

‘I’m homeless and I vote’

Submission to the Electoral Reform Green Paper - *Strengthening Australia’s Democracy*

27 November 2009

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Endorsements

This submission is endorsed by the following organisations:

Council to Homeless Persons

Housing Legal Clinic - Homeless Persons' Legal Services in South Australia

QPILCH Homeless Persons' Legal Clinic

St Mary's House of Welcome

Travellers Aid

Yarra Drug and Health Forum

Youth Projects

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1. Executive Summary and Recommendations

1.1 Overview of Submission

This submission is made by the PILCH Homeless Persons' Legal Clinic (**HPLC**) in response to the *Electoral Reform Green Paper - Strengthening Australia's Democracy* (**Green Paper**).

This submission responds to the 'Issues for Discussion and Comment' as outlined in Chapter 15 of the Green Paper. This response is limited to issues that affect the ability of people experiencing homelessness to exercise their right to vote, an area which the HPLC is uniquely positioned to comment on.

The Green Paper discusses various impediments and disincentives existing in the electoral process which result in the disenfranchisement of many homeless persons. These impediments and disincentives can be widely described as existing in:

- enrolment processes, in particular the Itinerant Elector provisions;
- education and information services provided by the Australian Electoral Commission; and
- polling processes and arrangements for homeless voters to cast their votes.

This submission recommends legislative amendments and administrative processes to counter these impediments and enfranchise homeless Australians, and reflect earlier comments submitted to various federal and state parliamentary inquiries by the HPLC and other interested parties.

In particular, this submission outlines:

- how enrolment and voting processes can be used as a mechanism to encourage people experiencing homelessness to exercise their franchise; and
- the importance of practical education and awareness campaigns in enabling people experiencing homelessness to participate in the electoral process.

A summary of recommendations is set out below.

1.2 Recommendations

Recommendation 1

The proof of identity requirements for enrolment as contained in section 98AA of the *Commonwealth Electoral Act 1918* (Cth) and regulation 12 of the *Electoral and Referendum Regulations 1940* (Cth) should be amended to allow proof of identity requirements to be satisfied through:

- the presentation of a prescribed identification document, which includes a Centrelink card; or
- the acceptance of an application form witnessed by any person on the electoral roll.

Recommendation 2

The *Commonwealth Electoral Act 1918* (Cth) should be amended to include a definition of a person experiencing homelessness. The definition of a person experiencing homelessness should relate directly to a person eligible to enrol to vote as an itinerant elector under section 96 of the Act.

Recommendation 3

The *Commonwealth Electoral Act 1918* (Cth) should incorporate a definition of a person experiencing homelessness that is similar to the definition provided under section 3A of the *Electoral Act 2002* (Vic).

Recommendation 4

Section 96(8) of the *Commonwealth Electoral Act 1918* (Cth) should be amended to increase the period of time that an Itinerant Elector may have a 'real place of living' from one month to six months.

Recommendation 5

The definition of 'real place of living' as contained in Section 4 of the *Commonwealth Electoral Act 1918* (Cth) should be amended to exclude cars, squats and other non-conventional accommodation.

Recommendation 6

Section 96(9)(a) of the *Commonwealth Electoral Act 1918* (Cth) should be repealed until a more flexible voting system is implemented, such as through the adoption of mobile polling booths etc.

Recommendation 7

The *Commonwealth Electoral Act 1918* (Cth) should be amended to permit voters to enrol and vote on election day.

Recommendation 8

The *Commonwealth Electoral Act 1918* (Cth) should be amended to provide that a person who is homeless may make a request that his or her address not be entered on the electoral roll and that such a request be granted where the person can provide evidence of his or her homelessness.

Recommendation 9

The Australian Electoral Commission's public awareness campaign targeted at people experiencing homelessness should provide information about Silent Elector enrolment and publicise the fact that the address of Itinerant Electors is not shown on the electoral roll.

Recommendation 10

The *Commonwealth Electoral Act 1918* (Cth) should be amended to require that electoral enrolment forms and information be displayed prominently at all times in every Australia Post, Centrelink and Medicare outlet to enable and encourage eligible persons to enrol and vote.

Recommendation 11

The HPLC recommends that:

- the Australian Electoral Commission formulate, implement and report against a detailed, ongoing action plan to promote and encourage enrolment and voting among persons and groups experiencing difficulty because of social circumstance; and
- that such persons and groups should include, but not be limited to homeless and itinerant persons, illiterate persons, persons with disabilities and residents of isolated and remote areas;
- the Australian Electoral Commission consult with and consider the views of organisations and groups representing homeless and itinerant persons, illiterate persons, persons with disabilities, residents of remote localities, and other appropriate bodies, in order to formulate appropriate strategies, programs and materials for use when the action plan is implemented;
- where appropriate, adequate funding be provided to enable the Australian Electoral Commission to develop, implement and report against the action plan;
- that following the next Federal Election, the Australian Electoral Commission seek feedback from representative groups and community members regarding the effectiveness of the strategies implemented, and further develops its action plan to incorporate constructive suggestions where appropriate.

Recommendation 12

The Australian Electoral Commission continue its consultations with relevant parties and prior to the next Federal Election, as part of improving access to the franchise by those experiencing homelessness, as a minimum:

- target homeless persons in its public awareness campaigns, informing them about itinerant elector and other voting enrolment and options; and
- ensure that its training programs alert Australian Electoral Commission staff to the needs of the homeless and other marginalised citizens.

Recommendation 13

The Australian Electoral Commission should provide for planned and coordinated early distribution of the information kit (including relevant enrolment forms) to high frequency contact points, such as Centrelink and Medicare. The Australian Electoral Commission should engage with Centrelink and Medicare staff to ensure that, where possible, they encourage and assist people to enrol to vote.

Recommendation 14

The Australian Electoral Commission should actively engage with homelessness service providers and provide the information kit, along with education and resources to equip them to inform people experiencing homelessness about the importance of voting, eligibility for enrolment and procedures for enrolment and, where possible, assist them to enrol.

Recommendation 15

The Australian Electoral Commission should provide for early implementation of a targeted advertising campaign to raise awareness about the importance of voting and to encourage people experiencing homelessness to enrol and vote at all federal elections. This advertising campaign could take the form of, for example, posters displayed in areas and in services that people experiencing homelessness tend to frequent (including Centrelink and Medicare). The HPLC suggests that the Australian Electoral Commission considers placing some larger scale advertising, such as billboards, in locations and suburbs that people experiencing homelessness frequent.

