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Submission Cover Sheet

Inquiry into Electoral Amendment Bill 2021

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**Submission to the
Inquiry into the Electoral Amendment Bill 2021
by the Standing Committee on Justice and Community Safety Committee
in the Legislative Assembly, Australian Capital Territory**

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Summary

This submission strongly supports the *Electoral Amendment Bill 2021* introduced into the Legislative Assembly of the Australian Capital Territory (ACT). This Bill if passed into law would reduce the age at which residents of the ACT can vote, to 16-years. This legislation is consistent with moves underway in many jurisdictions around the world to reduce the voting age (see Eichhorn and Berghe 2021) and it is also in line with international human rights norms and principles (see Grover, 2011). There is considerable rigorous social science research attesting to the value of expanding the suffrage to younger people. Lowering the voting age to 16 years, extends basic citizenship, democratic and human rights to more young people. It gives effect to the ACT Human Rights Act of 2004 by extending the right to vote to more young people. Reducing the voting age will better align official rhetoric about the value of fostering an inclusive society by promoting youth participation and acknowledging the right to be heard in all matters affecting their lives. This legislation will strengthen the democratic culture of the ACT, demonstrate strong official commitment to youth participation, boost voter turnout rates now and in the future and strongly support the ACT's status as a jurisdiction that recognizes human rights. The capacity of 16-year-olds to vote is strongly supported by contemporary research on young people's maturity and cognitive competencies (see Steinberg, 2018). There is also a large body of research indicating that the objections to reducing the voting age are not well founded.

We note the short time given to the public to make submissions on this important topic. The Electoral Amendment Bill 2021 was presented in the Assembly on 2 December 2021 with a deadline set for receiving submissions of 28 January 2022. This effectively mean that interested parties had a six-week period in which to prepare and make a submission. This period happened to coincide with a major holiday break (Christmas and New Year) affecting most people amid a new COVID-19 (Omicron) pandemic surge and for those with caring responsibilities and school holidays, this short consultation period – the timing and the timescale allowed – has been challenging. We are therefore pleased to make this submission, and would also be happy to expand upon any of the following points if considered beneficial.

Preamble

On 2 December 2021 the Legislative Assembly of the Australian Capital Territory resolved that the *Electoral Amendment Bill 2021* introduced into the Legislative Assembly on the same day, be referred to the Justice and Community Safety Committee for inquiry and report within three months. This Bill proposes to amend the *Electoral Act 1992* to enable residents of the ACT aged 14 years and over to enrol to vote and to begin voting at age 16 years. In short, if passed into law it will reduce the voting age in the ACT from 18 years old to 16 years old. The Bill also confirms the commitment to compulsory voting by preserving the capacity to impose a maximum penalty of 0.25 penalty points for people aged 16 years but not yet 18 years who do not vote in ACT elections to the Assembly.

In what follows, we outline why extending voting rights to young people in the ACT aged 16 years, is the right decision.

1. Introducing the Electoral Amendment Bill 2021 as ACT law will align the ACT with a number of other jurisdictions that have extended the franchise to 16-year-olds

At the beginning of the twentieth century, the voting age in most countries was 21 years old or higher. Many countries, particularly in Western Europe, began to reduce the voting ages to 18 years during the 1970s, starting with the United Kingdom (1969), followed by the United States of America, Canada, West Germany (1972), Australia (1974) and France (1974). By the end of the twentieth century, 18 years old had become the most common voting age globally.

From 2000, several jurisdictions began considering whether the voting age ought to be reduced further, with arguments typically being made in favour of lowering the voting age to 16 years old. Iran took the lead when it lowered the voting age to 15 in 1984 (before returning it back to 18 in 2007). During the 1990s the voting age was reduced to 16 in some German states and in Switzerland when voting in local elections. In 2007 Austria became the first member of the European Union to adopt a voting age of 16 for most purposes. Brazil lowered the voting age from 18 to 16 in 1988 and Malta followed suit in 2018.

In the UK, Scotland's parliament reduced the voting age in time for the Scottish Independence Referendum in 2014. The voting age was subsequently lowered to 16 in Scotland for local and national parliament elections in 2015, while the Isle of Man, Jersey and Guernsey also reduced the voting age to 16 for local elections in 2015. Argentina, Cuba, Ecuador, and Nicaragua have also reduced the voting age to 16. The voting age in Wales was lowered to 16 for local and national parliament elections in 2020. A number of countries also have 17 as the minimum age at which citizens are eligible to vote.

