



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON EDUCATION, TRAINING AND
YOUNG PEOPLE**

(Reference: Voting age eligibility)

Members:

**MS M PORTER (The Chair)
MR M GENTLEMAN (The Deputy Chair)
MRS V DUNNE**

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 24 OCTOBER 2006

**Secretary to the committee:
Ms S Lilburn (Ph: 6205 0490)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

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The committee met at 9.32 am.

O'REAGAN, MR GREGORY FRANCIS JOHN, retired public servant

THE CHAIR: I need to read to you from a card that I have to read to all witnesses. The committee has authorised the recording, broadcasting and re-broadcasting of these proceedings in accordance with the rules contained in the resolution agreed by the Assembly on 7 March 2002 concerning the broadcasting of Assembly and committee proceedings.

Before the committee commences taking evidence, let me place on the record that all witnesses are protected by parliamentary privilege with respect to submissions made to the committee and evidence given before it. Parliamentary privilege means special rights and immunities attached to parliament, its members and others, necessary to the discharge of functions of the Assembly without obstruction and without fear of prosecution.

While the committee prefers to hear all evidence in public, if the committee accedes to such a request, the committee will take evidence in camera and record that evidence. Should the committee take evidence in this manner, I remind the committee and those present that it is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly. I add that any decision regarding publication of in-camera evidence or confidential submissions will not be taken by the committee without prior reference to the person whose evidence the committee may consider publishing. Did you understand that?

Mr O'Regan: Yes, I did, and I seem to have read it somewhere too.

THE CHAIR: Thank you very much for appearing before us this morning. I was wondering whether you would like to make an opening statement. Thank you very much for your written submission. If you would like to make an opening statement, then members might want to ask you some questions.

Mr O'Regan: I have re-written the statement, and copies are on the way to you. I have been a resident of Canberra for 37 years. What else do you need to know? Qualifications and so on? I was going to read them all out anyway.

THE CHAIR: That is fine.

Mr O'Regan: I first must express my surprise at being invited to appear before this committee. At first I was going to decline, but when I became aware I was the only layman to show enough interest in the matter I felt obliged to be here. Moreover, might I say I am delighted that whoever runs the ACT committee system took on board my suggestion that, like the federal parliament, all the submissions on issues to come before the committees are now to be published on the internet before the hearing. My concern had arisen because the submissions in the same-sex union consultation were not readily available prior or after. I felt that the ACT government was open to suspicion and that a decision was made taking account of the submissions for and against, rather than the arguments put forward. I am more optimistic about this committee.

Whether I am typical of Canberra or not, you can judge from this summary about me. I have been a resident of Canberra for 37 years; married for 46 years, with seven daughters and three sons; a New South Wales teachers certificate and a BA with honours in education at the University of Sydney; teacher in Catholic and public schools with the status of a five-year trained teacher. I have been a lecturer in education at the teachers college at Armidale and part-time lecturer in education administration at the University of New England.

In the commonwealth public service, I was with the commonwealth Office of Education, which became the Department of Education and Science; the Australian Development Assistance Agency; and the Department of the Prime Minister and Cabinet. I am a member of the Australian Labor Party. I thought I would put that down for the record, not that it will figure much.

My submission to the committee was written in the expectation that there would be strong interest in the matter of youth voting. It was more like a letter to the editor. I have therefore put together this more cohesive and wider ranging paper which I am reading from and will present to the committee, if desired. I have already given it to Ms Lilburn.

For a start, I suggest that the underwhelming interest of Canberrans in changing the voting age should not be taken as apathy but rather that their priorities differ markedly from those matters that the ACT government deems important. Among my acquaintances, for instance, the issue before this committee is seen as just another attempt to challenge the federal government to overrule it, as in matters like the same-sex union and terrorism. Such performances are characterised as chest-beating and needlessly provocative.

Eligibility to vote: consideration of the eligibility to vote presumes a stable and ongoing democratic society with just rules of law and humane administration. Any change to a fundamental of that society demands good reason and a close examination of the consequences. It is up to the proponents for lowering the voting age to bring forward compelling arguments. From what I have read, advocates of change beg the question; that is, they assume that the change is certain and even a remedy for some of the people suffering disadvantage. On both counts, I do not find that convincing.

Let us be frank: to be able to vote in the ACT or federal elections is a mark and obligation of citizenship. Under the current rules, it takes 18 years for an individual to exercise or franchise his Australian citizenship bestowed upon him. The belittling of this privilege by native-born Australians has led some newcomers to regard Australian citizenship and its associated values with scorn. The granting of the franchise in Australia did not come with the milk; it had to be argued and even fought for, as it was in Britain, and it was this nation's model in so many matters. This is not the place for a history lesson but the antecedents of our own franchise should be better known than they are, in order that our freedom to vote is seen in perspective.

The first change to political reform in the UK came in 1829, with Catholic emancipation, and in 1832, with some parliamentary reform. Later parliamentary reforms were agreed reluctantly and incrementally throughout the 19th century, through the efforts of other reformers, following the deaths and executions of leading Chartists. The Chartist petitioners failed at first but their proposals were carried on in Britain and on to Ballarat,

with the demands of the rebels of the Eureka stockade in 1854 gaining, through blood and sweat, some parliamentary reform for Victorians at least. The advent of Australian Federation brought secret ballots and voluntary voting for men and women but not for Aboriginals.

There has been a dilution of our collective memories of the struggle for the franchise and its preciousness over the years, as we have tended to copy the UK in its parliamentary reforms without taking account of the struggle necessary for those reforms. The dilution has now become one of a small group of activists saying that they want the change and that makes them entitled to it.

Voting age: I leave to the respective electoral commissions the legal and administrative implications of voting age changes. A look at the situation of voting changes across the world places Australia with the overwhelming majority, 190 countries approx, who allow the vote at age 18. The change from 21 to 18 occurred here in 1973, though the UK and New South Wales had introduced the lower age in 1970.

Proponents for the lowering of the voting age might look at the nations where eligibility to vote is at a lower age than 18, namely, Iran, where it is 15; North Korea, 17; Seoul, 17; East Timor, 17; Nicaragua, 17; Cuba, 16; Indonesia, 16; and the Seychelles, 17. Doubtless each of these places has a reason for their lower voting age, but it seems little comfort for the Australian advocates by reference to them. Of interest is the United Nations Commission for the Rights of Children, known CROC, which defined a child as “a person under the age of 18, unless the relevant national law specifies an earlier age for majority”.

Whoever is proposing a lowering of the voting age from 18 is proposing that children be allowed to vote. Australian children of the age of 16 to 17 are not a homogenous group, nor are they equally talented or advantaged. There are indigenous children, remote-areas children—two-thirds of Australian children live in cities—and disabled children. Children aged 16 and 17 differ in intelligence, wisdom, maturity, emotional stability and personality. Voting at 16 or 17 will not alter or lessen these differences.

All children, regardless of age, need services of all kinds and are entitled to them. It is the obligation of the organs of society to provide these aids to development—educational, psychological, medical and so on—for the perpetuation of the society itself. The provision of the vote to some of these children will not diminish the needs of that segment or remedy the deficiencies of the others or of the remainder.