Recommendation 16

The Australian Electoral Commission should provide early roll-out of training for electoral site managers and volunteers addressing the needs of and issues that affect people experiencing homelessness and how electoral workers might assist people from that group on election day.

Recommendation 17

The *Commonwealth Electoral Act 1918* (Cth) should be amended to allow for the deployment of mobile polling facilities by the Australian Electoral Commission for the purposes of facilitating voting by disadvantaged groups, including people experiencing homelessness. The HPLC also recommends that a consumer consultant trained in issues relating to homelessness assist at mobile polling booths on election day.

2. Introduction

2.1 Overview of Submission

This submission is made by the PILCH Homeless Persons' Legal Clinic (**HPLC**) to the *Electoral Reform Green Paper - Strengthening Australia's Democracy* (the **Green Paper**).

The HPLC has previously made submissions examining the franchise of people experiencing homelessness, with particular focus on:

- levels of electoral enrolment and electoral participation among people experiencing homelessness;
- the importance of recognising, and ensuring realisation of, the right to vote for people experiencing homelessness; and
- the various barriers, disincentives and impediments to electoral enrolment and participation among people experiencing homelessness.¹

The Green Paper has outlined many of the issues examined by the HPLC and other homelessness service providers in previous submissions to both state and federal inquiries.² The Green Paper has posed a series of questions for public consultation relating to whether reform in specified areas might be appropriate and what shape any reform might take.

In response to issues raised by the Green Paper, this submission provides proposals in relation to how the Federal Government can enfranchise people experiencing homelessness. These proposals take the form of both legislative and administrative reform aimed at increasing levels of enrolment and participation by people experiencing homelessness.

Recommendations made in this submission relate to:

- how enrolment processes can be used as a mechanism to encourage people experiencing homelessness to exercise their franchise;
- the importance of practical education and awareness campaigns in enabling people experiencing homelessness to participate in the electoral process; and
- polling processes and arrangements to assist homeless voters cast their votes on election days.

¹ See, eg Caroline Adler, Amy Barry-Macaulay & James Farrell *Homelessness and Voting*, Submission to the Joint Standing Committee on Electoral Matters Inquiry into the 2007 Election (PILCH, 2008), available at: http://www.pilch.org.au/Assets/Files/2007_Cth_JSCEM_Electoral_Inquiry.pdf and Caroline Adler & Monika Pekevsk, *Voting as a human right: enfranchising people experiencing homelessness or imprisonment*, Submission to the Parliament of Victoria Electoral Matters Committee into Voter Participation and Informal Voting (PILCH, 2008), available at: http://www.pilch.org.au/Assets/Files/Voting_as_a_Human_Right_Submission_July_2008.pdf

² For Federal inquiry submissions, see for example, Homelessness Australia, submission no. 34, PILCH Homeless Persons' Legal Clinic, submission no. 135 and Hanover Welfare Services, submission no. 109 to JSCEM, *Inquiry into the 2007 Federal Election*. For state inquiry submission, see for example, PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Voting as a human right: enfranchising people experiencing homelessness and imprisonment*, Submission to the Parliament of Victoria Electoral Matters Committee into Voter Participation and Informal Voting, July 2008, p. 15, available at www.parliament.vic.gov.au/emc/Inquiry%20into%20Voter%20Participation/HPLC,%20HRLRC,%20VACRO.pdf

2.2 PILCH Homeless Persons' Legal Clinic

The HPLC is a project of PILCH and was established in 2001 in response to the great unmet need for targeted legal services for people experiencing homelessness.³ The HPLC is funded on a recurrent basis by the Victorian Department of Justice through the Community Legal Sector Project Fund, administered by Victoria Legal Aid. This funding is supplemented by fundraising and donations. While the HPLC recently received a one-off funding boost from the Federal Government, it does not currently receive recurrent funding from the Federal Government.

The HPLC has the following aims and objectives:

- to provide free legal services to people who are homeless or at risk of homelessness, in a professional, timely, respectful and accessible manner, that has regard to their human rights and human dignity;
- to use the law to promote, protect and realise the human rights of people experiencing homelessness;
- to use the law to redress unfair and unjust treatment of people experiencing homelessness;
- to reduce the degree and extent to which people experiencing homelessness are disadvantaged or marginalised by the law; and
- to use the law to construct viable and sustainable pathways out of homelessness.

Free legal services are offered by the HPLC on a weekly basis at 14 outreach locations that are already accessed by people experiencing homelessness for basic needs (such as soup kitchens and crisis accommodation facilities) and social and family services.⁴ Since its establishment in 2001, the HPLC has assisted over 4000 people at risk of, or experiencing, homelessness in Victoria.

The HPLC also undertakes significant community education, public policy advocacy and law reform work to promote and protect the right to housing and other fundamental human rights. In 2005, the HPLC received the prestigious national Human Rights Law Award conferred by the Human Rights and Equal Opportunity Commission in recognition of its contribution to social justice and human rights. In 2009 it received a Melbourne Award for contribution to community in the City of Melbourne.

The HPLC operates and provides its services within a human rights framework. Central to the human rights framework is the right to participate, including individual and community participation and consultation, which creates an empowering environment for individuals to assert their rights and contribute to the democratic process. The HPLC recognises the right to participate by working and consulting directly with a range of key stakeholders, the most important of which is the Consumer Advisory Group (**CAG**). The CAG was established by the HPLC in 2006 and is comprised of people who have experienced homelessness or who are

³ See <http://www.pilch.org.au>.

⁴ Host agencies include Melbourne Citymission, Café Credo The Big Issue, the Salvation Army, Anglicare, St Peters Eastern Hill, Ozanam House, Flagstaff Crisis Accommodation, Salvation Army Life Centre, Hanover, Vacro, Koonung Mental Health Centre, Homeground Housing Service and St Kilda Crisis Centre. Legal services are provided at our host agencies by volunteer lawyers from law firms: Allens Arthur Robinson, Arnold Dallas McPherson, Baker & McKenzie, Blake Dawson, Clayton Utz, Corrs Chambers Westgarth, DLA Phillips Fox, Freehills, Mallesons Stephen Jaques, Minter Ellison and Stella Sutcliffe & Associates.

currently homeless. The role of the CAG is to provide guidance and advice, and make recommendations to the HPLC with a view to enhancing and improving the quality of the HPLC's service delivery, policy, advocacy, law reform and community development activities. The CAG not only provides feedback and guidance to the HPLC but also gives people who have experienced homelessness a voice to actively represent their interests and build the participation and engagement of the general community around the issue of homelessness.

