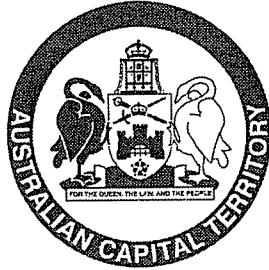


REVISED

Revised Copy



ACT GOVERNMENT RESPONSE

**TO THE STANDING COMMITTEE ON EDUCATION,
TRAINING AND YOUNG PEOPLE'S INQUIRY INTO THE
ELIGIBLE VOTING AGE, REPORT 5, SEPTEMBER 2007**

Authorised by Simon Corbell MLA

Attorney General

December 2007

12/2/08

Government Response to the Standing Committee on Education, Training and Young People's Inquiry into the Eligible Voting Age

Background

Following a resolution on 29 March 2006 the Standing Committee on Education, Training and Young People accepted a reference from the Legislative Assembly to enquire into a proposal to lower the voting age. It was proposed that the voting age be lowered to allow 16 and 17 year old ACT residents to vote in elections and referendums for the ACT Legislative Assembly.

The scope of the inquiry included the consideration of the following issues, all of which have a bearing on the electoral participation of young people:

- national conformity and consistency with other jurisdictions;
- legal implications of compulsory enrolment and voting for young people;
- eligibility for election to the ACT Legislative Assembly;
- resource implications of extending and maintaining the electoral roll;
- issues affecting the electoral awareness of young people;
- different electoral models; and
- other factors that influence the democratic participation of young people.

The Committee sought input to the inquiry through invitation and advertisements, but also held specific consultations with young people on the issue of 16 and 17 year old voting. Views expressed during interschool parliamentary debates held at the Assembly were also noted.

The report of the inquiry was tabled in the Legislative Assembly on 25 September 2007.

Government Response Overview

Recommendation	Government view
1. The Committee recommends that the level of support for the proposal to lower the voting age be reconsidered by the Legislative Assembly before the end of 2010.	Noted
2. The Committee recommends that the Australian Parliament be asked to amend Section 67B of the Australian Capital Territory (Self-Government) Act 1988 to ensure consistency between the ACT and Commonwealth Electoral Acts on the intent of provisional enrolment	Not supported
3. The Committee recommends that, should a proposal to lower the voting age be pursued, the integrity of the compulsory voting system be preserved.	Supported
4. The Committee recommends that the Legislative Assembly consider the opportunities provided to young people to actively engage in aspects of the political process and develop strategies to increase participation of young people in formal political events and in processes to provide feedback on policy or legislative proposals.	Supported
5. The Committee recommends that all civics and citizenship resources provide explanations of how public administration can account for the interests and needs of all citizens, the scope of this capacity in our democracy and the avenues open for public participation in decision-making processes.	Noted
6. The committee recommends that the Minister for Education and Training ensures that accurate and engaging learning materials, that deal with the specific attributes of the ACT political system and ensure all schools actively promote democratic principles and the attributes of active citizenship, be developed for use in all ACT schools.	Agreed
7. The Committee recommends that the ACT Government undertake to extend the effectiveness of civics education strategies in promoting awareness and confidence in young people of the specific characteristics of the ACT system of democracy.	Agreed
8. The Committee recommends that the ACT Government consider the potential for the "student vote" model to extend and enhance the delivery of practical civics education opportunities for all young people in the ACT.	Noted
9. The Committee recommends that the ACT Electoral Commission provide indicators of youth participation in the annual report by including data on the current rate of provisional enrolment for 17 year olds.	Noted
10. The Committee recommends that the ACT Electoral Commission, the Legislative Assembly and the Department of Education and Training continue to collaborate in the development and expansion of opportunities for active learning about democracy in the ACT.	Agreed

The Committee's Recommendations

Recommendation 1

The Committee recommends that the level of support for the proposal to lower the voting age be reconsidered by the Legislative Assembly before the end of 2010.

Government Response

Noted

The Government notes that the committee explored the electoral landscape of the ACT in considering the proposition that the voting age should be lowered to 16.

The Government strongly supports the concept of democratic participation and agrees that voting in the ACT serves both a functional and symbolic purpose and is a valuable symbol of inclusion within democracies.