There exists discrimination regarding legal age within the law and for many registrations in Australia. There is some uniformity among the states, and sometimes for good reason, but chiefly to protect the child and members of society. One could cite the granting of licences for driving motor vehicles. After youthful deaths on the road, there are always cries to raise the age limit and to provide more training. As another example, the legal age for consensual sex varies among states. This law is meant to protect the innocent. To its shame, the ACT has the lowest age of consent.

Why lower the voting age? From where I sit, those advocating a lower age are very few. There is now a groundswell from the public or even from a majority of those within the 16 to 17-year-old bracket. Claims are made by ACTCOSS that 16 to 25-year-olds are

a disadvantaged group regarding health and employment. Even if that is so, the vote of the 18 to 25-year-olds in that group—one assumes they constitute the majority—like that of all voters, is dispersed among the spectrum of electorates at election time. Granting the vote to 16 to 17-year-olds won't remedy their health and employment situation, for the same reason. Action other than voting is needed to remedy that problem.

Unless ACTCOSS and like-minded groups wish to marshal and politicise these age groups into a political bloc, their having the vote won't make much difference. I gather researchers have concluded that voluntary voting will not help these groups either. Apparently, voluntary voting aids the major parties, particularly conservative ones, and disadvantages minor parties. ACTCOSS and similar welfare groups should not need me to tell them how to suck eggs and should get on with their core business of educating governments and the public generally about the needs of the disadvantaged young and the old in our society.

Another submission for lowering the voting age comes from the ACT Youth Coalition, and this seems to be a plainly political push. The coalition argues in its submission that, from one academic study, in the main 16 to 17-year-olds would be able to vote with discretion, knowledge of the consequences and maturity. It adds one infamous case to its argument and finally attempts to flatter the ACT government by suggesting it could once again be creating a first, as it did with inclusiveness and care for circus animals and same-sex unions, and continue to be non-conformist by lowering the voting age in the ACT.

The Australian Electoral Commission sponsored a study called YES, the youth electoral study. It seems to be pointing in the opposite direction from that of the Youth Coalition. So far, YES has found that the majority of the 4,600 in their study have priorities that smother their being able to vote at 18. Few even were aware they could enrol at 17. YES interim studies show that the young people in that study understood the consequences of their decision and did not want to engage with voting at all. Their prime concerns were more immediate: leaving school, getting a drivers licence, the school formal and being able to drink legally—matters that may not be compatible but form a more politicised notion of a youth coalition.

There seems to be, however, a plan B among the advocates for lowering the voting age, namely, two rolls, though they spell it “roles” sometimes: a separate roll for the 16 to 17-year-old voters. Compulsory or not is to be thrashed out, I assume. The Electoral Commission have their views about a second electoral roll and, no doubt, rightly point out that the cost of mounting a federal election will rise from \$5.79 per elector in 2004 to a much larger amount. A suggestion for two rolls should be thrown back to its proponents to explain its machinery, administration and effect in detail, rather than put it forward for others to wrestle with. No public paid time should be spent on the concept until that has been done. That suggestion would have even less attraction for the taxpaying and long-suffering ACT voter than lowering the voting age itself.

Some arguments from commonsense: people involved with adolescents, including those 16 to 17-year-olds, know that these are in-between years, affected by a bombardment of personal issues like self-identity, life's purpose, the future and puberty. Parents, in particular, know from experience and observation. Parents have themselves been through the experience and should respect and encourage young persons and not overburden

them prematurely with adult baggage and political agendas and ideologies.

Adolescents have needs, but needs do not equate with rights. Rights bring with them obligations and duties. For example, a licence to drive a car includes certain duties and obligations, as well as physical and mental skills. Judging from the policies and actuarial figures of insurance companies, younger drivers are deemed a greater risk than older drivers. It is on a point like this that idealism about the 16 to 17 age group hits reality. Another might have to do with appearances of minors in courts and respect for their privacy. Even CROC asserts that, while children have rights, these rights are subject to limitations appropriate to their capacity to exercise these rights. CROC recognises that others may have a part in deciding a child's best interest in any given situation.

Voluntary voting: as I said previously, voluntary voting, another aspect of the lowering of the voting age case, would favour the conservatives and disadvantage minor parties, and not always the ALP, whereas compulsory voting helps minor parties. From overseas experience, particularly in the UK and the USA, it is clear that the voluntary voting system leads to a declining voter turnout at election time and no real change in government policies. The involvement of citizens of voting age provides some protection against minority interest groups as well as against the economically powerful.

Voluntary voting was tried in Australia from 1902 to 1924 and found wanting. In 1924, the federal parliament passed the law introducing compulsory voting. Previously there had been compulsory enrolment. Parliaments have since passed amendments. Before 1925, turnouts were as shown in this paper. The House of Representatives ranged between 51.48 per cent in 1906 and 78.30 per cent in 1917, when the debate on conscription raged. For the Senate, the vote was 46.86 per cent in 1903 and 77.69 per cent in 1917. Both 1917 turnouts were when the conscription referenda rule was under way.

Since 1925, under compulsory voting, more than 90 per cent of the electors have exercised their voting rights at federal elections. Under voluntary voting in the UK and the USA, a winning party might secure office with as little as 25 per cent of eligible votes. Candidates and parties there make great efforts to coax people to vote; yet the turnouts are much lower than in Australia. To increase the chances of a government elected by a minority, rather than one drawn from the votes of upward of 90 per cent of citizens, is retrogressive folly.

Opponents of compulsory voting ignore the rights and duties of citizens; they play on the apathy of voters and ally themselves with special interest groups. They argue with straight faces that compulsion is undemocratic and that we should choose whether we vote or not. They will assert that informal voting reflects an ignorance of the electorate, that election costs are too high—at \$5.79 per elector in 2004, that is not very high—and that seats develop into predictably safe and marginal seats, so what is the use of compelling people to vote.

With voluntary voting in place, the Australian Electoral Commission would have to finance the same facilities at current cost, never knowing what the turnout would be. The ignorance of voters is more fable than fact. The ACT Electoral Office noted that Canberra electors were using the complex Hare-Clarke system to discriminate among the candidates from diverse parties. Federally, the different and increasing rates of informal

voting—in 2004, the Representatives, 5.2 per cent; and the Senate, 3.8 per cent—suggest a discriminating and disillusioned electorate, not one willing to surrender its power to make or break governments.

In conclusion: in summary, I have argued from the point of view of the man in the street against the lowering of the voting age in the ACT and anywhere else in Australia. I have tried to draw attention to the history and value of the franchise, the fallacies and inadequacies of arguments favouring the lowering of the voting age or the fallback and poorly proposed positions of its advocates and separate rolls and/or voluntary voting. And I have argued on the grounds of surveys in progress, commonsense and the needlessness and the lack of demand for change. And that is it.

THE CHAIR: Thank you very much.

Mr O'Regan: Thank you for your patience.

THE CHAIR: I have a devil's advocate question. You made the comment in your paper, at page 3, that you believe children are not a homogenous group. You gave some various examples. Would you like to comment on the suggestion that you could equally apply this argument to people who were 18 and over—particularly the one on wisdom, maturity and emotional stability and personality?