3. Homelessness and voting in Australia

3.1 Nature and extent of homelessness in Australia

There is general consensus that the 'cultural definition' of homelessness, developed by Chamberlain and MacKenzie,⁵ should be adopted when considering the nature and extent of homelessness in Australia. This definition proposes that the concept of homelessness be defined by reference 'to shared community standards about the minimum accommodation that people have the right to expect in order to live according to the conventions of contemporary life.'⁶ In Australia, the accepted minimum community standard is understood to be 'a small rented flat', with the minimum required amenities, such as a bedroom, living room, bathroom and kitchen.⁷ This minimum standard provides a benchmark for measuring and monitoring homelessness in the Australian context.

In broad terms, the 'cultural definition' of homelessness has led to the identification of three categories within the homeless population:⁸

1. **primary homelessness** – refers to people without conventional accommodation living on the streets, in deserted buildings, railway carriages, under bridges, in parks etc (i.e. 'rough sleepers');
2. **secondary homelessness** – refers to people moving between various forms of temporary shelter including friends, emergency accommodation, refuges and hostels; and
3. **tertiary homelessness** – refers to people living permanently in single rooms in private boarding houses without their own bathroom or kitchen and without security of tenure. They are homeless because their accommodation does not satisfy the requisite conditions of the minimum community standard.⁹ Medium to long-term residents of caravan parks would, in most circumstances, be considered to be experiencing tertiary homelessness.

The Australian Bureau of Statistics (**ABS**) has adopted the definition of homelessness proposed by Chamberlain and MacKenzie.¹⁰

Chamberlain and Mackenzie's 'cultural definition' of homelessness accords with the definition of homelessness provided in section 4 of the *Supported Accommodation Assistance Act 1994* (Cth) (**SAA Act**), which provides that:

⁵ Chris Chamberlain and David MacKenzie, 'Understanding Contemporary Homelessness: Issues of Definition and Meaning' (1992) 27 *Australian Journal of Social Issues* 274; and Chris Chamberlain and Guy Johnson, 'The Debate about Homelessness' (2001) 36(1) *Australian Journal of Social Issues* 35, 39.

⁶ Chris Chamberlain, *Counting the Homeless: Implications for Policy Development*, Australian Bureau of Statistics (2 December 1999), 49.

⁷ Ibid.

⁸ Chamberlain and Johnson, above n 5.

⁹ Chris Chamberlain, Guy Johnson and Jacqui Theobald, *Homelessness in Melbourne: Confronting the Challenge* (February 2007), Centre for Applied Social Research, RMIT University, 13 – 14.

¹⁰ Chamberlain and MacKenzie, above n 5; Chamberlain, above n 6.

1. A person is considered to be homeless if she or he has inadequate access to safe and secure housing; and
2. A person is considered to have inadequate access to safe and secure housing if the only housing to which the person has access:
 - a) Damages, or is likely to damage, the person's health; or
 - b) Threatens the person's safety; or
 - c) Marginalises the person through failing to provide access to:
 - i. Adequate personal amenities; or
 - ii. The economic and social supports that a home normally affords; or
 - d) Places the person in circumstances which threaten or adversely affect the adequacy, safety, security and affordability of that housing.

The definition of homelessness under the SAA Act appears to be slightly broader than the cultural definition of homelessness, as it does not purport to segment the concept of homelessness into different and specific "types". Instead, the definition of homelessness under the SAA Act sets out a number of factors to be considered when determining whether the housing is safe and secure, including: adequacy, health and hygiene, safety, security, affordability, and location in relation to social supports and structures. These factors are strikingly similar to the seven indicia used to determine 'adequacy' of housing under the right to adequate housing in international human rights law. The definition of homelessness under the SAA Act is, in fact, consistent with the definition enunciated by the United Nations Committee on Economic, Social and Cultural Rights (CESCR), which provides in effect that a person is homeless unless he or she has adequate housing that affords the right to live in security, peace and dignity. Given its consistency with the CESCR definition of the right to adequate housing, the definition of homelessness under the SAA Act is adopted for the purposes of this submission.

The causes of homelessness are complex and varied.¹¹ Generally, they include:

- **structural factors**, for example: poverty, severe financial hardship and lack of access to adequate income support, unemployment, lack of affordable housing etc;
- **economic and social policy causes**, for example: economic and housing strategies that focus on homeownership models and housing as a commodity, lack of access to education opportunities and resource allocation to the welfare sector; and
- **individual causes**, for example: domestic and family violence, mental illness, lack of access to appropriate health care and support, drug and alcohol dependency, gambling and legal problems.

¹¹ Philip Lynch and Jacqueline Cole, 'Homelessness and Human Rights: Regarding and Responding to Homelessness as a Human Rights Violation' (2003) 4 *Melbourne Journal of International Law* 139, 142. See also Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, *Economic, Social and Cultural Rights* (3 March 2005) E/CN.4/2005/48, ¶ 22.

In many cases, these causes are intersectional and interrelated.¹²

3.2 Number of homeless of voting age in Australia

According to the ABS, 67 per cent of people experiencing homelessness on Census night in 2006 were aged 18 or older.¹³

On this basis, it can be conservatively estimated that there were at least 70,000 people experiencing homelessness who were eligible to vote at the 2007 Federal Election.¹⁴ It is highly likely that the amount of the homeless population has increased since 2006 meaning that the number of people experiencing homelessness who are eligible to vote will be significantly higher by the time of the next Federal Election.

3.3 The right to vote

Every Australian citizen has the right to vote. The right to vote and its importance for people experiencing homelessness is recognised by international human rights law and has been noted by the Human Rights and Equal Opportunity Commission.¹⁵ Article 25(b) of the International Covenant on Civil and Political Rights (**ICCPR**) provides that all citizens have the right to vote.¹⁶ According to the United Nations Human Rights Committee (**HRC**), this right lies at the core of democratic government based on the consent of the people.¹⁷

The right to vote also requires that the government take steps to ensure that everyone is able to exercise their right to vote. In Australia, people experiencing homelessness continue to face great difficulties in exercising this right. The enfranchisement of people experiencing homelessness is a key challenge for individuals, organisations and governments concerned with the alleviation and eradication of homelessness in Australia.

