

Committee Secretary
Standing Committee on Justice and Community Safety
Legislative Assembly for the ACT
GPO Box 1020
Canberra ACT 2601

28 April 2021

SUBMISSION TO THE INQUIRY INTO 2020 ACT ELECTION AND THE ELECTORAL ACT

To whom it may concern,

Thank-you for providing the opportunity to contribute a submission to the Inquiry into the 2020 ACT Election and the Electoral Act. The Youth Coalition of the ACT (the Youth Coalition) is the peak body representing young people aged 12-25 in the ACT, and those who work with them. We undertake policy analysis, sector development, advocacy, research and projects that respond to issues that impact young people.

In this brief letter, we provide comments relating to Item 10 in the Inquiry's Terms of Reference, regarding lowering the voting age. The Youth Coalition supports lowering the voting age to provide young people aged 16 and 17 with the option to vote. The Youth Coalition has undertaken significant research on this issue over past years, including providing evidence to previous ACT and federal inquiries.

In 2017, the Youth Coalition provided a detailed submission to the Inquiry into the 2016 ACT Election and the Electoral Act (see Appendix A) and appeared at the Inquiry's public hearing. Our submission focused on arguments for lowering the voting age, where we made two key recommendations:

1. That the voting age be lowered to allow young people aged 16 and 17 years of age the option to vote in Territory elections. We recommended that voting not be compulsory for this age group.
2. To improve education on civics and citizenship matters for young people, at schools and in other settings, with a particular focus on young people aged 16 – 19 years of age.

Our submission included:

1. Young people's views on this issue, based on surveys of Young Canberrans (Rate Canberra 2012, Rate Canberra 2016), consultations and activities designed to elevate youth voice, including at an election forum.
2. Our rationale for why the voting age should be lowered, including that it is a universal and fundamental right of citizens, and that young people are capable of making complex decisions.
3. A response to common counter-arguments

In 2018, the Youth Coalition provided a submission to the Federal Government's Inquiry into the Commonwealth Electoral Amendment (Lowering the Voting Age and Increasing Voter Participation) Bill 2018 (see Appendix B). This submission provided a rationale for lowering the voting age, and highlighted the disappointing lack of opportunities for young people to engage in that process, and

the structural barriers and missed opportunities that could have been addressed in order to better engage young people in these discussions.

We have provided these submissions as attachments and would encourage the current Committee members to review these submissions.

Following the 2017 Inquiry into the 2016 ACT Election and the Electoral Act, the Committee at that time recommended that the current minimum voting age of 18 be retained. They identified several key barriers to lowering the voting age in the ACT, including:

- A lack of clarity on the overall community's views on lowering the voting age.
 - While young people continue to express a desire for this to change, there has been little genuine consultation with the broader community about this issue, including informing them of the range of possible options and their implications.
- Questions regarding a 16 or 17 year old's eligibility for candidacy as MLA or Minister of the Assembly.
 - The Youth Coalition is not advocating that young people aged 16 and 17 be eligible for candidacy for these roles.
- Implication of financial penalties for not voting.
 - The Youth Coalition supports optional voting for young people aged 16 and 17. As such, there would not be financial penalties for those who choose not to vote if they are under the age of 18.
- Legislative requirements for compulsory voting under the Hare-Clark System, and the Self-Government Act, and the difficulties in changing this legislation.
 - As no changes to the Legislation regarding these matters have been made in the last four years, this remains a barrier.
- The cost of developing and maintaining an Electoral Roll specifically for the ACT to ensure young people aged 16 and 17 were enrolled and able to vote
 - As the Federal Government has not yet lowered the voting age, this would be still required. It is our understanding that additional funding for this is not currently allocated or available.

The Youth Coalition maintains our position that young people aged 16 and 17 are capable of voting, and that many are informed, willing and would vote if given the opportunity. We believe it is a universal and fundamental right of citizens, that young people are capable of making complex decisions, and that many wish to engage in a political system that addresses and responds to their needs.

However, we recognise that there are significant practical barriers to allowing young people aged 16 and 17 to vote, including the issues that would arise from creating a discrepancy between their right and opportunity to vote in ACT elections versus federal elections, and the complexities of the legislative changes that would need to be made.

In order to address the concerns and barriers that have been raised in previous inquiries regarding this matter, the Youth Coalition recommends:

- The Committee considers the impact of the Federal Government's legislation regarding lowering the voting age, and that the ACT Government, MLA's and Ministers advocate that the Federal Government lower the voting age nationally, to allow for voluntary voting for 16 and 17 year olds in both Federal and State/Territory elections, and local elections in other jurisdictions.
- While these constraints remain in place and hinder the ACT Government from lowering the voting age for ACT elections, the ACT Government looks to address gaps in civics education, and barriers to young people participating in political processes, both inside and out of formal education systems. This includes how and when students are taught about political processes throughout their schooling life, and how young people in the ACT are informed of the opportunities that currently exist for them to engage in political processes, including but not limited to voting in elections. It is our belief that if information and engagement is designed to be accessible for young people, it is also more easily accessible to the broader community.

Thank-you for the opportunity to contribute a submission to this Inquiry.