Mr O'Regan: My comment would be that, yes, they are still in a formative stage. Nobody really reaches full formation, I guess, in their whole lives. All of us are still undergoing experiences in developing and changing, and our personality develops along whatever lines our opportunity and experience allow.

If I had my druthers, I would put the voting age up to 21, in the hope that by that time electors would be sufficiently mature and emotionally stable. But for historical reasons and political reasons, it was dropped to 18. If I remember rightly—and I am subject to query here—it was because of the Vietnam war really that there were problems. People were selected to fight for Australia and they were under the voting age and so forth. Whether they were allowed to vote, I cannot recall. I cannot recall the whole scene either; nor did I research it.

Even a person of 18, 19, 20, up to 25, is still, whether we like it or not, in formation; we are still developing. That is the nature of the human person. Any parent who has got children up to that age, or even beyond, living at home realises the volatility, the emotional quick changes—material sometimes—and the exploitation of those kids. As they get older, they get more cynical. But in those earlier years, political groups, advertising groups, you name it, can exploit those kids. That is the essence of marketing today, isn't it? That was off the top of my head. I hope it was all right.

MRS DUNNE: One of the things that strike me, I suppose, is the thing that has been in the back of my mind in preparing for this, and that is that one of the elements of ensuring that, if you are going to reduce the voting age and are going to be effective about it, there should be perhaps more training and more education in what is currently called civics—a cross between politics and history. I am aware that there is a federal parliamentary inquiry into this subject.

Do you have any reflections upon the elements of civics training? You have a background as a teacher and as a father of an extensive number of daughters and sons. What civics training would you see is necessary in the current regime if you were to lower the voting age—whether there might be a need for changes to or tweaking of that system?

Mr O'Regan: That is a very interesting question. Again, I am from an old school of teaching. I did teach civics. It was called history and civics, if I remember rightly, the book that was issued. To give an example: I was teaching at Bondi, another primary school, in 1959. I had a wonderful class of Hungarian/Jewish children, in the main. They were immigrants to Australia or the children of immigrants. This was a fairly disadvantaged group, as you would expect, with English and so on. I found they did not understand quite a lot about Australia. It was a class of about 45 boys and girls.

I was so keen on the subject of civics and teaching them—bearing in mind they had to face three tiers of government, the Waverley council and then the state government and the federal government; and it was a bit of a mystery to them and, I guess, their parents, whom I taught English to at night—that I divided the classroom into streets so that each row became a street. By agreement, we gave it a name and divided the whole class into a town.

I remember the dear girl who was elected mayor. Her name was Beatrice Fogelgarn. You will see her practising medicine in Randwick today. We found that, by election and by discussion and consideration of matters like hygiene in the classroom or the town and so forth, we were able to come to some idea of voting and some idea of how to manage and how perhaps our minuscule town council would work and how our minuscule town would work.

Those kids, I am sure, at the end of that year, after we had had about three mayors or whatever, were quite clear what the role of the Waverley council should be. That should apply here as well. People should, in the schoolroom—but not only in the schoolroom—learn that they are part of a wider community than the family and even a wider community than the school and part of a cooperative group of people where rules, laws and decisions are made in the community by consensus and by voting.

While education is important, we put too much on teachers. We must not forget that the parents also have a role in this, and I am sure they do. These days there is even more help, through the electronic means of the internet itself. Schools are using the internet, the newspapers and other organs that are always there. Kids learn as they go.

Somehow or other we have got to keep putting it up to the community in general that they have a responsibility, a duty and privileges. The privileges include voting. The responsibilities are to keep the place going well and to obey the laws, whatever they are—agreed laws and just laws, that is. If that is not done, it is likely that you will end up with a competing law system, which the Muslims call sharia, where our laws are held with scorn and their laws are held with respect because they are politico-religious laws. I think we are in competition now, whereas we would not have been in 1959.

MR GENTLEMAN: Could I follow on a little from Mrs Dunne's civics question. We have had an argument put forward that showing faith in young people would give young

people a reason to show faith in democracy. Do you think that, by lowering the age and giving them some engagement, we might be able to assist them on their road to learning more civics?

Mr O'Regan: The studies do not seem to indicate that, do they? YES does not seem to indicate that matters of this nature—lowering the age and enabling them to vote—appeal to 16 and 17-year-olds in any way at all. I have got in my bag somewhere the interim results of YES. On the scale of things, the attraction of being able to vote is the lowest of the attractions of finishing school. It is a lovely ideal to think that people will, because you have given them something, be grateful. Most people, if you give them something, soon forget it is a gift and are particularly offended if they feel they owe you something.

THE CHAIR: Thank you very much for your presentation to us today and for your thoughtful responses. We will be sending you a copy of the transcript so that you can check it for accuracy. We thank you for appearing before us today.

Mr O'Regan: Thank you, committee.

DR FOSKEY: If there is time, do I have the right to ask questions?

THE CHAIR: Yes, if there is time.

GREEN, MR PHILLIP, ACT Electoral Commissioner, Elections ACT

THE CHAIR: I welcome Mr Green and thank you for appearing before us. The committee has authorised the recording, broadcasting and rebroadcasting of these proceedings in accordance with the rules contained in the resolution agreed by the Assembly on 7 March 2002 concerning the broadcasting of Assembly and committee proceedings.

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Mr Green: Yes, thank you.

THE CHAIR: Thank you for the submission that you have already sent to us and for appearing before us today. Would you like to give an opening statement and then I'll allow the members to ask questions.

Mr Green: I am happy to give a brief opening statement, but I think it's probably more useful if we go to the questions fairly quickly. As you're aware from the ACT Electoral Commission's submission, the commission considers it would be appropriate to retain the minimum voting age at 18 for ACT Legislative Assembly elections.

There are a number of reasons why we think that would be the appropriate age. As we describe in our submission, we feel the legislation makes it very difficult to implement voluntary voting or voluntary enrolment for people below 18. The legislation, particularly the self-government act, virtually impels the Assembly to provide for compulsory enrolment for everyone who is entitled to vote. So, if the voting age was reduced to 16 or 17, the self-government act, in our reading of the legislation, would require compulsory enrolment for 16 to 17-year-olds.

Also the concept of compulsory voting is entrenched in the entrenchment act, so for voluntary voting to be provided for 16 and 17-year-olds for Assembly elections it would require at least a two-thirds majority of Assembly members voting in favour of it, and it would be in conflict with the entrenched principles that have been passed at referendum by a majority of electors in the ACT. So, if the voting age was to be reduced to 16 and we had compulsory enrolment and voting, I think that would be quite a difficult thing to enforce and to justify, because these people would not be adults under the law; they would still be minors and you'd be imposing a criminal penalty on minors, which I think

would be difficult.

We also note that most countries around the world, and everywhere else in Australia, have a minimum voting age of 18. All the comparative democracies around the world that have similar political systems to Australia's have a voting age of 18. If it was to be lowered to 16 in the ACT, that, I'm sure, would cause considerable confusion, particularly when people are moving in and out of the ACT from other states. To have a different voting age would no doubt cause confusion, and if it were to happen in the ACT it would lead to a need for a greater level of publicity to make people aware that the situation in the ACT was different from everywhere else.