The Committee heard two views in examining whether the franchise should be extended to 16 and 17 year olds. The first view was that to extend the franchise would mark another incremental change in the development of political participation. The second view was that such an expansion would affect the citizenship entitlements held by those who were already part of the voting community.

The Government notes that in gathering views during the enquiry the committee found that not all young people supported the idea of lowering the voting age. They also found that there was no clear demand for lowering the voting age in the community.

It is the Government's view that, as there is currently no clear support for lowering the voting age, the voting age should not be changed. The Government supports the Committee view that the matter should be revisited at some time in the future. However, although the Committee recommends a re-examination of the issue before the end of 2010 there appears to be little information about why this timeframe was preferred. As any review would not be until the next term of the ACT Legislative Assembly it will be a matter for the Government of the day to consider then.

Recommendation 2

The Committee recommends that the Australian Parliament be asked to amend Section 67B of the Australian Capital Territory (Self-Government) 1988 Act to ensure consistency between the ACT and Commonwealth Electoral Acts on the intent of provisional enrolment

Government Response

Not supported.

The Government does not believe that an amendment to section 67B of the *Australian Capital Territory (Self-Government) Act 1988* is required to ensure consistency between the ACT and Commonwealth Electoral Acts on the intent of provisional enrolment.

Section 67B of the *Australian Capital Territory (Self-Government) Act 1988* provides that an electoral enactment is to set out, amongst other things, that every person who is entitled to be enrolled and who is resident in the Territory is required to claim enrolment.

This requirement is satisfied by section 73 of the *Electoral Act 1992 (ACT)* which provides for compulsory enrolment of those entitled to be enrolled.

It is the Government's view that the ACT's compulsory enrolment provision mirrors the Commonwealth's at present.

Section 72 of the *Electoral Act 1992 (ACT)* provides that a person is entitled to be enrolled for an electorate if the person is entitled to be enrolled on the Commonwealth roll otherwise than under the Commonwealth Electoral Act, section 100 [which provides for 17 year old provisional enrolment]; and the person's address is in the electorate.

Section 75 provides that the Commissioner shall enrol a person who is at least 17 years old and who would, had the person attained the age of 18 years, be entitled to be enrolled for the electorate and makes a claim for enrolment.

It is the Government's view that section 72 expressly excludes, by reference to section 100 of the *Commonwealth Electoral Act*, those seeking 17 year old provisional enrolment. This is supported by section 75 which further refers to a person having attained the age of 18 years to be entitled to be enrolled.

It is the Government's view that the legislation is clear that enrolment of 17 year olds is optional and no entitlement to enrolment exists. If this view is not accepted, then it appears that the purported conflict relates to section 75(1) and the use of the word "shall". This being the case, an amendment to section 75(1) of the *Electoral Act 1992 (ACT)* would provide clarity by replacing "shall" with "may" and would be the more preferable course to asking the Commonwealth to amend the *Australian Capital Territory (Self-Government) Act 1988*.

Recommendation 3

The Committee recommends that, should a proposal to lower the voting age be pursued, the integrity of the compulsory voting system be preserved.

Government Response

Supported.

The Government believes it is essential that the integrity of the compulsory voting system be preserved.

Both enrolment and voting are currently compulsory in the ACT. Section 67B of the *Australian Capital Territory (Self Government) Act 1988* requires the ACT to enact a scheme of compulsory enrolment for all those entitled to vote. This requirement is met by section 73 of the ACT's Electoral Act, which provides that enrolment is compulsory and that failure to enrol is subject to a penalty.

The compulsory enrolment provision in the ACT's Electoral Act currently mirrors the compulsory enrolment provision in the *Commonwealth Electoral Act 1918*. The Self-Government Act requirement to provide for compulsory enrolment is the reason why the current 17 year old enrolment scheme is known as provisional enrolment, in order to allow for voluntary enrolment of 17 year olds.

By way of contrast, compulsory voting is not required under the Self-Government Act, it is entrenched under ACT law. The *Proportional Representation (Hare-Clark) Entrenchment Act 1994*, section 4(1)(c), entrenches the principle that "voting in an election shall be compulsory".

