

Decision on electronically assisted voting for the Yarrabah Aboriginal Shire Council councillor by- election

Version 1.0

Approval



Pat Vidgen

Electoral Commissioner

11 / 11 / 2022

Decision

To facilitate the conduct of the Yarrabah Aboriginal Shire Council councillor by-election to be held on Saturday, 10 December 2022 (the by-election), this document advises of the unavailability of electronically assisted voting services (telephone voting) in accordance with section 75D of the *Local Government Electoral Act 2011*.

The Electoral Commission of Queensland (ECQ) often facilitates telephone voting under section 67(1)(d) of the *Local Government Electoral Act*. However, for the by-election, the ECQ has determined that the telephone voting service will not be provided.

The ECQ is satisfied that, in the circumstances of this by-election, the cost of providing telephone voting would outweigh the benefit derived from offering the service relative to the number of enrolled electors. The ECQ is of the view that the most efficient, cost effective and accessible voting services for the community are in-person early voting, election day voting and postal voting. These services will be provided to enrolled electors to facilitate their participation in the by-election.

Human Rights Considerations

In accordance with section 58(5) of the *Human Rights Act 2019*, the ECQ has considered any human rights that might be affected by this decision or action and, if so, whether the decision is compatible with human rights in accordance with section 13 of the *Human Rights Act*.

The decision to not offer telephone voting arguably limits people's access and opportunity to vote in a local government election, and in doing so limits their right to participate in public life which is protected under section 23 of the *Human Rights Act*. However, this decision is not incompatible with that right because sufficient provision is made for electors to vote using the other ordinary voting services in this by-election, namely, postal voting, early voting and in-person voting on election day.

This decision adequately balances the interests of giving people the right to vote and so participate in public life, with the competing interests of responsible expenditure of public monies. As outlined above, the cost of providing the service outweighs the benefit of access provided to electors. Therefore, it is considered that this decision limits human rights only to the extent that it is reasonable and demonstrably justifiable in accordance with section 13 of the *Human Rights Act*.

Effective

This decision has effect for the by-election and remains in place until the close of voting for the by-election on Saturday, 10 December 2022.