From 2021 a large number of countries including Argentina, Austria, Bosnia, Brazil, Cuba, East Timor, Ecuador, Estonia, Greece, Indonesia, Israel, Malta, and Nicaragua reduced the voting age to 17, or in some cases to 16 (Eichhorn and Berghe, 2021). In 2015, the European Union's Congress of Local and Regional Authorities recommended lowering the voting age to 16 in local and regional elections, in line with its youth strategy, acknowledging elections as a main 'transmission-belt' for citizens' political participation.

2. The idea of reducing the voting age to 16 is being taken seriously in many other jurisdictions

From 2021 a larger number of countries proposals to lower the voting age are now being taken seriously and have generated numerous official inquiries, a great deal of significant public discussion and also some intervention in the form of court hearings and judgments (Huebner, et.al 2021; Loughran, et.al., 2021:284-313). For instance, in 2021 in Aotearoa New Zealand, a campaign led by young people called 'Make It 16', went to the High Court claiming that Aotearoa New Zealand's voting age of 18 was inconsistent with the right to freedom from age discrimination provided for in Aotearoa New Zealand's Bill of Rights. The High Court and the Court of Appeal both agreed *that there is no justification to exclude 16 and 17-year-olds from voting*. The High Court however declined to find any inconsistency. 'Make it 16' appealed that judgment to the Court of Appeal, which dismissed the appeal on 14 December 2021. The Court of Appeal agreed, but again decided not to issue a declaration. The Court of Appeal said it was not for the courts to find any such inconsistency and that the question of reducing the voting age was "an intensely and quintessentially political issue involving the democratic process itself and on which there are a range of reasonable views" (Hatton 2021: see also <https://www.ukvotingage.co.uk>). Young people in Canada launched a legal challenge against Canada's federal voting age in December 2021. The new Coalition Government in Germany has committed to lowering the voting age for federal elections.

3.. *Reducing the voting age to 16 will help address the crisis of democracy*

A key argument made for reducing the voting age, acknowledges the serious crisis of democracy in many liberal-democracies; as Chan and Clayton notably claim, ‘having the vote is widely recognised as one of the most important legal rights within a democracy’ (2006: 532). However, as many commentators also note, the ‘three pillars of citizenship’ ie., rights, identity, and participation, have all been undermined by falling voter turnout and the recorded declining membership of traditional political organisations, which are trends evident in many liberal democracies in contemporary times (eg. Schulte-Cloos and Leininger, 2021).

There is also plenty of evidence highlighting a decline in voter turnout in many Western democracies - including in the United States, Canada, the United Kingdom and in Aotearoa New Zealand (eg., van Biezen and Poguntke, 2014; Chiaramonte and Emanuele 2017). The evidence also indicates that a declining disposition to vote tends to be pronounced among younger people (eg., Blais and Rubenson, 2013; Smets, 2012).

In the United States advocacy groups like the *National Youth Rights Association* and *Generation Citizen* argue that ‘democracy depends on political participation, but young people are turning away from politics’. *Generation Citizen*’s mission statement (2021) claims ‘every student has the right to learn how to effectively participate as citizens’. In 2015 *Generation Citizen* issued a white paper on the issue and launched *Vote16USA*, a national campaign promoting the case for lowering the voting age. Their case rests on the simple proposition that:

Extending voting rights to 16- and 17-year-olds will strengthen [American] democracy. Research shows that voting is a habit and age 16 is a better time than 18 to first establish that habit. Studies also show that 16-year-olds are ready to vote, as their civic knowledge and reasoning abilities are on par with those 18 and older (Generation Citizen, 2021).

In the United Kingdom, *Democratic Audit*, an independent NGO made a similar case for lowering the voting age in the same way as *Generation Citizen*:

We know that [enfranchising 16 and 17-year-olds] will not, on its own, solve the wider problem of youth disengagement from politics. We support the change because it means ...helping them to pick up the habit of voting at an early age ... Most significantly, we believe the evidence is clear that 16 and 17-year-olds are mature enough to participate in our democracy (Democratic Audit 2014).