Yours sincerely,



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**Submission to the
*Inquiry into 2016 ACT Election
and the Electoral Act***

June 2017

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The Youth Coalition of the ACT acknowledges the Ngunnawal people as the traditional owners and continuing custodians of the lands of the ACT and we pay our respects to the Elders, families and ancestors.

We acknowledge that the effect of forced removal of Indigenous children from their families as well as past racist policies and actions continues today.

We acknowledge that the Indigenous people hold distinctive rights as the original people of modern day Australia including the right to a distinct status and culture, self-determination and land. The Youth Coalition of the ACT celebrates Indigenous cultures and the invaluable contribution they make to our community.

Submission to the *Inquiry into 2016 ACT Election and the Electoral Act*
© Youth Coalition of the ACT
June 2017

Prepared by Youth Coalition staff members Rebecca Cuzzillo, Hannah Watts and Stephanie Gorman.

The Youth Coalition acknowledges the ongoing support and input of the ACT Peaks Network, in particular our partnership work with Families ACT, Alcohol, Tobacco and Other Drug Association ACT, Mental Health Community Coalition ACT, ACT Shelter, The Women's Centre for Health Matters, and the ACT Council of Social Services. We would also like to thank the team from Gugan Gulwan Youth Aboriginal Corporation.

The Youth Coalition receives funding for peak activity (policy development, sector development, advocacy & representation) from the ACT Government - Community Services Directorate.

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1. Background

Section 1 of this submission provides contextual information about the Youth Coalition of the ACT, young people in the ACT, the youth sector in the ACT, and the process for developing this submission.

1.1 Youth Coalition of the ACT

The Youth Coalition is the peak youth affairs body in the ACT. As a membership based organisation, the Youth Coalition is responsible for representing and promoting the rights, interests and wellbeing of the estimated 78,000 young Canberrans aged 12-25 years and those who work with them.

The general activities of the Youth Coalition fall under four key themes: policy; sector development; advocacy and representation; and, projects that respond to ongoing and current issues.

A key role of the Youth Coalition is the development and analysis of ACT social policy and program decisions that affect young people and youth services. The Youth Coalition facilitates the development of strong linkages and promotes collaboration between the community, government and private sectors to achieve better outcomes for young people in the ACT.

1.2 Young People in the ACT

Young people are a distinct population group aged between 12 and 25 years. Although diverse, as a group young people frequently experience systemic disadvantage, discrimination and unequal access to resources. This means that young people who experience other forms of disadvantage, such as poverty or low educational attainment, are amongst the most vulnerable members of the ACT community.

Canberra has one of the youngest populations of any Australian State or Territory, with approximately 78,000 people aged between 10-24 years residing in the ACT, representing more than 20% of Canberra's population.¹ With over one fifth of Canberra's population comprising young people, it is important that the wellbeing of young people is viewed as a critical indicator of the ACT's future population health and development.

1.3 The Youth Sector in the ACT

The youth sector in the ACT is diverse in its composition and delivery of services to young people aged between 12 and 25, and their families. A range of professionals work within the youth sector, including generalist youth workers, specialist youth workers, health workers, mental health workers, alcohol and other drug workers, social workers, counsellors, statutory

¹ Australian Bureau of Statistics, 2013, *Population by Age and Sex, Regions of Australia*.

workers, nurses and doctors, educators, psychologists, family workers, lawyers, volunteers, and management staff.

The youth sector uses a range of service delivery models to support young people. These include centre-based, outreach, street outreach, inreach, case management, case work, residential, crisis support, group-based work, recreation-based activities, and education.

1.4 Process for Developing this Submission

The Youth Coalition welcomes the opportunity to provide input to the Inquiry into 2016 ACT Election and the Electoral Act. This submission is based on:

- Ongoing collaborative work with the ACT Peaks Network
- The policy positions outlined in the *Youth Coalition Policy Platform*
- The views of participants of the Youth Coalition's Forums and Networks
- Previous Youth Coalition submissions to the ACT Government
- One-on-one consultations with member services and organisations
- Current and topical research on youth affairs.

In the lead up to the 2016 ACT Election, the Youth Coalition undertook a number of activities to promote and elevate youth voice, which have also informed the development of this submission, including:

- Election Forum: Candidates were invited to hear from a panel of young Canberrans speaking on a range of issues. These presentations can be viewed via:
 - Employment: <https://www.youtube.com/watch?v=cqIRo7Hwn30>
 - Mental Health: <https://www.youtube.com/watch?v=N1Kqiov54rw>
 - Public Transport: <https://www.youtube.com/watch?v=qeACwC6xNww>
 - Education: <https://www.youtube.com/watch?v=a04Usy15k1A>
 - Homelessness: <https://www.youtube.com/watch?v=APoyzntfqp4>
 - Relationship Violence & Sexual Assault: <https://www.youtube.com/watch?v=ll0vWvo-1Ho>
 - Gender & Sexuality: <https://www.youtube.com/watch?v=GBueow7X03o>
 - Arts & Recreation: <https://www.youtube.com/watch?v=RCjZQhIRyHw>
 - The Environment: https://www.youtube.com/watch?v=quVIE31_liw

2. Lowering the Voting Age

This submission is focused on arguments for lowering the voting age, one of the major issues identified in the Terms of Reference of this Inquiry.

