropriate ways to provide assistance to electors with a disability, including those with an intellectual disability, and people with mental health issues.
- Develop recruitment criteria for election officials to include relevant skills (including awareness of and sensitivity to the needs of people with non English speaking backgrounds).
- Distribute the Equal Access to Democracy Plan to Peaks, consumer advocacy, and industry organisations, the Department of Health and the Department of Ageing, Disability and Home Care (DADHC).

Action:

Director, Elections Branch and Director, Corporate Communications

Performance measures:

1. Guidelines for promoting accessibility and for assisting people with disabilities developed and included in election manuals by June 2008.
2. Recruitment criteria for election officials include relevant skills, including sensitivity to the needs of people with non English speaking backgrounds.
3. Electors with a disability able to provide feedback to the NSWEC on the quality of electoral services provided at the Local Government Elections through the Equal Access to Democracy Reference Group.
4. Equal Access to Democracy Plan provided to Peaks, consumer advocacy, and industry organisations, the Department of Health and the Department of Ageing, Disability and Home Care (DADHC) for publication through their own networks.

- Appendix 1 -

What is a Disability?

The *Disability Discrimination Act* 1992 (C'th) defines disability in relation to a person as:

- total or partial loss of the person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the malfunction, malformation or disfigurement of a part of the person's body; or
- a disorder or malfunction that results in the person learning differently from another person without that disorder or malfunction; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour;

and includes a disability that:

- presently exists; or
- may exist in the future; or
- is imputed to a person.

- Appendix 2 -

NSWEC Equal Access to Democracy Reference Group

- Vision Australia
- Blind Citizens Australia
- Deafness Forum Australia
- Physical Disability Council NSW
- People With Disability
- Multicultural Disability Advocacy Association
- Self Help for Hard of Hearing People
- Mental Health Association NSW
- NSW Council Intellectual Disability
- Brain Injury Association NSW
- NCOSS
- Mental Health Coordinating Council