In Australia there are also a number of initiatives campaigning for a reduction in the voting age. *Think Forward*, a youth-focused think tank, is leading an initiative seeking a parliamentary inquiry into intergenerational inequity – targeting a commitment from politicians of all persuasions as part of their election platform (see: <https://www.thinkforward.org.au/>). As one of its officials has confirmed, ‘lowering the voting age would be a strong recommendation to come out of such an inquiry’.

4. Countries which lower the voting age to 16 enjoy higher rates of political engagement

International research demonstrates that countries which proceed to lower the voting age to 16, enjoy higher rates of youth engagement. As the evidence demonstrates, the concept is simple: if young people start voting younger, they are more likely to vote for the rest of their lives (Akoorie, 2021).

Existing evidence also indicates that the experiment of lowering the voting age in the fourteen jurisdictions outlined, has worked. Eichhorn and Bergh (2020: 231) gathered a significant body of empirical research from a large number of countries that introduced or experimented with lowering the voting age to 16 in one place. Their big finding is that '[w]hile we cannot conclusively say whether the implementation of Votes at 16 resulted in positive changes in every instance, we have little evidence to suggest that it has been detrimental in the cases studied' (Eichhorn and Bergh 2021: 238). One illustrative example is the extensive existing evidence from Austria, where the voting age was lowered to 16 for all elections in 2007. This constitutional change was accompanied by changes to the school curricula (Zeglovits and Zandonella, 2013) to enhance learning about and engagement with the political process. Initial results showed indeed a first-time boost in participation and related attitudes. But crucially, over time, a lasting and positive effect could be observed in Austria on political participation and political attitudes adding to traditional lifecycle effects (Zeglovits and Aichholzer 2014).

While Eichhorn and Bergh (2020) acknowledged there can be large age-based differences in rates of voting, if we focus on the impact of lowering the voting age on the disposition to vote, research on voting patterns, suggests the newly enfranchised 16 and 17-year-olds have voted at rates as high as, or even higher than for their 18-20-year-old peers. This was found to be the case in Germany for example, which was the first major democracy to lower the voting age to 16 back in 2007. It was also found in Austria, which since the 1990s allowed 16- to 17-year-olds to vote in some municipal or state elections. Other countries have seen the same result. Norway gave the vote to 16- and 17-year-olds in municipal elections in 2011, while in Scotland 16- and 17-year-olds were allowed to vote in the 2014 independence referendum. In each of these cases, 16- and 17-year-olds turned out to vote at rates as high or higher than their 18- to 20-year-old peers (see Bergh, 2013; Eichhorn, 2018; Leininger and Faas, 2020; Odegard et al., 2020; Aichholzer and Kritzing, 2020).

Following an expansive study in Scotland, Eichhorn and Berghe (2020: 133) found that:

'The Scottish experience dispels a number of myths about young people and politics: that young people are not interested in political issues, that they are not mature enough to take political decisions, that they do not care about voting, and that they blindly follow their parents or social media to form political opinions'.

Indeed, since voting age in Scotland was lowered to 16 in 2014, political and public opinion has shifted significantly, with the vast majority of Scots now supporting the measure and those parties who opposed 'Votes at 16' now enthusiastically backing the reform. Furthermore, nearly all political parties in Westminster now include 'Votes at 16' in their election manifestoes (with the notable exception of the ruling Conservative party) and there is a majority support for the universal lowering of the voting age to 16 for all elections amongst the British public (Tonge et al. 2021).

Lowering the voting rights to 16 will help address concerns about young people's withdrawal from electoral politics and formal politics more generally, as well as fully acknowledge that young people are and want to be 'politically active' (see Gordon, 2018). As Judge John Becroft, a former NZ

Commissioner for Children argued in early 2018, a lower voting age could enhance turnout, help develop habit of voting, and give young people more rights:

‘All that I have seen about our democratic system shows that those that are least involved and invested in it are our young. The lowest voter turnout is the 18-29 age group... we’ve got to do better’ (Becroft 2018).

The evidence presented here implies that early enfranchisement improves the potential for life-long voting; an important point in terms of the potential to improve the quality as well as the quantity of democratic participation.

5. Allowing 16-year-olds to vote acknowledges that many young people are engaged in the social, economic, and political life of their community and that being able to vote at 16 will align with other rights and responsibilities

Young people already make important contributions to many kinds of socio-economic and political activities, and have many rights and responsibilities in society, that highlight how and why they deserve the right to vote.

