



# Action for More Independence & Dignity in Accommodation

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*Advocacy, Self Advocacy, Rights, Accessibility, & Community Living for People with a Disability*

## **Submission to the Inquiry into the 2014 Victorian State Election**

29<sup>th</sup> June 2015

AMIDA is an independent advocacy organisation which advocates for good housing for people with disabilities. We provide advocacy to individuals, with priority given to people with an intellectual disability, and advocate for change in systems which prevent people from achieving good housing.

AMIDA strongly supports the United Nations Convention on the Rights of Persons with a Disability of which Australia and its States are a signatory, and we work to assert these rights and community inclusion for people with a disability.

We believe the following articles from the Convention have particular relevance to the Inquiry into the 2014 Victorian State Election.

### **Article 12 - Equal recognition before the law**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

#### **Article 29 - Participation in political and public life**

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- a. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
  - i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
  - ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
  - iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- b. Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
  - i. Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
  - ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels

- It is vital that the 2014 Victorian State election be examined in relation to how it supports the inclusion of people with a disability in the voting process. Around 5000 Victorians currently reside in government funded supported accommodation, or Group Homes, funded under the Disability Act 2006. These 5,041 supported accommodation beds are managed by disability service providers; this includes 52 per cent directly provided by Department of Health and Human Services (DHHS) and 48 per cent provided by community service organisations
- There are an addition 4,930 beds in 143 Supported Residential Services (SRSs) regulated by the Act and inspected by DHHS. 91 per cent of residents were reported to have a disability (2013 Census of SRS)

Unless people have a formal guardian they are presumably eligible to vote and yet very few do. The 2014 Victorian State election must be reviewed in terms of how successful it was in including people with a disability living in group homes and residential services in the voting process. This should be seen both in terms of Article 12 Equal recognition before the law and the support people may need to exercise this right and article 29 Participation in political and public life.

If the Victorian Electoral Commission, DHHS and its funded services are not found to be successful in including people with a disability living in group homes in the voting process then this needs to be established as a goal and remedial action recommended. We believe a dialogue will need to be entered into with the government funded services and the Department of Health and Human Services to ensure workers are trained and instructed to provide support to people with a disability to ensure people with a disability can participate in the voting process. Whatever the necessary work needed to enable more of these citizens to be supported to vote the first step is to acknowledge their right to vote and examine how successfully the 2014 Victorian State election was at including them.

Additionally polling booths are not all physically accessible for people with disability who use wheelchairs or walking frames. Accessibility for people with visual impairments also needs to be addressed, perhaps through digital voting via touch screens. Training on accessibility for the polling booth staff is required as they don't all know that people with disability can have support and assistance to vote. In particular people with cognitive impairments are sometimes not allowed by polling booth staff to be supported to fill in the voting slip when this support is actually legally allowed. Having to argue for this right, can be stressful and become a disincentive to voting.

Because people with disability often are in special school and day centers they miss out on the training and information about voting that other young people receive as they approach 18. Services are reluctant to train and support people in day services and residential services so these citizens are often not being registered or encouraged to vote. A concerted effort to reach out to citizens with disability should include training and information on voting and support available to demystify this process and move it out of the “too hard” basket.

We urge you to make “inclusion of people with a disability, particularly those residing in government funded and regulated group homes and residential services or attending day services” part of the investigation you are conducting into the Victorian 2014 State election.

Pauline Williams

Housing Rights Co-ordinator

On behalf of Action for More Independence and Dignity in Accommodation (AMIDA) Inc.