Where citizens are required to enrol to vote, States have an obligation to facilitate this enrolment and ensure that no obstacles are imposed.¹⁸ In the event that residence requirements apply to enrolment, they must be reasonable, and should not be imposed in such a way as to exclude people experiencing homelessness from exercising their right to vote.¹⁹ The HRC specifies that voter education and enrolment campaigns are necessary to ensure the effective exercise of the right to vote by an informed community.²⁰

Article 2 of the ICCPR imposes on Australia a range of responsibilities and obligations of realisation in relation to civil and political rights; namely obligations to respect, protect and fulfil

¹² Ibid, 14.

¹³ Chris Chamberlain and David MacKenzie, Australian Census Analytic Program *Counting the Homeless, Australia* (ABS 2006)

¹⁴ Ibid. On Census night 2006, the homeless population was 105,000.

¹⁵ Human Rights & Equal Opportunity Commission, *Homelessness is a Human Rights Issue* (2008), 11.

¹⁶ Opened for signature 19 December 1966, 999 UNTS 771 (entered into force generally 23 March 1976 and for Australia 13 August 1980).

¹⁷ HRC, *General Comment 25: The right to participate in public affairs, voting rights and the right of equal access to public service* (Article 25), CCPR/C/21/Rev.1/Add.7 (1996) [2].

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

human rights.²¹ The obligation to respect requires that Australia refrain from interfering, directly or indirectly, with enjoyment of human rights. Prima facie, this prohibits amendment of the *Commonwealth Electoral Act 1918* (Cth) (**CE Act**) to disenfranchise, directly or indirectly, certain social groups, such as people experiencing homelessness.

The obligation to protect requires that Australia prevent third parties, including organisations and individuals, from interfering in any way with the enjoyment of human rights.

The obligation to fulfill requires that Australia take positive steps to promote and support the realisation of human rights and, where necessary, to provide for the realisation of human rights for marginalised or disadvantaged groups. In relation to the fulfilment of civil and political rights, such as the right to vote, the positive action required pursuant to art 2(2) of the ICCPR is that Australian governments take all necessary steps to immediately implement the right to vote without discrimination or restriction other than is objective, reasonable, proportionate and necessary.

Accordingly, governments and agencies must adopt specific measures, including voter education and awareness campaigns, so as to ensure that obstacles to voting and participation, such as poverty, illiteracy and homelessness, are overcome.²² Furthermore, Australian legislation that impacts discriminatorily or disproportionately on members of society who are marginalised or disadvantaged and affects their ability to participate and access the political process must be amended so as to ensure the realisation of the right to vote.

In its recent landmark decision in *Roach v Electoral Commission and another*,²³ the High Court of Australia upheld the fundamental right to vote, finding that a blanket ban denying prisoners the right to vote is unconstitutional. In that decision, Gummow, Kirby and Crennan JJ (delivering the majority judgement) stated:

Voting in elections for the parliament lies at the very heart of the system of government for which the Constitution provides... In *McGinty [v Western Australia]* Brennan CJ considered the phrase “chosen by the people” as admitting of a requirement “of a franchise that is held generally by all adults or all adult citizens unless there be substantial reasons for excluding them”.²⁴ This proposition reflects the understanding that representative government as that notion is understood in the Australian constitutional context comprehends not only the bringing of concerns and grievances to the attention of legislators but also the presence of a voice in the selection of those legislators.²⁵ Further, in the federal system established and maintained by the Constitution, the exercise of the franchise is the means by which those living under that system of government participate in the selection of both legislative chambers, as one of the people of the relevant state and as one of the people of the Commonwealth.

²¹ See also CESCR, *General Comment 15: The Right to Water* [17-29], UN Doc E/C. 12/2002/11 (2002); CESCR, *General Comment 12: The Right to Adequate Food*, 69, [15], UN Doc HRI/GEN/1/Rev.5 (2001); and CESCR, *General Comment 13: The Right to Education*, 84, [47], UN Doc HRI/GEN/1/Rev.5 (2001).

²² *Ibid*, Article 25, UN Doc HRI/GEN/1/Rev.5 (2001) 157.

²³ (2007) 233 CLR 162.

²⁴ *Ibid*, 170.

²⁵ See the remarks of McLachlin J in *Reference Re Provincial Electoral Boundaries (Sask)* [1991] 2 SCR 158, 183.

In this way, the existence and exercise of the franchise reflects notions of citizenship and membership of the Australian federal body politic.²⁶

The majority judgment considered that the blanket ban imposed a civil disability on prisoners undergoing any term of incarceration and took the legislation beyond what was reasonably appropriate (i.e. the ban was disproportionate) to the maintenance of representative government. In this sense, the finding of the Court was consistent with the right to vote under article 25(b) of the ICCPR, which states that any imposition on a citizens' right to vote must be objective and reasonable.²⁷

3.4 The importance of voting for people experiencing homelessness

The United Nations Office of the High Commissioner for Human Rights (**OHCHR**) has drawn a direct link between homelessness, poverty and the right to vote, stating:

Lack of political rights is both a cause and a consequence of poverty. Socially and politically excluded people are more likely to become poor, and the poor are more vulnerable to social exclusion and political marginalization...Active participation in political decision-making processes plays a role in expanding political freedoms and empowering people, which in turn contributes towards combating social exclusion and political marginalization.²⁸

Having regards to this, the OHCHR has specifically identified the proportion of poor and homeless people going to the polls as a key indicator of the extent to which a state is implementing its fundamental obligations in relation to the right to vote.²⁹ In this regard, the HPLC reiterates its estimate that at least 70,000 people experiencing homelessness were eligible to vote at the 2007 Federal Election. Further, we note that previous research conducted by the HPLC suggested that at the time of the 2004 Federal Election, up to 76 per cent of people experiencing homelessness who were eligible to vote did not do so.³⁰

At a domestic level, the Preamble to the SAA Act provides that it is essential that people experiencing homelessness have the opportunity to have a say in decision-making processes and policy development, while the SAA Act requires that the Supported Accommodation Assistance Program (**SAAP**) assist homeless people to participate fully in civil and political life.³¹

The importance of people experiencing homelessness "having a say" is also, unsurprisingly, recognised by people experiencing homelessness themselves. According to research undertaken

²⁶ (2007) 233 CLR 162, 198.

²⁷ HRC, above n 17, [11] -[14].

²⁸ OHCHR, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002) 48.

²⁹ Ibid, 52.