Young people aged 16:

- Engage in a paid employment (Prime Minister Morrison recently proposed that under 18-year-olds be able to operate high risk forklift machinery in the context of a serious COVID labour shortage).
- Pay taxes on those incomes (suggesting that the principle of no taxation without representation or the right to vote is at stake).
- Enlist in the defence forces at age 16.
- Can marry at 16 (with court approval).
- Can have sexual intercourse legally at 17.
- Can drive in NSW and in South Australia at 17 and can get a pilot’s licence.
- Can give consent for medical procedures.
- In some cases, they can be charged with criminal offences (aged 10) as if they are an adult.
- Many young people have been working at the frontline in essential services during the COVID-19 pandemic (eg retail, cleaning, delivery, hospitality food and accommodation services, stocking shelves etc).
- Many young people are the main carers for parents, siblings and other relatives who are disabled.

If young people can do so much at the age of 16, why should they not also be allowed to enjoy a basic citizenship right and be allowed to vote?

Moreover, a substantial body of Australian research has demonstrated that citizenship norms and practices have shifted over the past 20 years and that young people are engaged in many forms of civic and political participation beyond institutional and traditional modes (Vromen, 2003; Collin, 2008; Harris et al, 2010; Collin, 2015). This includes creating new organisations seeking to influence policy and politics (Walsh and Owen, 2015; Vromen, 2017; Walsh and Black, 2018).

6. Reducing the voting age to 16 in the ACT will ensure that 16-year-old residents of the ACT enjoy the political rights enjoyed by a citizen and give effect to the ACT Human Rights Act 2004

Lowering the voting age in the ACT will go some way to meeting Australia's human rights obligations under international law. The right to vote is a basic human right as stipulated by the Declaration of Human Rights (Article 21) and the International Covenant on Civil and Political Rights (Article 25). It also acknowledges the obligation to extend citizenship rights to young people. For instance, under Article 12 of the United Nations Convention on the Rights of the Child (UNCROC) of which Australia is a signatory:

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 (UNCROC Article 12 <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>).

Reducing the voting age to 16 in the ACT will give effect to the ACT Human Rights Act 2004 and ensure that 16-year-old residents of the ACT have fundamental political and civil rights enjoyed by all citizens.

As is outlined in Section 17 of The ACT Human Rights Act:

‘Every citizen has the right, and is to have the opportunity, to:

- (a) take part in the conduct of public affairs, directly or through freely chosen representatives; and
- (b) vote and be elected at periodic elections, that guarantee the free expression of the will of the electors; and
- (c) have access, on general terms of equality, for appointment to the public service and public office’.

Apart from recognizing young people as citizens, reducing the voting age would remind the community, of the need to encourage a more purposeful educational commitment to supporting civic engagement. It would ensure that within the classroom and beyond, that the ethos of civic engagement, youth participation and youth voice are central to societal values and norms.

Supporting young people to learn by doing by enabling their participation, highlights ‘our’ obligation to support young people to vote. This has implications for schools generally and civics education in particular. Schools are a great place for students to learn why we have governments and why we vote. ACT schools could play an important role in to encouraging young people at 14 to sign on to the electoral roll.

This also has implications for the use of democratic education practices within the schooling system and how the development of new forms of education can help students better understand and address some of the big issues we now face (Tannock, 2021). It would be supported by more schools being sites for voting on polling day (as is already common).

7. Reducing the voting age to 16 will give effect to a core principle of the deliberative democratic tradition which holds that for any policy, law, or decision to be legitimate, everyone affected by it ought to have a say in its adoption.

Currently 16–17-year-olds do not enjoy this basic citizenship right to have a vote but are subject to public policy decisions which they have little or no capacity to influence. A central principle of the deliberative democratic tradition holds that for any policy, law, or decision to be legitimate, everyone affected by it ought to have a say in its adoption. Lowering the voting age would enhance young peoples' engagement in civic and political groups, as well as improve the accountability of governments to young people. The Youth Coalition of the ACT argued in 2018:

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 (Youth Coalition of the ACT, *Submission 68*, :6).

This problem has been accentuated since the onset of the COVID-19 pandemic. Since early 2020 young people have had no formal input into key decisions taken by governments in response to the pandemic even though they are one of the groups most affected by government policy (Bessant, Collins and Gordon, 2021).