In 2006, the Youth Coalition made a submission to the Legislative Assembly Standing Committee on Education, Training and Young People's Inquiry into Lowering the Voting Age in the ACT. At that time, we called on the ACT Government to lower the voting age to 16:

'The Youth Coalition believes that all jurisdictions should adopt a voting system, which enfranchises young people at the age of 16, as we believe that to fail to make such changes is to the detriment of young people and democracy at large.'

*'The Youth Coalition believes that ... the ACT has [an] opportunity to make such changes to ACT legislation to recognise that young people are legitimate citizens of the ACT and should be accorded the right to vote, irrespective of the courses of action other jurisdictions have taken.'*²

Today, the Youth Coalition continues to support the lowering of the voting age to allow young people aged 16 and 17 the option to enrol and vote in Territory elections. We believe that voting is a fundamental right that should be afforded to young people as active and contributing members of society.

'The elections will literally affect us during the next few years, so I'd love to be able to have a say about MY future. Also, I'd say people my age group are actually as politically aware if not more than most of the adults in my life. Especially growing up in the Canberra area, where we're surrounded by politics, I'd love for youth like me to have a say!'

- 16 year old, female, Gungahlin

Recommendation

The voting age be lowered to allow young people aged 16 & 17 years of age the option to vote in Territory elections. We recommend that voting not be compulsory for this age group.

Recommendation

Improve education on civics and citizenship matters for young people, at schools and in other settings, with a particular focus on young people aged 16 – 19 years of age.

² Youth Coalition of the ACT, 2006, *Submission to the Legislative Assembly Standing Committee on Education, Training and Young People Inquiry into Lowering the Voting Age in the ACT*.

2.1 What do young people in the ACT say?

2.1.1 Young people want the voting age to be lowered to 16

Many young people believe that the voting age should be lowered to 16. In 2012 and 2016, the Youth Coalition conducted a survey of young people aged 12 to 25 called Rate Canberra. The survey findings provide a unique snapshot of the key issues, experiences, and views of young people in the ACT & surrounding region. In both surveys, we asked whether young people aged 16 to 17 should be allowed to vote in government elections, and both times more than 60% of respondents said 'yes'.

'Some young people around 15-17 have strong opinions and views on politics but can't voice them due to their age, I think it could be a good thing for young people aged 15-17 to be allowed to vote.'

- 15 year old, female, Belconnen

2.1.2 Young people do not support compulsory voting

Results from Rate Canberra in both 2012 and 2016 show that many young people believe that voting should not be compulsory. Across both surveys, more than half of the respondents, 53% in 2012 and 57% in 2016, believed that 16 to 17 year olds should have the right to vote, but that it should be optional, not compulsory.³

While this finding relates to the voting rights of 16 to 17 year olds specifically, we believe this is representative of how young people feel about compulsory voting more broadly. A number of comments from respondents to the 2016 Rate Canberra survey demonstrate this dissatisfaction:

'People aged 16 and over should have the option to vote. It should not be compulsory for anyone because people who are not educated in politics are forced to vote and they don't know what they are voting for.'

- 14 year old, female, Surrounding Area

'When voting is mandatory, one vote can't make a difference. It should not be compulsory, those who care would vote. Those who have strong ideals would vote. I would be more inspired to vote if others votes weren't wasted. I know many people who don't care who they vote for, don't pay attention to each party's intentions and essentially waste what should be a well thought out opinion.'

- 23 year old, female, Inner North

'I don't think voting should be mandatory for any Australians. Mandatory voting does not encourage people to vote who otherwise wouldn't – it puts results in the election from people who couldn't care less... Voting should be for people who want to vote and are making an intelligent decision based on their opinion and desires for Australia's future.'

- 21 year old, male, Belconnen

³ Youth Coalition of the ACT, 2016, *Rate Canberra 2016*.

2.2 Why should the voting age be lowered?

Lowering the voting age to 16 has long been an issue that the Youth Coalition has advocated for. Young people tell us that they see the issue as not only a fundamental right, but a way for their voices to be taken more seriously and heard in a space that is important to them.

We believe that lowering the voting age presents an opportunity to strengthen our democracy through *‘the inclusion of additional viewpoints with a different perspective and the encouragement of politicians to take these perspectives into account when formulating policy.’*⁴

2.2.1 Voting is a universal and fundamental right of citizens

In our 2006 submission to the Inquiry into Lowering the Voting Age in the ACT, we used historical precedents to argue that *‘denying young people the right to vote undermines their citizenship status within this country.’*

‘The right to vote in elections is a right that has not come hand in hand with democracy for all citizens in society, indeed it is a right that is withheld from some groups within the community to this very day. After non-aboriginal women over the age of 21 were given the right to vote in 1902, the electoral system continued to change with social views, according all Aboriginal and Torres Strait Islander people over the age of 21 the right to vote in 1962 and then in 1973 those between the ages of 18 and 21 were given the right to vote. Therefore, the gradual franchise of various groups has historically reflected society’s attitudes towards particular groups based on their competency and worthiness of being accorded the right to vote.’