The youth electoral study was referred to by the previous speaker. We also mention in our submission that it gives some fairly compelling statistics that indicate that roughly half of the people surveyed who were in the 17 and 18-year-old age group don't feel that equipped to vote and to participate in elections. I think that, if you lower the voting age, the proportion of people who don't feel equipped will be higher than 50 per cent.

I accept quite readily that there will be 16 and 17-year-olds who would feel prepared and able and equipped to vote in elections, but the statistics of the proportion of people who enrol from 18 onwards show that the participation rate does increase as people get older and there is a gradual maturity as people progress from being children to adults. Some people mature earlier than others; there's always going to be a proportion of 16 and 17-year-olds who will be equipped, but there will also be a proportion who won't be.

In a sense, 18 is an arbitrary level; but you've got to set a level somewhere, and in my view 18, given the consistency with everywhere else in Australia, is still the most appropriate age. I probably should declare an interest: I have a 17-year-old daughter and a 19-year-old son, so I have some fairly direct experience of people of that age group. I am happy to take questions.

THE CHAIR: Thank you very much.

MRS DUNNE: Mr Green, I think the commission's submission is fairly comprehensive and I thank the commission for reminding me, as one of the minor architects of the Hare-Clark entrenchment legislation, that that included compulsory voting, because it was not something that I had remembered at the time when we had this debate in the Legislative Assembly. Could you give us an exposition of what would be required to have 16 and 17-year-olds on the ballot and what arrangements you'd have to come to with the commonwealth?

Mr Green: We would have to negotiate a position with the Australian Electoral Commission, in addition to the current joint roll arrangement that we have with the commonwealth. At the moment we pay a fee for every elector on the electoral roll jointly with the Australian Electoral Commission. Effectively, we pay half of the cost of some of the processes that are required to maintain the electoral roll. We don't pay all of the costs because the Australian Electoral Commission, for example, bears the cost of the divisional returning officers and their staff, the people who do the processing of electoral enrolment.

I haven't discussed this with the commonwealth but, if we were to introduce a whole

new class of voters, like 16 and 17-year-olds, who are not entitled to enrol at the commonwealth level, the commonwealth would no doubt come to us and say, "Well, you will have to bear the entire cost of enrolling these people, because they're not required to be enrolled for commonwealth purposes." At the moment we pay something like 62c per elector for people who are currently on the roll, as part of the joint roll arrangement. If we were going to pay double that, you're looking at \$1.20 per elector just on the current rate of the joint roll arrangement. We estimate there are probably around 8,000 people in the 16 and 17-year-old age group, just looking at the numbers of 18 and 19-year-olds who are eligible to be on the roll. So there would be a cost that we'd have to pay to the AEC for that process.

As to the actual method of getting people on the electoral roll, there are probably two approaches we could take. We could negotiate with the Australian Electoral Commission to modify the normal electoral enrolment form to allow 16 and 17-year-olds to use that to enrol for ACT only purposes. That's probably the best approach because then there would be one electoral enrolment form for everyone. If the Australian Electoral Commission wasn't agreeable to that, or for some reason that was not practical, we would have to have a separate enrolment form that would be just for ACT purposes.

MRS DUNNE: Could you envisage a situation, Mr Green, where there had been some criticised changes to enrolment procedures at the commonwealth level where the commonwealth might say, "We don't care what your rules are; we are not putting 16 and 17-year-olds on our roll"?

Mr Green: I would be surprised if they took that attitude. I should point out that people can enrol at 17 for commonwealth electors as provisional electors. So, if the ACT was to introduce voting at 16, I would be recommending that we have provisional enrolment at 15, so we are still adding two years worth of age cohort to the process. I would be surprised if the AEC would refuse to put those people on the roll as part of the joint roll arrangement, provided that we pay them the appropriate amount of money. The amount of work involved would be not huge from their perspective. Most of the other states and territories have categories of persons who are qualified to enrol for the state but not the commonwealth in various capacities, and they are part of the joint roll arrangement, so I don't imagine there would be a problem. If there was a problem it wouldn't be that difficult for the ACT Electoral Commission to maintain a special roll for 16 to 17-year-olds. I really wouldn't want to go that way, but it wouldn't be that difficult to do that.

MRS DUNNE: So there are provisions elsewhere where people enrol for, say, South Australian purposes but not for commonwealth purposes?

Mr Green: That's right, yes.

MR GENTLEMAN: Commissioner, you mentioned that of course you'd have to change the act to change the age of voting and Mr O'Regan raised earlier that other laws would need to be changed as well. Are you aware of how many other laws would need to be changed?

Mr Green: I'm afraid I missed that part of Mr O'Regan's discussion. My feeling is that you'd only need to change the Electoral Act.

MRS DUNNE: The Electoral Act, not the self-government act?

Mr Green: Well, you simply can't change the self-government act.

MRS DUNNE: No, I know we can't, but do you think that it would be necessary to have changes to the self-government act?

Mr Green: I think if you were to provide for compulsory enrolment under the ACT Electoral Act you wouldn't need to change the self-government act, but if you wanted voluntary enrolment I think you would need to have the self-government act changed by the federal parliament.

MR GENTLEMAN: Could you expand on your submission where you said it was undesirable to have penalties for people under the age of 18?

Mr Green: The penalty for failure to enrol and failure to vote is currently \$50 in the ACT. If someone fails to vote, in the first instance they are invited to pay a \$20 fine. If they refuse to pay a \$20 fine and it goes to court, they'll be subject to a \$50 fee plus court costs, which usually takes it over \$100. So it's not an insignificant sum of money for a young person who might not have a job, to be hit with a fine of that order. My feeling is that it's unreasonable to impose penalties like that on 16 and 17-year-olds, given that it's known that up to half of those people really don't feel equipped and ready to enrol to vote.

MR GENTLEMAN: Is there any propensity in the current electoral system for people of younger years failing to vote; is there more propensity for fines issued to younger people than more mature people?

Mr Green: We haven't discriminated in the past in terms of age as to whether we enforce compulsory voting penalties. The ACT Electoral Commission doesn't enforce compulsory enrolment penalties; we leave that up to the commonwealth under the joint roll arrangement. That's not something we tend to get involved in. The number of prosecutions for failure to enrol is very small. The electoral commissions around the country have taken the view that it's preferable to encourage people to enrol by pointing out the benefits of it rather than by prosecuting people. In terms of compulsory voting, we strictly work on the excuses that people give us. If it's an excuse that's acceptable under our policy, we'll accept it, but age generally isn't a factor we take into account, certainly not a young age.

MRS DUNNE: Following up on Mr Gentleman's question, commissioner, is there a propensity for young people to be fined more for not voting or is it evenly spread? Are people more likely to fail to vote, for whatever reason, if they're younger than if they're older?

Mr Green: We've systematically looked at failure to enrol and younger people do fail to enrol much more than people who are older. There are statistics in our annual reports that go to that. I think in our most recent annual report something like 55 per cent of 18-year-olds were enrolled as at 30 June this year, which is a very low figure. We find that the proportion of 18-year-olds who participate goes up when an electoral roll closes

for an election. That's one reason why it's of concern that the federal electoral roll is going to close on the day of issue of writ without a seven-day warning, whereas the ACT still has both a fixed term and a seven-day period between the start of the election period and the close of the rolls, so it won't be an issue for ACT elections but it will be an issue for federal elections. We have looked at the age levels of people who haven't voted and we weren't able to discern any pattern that indicated that young people were more inclined not to vote.

