



Anti-Discrimination  
New South Wales

3 February 2023

Commissioner John Schmidt  
NSW Electoral Commissioner  
NSW Electoral Commission  
[TAV.Review@elections.nsw.gov.au](mailto:TAV.Review@elections.nsw.gov.au)

Dear Commissioner Schmidt,

### **NSW Electoral Commission's Review into Technology Assisted Voting**

Anti-Discrimination NSW (**ADNSW**) thanks the NSW Electoral Commission (**NSWEC**) for inviting submissions to its review into Technology Assisted Voting (**TAV review**).

ADNSW was very concerned about the impact of the NSW Electoral Commissioner's determination on 15 March 2022 that, except for telephone voting for electors who are blind or have low vision, TAV will not be used at the March 2023 NSW State election or any state or local government by-election in the intervening period. ADNSW welcomes the NSW Electoral Commissioner's review of options for TAV in the 2027 State election and subsequent state and local government elections.

ADNSW administers the *Anti-Discrimination Act 1977 (ADA)*, which makes it unlawful to discriminate on the grounds of sex, age, race, homosexuality, carer's responsibilities, marital or domestic status, disability, or transgender status in certain areas of public life. Sexual harassment and vilification on the grounds of race, homosexuality, transgender or HIV/AIDS are also unlawful.

Disability discrimination is unlawful in areas that include the provision of goods and services. Relevantly, 'services' is defined as including "*services provided by a council or public authority*" and "*services consisting of access to, and the use of any facilities in, any place or vehicle that the public or a section of the public is entitled or allowed to enter or use, for payment or not*".

A core function of ADNSW is to provide free and impartial conciliation services of discrimination complaints in NSW. Disability discrimination is the most prevalent area of enquiries and complaints at ADNSW. Data collected by ADNSW shows that disability discrimination has consistently been the most common type of discrimination raised in telephone and written enquiries since 2007. Since 2011, disability discrimination complaints have been the highest percentage of the total number of formal discrimination complaints

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ADNSW has received. In the 2021/2022 financial year, ADNSW disability discrimination complaints comprised 40.8% of total complaints.

As well as addressing discrimination through its complaint process, ADNSW also has a broader remit to address discrimination and equality issues in NSW.

Free and equal access to voting is a key component of a democratic society. The right to participate in elections and cast a secret vote is enshrined in Article 25 of the International Covenant on Civil and Political Rights (**ICCPR**). ADNSW supports the development of a voting system in NSW that is non-discriminatory and accessible. Every person in NSW should have equal access to participate independently in the democratic process.

Statistics show that around 1 in 6 people in Australia (4.4 million people) have a disability.<sup>1</sup> It is estimated there are over 575,000 people who are blind, or vision impaired in Australia, with more than 70 per cent over the age of 65 and over 66,000 people who are blind.<sup>2</sup>

ADNSW is concerned that suspending the use of the iVote electronic voting system creates barriers for people with a disability to participate in the electoral process freely and fairly. The primary intention of establishing iVote was to assist people who are blind or vision impaired and people with other types of disabilities to cast an anonymous, independent and verifiable vote in NSW elections.<sup>3</sup> ADNSW understands that iVote could be used without the assistance of another person, allowing people to cast their vote in secret.<sup>4</sup> This is in contrast to telephone voting systems (that will be available in the 2023 NSW State election) which require people to tell an electoral commission staff member their vote and rely on staff to honour their preference.<sup>5</sup>

People with a disability should have access to choose in person, electronic or telephone voting in NSW. ADNSW encourages the NSWEC to consult closely with disability peak bodies, disability stakeholder groups and people with lived experience of disability in this important review of TAV in NSW.

Yours sincerely,



Helen McKenzie  
President

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<sup>1</sup> ['People with disability in Australia'](#), Australian Institute of Health and Welfare, accessed on 30 January 2023.

<sup>2</sup> ['A snapshot of blindness and low vision in Australia'](#), Vision 2020 Australia, accessed on 30 January 2023.

<sup>3</sup> [Report on the Feasibility of providing "iVote" Remote Electronic Voting System](#), Electoral Commission NSW, 23 July 2010.

<sup>4</sup> According to process described in [FAQs about iVote](#), Vision Australia, accessed on 30 January 2023.

<sup>5</sup> Description of telephone voting systems in the 2022 federal and Victorian elections as detailed on the following websites: <https://www.vec.vic.gov.au/about-us/media/telephone-voting-extended-to-flood-affected-voters> and [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/FlagPost/2022/May/Telephone\\_voting](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2022/May/Telephone_voting)