



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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Submission Cover Sheet

Inquiry into Electoral Amendment Bill 2021

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ACT GREENS SUBMISSION TO

THE INQUIRY INTO THE ELECTORAL AMENDMENT BILL 2021

ACT LEGISLATIVE ASSEMBLY JUSTICE AND COMMUNITY SAFETY COMMITTEE

The ACT Greens have several suggestions as it relates to the empowerment of 16- and 17-year-olds to vote in ACT elections. We thank the Justice and Community Safety Committee for the opportunity to place a submission to Electoral Amendment Act 2021 (the Act), and commend Johnathan Davis MLA and Andrew Braddock MLA for tabling the Bill to the ACT Legislative Assembly.

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The ACT Greens Policy Position

The ACT Greens have supported the extension of voting rights to 16- and 17-year-olds for over 25 years. Fundamentally, this is because we believe in empowering the next generation to be involved in decisions that impact them. We believe that extending voting rights to 16- and 17- year-olds will contribute to a fairer, healthier democracy that includes more people in government decisions that affect them.

The ACT Greens believe that governments have a responsibility to empower the generations of tomorrow to actively engage in our democracy. This is particularly critical in an era of climate change and growing intergenerational inequality, that has and will continue to asymmetrically impact younger people. How we respond to these challenges today will determine the world that young people inherit, and it is therefore only fair that they are enfranchised to help shape that future.

Critically, we have strong evidence that young people want to be able to vote. The Youth Coalition of the ACT found that a majority of young people supported the ACT Greens' position to empower 16- and 17- year-olds to vote. Speaking about the *Electoral Amendment Bill 2021* on ABC Radio, Dr Justin Barker, Executive Director of the ACT Youth Coalition said "In the cold light of day, away from the pressure of peers watching them or the urgency of practice, they can make very rational, very informed decisions and we should enable them to do that."

It's clear that young people have the maturity to participate in a variety of activities, including voting. They're allowed to look after younger children at the age of 13, they are often carers for loved ones in their family, and they often take these roles with a great deal of seriousness and pride. The ACT Greens believe that empowering 16- and 17- year-olds to vote would bring the licence of democratic engagement more in line with the current chronology of responsibilities that we afford young people in the present day.

Compulsory Enrolment

Compulsory voting is a core principle of Australian democracy, conferring on citizens the responsibility to elect representatives, similar to other civil responsibilities such as taxation, jury duty and compulsory education. This ensures a higher voter turnout, and the political legitimacy of our representatives. We believe that compulsory voting reflects the

social and cultural significance Australians place on fair and democratic elections. Voters feel an imperative to understand their candidates and the electoral system. The ACT Greens support the implementation of compulsory enrolment and voting for 16- and 17-year-olds, as is consistent with *ACT Proportional Representation (Hare-Clark) Entrenchment Act 1994, Section 4(1)(c)*.

Penalties

The ACT Greens believe that the mandatory nature of our democratic system must be upheld. We encourage and support a discussion from within the Justice and Community Safety committee about ways in which discretionary fine dismissal can be legislated for individuals in extreme or extenuating circumstances. The ACT Greens recognise that even a generally modest fine can have a large impact on people facing financial difficulty. We hope that the Committee will resolve to ensure vulnerable groups are not further disadvantaged by the fining process within our electoral system. Any fining review process must be easily accessible to all groups in the community.

The ACT Greens also support a broader conversation regarding the efficacy and morality of retributive fines facing disadvantaged groups in civil matters. We would also encourage the committee to consider alternative mechanisms for people who do not vote, and a more proactive process of enrollment and support to vote in schools.

Civics Education

Young people are already engaged in politics. They speak in public, they attend rallies, they are union members, political party members, and they write to their MLAs. Allowing young people to vote would be a greatly motivating and empowering experience. Students already spend much time studying the political landscape, and now they would have a personal investment and interest in their learnings. The ACT Greens believe all Canberrans should recognise their democratic right and responsibility to be active participants in civil society. We want all Canberrans to be provided with an opportunity to learn about civics - to empower them regardless of their political persuasion or personal beliefs to be engaged in the decisions that affect their lives today and tomorrow.

The ACT Greens believe empowering 16 and 17 year olds to vote whilst allowing 14 year olds to enrol optionally will bring voting laws more into line with civics and democracy education in schools. The national curriculum dictates that teenagers must learn about civics and democracy in Year 8 and Year 9 – aged 14 and 15. Having the ability to enrol with the assistance of teaching professionals at this age would be a great way to promote civic engagement by the time these students are of age to vote. The ACT Greens welcome further discussion within the Committee about how civics and democracy education could be improved to further support those voting for the first time at the age of 16.

If 16 and 17 year olds were to vote for the first time in a future ACT election, it would be necessary to implement a public education campaign, so these first time voters are aware of their new civic responsibilities. The ACT Greens believe that Elections ACT and the ACT Legislative Assembly Education Office will play a crucial role in supporting young people to be informed about their new responsibility to vote.

The ACT Greens believe that in addition to the civics and democracy educational resources available both within and outside schools, the ACT Electoral Commission must be provided with the adequate resourcing to run their enrolment campaign if 16 and 17 year olds are empowered to vote.

Human Rights Considerations

The ACT Greens note research conducted by the Whitlam Institute which recommended that governments urgently address barriers to the engagement of young people in political systems for the continued strength of Australian Democracy.¹ Investigation into expanding voting rights to 16 and 17 year olds has suggested the impact to be positive.² In reference to the Bill, the ACT Human Rights Commission said that empowering 16 and 17 year olds to vote would bring the ACT further in line with Article 12 of the Convention on the Rights of the Child. They also say that extending voting rights to this cohort would be congruent with understandings of the cognitive maturity and development of young

¹ **Philippa Colin and Jane McCormack. (2020). Future of Australian Democracy – Young People and Democracy. *The Whitlam Institute*. Page 5. <https://doi.org/10.26183/ybv-2t95>**

² **Jan Eichhorn and Johannes Bergh. (2021). Lowering the Voting Age to 16 in Practice: Processes and Outcomes Compared. *Parliamentary Affairs*. Page 1. DOI: 10.1093/pa/gsab019**

people around this age. The ACT Human Rights Commission concluded that this Bill would strengthen the rights of young people to take part in public life, which is defended under Section 17 of the *Human Rights Act 2004*. On the basis of this evidence, we believe that enfranchising 16 and 17 year olds would represent a positive step for human rights in the ACT.

I would be pleased to make representations to the committee on these issues on behalf of the ACT Greens.

Sincerely,

Michael Brewer

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27th January 2022