Despite the initial concern about older population groups at risk of contracting and becoming seriously ill with COVID-19, young people were more likely to contract the virus in 2020. As the Australian Institute of Health and Welfare¹ found, in 2020, rates of confirmed cases were higher among those aged 20–24 and 25–29-year-olds than most other age groups, except for those aged 85 and over. Beyond the virus itself, lockdowns associated with COVID-19 affected young people's mental health significantly. According to a study conducted by UNICEF Australia, 36 percent of young people aged between 13 and 17 reporting that COVID-19 impacted their levels of stress and anxiety (Churchill, 2020: 783-794.). In the same study, almost half of all young people surveyed were worried about being isolated from friends and family and having their schooling interrupted. As research has shown, specific groups of young people, for example justice-involved young people and many young people who live in residential care settings, continued to be placed in particularly high-risk settings with little to no say about these conditions during the COVID-19 outbreaks (Gordon et al., 2021).

Young people's employment opportunities were also significantly impacted during the COVID-19 pandemic lockdowns (O'Keeffe et.al 2021: 1-18). Young people aged 15 to 24 years-old, experienced the largest job loss of all age groups in the first few months of the pandemic (Biddle et.al., 2020; see also Cook et.al., 2021, 331-348). The youth unemployment rate for 15- to 24-year-olds in 2020 peaked at 16.4 percent,² the highest since before the Global Financial Crisis of 2008 (Biddle et.al., 2020;

¹ <https://www.aihw.gov.au/reports/children-youth/covid-19-and-young-people>

² *ibid*

Farrugia, 2021; Threadgold, 2018). Underemployment, (ie., the number of young people seeking more hours, has also increased) (Biddle et.al., 2020).

The immediate impact of COVID-19, lockdowns and the effect on young people's income also caused significant housing stress. In the early months of the pandemic (April and May 2020), the proportion of young people aged between 18 and 24 experiencing housing stress was 30 percent (Karp 2020). In May 2022, 44 percent of young people reported that they were unable to pay their rent on time compared to just 27 percent of adults facing this difficulty.

In the absence of international students and its impact on the bottom line of university budgets, the government introduced changes to the HECS-HELP fees, which saw the doubling of university fees for select courses and a decrease for others. Fees for law and economics were increased by 28 percent and decreased by 62 percent for agriculture and maths 45 percent. Again, these decisions could have benefitted from young people's perspective and engagement.

8. Votes at 16 adds a constituency of young, empowered voters who can contribute to policy and decision-making in the Australian Capital Territory

A core principle of representative democracy is that, through democratic participation, representatives can draw on the expertise, knowledge and opinions of their constituents when forming policy and making decisions. A strong and growing body of international evidence shows that young people possess valuable knowledge and expertise in politics, and that their "civic knowledge and reasoning abilities are on par with those 18 and older" (Generation Citizen, 2021). Nevertheless, many electoral democracies including the Australian Capital Territory are still barred from fully benefiting from young people's knowledge because a high voting age excludes younger people from participating in elections.

As Bessant writes, the concept of Votes at 16 as a potential reform tends to be limited by an assumption that young people 'are always by nature deficient in a variety of ways that confirms their status as denizens' (2020 223–240). While we maintain that Votes at 16 can offer young people an opportunity to engage with the political system, and we recognize that young people as first-time voters will, by necessity, be in the process of becoming and engaging as voters for the first time, we urge legislators to see them as equal voters, and equally deserving of power, respect and representation.

At a time when the most visible forms of young people's politics are conducted on the street in protests, school strikes and other voices of dissent, we are losing young people from the ballot box. Younger people have the civic knowledge to participate and the reasoning abilities to contribute to democratic governance, but they are excluded from elections because of their age. For young people the vote remains one way to do politics and, at the time that many are first becoming politically active, the vote is a tool they are barred by law from using. It is, arguably, unsurprising that such young people find other tools for doing politics than voting.

As a result, we commend Votes at 16 as a policy that can benefit young people and engage them in politics, but also as a reform that can bring the voices, power and expertise of a new constituency of voters into the democratic system. The proposed reform does more than simply offer young people a chance to engage: it is "a unique opportunity to... reinforce the role the vote plays in the political toolbox for young people" (Bowman 2021).

9. Conventional arguments made against reducing the voting rely more on prejudice than rigorous empirical evidence

Surprisingly and significantly, there are not many comprehensive, or evidence-based arguments made against lowering the voting age (Hinze, 2020). This is something which the inquiry should consider when reviewing the evidence’?

