

From: Eugenie Bensley [genie491@hotmail.com]
Sent: Monday, 11 July 2011 12:09 PM
To: 2011 Electoral Distribution
Subject: OBJECTION : Proposed boundaries of electoral districts and regions.

John David Bensley

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Monday 11th July 2011

Dear Secretary of Office of Electoral Distribution Commissioners,

I object to the notion that proposed electoral boundary changes are necessary because, " the state has experienced substantial change since the 2007 division. There has been an increase in the general population and in the number and location of enrolled electors. Further, the trend of demographic changes has varied district by district.These changes make some adjustments to electoral boundaries necessary ." [p.2 ' Western Australia's proposed electoral boundaries ' pamphlet from Office of the Electoral Distribution Commissioners.] My objection is based on the belief that the proposed changes are un-necessary because the Electoral Commission has failed to properly maintain the electoral roll.

I also believe this contributes to a form of gerrymander to the detriment of a true democracy. I expect the Electoral Commissioners to refute and repudiate my claim before making any change.

The Electoral Act of 1907 [Western Australia] in Section 51A states the, " Power of Electoral Commissioner to remove names of the incapacitated electors. [1] Where the Electoral Commissioner is satisfied, that in consequence of physical incapacity, mental illness or mental disorder an elector is incapable of complying with the provisions of this Act relating to compulsory voting, the Electoral Commissioner may remove the name of that elector from the roll." Further, I believe that Section 18 which deals with Enrolment and Qualifications of electors has been basically ignored by the Electoral Distribution Commissioners in their claim of demographic changes. " Disqualifications [1] Every person, NEVERTHELESS, shall be disqualified from voting at any election, who - [a] is of unsound mind; or [cd] is, or taken to be , a mentally impaired {accused } as defined in the Criminal Law [Mentally Impaired Accused] Act 1996 ".

I am specifically concerned about the number of electors on the roll with decision-making disabilities and who are under reported in official statistics. As an issue it is very much like 'the elephant in the room' which society prefers to ignore but has real implications for the quality of our democracy. A recent The West Australian newspaper report on page 10 of 13 June 2011 " Alzheimer's leaves WA 'unprepared' " alludes to this problem. The article asserts " The number of West Australians with decision-making disabilities whose lives are run by the State has surged 150 per cent in four years on the back of an ageing population increasingly blighted by dementia..... Alzheimer's Australia WA chief executive Frank Schaper said the State Government was unprepared for the predicted rise in WA dementia cases from 24,000 to 109,000 by 2050".

In a publication by the Department of the Attorney General ' Equality Before The Law : Bench Book', November 2009 , ISBN : 978-0-9807395-1-0 it is noted that "The Public Advocate who protects the human

rights of people who are not able to make reasoned decision because of a decision-making disability as a result of dementia,intellectual disability,mental illness or acquired brain injury....are estimated to be about 65,000 Western Australians." [4.2.17] Additionally @ 6.1.5 Health / Older People it is stated " In 2003 ,dementia affected approximately 16,700 Western Australians aged 65 years and over. The prevalence of dementia doubles every five years after the age of 65 and affects about 25% of people aged 85 and over." The Office of the Public Advocate has guardianship and protection of only a miniscule number of these and in addition only a very small number come to the attention of the State Administrative Tribunal. It is my argument that successive State Governments and their departments have not allocated sufficient attention to communicating these to the Electoral Commission so as to make informed decisions. An example of this is the Mandatory Reporting of Medical Conditions Form M109B / Notification of Driving Impairment which is an initiative of the Department of Transport regarding motor vehicle driver licences. It allows for a range of medical conditions to be monitored and reported for the public safety. Examples include epilepsy, dementia, Alzheimers disease,sleep disorders,etc.

It is my view that these are under-reported by medical clinicians and the true scale of listed illnesses are not communicated back to the appropriate government departments. My concern can be put into perspective when it is remembered that Electoral Commissions regularly advise citizens before elections that 'every vote counts'. It is no wonder that the major political parties put so much effort into canvassing either Postal or Absentee Votes and no coincidence either that the informal vote is so high and rising. I can not accept the assurance of electoral officials who have published opinions on the conduct of elections that they do not think it is the elderly because they 'take such care and time over their selections'. I also think a big proportion of carer partners would mark or direct their partners to vote a particular way if it suited the mutual interest. Imagine that; democracy diluted to a lottery. Would any of us expect that our own most personal beliefs would always be honoured by others and not used to their own personal advantage?

Recently, the Department of the Attorney General has announced changes so as to increase the size of the pool for available jurors. There is an intention to increase the age of eligible persons to 75 years old. I contend that a number of incapacitated persons will be eligible and that the current screening system will not be alerted to that possibility. I concede and welcome that all persons are not totally incapacitated with illnesses such as dementia or Alzheimer's Disease but there is a measurable scale when it develops into a severe condition.

Your discussion paper June 2011 on page 23 asked that objectors indicate an outcome which would satisfy that submission.

The only outcome that would satisfy me, or a reasonable person, is that the Electoral Boundary Commissioners establish a census as indicated in Section 39 of the Electoral Act 1907, regarding Electoral Census. The most simple method of assessing the scale of the problem would be for the State Government to liaise with its Federal counterparts. For example, the number of persons receiving medications to treat severe dementia could be traced through relevant Federal agencies and cross referenced with the electoral roll.

If the integrity of the electoral roll is not honoured it is possible that an interested person or independent party could appeal to the Court of Disputed Returns after a future election.

Yours sincerely,

John Bensley

ps/ copies of items quoted in this email will be hand delivered this afternoon to the Office of the Electoral Distribution Commissioners [located on Level 2,111 St George's Terrace,Perth]