MRS DUNNE: So there's no discernible pattern.

Mr Green: As people get quite advanced in years, the number of people who are unable to vote simply because of infirmity starts to go up, but I don't think there's any discernible pattern of young people not voting in higher proportion than any other part of the population.

THE CHAIR: I want to go in another direction but, before we leave this, if a person fails to vote and then fails to pay the fine, do they get a criminal record that stays there?

Mr Green: Yes, my understanding of what happens is that once we issue a summons and someone goes to court it's treated like any other criminal offence. If the fine isn't paid, there is the possibility that someone will spend a night in jail.

DR FOSKEY: Can I ask a supplementary to that, Mr Green? With the new federal government's restrictions, which amount to people having to enrol the day an election is called and the books being closed after that, will people who fail to enrol by that time be subject to prosecution because they will have failed to get themselves on the electoral roll?

Mr Green: I think that would be very unlikely.

DR FOSKEY: That sounds discretionary.

Mr Green: The compulsory enrolment scheme, as I say, is enforced by the Australian Electoral Commission under the joint roll arrangement nationally. The way the Commonwealth Electoral Act is structured, anyone who puts in a claim for electoral enrolment cannot be then prosecuted for failure to enrol. So, if someone was to get an enrolment form in late after the close of rolls for an election, that of itself would prevent a prosecution being launched. And, as a general rule, the AEC tends not to prosecute people where they're aware that they haven't enrolled; it tends to encourage them to enrol.

THE CHAIR: Thank you, commissioner. I have another question that goes to the YES study. There is a number of reasons that young people express for why they're not ready to or have no interest in voting before the age of 18. It seems to me that it's not just about maturity. One of the key points seems to be about knowledge or understanding of the issues; they don't perceive themselves as being well prepared to engage in that process because they don't know enough and they can't find out the information perhaps; it seems to be more difficult for young men.

You mention in your submission that if we were to lower the voting age obviously

there'll be a need for additional education of young people and that you have your existing electoral education program. I'm wondering if you could just outline for us at what age that program kicks in and how long it lasts throughout a child's education. When does it become not compulsory for that child to attend that kind of education?

Mr Green: I'm not sure I can answer all of your question with certainty but I'll give you as much information as I can. In my submission I referred to the submission we made to the inquiry by the Commonwealth Joint Standing Committee on Electoral Matters into civics and electoral education, in which we outlined what we do and what we see should be done in the future. We try to get into the school system, starting with senior primary students and we try to then reach students right up to year 12.

The difficulty with reaching children of any age in the school system is that we have to fit in with the school curriculum and the message that we're trying to get out has to be something that fits into the school curriculum and something that the teachers are prepared to teach, particularly as you get into the senior years in high school. As students start to specialise in particular subject areas, they're not all going to be in a stream exposed to the civics and electoral education material that we provide. So my feeling is that it's quite patchy; some students do get exposed to civics and electoral education but an awful lot of them don't, simply because the curriculum is so crowded with so many different things that the schools are required to teach that civics and electoral education don't get the sort of priority that, from our perspective, we might like to see them getting.

It's really more a question for the schools and the focus that they put on their curriculums as to whether it's something that can be delivered to all students and could be delivered to students at the time when they really need it. Our research indicates that it's more effective to get them while they're younger—to instil in students respect for and knowledge and understanding of the electoral system perhaps before they get too old and cynical. But as they get close to voting age it's also important to make them understand that once they reach voting age they do have quite a heavy responsibility.

THE CHAIR: The point was made by Mr O'Regan also that he believed that this was the responsibility of not only the school system but also the parents. I note with interest that young people in the YES study were saying that they're more prone to ask their parents for that information than their teachers. I would have thought it would have been the other way round, but obviously it's not in the study. Would you make any comments about that?

Mr Green: About parents being involved in electoral education? I certainly think that parents have a big part to play in how much knowledge of and how much interest their children have in the voting process. The figures that we have for participation indicate that once people hit about 25 or 30 almost everyone who's entitled to will get on the electoral roll and participate in it. So there's certainly a gradation of interest leading up to people advancing in years as they get more interested in the process.

My feeling with compulsory voting and the very high turnout that we get in Australia is that almost all voting age Australian citizens do vote. They do participate; they do have views on it. The level of informal vote is low, which to me indicates that most citizens are interested enough in the political process to at least have an opinion when they come to the ballot paper in front of them. It seems to me that there is a mix of influences—

schools, parents and others—that affect people as they’re growing up.

MRS DUNNE: I have just one question, to follow up on the point you made about the low informality rate. How do the informality rates in Australia compare with other comparable countries like, say, the UK? The US is probably not a very good example because it has such a range of means of delivering votes. But how do our informality rates compare with places where there is not compulsory voting?

Mr Green: I can’t say I’ve systematically studied comparisons with international informality rates, but there are big differences between us and, particularly, places like the UK, places that have first-past-the-post voluntary voting.

MRS DUNNE: Yes, of course.

Mr Green: You’re going to have a very different method of voting and motivation for voting, so it would be very difficult to compare.

MRS DUNNE: Yes, I suppose in the UK it’s pretty hard to vote informal when you’re really only essentially marking the ballot paper once.

Mr Green: Yes.

DR FOSKEY: Most of your submission appears to be related to logistical issues, which I well understand that your commission would be most concerned about. However, I guess when there’s a political will a lot of obstacles can be overcome. I was just thinking about the voluntary nature in the bill of the vote for 16 to under-18-year olds. I guess that question then becomes: how do we get people there, and then do we have to prosecute them? Does it have to be compulsory? Or, if that’s voluntary, does that mean the whole system has to be voluntary? Of course, the Greens are very much in favour of our compulsory voting, but we don’t think it appropriate to make it compulsory for 16 to 17-year-olds, for all the reasons that you have put forward.

By the way, I have a 17-year-old too, but I would trust her judgment, and it wouldn’t always be the same as mine. You might have different ideas about that. This is all speculation, but I am just seeking your opinion: is there a way that 16 to 17-year-olds who want to—and many of those we’ve talked to do—could fill in some kind of application, which might also have a little info pack and require answers to some questions, on receipt of which they become a registered voter and it’s compulsory that they vote? By the way, it would be really nice if all ACT voters knew how Hare-Clark worked; that could be one of the things—little lesson in Hare-Clark and then an application thereof. I’m just looking at ways around it. I’m interested in your response to that as an idea.

Mr Green: Any technical difficulty can be overcome provided there’s a legislative power to do so. So in this case the self-government requirement that anyone who’s entitled to vote has to be required to compulsorily enrol is an obstacle that can only be overcome by amending the self-government act, so compulsory enrolment is an obstacle that would be difficult to overcome but not impossible if the self-government act could be amended.

Compulsory voting could be overcome because that can be changed with a two-thirds majority in the Assembly. So in the current situation if two-thirds of members, which would require cross-party support, were in favour of voluntary voting for 16 and 17-year-olds, that could be enacted, and if that was enacted then the ACT Electoral Commission would do its best to facilitate voting by people in that age group and we would certainly put a lot of effort into an electoral education program for those people in particular.