The Government notes that if a two tiered approach to voting was to be taken, and voting was not compulsory for 16 and 17 year olds, the issue would require the support of a 2/3 majority of Assembly Members, or support of a majority of Assembly Members and a majority of voters at a referendum.

The Government is of the view that the entrenchment of compulsory voting in the ACT is an indicator that the concept of compulsory voting is supported by a majority of ACT electors. The Government believes that it would be inappropriate to water down the compulsory voting principle by extending voluntary voting to a particular class of voters.

It is the Government's view that any proposal to lower the voting age should extend compulsory enrolment and voting to those to whom the franchise is extended.

Recommendation 4

The Committee recommends that the Legislative Assembly consider the opportunities provided to young people to actively engage in aspects of the political process and develop strategies to increase participation of young people in formal political events and in processes to provide feedback on policy or legislative proposals.

Government Response

Supported.

Whilst the Government supports the concept contained in Recommendation 4 it is unclear what the Committee is referring to by “the Legislative Assembly”.

It is the Government’s view that a whole of government approach to the issue of engagement of young people in political processes would be essential. This would need to include all Government departments, the Legislative Assembly Secretariat, particularly with respect to the function of standing committees and inquiries, MLAs and political parties.

This approach could further be advanced by promoting the involvement of the private sector, particularly through sponsorship of programs and materials, and community groups. It is worth noting that studies¹ have found that, while not engaging in the formal political process, young people are involved in their community whether by involvement in issue based campaigns, voluntary work or membership of other community institutions such as sporting clubs.

In its 2006/2007 annual report the ACT Electoral Commission² reports that the proportion of 18 year olds enrolled in the ACT increased from 55.5% of the estimated eligible population in 2006 to 76.5% in 2007. The Electoral Commission suggests that this outcome is consistent with trends that indicate young people do not become engaged in the electoral process until an election is called. The Australian Electoral Commission has put great effort into enrolling people in the lead up to the 2007 Federal election.

Properly conducted community consultation demonstrates the transparency and accountability of government processes and helps to build a cooperative and responsive relationship between Government and the community.

¹ Murray Print, Larry Saha, Kathy Edwards, Youth Electoral Study – Report 1: Enrolment and Voting, 2004, pp8, 12. See http://www.aec.gov.au/content/what/publications/youth_study_1/youth_electoral_study_01.pdf

² 2006/2007 ACT Electoral Commission Annual Report p25-26

It should also be noted that this recommendation may attract financial implications, depending on the structure of any proposal to achieve this objective. It is the Government's view that a more detailed proposal to promote recommendation 4 would assist in fully assessing its achievability.

Recommendation 5

The Committee recommends that all civics and citizenship resources provide explanations of how public administration can account for the interests and needs of all citizens, the scope of this capacity in our democracy and the avenues open for public participation in decision-making processes.

Government Response

Noted.

There are many *civics and citizenship* resources already prepared by the Commonwealth Government and commercial publishing houses. Inclusion of a statement could only apply to any new material. There would also need to be more work to ensure that the intent of the statement is clear.

Within its sphere of influence, the Government will ensure that civics and citizenship resources provide explanations of how public administration can account for the interests and needs of all citizens, the scope of this capacity in our democracy and the avenues open for public participation in decision-making processes. Resources of these types include civic and citizenship curriculum materials. However, many of the civics and citizenship resources are produced elsewhere.

Recommendation 6

The committee recommends that the Minister for Education and Training ensures that accurate and engaging learning materials, that deal with the specific attributes of the ACT political system and ensure all schools actively promote democratic principles and the attributes of active citizenship, be developed for use in all ACT schools.

Government Response

Agreed

The Government acknowledges the broad partnerships that currently exist across Government to deliver the current civics education program. In particular, the work of the Education and Strategy Office of the ACT Legislative Assembly in conjunction with the ACT Electoral Commission and the Department of Education of Training.

The development of a school curriculum which incorporates what it means to be a citizen within a democracy as a key learning outcome should be encouraged and supported.