³⁰ HPLC 'Homelessness and Voting: Submission to the Joint Standing Committee on Electoral Matters Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto' (2005) 38

<http://www.aph.gov.au/house/committee/em/elect04/subs/sub131.pdf>

³¹ Section 5(4)(d), SAA Act. See also Parliament of the Commonwealth of Australia, *Housing the Homeless: Report on the Inquiry into homelessness legislation*, November 2009, 78, 97, 99.

by the HPLC,³² at least 54 per cent of people experiencing homelessness would like to enrol to vote at federal elections, notwithstanding that they confront many other significant issues and concerns in their daily lives to ensure they have stable accommodation, adequate food and access to health and other services.

According to another survey of 226 people experiencing homelessness across Victoria, the right of people experiencing homelessness to have a greater say in decision-making processes and policies that affect them is 'very important' but also frequently violated. As one homeless respondent said, 'We should have the main say, because it's for us and we know what's really going on.'³³

³² HPLC, above n 27.

³³ Department of Human Services, *Charter of Rights and Enhanced Complaints Mechanism: Report on Consumer Consultations* (2004) 10(2) *Australian Journal of Human Rights* 77.

4. Enrolment and participation

4.1 Proof of identity requirements

What changes could be made to the proof of identity requirements to improve the enrolment process while continuing to protect the integrity of the roll?

As outlined in Chapter 7.7 of the Green Paper, an applicant for enrolment on the electoral roll must satisfy proof of identify requirements by providing evidence of identity via the following options:³⁴

- providing the applicant's driver's licence number and the Australian State or Territory in which the licence was issued (**tier 1 provision**); or
- if the applicant does not hold an Australian driver's licence, the applicant must show a prescribed elector a prescribed kind of document that identifies the applicant. The prescribed elector must complete the declaration on the enrolment form stating that the prescribed elector is on the roll of electors and has sighted the original of a prescribed document. A list of prescribed electors is set out in Schedule 1 and a list of prescribed documents is set out in Schedule 2 of the *Electoral and Referendum Regulations 1940* (Cth) (**tier 2 provision**); or
- have the application countersigned by two electors who are able to:
 - confirm the applicant's name; and
 - confirm that they have known the applicant for at least one month (**tier 3 provision**).

These proof of identity requirements severely impair the ability of people experiencing homelessness to enrol to vote.

The tier 1 provision, which requires that the applicant provide driver's licence details to prove their identity, is problematic for a person experiencing homelessness, many of whom are unlikely to hold, or have in their possession at the time of enrolment, a driver's licence.

The tier 2 provision of showing to a prescribed elector a prescribed document presents two challenges for people experiencing homelessness. Firstly, a person experiencing homelessness may not have many (if any) identification documents. People who are experiencing homelessness will often lead a transitory lifestyle, moving from one place of short-term accommodation to another. As such, they may not possess identification documents due to misplacement of them (in the process of moving from place to place), or they may have had their possessions stolen, or they may not have possessed such documents in the first place. Secondly, asking a prescribed elector for a signature may be quite challenging for a person experiencing homelessness. This is because a person who is experiencing homelessness may not know or have contact with

³⁴ *Commonwealth Electoral Act 1918* (Cth) s 98AA; and *Electoral and Referendum Regulations 1940* (Cth) reg 12.

prescribed electors, a group that includes, among other people: accountants, registered nurses, medical practitioners, psychiatrists, police officers, lawyers etc. This requirement assumes that people making an application to enrol to vote can easily access such prescribed electors. However, people experiencing homelessness are on the margins of our society and often struggle to access basic services in the community. The additional burden of seeking a signature of a prescribed elector creates yet another barrier which makes it more difficult for people experiencing homelessness to participate in the political process.

The tier 3 provision provides a more appropriate method for a person experiencing homelessness to satisfy the proof of identity requirements. This option requires that two electors confirm that they have known the person for at least one month. With this option, it is arguable that the proof of identity requirements, in themselves, are not necessarily onerous as any elector, homeless or not, is likely to be able to obtain confirmation from 2 electors who have known the applicant for 1 month. However, this option still presents some difficulties for people experiencing homelessness, as it requires electors to confirm that they have known the applicant for more than a month. Given the low number of people experiencing homelessness who are enrolled to vote, it may prove difficult for a homeless person to locate two people they know and have known for a month or longer, who are currently enrolled to vote, to countersign their application. In addition, people experiencing homelessness are often in transitional housing and may move from one short-term accommodation option to another. Even if they have a caseworker, it is not guaranteed that that relationship will last a month. The effect of a transitory lifestyle is that it is very difficult to build a life and develop a community. In such circumstances, it may be difficult for a person experiencing homelessness to obtain the signature of two people that they have known for longer than one month to sign their enrolment application form.

In response to the concerns outlined above, the HPLC recommends that the proof of identity requirements as contained in tier 1 be amended by expanding the provision to include other prescribed identification documents including a Centrelink card.

This recommendation continues to offer a simplified option for enrolment for Australians who have a driver's licence while extending the provision to include other appropriate identification documents. Expanding the tier 1 provision to include a Centrelink card as a prescribed form of identity, would assist the enrolment of people experiencing homelessness and people who are socially or financially disadvantaged, who are more likely to have been issued, and possess, a Centrelink card than a driver's licence or other forms of identification.

The HPLC further submits that the tier 2 and 3 provisions act as disincentives for enrolment for people experiencing homelessness and other disadvantaged people and should be replaced by a single option which allows the acceptance of an application form witnessed by any person on the electoral roll.

Under the proposed non-documentary proof of identity application, only one person on the electoral roll would be required as witness to the application and there would be no condition with

respect to the length of time the witness has known the applicant. The proposed provision would enfranchise homeless persons by providing an option for enrolment that takes into account the transient lifestyle that often accompanies homelessness.

The HPLC notes that there were no evidence-based claims of significant enrolment or electoral fraud as a result of the previous provisions and submits that consequently there is no reason to believe that the re-introduction of this non-documentary proof of identity process would have a detrimental effect on the integrity of the electoral roll.

Recommendation No. 1

The proof of identity requirements for enrolment as contained in section 98AA of the *Commonwealth Electoral Act 1918* (Cth) and regulation 12 of the *Electoral and Referendum Regulations 1940* (Cth) should be amended to allow proof of identification requirements to be satisfied through:

- the presentation of a prescribed identification document, which includes a Centrelink card; or
- the acceptance of an application form witnessed by any person on the electoral roll.

4.2 Residence requirements for enrolment

Question 7(e) - What changes (if any) should be made to the residence requirements for enrolment?