As to educating everyone about the Hare-Clark system, we do try to do that at election time. We send material to every household in the ACT that contains information on how Hare-Clark works. We put a lot of effort into teaching schoolchildren about Hare-Clark and how it works. So I would like to think that if the Assembly was to legislate to permit people in this age group to vote we would do the best that we could to make them equipped to do so.

DR FOSKEY: I am interested in why you mention your children there; you didn't get to expand on why that was relevant.

Mr Green: I mentioned that because I feel it gives me an insight into the levels of maturity of people in that age group and I do feel that there is a very obvious change from a 14-year-old to a 20-year-old, where they really do turn from children into adults, and there is a point in that continuum where you can look back and say that four years ago they wouldn't have behaved like that or they wouldn't have thought like that or they wouldn't have held that opinion, and there clearly is a maturity that's happening. But you can't put a finger on precisely when they turned from a child to an adult; it is a continuum. Quite clearly, some 16 and 17-year-olds are perfectly equipped and ready to vote, but I don't think they all are. I think the decision for this committee and the Assembly is to say that you've got to draw the line at one point and where is the point at which you draw it. The feeling I have is that 18 at the moment, given that it's the standard throughout the world in all the similar democracies, is still the appropriate point to draw the line.

MRS DUNNE: I know that we've just about run out of time, but I would like to go back to the self-government act and ask for an explanation of section 67C, the qualification of electors:

- (1) At a general election held on a particular day, a person is entitled to vote if:
 - (a) on that day, the person's name is on the Roll of the electors of the Territory for the purposes of general elections; and
 - (b) the person would be entitled to vote at an election held on that day to choose a member of the House of Representatives for the Territory.

It seems to me from that that we'd have to change the self-government act.

Mr Green: Read subsection (3):

This section does not prevent an electoral enactment from providing that other persons, in addition to persons entitled under subsection (1), be entitled to vote at a general election.

MRS DUNNE: Okay, I withdraw that.

DR FOSKEY: So could you just clarify: if we got the two-thirds et cetera, et cetera and it came into force, the federal government would not be in a position to override it, or what?

Mr Green: I'm not a lawyer so I really couldn't give you a legal opinion on that.

DR FOSKEY: Well, hopefully, we'll have some lawyers' opinions.

THE CHAIR: Thank you very much, commissioner, for your time. We'll send you a copy of the transcript for you to check very shortly.

Mr Green: Thank you.

Meeting adjourned from to 10.34 to 10.54 am.

LARKIN, DR PHILIP ROY, Research Associate, Democratic Audit of Australia, Australian National University

KELLY, MR NORMAN JOHN PATRICK, Member, Democratic Audit of Australia, Australian National University

THE CHAIR: Good morning, Dr Larkin and Mr Kelly. I need to read this card before we start. The committee has authorised the recording, broadcasting and rebroadcasting of these proceedings in accordance with the rules contained in the resolution agreed by the Assembly on 7 March 2002 concerning the broadcasting of Assembly and committee proceedings.

Before the committee commences taking evidence, let me place on record that all witnesses are protected by parliamentary privilege with respect to submissions made to the committee in evidence given before it. Parliamentary privilege means special rights and immunities attached to parliament, its members and others, necessary to the discharge of functions of the Assembly without obstruction and without fear of prosecution.

While the committee prefers to hear all evidence in public, if the committee accedes to such a request, the committee will take evidence in camera and record that evidence. Should the committee take evidence in this manner, I remind the committee and those present that it is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly. I should add that any decision regarding publication of in-camera evidence or confidential submissions will not be taken by the committee without prior reference to the person whose evidence the committee may consider publishing.

Did you both understand that? Thank you very much for appearing before us today. We have until 11.30 am. I would like to thank you for your submission and invite you to make a verbal submission now, or some introductory comments, and then I will open it up to questions from the members here.

Dr Larkin: I will just introduce the audit, if I may. It is a research project based at the Australian National University here in Canberra, funded by the ARC. It focuses on the functioning and integrity of Australia's political institutions and processes, at both state and commonwealth levels.

Mr Kelly: I have nothing to add.

THE CHAIR: All right. We will throw it open to questions.

MRS DUNNE: I suppose the take-out message I get from your submission is summarised by you on page 2, where you say that there is no widespread and burgeoning demand for lowering the age of voting. Can you expand on that on the basis of what you see through the democratic audit?

Dr Larkin: Yes. The audit, insofar as it takes a position, is generally keen on as wide a franchise as possible, enabling all those that want to vote to vote, and encouraging those that do not necessarily want to vote to vote as well. That said—and I hope it was made clear in the submission—we are not necessarily convinced that this is the most pressing

problem facing the voting system in this country. There are probably areas where, if it were up to us, we would be focusing our attention a little bit more.

MRS DUNNE: If it were up to you, where would you be focusing your attention?

Dr Larkin: I think trying to get those that are entitled to vote to vote. We notice that the number of 17-year-olds enrolled is not high enough. The number of 18-year-olds who should be voting, who should be on the roll, is still not as high as it should be.

MRS DUNNE: Mr Green said that, according to their annual report, only 55 per cent of 18-year-olds in the ACT are currently enrolled. That is a very low figure. It surprises me.

Mr Kelly: It is probably indicative of the fact that we are at mid cycle between elections at the moment, too. There are some figures provided by the Electoral Council of Australia—I can provide these to the committee—which show that, on 7 September 2004, upon the closure of rolls before the last federal election, for the ACT 86 per cent of the eligible population of 18-year-olds were actually enrolled.

That followed about a three-month period of intensive advertising to get people on the roll in the lead-up to the election. Of course, that coincided with the ACT election that year as well. I think a lot of the electoral education for potential voters is targeted around the time when people may be thinking more towards the election coming up. This same table showed that, for 17-year-olds who are entitled to enrol in preparation for reaching voting age, the ACT had 27 per cent of the eligible population actually enrolled.

MRS DUNNE: That is in the same period?

Mr Kelly: That was at that same time.

MRS DUNNE: In the run-up to an election?

Mr Kelly: That is right; that 27 per cent of people were obviously too young to vote in that election, but the drive to get people on the roll showed the ACT at 27 per cent for 17-year-olds. That is high by Australian standards. The highest jurisdiction is Victoria, with 38 per cent. It drops down to 10 per cent for 17-year-olds in the Northern Territory, which has chronic issues of underenrolment and undervoting. That is indicative, coming right up to an election period. That low rate at the moment needs to be an area of concern, but more important is how many people are enrolled in time for an election to be held.

MR GENTLEMAN: Mr Kelly, off the back of that, you talked about some strong advertising for those 18-year-olds and you then mentioned the 17-year-olds at 27 per cent. Were they also targeted in that advertising or encouraged to enrol?

Mr Kelly: I do not know a great deal about the campaign to do that. The Australian Electoral Commission runs school-based programs in most jurisdictions. There is a lot of work done in that area, but I am not too sure of the breakdowns—three months before and at the close of rolls—as to the impact that advertising campaign had. I know there are various campaigns put on by state electoral commissions with regard to getting 17-year-olds to vote. I saw the other day that the Victorian Electoral Commissioner

sends out a birthday card to 17-year-olds wishing them a happy birthday—with an enrolment form.