*This relationship between voting rights and citizenship is well illustrated by the case of the 1962 where Aboriginal and Torres Strait Islander people were not previously considered citizens of Australia as a result of their exclusion from the voting process. Voting rights recognised Aboriginal and Torres Strait Islander people as citizens within society and that in accordance with citizenship comes the right to vote. The Youth Coalition believes that by excluding young people from the voting processes sets up similar contradictions for young people’s citizenship in Australian society. It is clear that many young people participate in all areas of society – from paying taxes to volunteering to receiving assistance from government funded services and by living under the same legislative requirements as all other citizens.’*⁵

The right to participate in democratic elections is enshrined not only in political ideology, but also in international human rights documents that Australia is party to. Article 21 of the Universal Declaration on Human Rights states that *‘everyone has the right to take part in the*

⁴ Victorian Electoral Commission, 2004, *Lowering the Voting Age: A discussion of the issues from the Victorian Electoral Commission’s perspective.*

⁵ Youth Coalition of the ACT, 2006, *Submission to the Legislative Assembly Standing Committee on Education, Training and Young People Inquiry into Lowering the Voting Age in the ACT.*

*government of his country, directly or through freely chosen representatives' and that 'the will of the people ... shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage...'*⁶

Young people aged 16 have the right to: apply for income support, apply to live independently, engage in employment and training, consent to medical procedures, consent to sexual intercourse and learn to drive (as a learner and a provisional driver).⁷ At age 17, young people are considered legally responsible for their actions and can be incarcerated in the adult prison system. The Youth Coalition believes that if young people have the right to make decisions regarding these activities, and the legal obligation to contribute to the community (through the payment of taxes), it is essential to provide them the option of enrolling and voting in elections. This ensures democratic accountability.

'Young people have strong opinions ... in political and social affairs. If it is expected that you can work, pay tax and have social expectations and standards placed upon you, then you should be able to have a tangible say (ie. a vote) in how society is governed.'

- 21 year old, male, Tuggeranong

2.2.2 Young people aged 16 are capable of making complex decisions

Along with a number of other factors, decision-making competence plays an important role in engaging in the electoral process.

Article 12 of the United Nations Convention on the Rights of the Child outlines that '*States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*'⁸

We note that there will be some 16 and 17 year olds who lack the decision-making competence necessary to make an informed decision when voting, in the same way that there are some people over the age of 18 lacking it. The Youth Coalition argues that it is not a question of *all* young people of this age having the competence, but rather whether a *significant proportion* have it. This is consistent with the view of the Victorian Electoral Commission as stated in their 2004 report on lowering the voting age.⁹

Research has demonstrated that, by the age of 15, young people have understandings of the principles behind political judgements and their long term social impact.^{10 11} As a society, we recognise and accept that 16 year olds are capable of making decisions through the rights and responsibilities they are afforded at this age. At 16, young people have the right to

⁶ United Nations, 1948, *Universal Declaration of Human Rights*.

⁷ Legal Aid ACT, 2009, *When Can I? A Legal Handbook for Young People*.

⁸ United Nations, 1989, *Convention of the Rights of a Child*.

⁹ Victorian Electoral Commission, 2004, *Lowering the Voting Age: A discussion of the issues from the Victorian Electoral Commission's perspective*.

¹⁰ Furnham & Stacey, 1991, *Young People's Understanding of Society*, Routledge, pp 19-34.

¹¹ Mann, *et. al.*, 1989, *Adolescent Decision Making: The Development of Competence*, Journal Of Adolescence, Vol 12, pp 265-278.

make a number of choices that impact on their lives and the lives of others, from consenting to medical procedures to applying for independent living (see Section 2.2.1 for further discussion).

The Youth Coalition believes the current minimum age for voting, set at 18, is too high and disenfranchises many young people who are competent at forming their own views at a younger age.

'Young people are often thought of as naive and can't make the correct decisions while voting, but young people can realize who they think would be a good leader and who won't. Voting affects young people as much (or more) as it affects adults.'

- 14 year old, female, Gungahlin

2.3 Responding to common counter-arguments

This section responds to some of the common arguments made about why young people aged 16 and 17 should *not* be allowed to vote. These often centre around young people of this age being incapable of making appropriate decisions for a number of reasons, including:

- young people lack the decision-making competence to vote
- young people are politically apathetic
- young people are ignorant of politics and the electoral process.

The Youth Coalition believes that the above arguments do not constitute valid reasons for excluding young people aged 16 and 17 from voting. We note that decision-making competence, political apathy and ignorance are not taken into account for those aged over 18 in Australia.

Under the Commonwealth Electoral Act 1918, an Australian citizen over the age of 18 will be disqualified from voting in an election if:

- they are in prison serving a sentence of three years or more
- they are of unsound mind (incapable of understanding the nature and significance of voting);
- they have been convicted of treason or treachery and have not been pardoned.¹²

Other than that, it is compulsory that *all* Australian citizens over the age of 18 vote in Australian elections. As a result, there are people who have the right to vote in elections who may be less competent, more apathetic and more ignorant in making electoral decisions than others aged less than 18 years.

¹² Australian Human Rights Commission, 2010, *The right to vote is not enjoyed equally by all Australians*, available online at <https://www.humanrights.gov.au/our-work/rights-and-freedoms/publications/right-vote-not-enjoyed-equally-all-australians#fn6>, accessed on 29 June 2017.