Section 96 of the CE Act provides for enrolment as an Itinerant Elector. The purpose of the Itinerant Elector provision is to facilitate the enrolment of people experiencing homelessness who do not have a permanent address. However, the provision is not effectively directed towards its intended purpose, and indeed, acts to significantly disenfranchise people experiencing homelessness.³⁵

Under the Act, people are ineligible to enrol as Itinerant Electors where they have resided in a real place of living for a period of a month. This provision does not take into account the reality of the transitory lifestyle that may necessarily accompany homelessness. It is very common for people experiencing homelessness to live in temporary or unconventional accommodation such as on a friend's couch, or in a caravan, a crisis shelter or a domestic violence refuge for periods of greater than one month.

Indeed, the mean period of stay in SAAP accommodation (crisis or emergency accommodation) in 2007-08 was 56 days.³⁶ Notwithstanding the temporary and insecure nature of these accommodations, they constitute 'real places of living' within the current definition in the CE Act

³⁵ Joint Standing Committee on Electoral Matters, *Report on the Conduct of the 2007 Federal Election*, June 2009, 163-7.

³⁶ Australian Institute of Health and Welfare, *Homeless people in SAAP:: National Data Collection Annual Report 2007-08* (2009) 13.

and people who stay in such accommodation for more than one month are therefore ineligible to enrol as Itinerant Electors.

The HPLC submits that the following amendments be made to the CE Act to reflect the reality of the itinerant lifestyle of people experiencing homelessness and to ensure the provision is clearly directed at homeless voters:

- the CE Act should expressly incorporate a definition of homelessness and reference to people experiencing homelessness as being eligible persons under the CE Act who can enrol to vote (under section 96);
- people experiencing homelessness should be able to reside in a 'real place of living' for up to six months rather than one month before they become ineligible to enrol as an Itinerant Elector;
- an amendment be made to the definition of 'real place of living' to exclude non-conventional accommodation such as cars and squats.

Furthermore, the HPLC recommends the *Victorian Electoral Act 2002* for a model of how residence requirements can be effective whilst not operating as a barrier to homeless people in participating.

Section 3A of the Electoral Act 2002 (Vic) defines a person eligible to vote as an itinerant voter as:

- (a) a person living in –
 - i. crisis accommodation; or
 - ii. transitional accommodation; or
 - iii. any other accommodation provided under the *Supported Accommodation Assistance Act 1994* (Cth).

Recommendation No. 2

The *Commonwealth Electoral Act 1918* (Cth) should be amended to include a definition of a person experiencing homelessness. The definition of a person experiencing homelessness should relate directly to a person eligible to enrol to vote as an itinerant elector under section 96 of the Act.

Recommendation No. 3

The *Commonwealth Electoral Act 1918* (Cth) should incorporate a definition of a person experiencing homelessness that is similar to the definition provided under section 3A of the Electoral Act 2002 (Vic).

Recommendation No. 4

Section 96(8) of the *Commonwealth Electoral Act 1918* (Cth) should be amended to increase the period of time that an Itinerant Elector may have a 'real place of living' from one month to six months.

Recommendation No. 5

The definition of 'real place of living' as contained in Section 4 of the *Commonwealth Electoral Act 1918* (Cth) should be amended to exclude cars, squats and other non-conventional accommodation.

4.3 Special enrolment arrangements for homeless persons***Question 7(g) What changes (if any) should be made to the special enrolment arrangements for silent electors, homeless persons and youth?***

Under section 96(9)(a) of the CE Act, if a person fails to vote at a Federal Election, they cease to be an Itinerant Elector and their name drops off the electoral roll. A general elector who fails to vote may be penalised by a fine, however, if the elector can show reasonable circumstances for their failure to vote they can avoid the fine. Failure to vote at a Federal Election does not result in a general elector being removed from the electoral roll.

It is unduly harsh and unfair to penalise an Itinerant Elector for failing to vote at an election by removing them from the electoral roll. Given the difficult personal circumstances that homeless people using the itinerant elector provisions experience, by virtue of their homelessness and marginalisation in the community, there should be a more flexible voting system that takes into account the barriers that they face in enrolling to vote and attending voting stations. Until a more flexible voting system is implemented, that takes into account the barriers experienced by homeless people, this provision should be repealed.

Recommendation No. 6

Section 96(9)(a) of the *Commonwealth Electoral Act 1918* (Cth) should be repealed until a more flexible voting system is implemented, such as through the adoption of mobile polling booths etc.

4.4 Close of roll period***Question 7(h) What close of roll period do you think is appropriate?***

The early closing of the electoral roll acts as a practical impediment to people experiencing homelessness exercising their right to vote by removing or significantly reducing the opportunities for updating address details or registering as itinerant voters. The closure has a disproportionate and discriminatory effect on people experiencing homelessness for the following reasons:

- most people experiencing homelessness do not have a consistent or stable place of residence, instead moving frequently from one form of temporary shelter to another. People experiencing homelessness are therefore far more likely to have incorrect details recorded against their name on the electoral roll, or to have been removed from the electoral roll due to the Australian Electoral Commission (**AEC**) becoming aware of inaccuracies in address or contact details;
- people experiencing homelessness are often outside the mainstream media loop and may not become immediately aware that a Federal Election has been announced; and
- a higher proportion of the homeless population has reduced literacy which impacts on their knowledge of current events and their ability to complete the required AEC forms within a limited time frame.

As stated in our submission to the 2007 Electoral Inquiry by the Joint Standing Committee on Electoral Matters (**JSCEM**),³⁷ the HPLC considers this regressive amendment of the CE Act by the former government to be a deliberate and provocative act to exclude voters, including people experiencing homelessness, from full participation in the democratic and electoral process. As a result of the early closure before the 2007 Federal Election, 100,370 people who provided an enrolment form to the AEC between the close of rolls and polling day were unable to vote.³⁸

People experiencing homelessness confront many significant issues and concerns in their daily lives to ensure they have stable accommodation, adequate food and access to health and other services and may need encouragement or assistance to enrol and vote. The HPLC urges the government to enfranchise people experiencing homelessness and all Australians by structuring the enrolment process to allow the greatest number of eligible voters to enrol and vote.