The key arguments against lowering the voting age rely on the idea that there are certain innate differences between children and adults, that mean only adults can vote. These perceived differences emphasise certain deficits said to characterise children (and young people), such as an over reliance on adults and an inability to make good judgment due to their alleged cognitive and moral under development.

The conventional arguments against reducing the voting are summarised by Chan and Clayton (2006) who claim that teenagers are simply not ‘politically mature’ enough to vote (See also McAllister, 2012). To make their case Chan and Clayton (2006) offer a normative account of ‘political maturity’ supplemented with an ‘empirical account’ of what they claim is evidence attesting to the political immaturity of 16 and 17-year-olds. These commentators rely on common-sense that being young means an ‘natural’ absence of political knowledge, cognitive capacity, good judgement and political maturity needed to engage effectively in political processes (Chan and Clayton, 2006: 533-558, McAllister, 2012:14).

Yet when we examine the details of the case against lowering the voting age to 16, this ‘empirical research’ involving testing or measuring political maturity, takes for granted the foundational prejudice that young people are not inherently capable of being political or of exercising political-moral judgement. As Gordon’s (2018) research demonstrates, the popularity of the stereotype that young people lack political and moral judgement have more to do with the ways in which age based prejudices are reproduced and reinforced in mainstream media reporting than being grounded in any credible evidence.

Imagine the furore if a researcher decided to test the political maturity of women or people of colour?

Age-based prejudice and discrimination is embedded into the fabric of this argument. From the ‘get go’, much of the general body of research presupposes that representative democracy is the natural and proper system in which to have a discussion about the capacity of young people to be political. This rests on the assumption that ‘an important aspect of being an active and engaged citizen of a democratic country is to participate in the electoral process’ (Laughland-Booÿ et.al., 2018: 159). This in turn implies that voting requires or presumes a number of qualities or abilities including capabilities such as relevant political knowledge, political maturity, experience and judgment. The issue is that this is never normally applied to ‘adult voters.’ There is a problem when McAllister argues that:

One of the most important requirements for the functioning of representative democracy is the existence of informed and knowledgeable citizens. It is normally considered a pre-requisite to voting in a democracy that citizens have some basic information about how the system operates (McAllister 2011: 56).

The problem is that this is not the case: citizens enjoy the right to vote in representative democracies without having to pass tests showing they ‘informed and knowledgeable’.

For reasons that require further justification, this argument is normally only applied to young people in the belief that young people lack these qualities (Gordon, 2018), a deficiency which only the passing of time apparently and naturally will confer on them as adults.

McAllister's study does not demonstrate the political illiteracy of young people. Rather, he argues that younger people know less than their elders and suggests that there is a general level of 'political ignorance' when comparing the knowledge of 18–24-year-olds with over 25-year-olds:

...the average older voter could correctly answer almost two and a half questions out of ... six questions, while the average younger voter could correctly answer less than two questions' (McAllister 2012: 17).

It seems that the inability of older citizens to get even half of the answers right was not a problem. More serious is his argument about why we should not lower the voting age to 16 is that he did not draw on evidence about the 'political knowledge' of young people under 18. Crucially, the AES surveys did not explore the 'political knowledge' of 16-17-year-olds.

There is an abundance of evidence provided by developmental psychologists that young people achieve levels of cognition by age 16 that allow them to make good judgment -nothing magical happens when we reach 18.

Based on analyses of data from over 900 individuals age between 10 and 30 years-old psychologists like Steinberg and colleagues (2009) noted that cognitive capacity - the basic cognitive processes supporting the ability to reason logically - is in place by 16 years. That is, 16-year-olds reached the same level of moral reasoning as most adults and have logical reasoning abilities which are indistinguishable from adults (eg., Klaczynski et al., 2004; Kuhn and Siegler, 2006: 961). They can engage in scientific and-or means-end reasoning at the same level as adults and are able to engage in decision-making as competently as adults.

People under 18 are well able to vote responsibly (Hart and Atkins 2010; Bessant 2020:1-18). According to Steinberg (2018), a leading expert on adolescent psychology, we should lower the voting age to 16 as they have the same cognitive abilities as young adults. Based on empirical evidence they say '16- and 17-year-olds ought to be awarded the vote' (ibid).