2.3.1 ‘Young people lack the decision-making competence to vote’

One of the common arguments against lowering the voting age suggests that young people aged 16 and 17 lack the decision-making competence to vote. Young people are sometimes also described as lacking the cognitive ability or maturity.

The Youth Coalition believes this argument is incongruent with other rights and responsibilities they are afforded. Young people aged 16 have a number of rights and responsibilities that rely on their ability to make appropriate decisions, including engaging in training and employment and applying to live independently, etc. (see Section 2.2.1 for further discussion).

‘By the age of 16 and 17, people generally have a sense of where they stand in relation to political parties and politics.’

- 16 year old, female, Woden

2.3.2 ‘Young people are politically apathetic’

The idea that young people are apathetic about politics is another common argument made against lowering the voting age.

‘As many researchers have recently demonstrated, many young people now bypass more traditional forms of politics like joining political parties or voting. Importantly, however, this does not mean they are apolitical or politically apathetic.’¹³

Findings from the 2016 Rate Canberra survey indicate that young Canberrans of all ages, both under and above 18, *‘have a strong interest in politics, but feel disenfranchised.’¹⁴* In the comments section, survey participants of all ages expressed dissatisfaction, mistrust and a general lack of confidence in the current political system:

‘I’m reasonably disillusioned by the current political climate, but of course, I don’t want to get a voting fine.’

- 24 year old, male, Inner North

‘It’s a shame that in the current political climate there are so few politicians who I feel genuinely represent my interests, and certainly none who represent all of them. I am grateful that in Australia we have the right to vote, I only wish we had more leaders who were worth voting for.’

- 23 year old, female, Inner North

‘Not like my vote’s actually going to make a difference, our Prime Minister’s keep changing without our votes anyway. Our government is a total joke.’

- 21 year old, female, Tuggeranong

¹³ Judith Bessant, 2015, ‘Lowering voting age to 16 just one step to restore public trust in politics’, *Sydney Morning Herald*, available online at <http://www.smh.com.au/comment/lowering-voting-age-to-16-just-one-step-to-restore-public-trust-in-politics-20151102-gkp9tg.html>, accessed on 30 May 2017.

¹⁴ Youth Coalition of the ACT, 2016, *Rate Canberra 2016*.

'For the first time, I am seriously contemplating a donkey vote or defacing the ballot paper...Our preferential voting system means in the lower house you have to preference one of the major parties. Ethically, I'm not sure I can do that anymore.'

- 25 year old, male, Inner North

'I have lost confidence in the political system in Australia. What's the point of voting when the individual who is elected can be thrown out by their party without consulting the public first. We may as well all save our time and money and not bother with the election to start off with.'

- 23 year old, female, Woden

Research shows that young people lack faith in the effectiveness of the electoral system, they are not convinced that politicians are interested in them or the issues that they care about, but they are interested in political issues.¹⁵

The argument that young people are politically apathetic, and should therefore not be afforded the right to vote, demonstrates a narrow understanding of the way that young people engage with our political system. The Youth Coalition believes that it is not a valid reason for denying young people aged 16 and 17 the opportunity to participate in the electoral system.

2.3.3 'Young people are ignorant of politics and the electoral process'

It is also sometimes argued that young people are ignorant of politics and the electoral process, and should therefore not be afforded the right to vote.

For many years, the Youth Coalition has advocated for improved civics education for young people. Some young people identify that they do not feel informed about politics. This emerged as a common theme in the 2016 Rate Canberra survey, with a number of comments from respondents highlighting their lack of confidence in their own knowledge about politics and voting.¹⁶

'I don't believe I would be able to make an informed decision though I know political decisions affect me.'

- 14 year old, female, Surrounding Area

'There should be more focus on voting and assessing political issues in high school.'

- 22 year old, male, Belconnen

'If this age bracket [16-17 year olds] are allowed to vote, there should be programs in schools discussing not just the way that the parliamentary systems work, but the different parties, their views and policies, so that young people make informed decisions.'

- 16 year old, female, Woden

¹⁵ The Electoral Commission, 2004, *Political Engagement Among Young People: An Update*, pp. 10-14.

¹⁶ Youth Coalition of the ACT, 2016, *Rate Canberra 2016*.

We continue to call for improved education on civics and citizenship matters for young people in schools and other settings. Civics education is important regardless of whether the minimum age for voting is 16 or 18.

The Youth Coalition believes it is important that *all* people have a good understanding of our political systems and structures to make an informed decision when voting. However, we note that it is not a criteria by which anyone over the age of 18 is precluded from voting and argue that it should not be a reason to deny young people aged 16 and 17 the right to vote.

**Submission to the Inquiry into the
Commonwealth Electoral Amendment
(Lowering Voting Age and Increasing
Voter Participation) Bill 2018**

August 2018



The Youth Coalition of the ACT acknowledges the Ngunnawal people as the traditional owners and continuing custodians of the lands of the ACT and we pay our respects to the Elders, families and ancestors.

We acknowledge that the effect of forced removal of Indigenous children from their families as well as past racist policies and actions continues today.

We acknowledge that the Indigenous people hold distinctive rights as the original people of modern day Australia including the right to a distinct status and culture, self-determination and land. The Youth Coalition of the ACT celebrates Indigenous cultures and the invaluable contribution they make to our community.