The ACT is currently in the process of implementing a curriculum framework, *Every Chance to Learn*, which outlines essential learning achievements that all students in years preschool to year 10 must have opportunities to learn. Civics and citizenship education has been specified in the essential learning achievement *the student understands and values what it means to be a citizen in a democracy*.

Additionally, the national statements of learning including the *National Statements of Learning for civics and citizenship* are embedded in the framework. The national statements include education on the three levels of government as early as from year 3. In years 6-8 there is an expectation that students will conduct elections, while in later adolescence, years 9 and 10, democratic principles such as civic decision making are included.

As part of the implementation of *Every Chance to Learn*, curriculum resources, sample units of work and learning materials for the teaching of civics and citizenship education are being planned and will be prepared in 2008.

The development of specific ACT resources and information for students in this jurisdiction, particularly given the unique role of the Legislative Assembly in providing both state and local government functions is likely to require financial resources associated with their production.

Recommendation 7

The Committee recommends that the ACT Government undertake to extend the effectiveness of civics education strategies in promoting awareness and confidence in young people of the specific characteristics of the ACT system of democracy.

Government Response

Agreed

The Government notes that presently the ACT Legislative Assembly Education Officer and the ACT Electoral Commission are responsible for much of the ACT civics education that takes place outside schools and colleges.

The presentation of education sessions at the Legislative Assembly building, including mock elections, is a key element of the Commission's electoral education strategy and this strategy is strongly supported by the Government.

The Commission and the Legislative Assembly each have education officers who work together to provide programs for schools, new citizens and community groups.

The Canberra Institute of Technology uses the programs at the Legislative Assembly to teach citizenship to migrant students. Community groups visit the Assembly or request information sessions at election time as a service to their members who may be unfamiliar with the ACT's Hare-Clark election system.

The Government acknowledges that the ability Education Office of the Legislative Assembly's Secretariat³ and the Electoral Commission⁴ to deliver face-to-face electoral education is limited by their small size and budgets. As a result, the Assembly and the Commission has developed a range of materials aimed at empowering teachers and students to conduct their own electoral education projects without the need for facilitation by Commission or Assembly Secretariat staff. The Commission's website at www.elections.act.gov.au is a comprehensive and current source of information covering all ACT electoral matters, and includes specifically targeted education resources. It is linked to "myclasses"⁵, the web based learning content management system that ACT teachers use in the classroom.

As noted in the response to recommendation 6, the *National Statement of learning for civics and citizenship* is embedded in the ACT curriculum framework currently being developed. Civics and citizenship education has been specified in the essential learning achievement *The student understands and values what it means to be a citizen in a democracy*.

The Government notes that the Commission has developed and made available a wide range of fact sheets and electoral education resources to assist teachers. In-service programs for teachers are conducted by the Commission and the Legislative Assembly to promote combined resources for teaching both teachers and students about elections and parliament in the ACT.

The Government also notes that a valuable learning tool provided by the ACT Electoral Commission in some schools is assistance with the running of Student Representative Council elections. These are conducted in schools using the Hare-Clark electoral system. This experience gives students practice in nominating, campaigning, conducting and counting an election. Resources for teachers to conduct their own elections using the ACT's Hare-Clark electoral system are available on the internet.

³ Submission to Joint Standing Committee on Electoral Matters by the ACT Legislative Assembly, June 2006. Can be viewed at <http://www.aph.gov.au/house/committee/em/education/subs/sub014.pdf>

⁴ Submission to Joint Standing Committee on Electoral Matters by the ACT Electoral Commission, June 2006. Can be viewed at <http://www.aph.gov.au/house/committee/em/education/subs/sub083.pdf>

⁵ A web based content management system. Details about the system can be viewed at http://www.myinternet.com.au/products/myclasses_schools.html

Recommendation 8

The Committee recommends that the ACT Government consider the potential for the "student vote" model to extend and enhance the delivery of practical civics education opportunities for all young people in the ACT.

Government Response

Noted.

The Government supports further consideration being given to the adoption of a program modelled on the Student Vote Project in Canada and adapted for use in the ACT.