The HPLC considers this aim is best served by allowing enrolment on election day. Evidence of the effect of current enrolment requirements on voter participation can be found in a report by the Victorian Electoral Commission (**VEC**) detailing the number of people who cast 'declaration votes' in the 2006 Victorian State Election (**State Election**).³⁹ Declaration votes are cast when a person's name cannot be found on the electoral roll when they attempt to cast their vote, and the person is allowed to vote by completing a ballot paper and a declaration of their details. According to the VEC's report, 74,403 people attempted to vote by casting a declaration vote at the State Election, however, 66,807 of these votes were not admitted to the count.⁴⁰ This means that at least 66,807 people who wished to exercise their right to vote were unable to do so because they were not enrolled. This number does not include the unknown number who could not be found on the roll and did not cast a declaration vote, or the number who did not attend a polling booth because they were not enrolled. At a Federal level, we can assume there are

³⁷ Adler, Barry-Macaulay and Farrell, above n 1.

³⁸ Joint Standing Committee on Electoral Matters: *Report on the conduct of the 2007 federal election and matters related thereto* (JSCEM 2007 Report), p. 48.

³⁹ Victorian Electoral Commission, *Election day enrolment. Paper for the Electoral Council of Australia*, October 2009.

⁴⁰ Ibid, 2.

potentially hundreds of thousands of Australians who wish to exercise their right to vote on election day but are unable to do so because the electoral rolls are closed.

A number of these Australians are people experiencing homelessness who, perhaps as a result of the significant issues and concerns they are dealing with in their daily lives, have not enrolled prior to the election. By allowing enrolment on election day, homelessness service providers and the AEC could concentrate efforts on encouraging and mobilising people experiencing homelessness to attend a polling booth on election day rather than the current system in which public awareness campaigns need to operate to enable two processes; enrolment and voting.

Enrolment on election day would encourage greater participation in the political process by people experiencing homelessness and would ensure that the law is more inclusive of marginalised and disadvantaged members of society.

Recommendation No. 7

The *Commonwealth Electoral Act 1918* (Cth) should be amended to permit voters to enrol and vote on election day.

4.5 Access to information on the electoral roll

Question 7(j) Should there be further limitations placed on access to information on the electoral roll? If so, what limits would you suggest?

A concern for many people experiencing homelessness is the fact that their name and address may appear on a publicly available electoral roll.⁴¹ The reluctance of people experiencing homelessness to have their address publicly listed is understandable considering that 32 per cent of people experiencing homelessness report an immediate past history of domestic violence or family dysfunction⁴² and almost 25 per cent of clients of the HPLC report that they are subject to unexecuted arrest warrants. Many people experiencing homelessness are unaware that if they enrol as Itinerant Electors, their address will not be shown on the roll.

For people experiencing homelessness who are eligible to enrol as Ordinary Voters, the CE Act provides a process pursuant to Section 104, whereby a person can request that their name or address not be entered on the electoral roll. This option is open to any person who considers that having his or her address shown on the electoral roll would place the personal safety of the person or of members of the person's family at risk. Under section 104(3), such a request must set out the particulars of the relevant risk and be verified by a statutory declaration.

The HPLC recommends an amendment to Section 104 of the Commonwealth Electoral Act to counter the disincentive for people experiencing homelessness to vote that exists as a result of

⁴¹ PILCH Homeless Persons' Legal Clinic, above n 27, 28.

⁴² Australian Institute of Health and Welfare, above, n32.

the publicly available nature of electoral information. The amendment should provide that a person experiencing homelessness may make a request that his or her address not be entered on the electoral roll and that such a request shall be granted where the person can provide evidence of his or her homelessness.

Recommendation No. 8

The *Commonwealth Electoral Act 1918* (Cth) should be amended to provide that a person who is homeless may make a request that his or her address not be entered on the electoral roll and that such a request be granted where the persons can provide evidence of his or her homelessness.

Recommendation No. 9

The Australian Electoral Commission's public awareness campaign targeted at people experiencing homelessness should provide information about Silent Elector enrolment and publicise the fact that the address of Itinerant Electors is not shown on the electoral roll.

5. Education for electoral participation

According to previous research undertaken by the HPLC, at least 54 per cent of people experiencing homelessness would like to enrol to vote at federal elections, notwithstanding the many significant issues and concerns they have in their daily lives.⁴³

Despite this, studies estimate that between 33% to 90% of eligible homeless persons are not enrolled.⁴⁴ The HPLC believes that the reason for this disparity in numbers results in no small part from a lack of education about the Itinerant Elector provisions, and about the electoral process generally. Indeed, a 2005 AEC research paper found that for people experiencing homelessness who do not enrol or vote, key factors include a lack of knowledge of the provisions relating to itinerant enrolment and voting as well as alienation or hostility to the political process.⁴⁵

In its Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto, the JSCCM concluded that impediments to enrolments and voting for people experiencing homelessness included the complexity of the enrolment and voting process as well as further impediments resulting from:

- social exclusion;
- lack of information and misinformation about enrolment and voting (particularly itinerant enrolment);
- inaccessibility of enrolment information; and
- inaccessibility of voting stations.

The JSCCM made several recommendations to counter the above impediments to participation that are encountered by people experiencing homelessness. These included various educational strategies and campaigns to be undertaken by the AEC. Sadly, the HPLC believes that little action has been taken by the AEC in order to increase participation by people experiencing homelessness since the JSCCM report was released in 2005.⁴⁶

However, the HPLC firmly believes there is scope for the AEC to take significant steps to enfranchise homeless voters through education and awareness strategies. The VEC for instance, has worked very hard to engage with homelessness service providers and with people

⁴³ PILCH Homeless Persons' Legal Clinic, 'Homelessness and Voting: Submission to the Joint Standing Committee on Electoral Matters Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto' (2005) 38 <<http://www.aph.gov.au/house/committee/em/elect04/subs/sub131.pdf>>.

⁴⁴ Hanover Welfare Services estimates that approximately one third of homeless people are not registered to vote (M Horn, 'Social and Democratic Exclusion: Giving Voice to the Homeless' (Hanover Welfare Services: November 2001)), while the Australian Federation of Homelessness Organisations estimates that more than 90 per cent of homeless people are not registered to vote (Australian Federation of Homelessness Organisations, Media Release, 27 June 2001 (see www.afho.org.au/afhonews/mediareleases/20010727.htm)).

⁴⁵ G Dario, 'Electurally Engaging the Homeless', AEC, Research Report No. 6, February 2005, pp. 7, available at www.aec.gov.au/pdf/research/papers/paper6/research_paper6.pdf.