Submission to the Inquiry into the Commonwealth Electoral Amendment (Lowering Voting Age and Increasing Voter Participation) Bill 2018

© Youth Coalition of the ACT

August 2018

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1. Introduction

This submission to the Inquiry into the Commonwealth Electoral Amendment (Lowering the Voting Age and Increasing Voter Participation) Bill 2018 (the Inquiry) outlines the views of the Youth Coalition of the ACT (the Youth Coalition) in relation to lowering the minimum non-compulsory federal voting age.

The Youth Coalition strongly supports the purpose of the Bill to lower the minimum, non-compulsory voting age to 16, in recognition of the fundamental rights of young people as citizens and contributors to society, and to provide an opportunity for young people aged 16-17 to choose to participate in and express their views about policy decisions in Australia.

1.1 About the Youth Coalition of the ACT

The Youth Coalition is the peak body for youth affairs in the ACT, representing and promoting the rights, interests and wellbeing of young Canberrans aged 12 to 25 years and those who work with them. The Youth Coalition undertakes policy analysis, sector development, advocacy, research and projects that respond to ongoing and current issues. One of our key roles is to develop and analyse the social policy and program decisions that affect young people and youth services in the ACT, and to facilitate linkages and collaboration between the community, government and private sectors to achieve better outcomes for young people.

1.2 Young people in the ACT

Young people, aged between 12 and 25 years, are an integral component of the community. Although diverse, as a group, young people frequently experience systemic disadvantage, discrimination and unequal access to resources. This means that young people who also experience other forms of disadvantage, such as poverty or low educational attainment, are amongst the most vulnerable members of the ACT community.

With over 78,000 people aged between 12 and 25 in the ACT, young people comprise 20% of the ACT population (ABS, 2018). As a fifth of the ACT's population, it is important that the wellbeing and outcomes of young people are viewed as critical indicators of the country's future prosperity, and that young people are provided with opportunities to participate meaningfully as citizens in their communities.

1.3 Process for developing this submission

The Youth Coalition welcomes the opportunity to provide input to the Inquiry. This submission is based on:

- Ongoing collaborative work with state and territory youth peak bodies
- The policy positions outlined in the *Youth Coalition Policy Platform*
- The views of participants of the Youth Coalition's Forums and Networks
- The views of young people as expressed through the 2016 Rate Canberra survey of young Canberrans
- Previous Youth Coalition submissions to the ACT Government, including relating to lowering the non-compulsory voting age
- Current and topical research on youth affairs

2. Rationale for lowering the voting age

The Youth Coalition strongly supports the proposed Bill to lower the non-compulsory voting age in Australia to 16, to recognise the rights and capabilities of young people as active citizens, and to increase opportunities for young people to participate and engage in policy processes. In particular, we support the proposal to make voting for this age group non-compulsory, which would negate many of the common concerns frequently promoted by opponents to lowering the voting age.

Since its release, Ian McAllister's (2012) paper to the Australian Electoral Commission has remained the most contemporary literature on the lowered voting age debate in Australia. However, it is our observation that opponents of such change rely almost entirely upon this study to the exclusion of empirical evidence and studies from other countries. The Youth Coalition attended the speeches at the second reading of the Bill in the Senate, and noted that the study was cited as the primary source of evidence to argue against lowering the voting age.

We contend that this study, which concluded that there is a lack of evidence to support a lowered voting age, is based upon information irrelevant to the Australian context and to the proposed Bill because it focuses on the impact of lowering the mandatory voting age, and presents data from countries without mandatory voting for the adult population. Our submission refutes many of the key points presented in McAllister's study, relating to their being a lack of public support, that young people are not politically engaged, that they lack political maturity and that the current minimum age is sufficiently equitable.

2.1 Recognising the rights and capabilities of young people as active citizens

A crucial component of democratic nations, such as Australia, is the extent to which the opinions and interests of all citizens are permitted to be heard and considered in policies that impact upon them. The current paradigm of democracy in this country undermines young people's legal status as citizens and diminishes their capacity to become politically engaged citizens. Holdsworth et al. (2007) identify that young people are often constructed as in the process of becoming, rather than already being actual citizens. This mischaracterises young people as politically inept and fuels a narrative that they are not ready to participate in democratic activities. Though 18 years was previously an appropriate voting age, as the roles, responsibilities and expectations of today's young Australians have evolved, so too should the legislation.

Young people aged 16-17 actively contribute to Australia's economic, social and cultural environment. Upon turning 16 years of age, the scope of activities and decisions that young people can legally participate in significantly widens. As seen in Table 1, at 16 years, an individual can: leave school, obtain full time employment, live independently, obtain a driver's license, and even become a parent. A large number of young people also engage in formal or informal patterns of employment and take on legal responsibilities such as tax obligations, with those under 18 years generating almost \$51 million in income tax revenue annually (ATO, 2018). Young people aged 16-17 are active and contributing members of Australian society, who hold considerable decision-making powers regarding their own lives and who are required to meet a number of legal requirements. They should therefore be afforded the opportunity to vote on matters that affect them.