The Student Vote Project in Canada aims to involve students in the Canadian Federal election by allowing them to learn about candidates in their local area and vote for them. It is noted that there will be significant financial resources attached to the adoption of such a program. The Canadian program is run by an independent organisation which is sponsored by local businesses.

As outlined on the Student Vote website⁶

Registered schools receive free learning materials and program outline to use during the federal election. The teacher who registers the school becomes the "Team Leader" and is responsible for implementing the program with a relative class or student committee. During the campaign period, students learn about the democratic process, party platforms, and local candidates, through in-class lessons and take home activities.

Further events are organized to engage the entire school and to help to build critical thinking and decision-making skills among students (e.g. all-candidate debates).

On a day determined by each school, students take over the roles of Deputy Returning Officers and Poll Clerks, and conduct a school wide vote.

Each school counts their ballots and calls in their results into the Student Vote Returning Office, before a specified date and time. The results are released to the public and shared with media across Canada.

In the Student Vote that coincided with the 2006 Canadian General election 468,000 students from all provinces and territories representing more than 2500 schools participated in the most recent parallel election, which coincided with the 2006 Canadian general election.

⁶ The student vote website can be found at <http://www.studentvote.ca/federal/index.php>

Student vote in Canada has been successful in using the momentum of a Federal election to get students motivated about voting for the candidates in a Federal poll. It is possible that the small geographical nature of the ACT would lend itself to a program of this kind.

The Government's view is that some evaluation would need to be undertaken to determine if a project that works in a country with non-compulsory first-past-the-post voting will translate into the ACT which has compulsory voting and a proportional representation electoral system.

Significant support is provided in Canada by the private sector, teacher's associations and the Government.

Other jurisdictions have developed similar student voting programs such as KidsVoting in NZ (based on the US KidsVoting model) and Y Vote Mock Elections in the UK and these could also be examined.

If such a program was to work in the ACT it would require the support of the Government, the Legislative Assembly, the Department of Education, the Electoral Commission and teachers. If properly resourced it could provide students with a very valuable hands-on approach to elections and voting before they are required to vote when they turn 18. It could address the very real concern that young people feel ill equipped to vote in elections.

Such a "student vote" could be held in an ACT election year which would occur every fourth year. To ensure students have at least one chance to try before they turn 18 the program should be offered to all high school and college students.

The Government supports the establishment of a cross agency committee to consider the potential for a student vote in the ACT and determine the resourcing implications.

Recommendation 9

The Committee recommends that the ACT Electoral Commission provide indicators of youth participation in the annual report by including data on the current rate of provisional enrolment for 17 year olds.

Government Response

Noted.

The Government notes that the annual report of the ACT Electoral Commission already includes details of the number of young people between the ages of 18 and 25 who are enrolled.

The ACT Electoral Commission has agreed that the inclusion of provisional enrolment data each year would provide further information about the engagement of young people in the political process.

Recommendation 10

The Committee recommends that the ACT Electoral Commission, the Legislative Assembly and the Department of Education and Training continue to collaborate in the development and expansion of opportunities for active learning about democracy in the ACT.

Government Response

Agreed

Consultation with the ACT Electoral Commission and the Legislative Assembly secretariat who provide active learning opportunities for students throughout the ACT has indicated that they value the links with the Department of Education and Training. These links have become more important since the introduction of the national statements of learning in Civics and Citizenship.

Department of Education and Training curriculum officers work in collaboration with education officers from several relevant institutions to provide opportunities for enhanced civics education through education programs and teacher professional development.

In August 2007, the Department of Education and Training coordinated professional development about the online, on and off site resources available to teachers and students from seven national institutions, including the National Archives, War Memorial, the Legislative Assembly, Elections ACT, the Australian Electoral Commission, the National Museum of Australia and Old Parliament House.

The Year 11 ACT Constitutional Convention occurs each year in collaboration between the ACT Department of Education and Training, the ACT Legislative Assembly, Old Parliament House, the Australian Electoral Commission, Elections ACT and the National Archives of Australia. Representatives of these organisations are meeting during term four in 2007 to review the convention and plan strategies for its future progress. This may include two conventions during 2008 to increase opportunities for student participation.

The Government is committed to continuing and strengthening these partnerships.