MR GENTLEMAN: It seems to have worked in Victoria, with 38 per cent, you said.

Mr Kelly: Not necessarily the birthday card, but Victoria seems to be the most successful of any jurisdiction in getting young people on the roll. The figures show that, through those years of 17 to 21 there is a bit of fluctuation as well. But of course, if you can get people on the roll at 17, you are making a great start to having them there when they reach voting age.

MRS DUNNE: Would that fluctuation have something to do with mobility of people in that age group?

Mr Kelly: I think it may also have something to do with the electoral cycles of people—20-year-olds—as to being too young for the previous election and the way they go through that process. I will leave it at that.

THE CHAIR: What is your feeling about the effect of the rolls for the federal elections being closed off without much notice? What effect do you think that will have? They will not know beforehand. It is not as though they have a lead-up time to be able to enrol.

Dr Larkin: The audit has come out and a number of papers have been published against those moves. Norman has written at least half of them, so perhaps he would like to expand on that.

MRS DUNNE: I note, madam chair, that this is just a matter of interest.

THE CHAIR: It is just a matter of interest. The only reason I am asking that question is this: do you think that education over time—and that is really my question—for young people, be they 15, 16, 17 or whatever age they are, would have that required effect, or do they need to have that incentive and that build-up that is around—in the ether as it were—to encourage them to enrol?

My question really is: do we need to change our approach with our young people, given that it is changing federally—fortunately not here—in the way that we provide education to our young people? And how do we do that, given that we have heard from the commissioner that this is not compulsory? Schools do not have to do it.

Mr Kelly: I think the close of rolls issue—the enrolment statistics around the calling of an election federally—shows that a lot of people just do not worry about it until the election is called. Of course, in the ACT Assembly elections it is different. Having a fixed date means you can target any advertising ahead of the election date.

As to the educational side of things, I think that, because you have fixed-date elections this should make it far easier to educate accordingly in the lead-up to that. To introduce it for a lowering of the voting age in the ACT, it is also interesting that you are only needing to target half the 16 and 17-year-olds. At the time of an election, if you have a lowering of the voting age, then okay, you want all those 16 and 17-year-olds to vote. All the 14 and 15-year-olds at that time will have reached 18 or 19 by the time of the next

election.

In effect, you are only targeting two years of cohorts, through the educational system, to get them on the roll to vote as 16 and 17-year-olds. It is just the nature of four-year electoral cycles. You could have a consistent educational program, simply to get people on the roll for when they reach voting age. At the moment there is a clear symmetry: you reach 17, you can get enrolled and you are eligible to vote once you turn 18, whether it be territory or federal. Reducing the voting age means that you are having to send a different message, but only needing to have that different message reach half of those young people at 16 or 17 years of age. I hope that makes sense.

MRS DUNNE: I think so.

THE CHAIR: It is complex, isn't it?

Mr Kelly: I guess it means that lowering the voting age would not mean anything to half of those young people,

MRS DUNNE: I have a question that I suppose I should have raised elsewhere, but this is probably a timely place to raise it. The obverse of lowering the voting age is lowering the age of candidacy. As things generally stand, I think that in the ACT if you are eligible to vote, you are eligible to be a candidate, and that is the case in Australia generally. But there are issues. That is not the case in some European countries, and I presume elsewhere. But then the issue is that, if you lowered the voting age, even only voluntarily, what would you do with the age of candidacy?

Dr Larkin: Picking up on the comparative examples you talk about, if there is a discrepancy between the two, then the age of candidacy is higher. It would be out of kilter with Australia and other Australian examples. It would be out of kilter with the UK, where they have now brought them into line at 18. It used to be 21 for candidacy. But there are still a number of cases where there is a discrepancy—quite a large one in fact. There is quite significant discrepancy. I do not necessarily think it would be a problem.

MRS DUNNE: But it is something we would have to address.

Dr Larkin: The issue would certainly be raised, yes.

MRS DUNNE: For instance, if the committee decided to make a recommendation in favour of lowering the voting age, an issue that would have to be addressed is whether we looked at changing the age of candidacy.

MR GENTLEMAN: I wanted to try and get an idea of the audit's inquiry numbers with the YES inquiry. I think there were 4,600 people polled. I suppose that is the proper word. How many were there with the audit? Or did you look into other inquiries?

Dr Larkin: No. We have relied on secondary data—other people's data. We do not have the staff to do that sort of thing, especially with the sort of notice we have had.

DR FOSKEY: I am interested in your example here of the Canadian student vote

project. For a start, it would be great if you could give us a reference. Assumedly there is a web reference or something. What you are really talking about here is that this project shadows elections. What if, just for interest's sake, at the same time the students doing the course could actually vote, or they could or not. They could choose to vote at the end of it, or they could choose to not vote. Their vote could be real.

I was wondering if voluntary voting for 16 and 17-year-olds could somehow be incorporated in an education program, which would make that education perhaps more meaningful and less theoretical. I am very interested in this project, as to whether or not 16 and 17-year-olds have the vote. Perhaps you could speculate as to how it might work if they did.

MRS DUNNE: Madam chair, there is a reference at footnote 10. It is www.studentvote.ca.

DR FOSKEY: It is in the footnote on page 4.

Dr Larkin: What would happen if basically students could vote—all 16 and 17-year-olds who are participating in this?

DR FOSKEY: Yes; the educational aspects of 16 to 17-year-olds having access to a voluntary vote.

Dr Larkin: If 16-year-olds had a vote, I do not think the world would end. It certainly would not be a disaster. When this was addressed in the UK, it got a lot of people's backs up. Certainly a lot of people got very agitated about the prospect.

Although I think our submission comes down in favour of not doing so at the moment, we do not feel as strongly as that. As you say, if done in conjunction with an educational project like this, even less so would we be massively worried about the consequences. It raises issues about whether you can have a voluntary vote only if you take this course, which seems a slightly paradoxical situation.

DR FOSKEY: Some 16-year-olds do not go to school.

Dr Larkin: Some 16-year-olds do not go to school, and some 16-year-olds go to school but do not take this course. Some people take the course more enthusiastically than others. I think that, in a sense, would raise a host of problems. We think the project is an excellent idea, and that is why we included it. We think it is something that could be tested here, valuably. If it works as well as it seems to be working in Canada, then one might realistically reconsider lowering the voting age at some point in the future.

DR FOSKEY: Before we move away from that, can I try something that I suggested to the Electoral Commissioner on the question of enrolment of 16 to 17-year-olds: whether having a voluntary enrolment for 16 and 17-year-olds somehow challenges our most important, I believe, compulsory vote for 18-pluses. How then do we get these voluntary people on the roll?

One way I tried with Mr Green is that young people, because they do not have a legal entitlement to vote automatically, could apply to vote through their civics course, or

however they find out about it. Hopefully it is well known. They could be sent a little package of material and then fill in a questionnaire which indicates that they have read and understood. I know it sounds a bit like a test, but maybe we could do away with the test. I do not know. I am just trying out how logistically—because so many of the problems raised by the electoral commission are logistic problems—we could get around it.

