



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

June 2017

www.youthcoalition.net

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.

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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.