16 Years	17 Years
Leaving school	Independent driving
Full-time employment	Military service
Sexual activity	Leaving home
Marriage (with parental support)	Independent questioning by police
Independent medical decisions	Obtain student loans
Parenthood	
Firearm usage (with supervision)	
Pay tax	

Table 1: Age at which certain activities become permissible in Australia (ages may vary between states)

2.2 Increasing opportunities for young people to participate and engage in policy processes

Lowering the minimum non-compulsory voting age to 16 will increase young people's engagement in political and policy processes, and strengthen the mechanism of accountability that politicians and governments have to young Australians. Currently, young people are unheard and underrepresented in Australia's policy decisions. Young people are frequently excluded from policy discussions in a range of domains affecting their lives, such as employment, education, housing, tax, the environment, welfare and support services. Due to their ineligibility to vote, young people aged 16-17 are unable to hold politicians and governments to account through electoral processes, resulting in youth affairs seldom being a priority for the government. Consequently, the challenges that young people experience frequently go unaddressed.

The United Nations' *Convention on the Rights of the Child* mandates that governments 'assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child' and that they 'be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body' (UN General Assembly, 1989: 3). Currently, young people in Australia are afforded neither a meaningful forum to express their views in policy matters affecting them, nor are they adequately represented. In 2014, the *Australian Youth Affairs Coalition (AYAC)*, the national youth affairs peak body, was defunded by the federal government. This was followed by the *Australian Clearinghouse for Youth Studies (ACYS)*, the foremost organisation on best practice for youth work, being defunded in 2015.

In addition to the lack of non-government representation, young people have likewise been deprived of a champion for youth affairs within government. Since 2013, the role of a federal Minister for Youth Affairs and a portfolio aimed at addressing issues specifically facing young people has ceased to exist. The office that previously existed in the space, and the *Australian Youth Forum (AYF)* that it established, played an important role in giving young people and youth organisations a platform through which their needs and concerns could be voiced and directly received by policy makers. The removal of this Ministerial position precipitated a further erosion of opportunities for young people to engage in political and policy processes.

'It is hard to think of an argument that would show that 16 and 17 year olds do not have a substantial stake in government decisions... Indeed, arguments cited generally rely on reasons to exclude them rather than on denying [young people's] stake.'

– Victorian Electoral Commission (2004: 2)

Providing young people aged 16-17 with the opportunity to vote can foster a greater sense of civic engagement from young people at an earlier age, encouraging a discourse about politics earlier in young people's lives and allowing for a greater understanding and interest in politics that can be further developed over time.

Recent international studies rebut arguments that young people are politically disengaged. In their assessment of Austria's 2007 voting age change, Zeglovits and Zandonella suggest that it 'could have a positive long-term impact on young voters' political interest', and '[political interest] triggered by enfranchisement at an early age may lead to higher interest during a lifespan' (2013: 1098). Further, lowering the voting age to 16 for the 2014 Scottish Referendum was shown to increase discourse about politics within schools, which 'increased engagement with politics and raised 'political confidence'' (Hill et al., 2017: 15).

'Lowering the franchise is vital to nurturing more active citizens for the future health of our democracy. Giving 16 and 17 year olds a vote provides an opportunity to get the next generation more engaged with politics'

– Electoral Reform Society UK (2017: 1).

Young people's disenfranchisement with traditional methods of civic engagement is often portrayed as disengagement with politics as a whole. However, as new platforms and arenas of communication have emerged, young people 'are embracing more expressive styles of actualising citizenship defined around peer content sharing and social media, in contrast to earlier models of one-way communication managed by authorities' (Bennett et al., 2011: 835). This is reinforced by McKee who contends that youth culture is often represented as politically apathetic but in actual fact engage in the most extreme forms of political activism of any age demographic (2005).

2.3 In support of non-compulsory voting for young people

The 2016 *Rate Canberra Survey* of young people in Canberra found that 61% of respondents aged 16-17 years old, and 57% of all respondents aged 12-25, were in favour of lowering the non-compulsory voting age to 16 (Figure 1). Findings from the 2016 Australian Survey of Social Attitudes also indicated that 71% of respondents across all age groups supported the notion that young people aged 15-18 years should be able to influence government decisions (Australian Consortium for Social and Political Research Inc, 2016).

Should the voting age be lowered to 16?