⁴⁶ Indeed, the Joint Standing committee noted that in the lead up to the 2007 election, the AEC did not develop and implement a plan to provide electoral services to homeless electors following the then Joint Standing Committee on Electoral Matters' inquiry into the 2004 election.

experiencing homelessness themselves in an attempt to engage them with the electoral process. As a result, many homeless Victorians were both empowered and enabled to vote in the State Election.

The HPLC stresses the significance of voter education and awareness in increasing participation and enfranchising homeless voters. The AEC must be both proactive and innovative in encouraging and retaining participation of people experiencing homelessness and allowing participation in the democratic process by this group of vulnerable and marginalised Australians.

Recommendation No. 10

The *Commonwealth Electoral Act 1918* (Cth) should be amended to require that electoral enrolment forms and information be displayed prominently at all times in every Australia Post, Centrelink and Medicare outlet to enable and encourage eligible persons to enrol and vote.

Recommendation No 11

The HPLC recommends that:

- the AEC formulate, implement and report against a detailed, ongoing action plan to promote and encourage enrolment and voting among persons and groups experiencing difficulty because of social circumstance; and
- that such persons and groups should include, but not be limited, to homeless and itinerant persons, illiterate persons, persons with disabilities and residents of isolated and remote areas;
- the AEC consult with and consider the views of organisations and groups representing homeless and itinerant persons, illiterate persons, persons with disabilities, residents of remote localities, and other appropriate bodies, in order to formulate appropriate strategies, programs and materials for use when the action plan is implemented;
- where appropriate, adequate funding be provided to enable the AEC to develop, implement and report against the action plan; and
- that following the next Federal Election, the AEC seek feedback from representative groups and community members regarding the effectiveness of the strategies implemented, and further develops its action plan to incorporate constructive suggestions where appropriate.

Recommendation No 12

The AEC continue its consultations with relevant parties and prior to the next Federal Election, as part of improving access to the franchise by those experiencing homelessness, as a minimum:

- target homeless persons in its public awareness campaigns, informing them about itinerant elector and other voting enrolment and options; and
- ensure that its training programs alert AEC staff to the needs of the homeless and other marginalised citizens.

In March 2007, the HPLC together with organisations such as the Council to Homeless Persons (CHP), the Salvation Army and Hanover Welfare Services, consulted with the AEC at a roundtable discussion. At this discussion, the HPLC, provided an action plan (developed in conjunction with the CHP) to increase participation by people experiencing homelessness in the electoral process. While the JSCEM has previously recommended that the AEC adopt and implement an action plan to enfranchise voters experiencing homelessness, and the HPLC and other service providers have attempted to assist the AEC to formulate such a plan, it is disappointing that the AEC has not adopted an action plan to enfranchise homeless voters.

The HPLC recommends that any action plan developed by the AEC pursuant to Recommendation 11 include the following features:

- The AEC provide for planned and coordinated early distribution of the information kit (including relevant enrolment forms) to high frequency contact points, such as Centrelink and Medicare. The AEC should engage with Centrelink and Medicare staff to ensure that, where possible, they encourage and assist people to enrol to vote.
- The AEC actively engage with homelessness service providers and provide the information kit, along with education and resources to equip them to inform people experiencing homelessness about the importance of voting, eligibility for enrolment and procedures for enrolment and, where possible, assist them to enrol.
- Early implementation of a targeted advertising campaign to raise awareness about the importance of voting and to encourage people experiencing homelessness to enrol and vote at all federal elections. This advertising campaign could take the form of, for example, posters displayed in areas and in services that people experiencing homelessness tend to frequent (including Centrelink and Medicare). We also suggest that the AEC considers placing some larger scale advertising, such as billboards, in locations and suburbs that people experiencing homelessness frequent.
- Early roll-out of training for electoral site managers and volunteers addressing the needs of and issues that affect people experiencing homelessness and how electoral workers might assist people from that group on election day.

The AEC states on its website that increased education and awareness of the electoral process allows for “informed citizens who actively participate in the democratic processes of electing our representatives and voting in referendums on Constitutional change”

The HPLC urges the AEC to focus on informing people experiencing homelessness and encouraging active participation through education and public awareness campaigns.

Recommendation No 13

The AEC should provide for planned and coordinated early distribution of the information kit (including relevant enrolment forms) to high frequency contact points, such as Centrelink and Medicare. The AEC should engage with Centrelink and Medicare staff to ensure that where possible, they encourage and assist people to enrol to vote.

Recommendation No 14

The AEC should actively engage with homelessness service providers and provide the information kit, along with education and resources to equip them to inform people experiencing homelessness about the importance of voting, eligibility for enrolment and procedures for enrolment and, where possible, assist them to enrol.

Recommendation No 15

The AEC should provide for early implementation of a targeted advertising campaign to raise awareness about the importance of voting and to encourage people experiencing homelessness to enrol and vote at all federal elections. This advertising campaign could take the form of, for example, posters displayed in areas and in services that people experiencing homelessness tend to frequent (including Centrelink and Medicare). The HPLC suggests that the AEC considers placing some larger scale advertising, such as billboards, in locations and suburbs that people experiencing homelessness frequent.

Recommendation No 16

The AEC should provide early roll-out of training for electoral site managers and volunteers addressing the needs of and issues that affect people experiencing homelessness and how electoral workers might assist people from that group on election day.

6. Polling

Do you have any suggestions for the future location of polling places within Australia? In particular, do you have any suggestions about the location of polling places for homeless persons?

The success of mobile polling in targeting voting services to disadvantaged groups has been demonstrated in the Victorian context. At the Victorian Election in 2006, a mobile polling booth was placed at St Mary's House of Welcome in Fitzroy to increase participation by homeless voters. Over the course of the day, 85 people experiencing homelessness used the polling booth at St Mary's House of Welcome to exercise their right to vote.

The CE Act does not offer adequate flexibility to provide mobile polling provisions to people experiencing homelessness in a targeted fashion.

The HPLC recommends that the CE Act be amended to allow mobile polling and/or pre-poll facilities to be provided at such locations and at such times as the AEC deems necessary for the purposes of facilitating voting. Suitable sights would include Centrelink, Medicare and homelessness service providers.

The HPLC recommends that any deployment of mobile polling facilities should also involve the employment of consumer consultants to assist at mobile polling booths on election day.

Recommendation No 17

The *Commonwealth Electoral Act 1918* (Cth) should be amended to allow for the deployment of mobile polling facilities by the AEC for the purposes of facilitating voting by disadvantaged groups, including people experiencing homelessness. The HPLC also recommends that a consumer consultant trained in issues relating to homelessness assist at mobile polling booths on election day.