There is also a large and consistent body of scientific research that provides evidence which suggests that 16-year-olds have the same capacity for moral reasoning as most adults (eg., Kohlberg and Gilligan 1971; Power et al., 1989: 29–30; Sawyer et.al 2018: 223-8). Other research work suggests that 'adolescents' also have logical reasoning abilities which are no different from those of young adults (eg., Klaczynski et al., 2004; Kuhn and Siegler, 2006: 961).

Some bio-medical researchers distinguish between hot and cold cognitions (or emotions). Hot cognitions reflect the decisions that we make in contexts that are highly charged or emotionally arousing. If this is applied to young people, then it is argued they may not make the same decision that they might otherwise make with a 'cool head' in the cold hard light of day. However, voting is an archetypal 'cold' cognition because people vote privately on their own, and usually in a booth. Taking account of 'cold' cognitions involved in voting implies that we should favour lowering the voting age (Sawyer et.al 2018: 223-8).

There are important analogies to be drawn with issues such as access to health care (a 'cold cognition activity') by young people independent of parents. Australian Tort Law (Commonwealth) supports young people's access to confidential health care without needing their parents' consent, although each state puts this into play in different ways. In Victoria and NSW, for example, it is assumed that

young people who are 16 are a mature minor and capable of making many decisions about their health (e.g., to seek contraception, an abortion, referral, etc.). Though it is true that most health services still rely on parents to provide consent for life threatening or surgical procedures, legally this can be consented to by young people themselves (Sanci et al., 2005: 410-4; Haller. et.al., 2005: 439).

In short, there are no credible grounds for continuing to believe that young people lack the relevant cognitive and moral capacities enabling them to vote. That this belief may reflect a deep prejudice about young people is suggested when we realize these are not tests, we would think of applying to people over 18 years of age, as a test of fitness to vote. Indeed, as psychologists like Ossterhoof and colleagues argue it is time to reconsider the minimum voting age with a view to lowering it. Moreover to help overcome obstacles to young peoples enfranchisement they ‘recommend that future research empirically demonstrate the role of ageism in adults’ views of lowering the voting age’(Oosterhoff et.al 2021: 7).

9. The Bill confirms Australia’s long standing commitment to compulsory voting by preserving the capacity to impose a maximum penalty of 0.25 penalty points for people aged 16 but not yet 18 who do not vote in ACT elections to the Assembly.

We acknowledge that this proposed penalty for not voting imposed on people aged between 16-18 is half of the penalty imposed on people aged 18 and over. This does not entirely address one issue of equity, given that young people generally are less able to pay fines. One option is to consider introducing a means test so that those who are students, pensioners, health care card holders either have a significantly reduced fine or none at all.

We encourage the inquiry to explore the available international data and campaigns that have pushed for removal of penalties and fines in legislative frameworks, some of which have led to criminalisation of particular social groups and individuals. These measures often push people who may already be experiencing economic and other challenges into further financial hardship. We would encourage the inquiry to use this opportunity to exempt young people and other concession holders from fines for not voting.

Conclusion

As this written submission demonstrated, there is a large body of research attesting to young people’s maturity and cognitive competencies which supports the idea that 16-year-olds have the capacity and capability to vote and should therefore be legally entitled to vote. This submission also made the case that the conventional objections to reducing the voting age are not well founded and should be discounted.

This proposed legislation will strengthen the democratic culture of the ACT, demonstrate strong official commitment to youth participation, boost voter turnout rates now and in the future and strongly support the ACT’s status as a jurisdiction that recognizes human rights. The ACT can again play a leadership role by adding to its record as a human rights pioneer by reducing the voting age to 1

We should point out that this submission has assumed a narrow definition of ‘politics’, understood essentially in terms of electoral processes. This tends to overlook the many ways that young people already engage actively in all sorts of political activities. Recent *School Strike for Climate* rallies have seen quite young people assume leadership roles in extra-parliamentary politics. The rise of many social movements and other forms of social action, typically initiated and led by young people, reveals that many young people have a deep and sustained interest in politics (Collins 2015). Paradoxically,

given the concerns about disengagement this is too often represented as a problem (Collin and Matthews, 2021: 13-24; Bessant, 2021).

Hopefully this inquiry will remind the community of the valuable contributions young people can and do play in renewing Australian democracy.

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