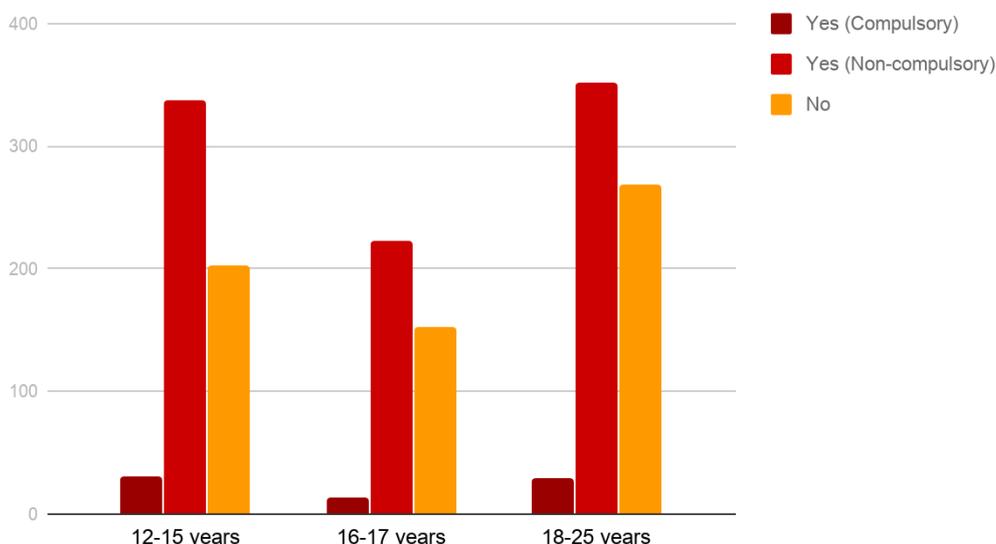


Figure 1: Rate Canberra 2016 - Young people responding to whether the voting age should be changed
Youth Coalition of the ACT (2016)

The nature of Australia’s existing compulsory voting system for adults, alongside the proposal to introduce voting for young people aged 16-17 as non-compulsory, negates common concerns raised by opponents, such as that young people are unprepared to vote, and lack the mental capacity and maturity required. Data from the 2016 *Rate Canberra* survey indicated that while some young people aged 16-17 felt unprepared to vote, a larger proportion felt capable and prepared to vote at 16 years of age. Non-compulsory voting allows those young people who do feel prepared and who would like to participate, to exercise their rights as citizens.

‘I’d say people my age group are actually as politically aware if not more than most of the adults in my life.’

– Female, 16 years

Assumptions about young people’s maturity and capacity to make effective long-term decisions have been grounded in antiquated beliefs that young people are predisposed to act only in response to emotion, are easily influenced by others, and seek instant / short-term gratification; a notion which continues to be reflected in public policy. Johnson and colleagues (2009: 221) note that in relation to policy making, ‘the focus on pathologic conditions, deficits, reduced capacity, and age-based risks overshadows the enormous opportunity for brain science to illuminate the unique strengths and potentialities of the adolescent brain’. Steinberg (2005) also notes that in situations of unhurried decision-making and where consultation is possible, adolescents’ capacity to make judgements is equal to that of adults. It therefore stands to reason that young people aged 16-17 have the capacity to make informed voting decisions.

Opponents to lowering the voting age point towards studies conducted in other nations without compulsory voting systems, which found that lowering the voting age led to a decline in overall voter turnout (McAllister, 2012). However, this concern is not applicable in Australia, due to voting being compulsory for citizens aged 18 years and over. Opponents have also argued that lowering the non-compulsory voting age may degrade the quality of votes and undermine the process of democracy, reflecting a belief that young people lack the capacity to make informed votes and will merely vote for the sake of voting (Collin, 2008). In their analysis on the effect of lowering the voting age in Austria,

Wagner et al. found that it did 'not appear to have a negative impact on the quality of democratic decisions' and identified that further studies should examine the positive consequences of the voting age change (2012: 381). Wagner et al. (2012) further contend that the voting behaviours displayed of Austria's young people and their impact on democracy can be considered a legitimate proxy for what would occur in other nations, should they adopt such changes.

Internationally, young people's desire to vote can be seen in the first year voter turnout statistics, in both Norway and Scotland. In Norway following the lowering of the voting age, the turnout of 16-17 year old newly enrolled voters was 58%, which although was lower than the overall turnout of 63%, was reported to be high when compared to the turnout-rate for first-time voters (Bergh, 2013: 92). Additionally, when 16-17 year olds were permitted to vote in the Scottish Independence Referendum for the first time in 2014, 75% of newly enfranchised voters participated, with 97% of those who voted indicating that that they would continue to do so in the future (The Electoral Commission, 2014).

3. Opportunity for youth participation in the Inquiry

While the Youth Coalition strongly supports the purpose of the proposed Bill, and welcomes the opportunity to contribute a submission to this Inquiry, we are disappointed that the Joint Standing Committee on Electoral Matters did not provide meaningful, appropriate opportunities for young people to express their own views on this matter. The decision to conduct the Inquiry using the traditional mechanism of seeking formal submissions goes to the heart of the issue being debated, in that it fails to actively engage with the young people whom the decision ultimately affects.

Although we understand that young people may contribute individual submissions to the Inquiry, this does not allow for the diverse methods that young people use to engage with their communities and on political/social issues, including through social media. State and territory youth peak bodies have limited capacity to engage with young people on national policy issues. Future inquiries on policy issues affecting young people would benefit from targeted and innovative strategies to obtain the views of young people.

4. Conclusion

There is a strong rationale for lowering the minimum, non-compulsory, voting age to sixteen in Australia. While common concerns against lowering the voting age often centre upon young people's maturity, mental capacity and interest in engaging in politics and policy issues, the evidence presented in this submission indicates that many young people aged 16-17 are capable of voting at this age. This further reinforces the case to make voting for this age group non-compulsory.

Lowering the non-compulsory voting age to 16 recognises the fundamental rights of young people as citizens who make significant contributions to Australian society. Providing the opportunity to this cohort to exercise their democratic right will strengthen youth political engagement and young people's participation in policy issues affecting them.

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