Mr Kelly: It would seem to me that, if you are requiring 16 and 17-year-olds to not necessarily do a test, but to go through some civics education or whatever before they are able to voluntarily enrol to vote, you are placing a value judgment on their eligibility or competence to vote, which is not required of other voters.

MRS DUNNE: Would you extend it to the rest of us?

DR FOSKEY: I would not mind.

MRS DUNNE: Would you extend it to the rest of us?

Mr Kelly: Exactly.

MRS DUNNE: You cannot be in favour of compulsory enrolment and voting and in favour of a test to see whether you are good enough.

DR FOSKEY: Exactly.

Mr Kelly: I think it is quite dangerous to have double standards in one system. At the end of it, if you had a compulsory system for 18 years plus and voluntary for 16 and 17-year-olds, your types of voters would change between the two groups. In the end, all votes count the same. You are establishing different criteria but providing the same weighting of vote, irrespective. We would be here for days to debate the compulsory versus voluntary voting argument. To try to incorporate both into the one system I think is really fraught with problems.

MRS DUNNE: I have a couple of technical questions. I am not as well informed as I should be. Canada, presumably on the basis of the reading of this has (a) fixed terms and (b) does not have compulsory voting.

Dr Larkin: It does not have fixed terms. That was one of the big problems they faced.

MRS DUNNE: Predicting when to run the program.

Dr Larkin: And trying to marshal relatively scarce resources towards that. It does not give them a lot of time to plan. And they have voluntary voting.

MRS DUNNE: You were saying before about the ACT being a model because we have the advantage of knowing that on the third Saturday in October in 2008, 2012, et cetera, we will have an election. For instance, in the run-up to that, in term 3 essentially, you might run a module for, say, years 11 and 12. That means that, every four years, you would get half the kids who are still in school, which is probably better than we are doing at the moment.

Dr Larkin: Yes.

DR FOSKEY: Then you could do a study to follow up the kids in between who were not in the select group that did the course, and you could compare the efficacy of it.

MRS DUNNE: Possibly, yes.

THE CHAIR: This is just an observation, and I do not know whether you want to comment on it. You say in your paper that clearly this debate about lowering the voting age is gaining some kind of currency around the world. I guess there is a perception that the maturity of young people changes over time. For instance, I can remember when I had my first child that I did not talk to it much. It was just sort of there. You fed it; you made sure it was clean and happy. But to sit there and read stories to it when it was one month old was not something that I did.

MRS DUNNE: I do not know about these confessions.

THE CHAIR: No, it is fine. I did not realise it as a young mum of 20, or whatever I was, that I should be reading stories to my one-month-old baby. I believe this is something that is frequently done now. He is a very intelligent young man who holds down a very good job. He is fine. But I probably should have been doing a few more things than I did at that age.

When I look at my grandchildren and see how quickly they grow up, I am wondering whether or not a 16-year-old is a very different kettle of fish to a 16-year-old, say, 20 or 30 years ago. Do you think there is some kind of movement around the world to look at this that has something to do with the fact that we are developing as human beings at a different rate, as far as our brains are concerned? I know that is probably a question you cannot answer.

Dr Larkin: Perhaps so. That may be behind the lobbying for such a move. I think the interest at an official level—the parliamentary inquiries and the Electoral Commission inquiries—is rather different. I think that is primarily a result of concerns about falling voter turnout, where voting is voluntary, and the legitimacy questions that arise from that.

In places like the UK and America there are genuine concerns about the level of voter turnout. Voter turnout is particularly low amongst the young. They are looking at ways of trying to re-engage and increase the engagement of younger voters, or potential voters. This is one of the ways of doing it, I think, or looking at it. Thus far, of course, it has not yielded much. The Electoral Commission in the UK looked at this a year or two ago—a couple of years ago—and rejected the measure, although they said that it should be returned to in a few years.

DR FOSKEY: Just another little try at ways we can make this work: what if enrolment was compulsory at the age of 16, but enforcement was not so strenuous and there was perhaps a letter, a rap on the knuckles or whatever, for not turning up, but no enforcement of fines? Is that somehow unjust and inequitable?

MRS DUNNE: Again, that is a double standard.

DR FOSKEY: Yes. That is what I am asking. I am asking the experts.

Mr Kelly: It diminishes the idea of enrolment being compulsory if there is no enforcement. I think it is something that, accepting that 16 and 17-year-olds can be quite smart, they will quickly latch onto. If they do not want to enrol they will ignore it, if they feel that there is no penalty or no sanction against them doing that.

DR FOSKEY: So the simplest thing is just to have voluntary enrolment—not tying it to application forms or anything—for 16 and 17-year-olds, and compulsory from 18 on. That is the simplest thing.

Mr Kelly: No, I did not say that. I think that, with lowering the voting age, there is a danger here. On the one hand you are saying, “We want to enfranchise younger people to have a say.” But then, if you make that change without fully incorporating all the other aspects of electoral law for those 16 and 17-year-olds, you are applying a double standard where you are saying, “Well, we want to include you, but there are different rules.” There is a lack of compulsion et cetera.

The best way would be to lower the voting age and have everything in line with the other requirements of the electoral law, so that those 16 and 17-year-olds feel as though they are fully part of the system, and not being given a special dispensation simply because they are younger. As I said before, their vote will count just as much as anybody else’s vote. I think that, along the principles of voting equality and the application of things such as enforcement, compulsion should be the same as for all other voters.

Dr Larkin: To reiterate, I think there is an argument, ultimately, about political maturity and what age you think is appropriate. If you are arguing that 16-year-olds are sufficiently politically literate to vote, then I think they are politically literate enough to vote or they are not. I think the sorts of measures you are suggesting muddy that somewhat.

DR FOSKEY: You understand that the bill we put forward had a voluntary nature. I am just exploring the difficulties with that which no doubt should have been explored before. But we did not have access to wonderful experts then.

THE CHAIR: I guess that is why we are doing this inquiry.

DR FOSKEY: Yes, exactly.

Mr Kelly: Could I say in addition that, even though Phil said earlier that there are more important things to be looking at, I think there is good value in inquiries of this sort to challenge the current situation in all matters of electoral law, and especially when it comes to the franchise. Whether it be for young people, for current restrictions on ability or entitlement to vote, it is through that challenging, and whether that then is dismissed or accepted. It is an important part of the process to have these sorts of inquiries taking place in that regard.

THE CHAIR: The discussion is an important one. Thank you very much for your

attendance today. We will get the transcript out to you as soon as we can, so you can check for accuracy. Thanks for your paper. You mentioned a paper before that you would be happy to table. Are you happy to table that?

Mr Kelly: Yes, I can table this copy. That is fine. It is the *2003-2004 Continuous roll update*. It is a report from the CRU implementation steering committee to the Electoral Council of Australia.

THE CHAIR: Thank you very much, Mr Kelly and Dr Larkin.

BO'SHER, MR LUKE, Policy Officer, Youth Coalition of the ACT

HUNTER, MS MEREDITH, Executive Officer, Youth Coalition of the ACT

THE CHAIR: Thank you very much for appearing before us and for your submission to this inquiry. I need to read from the card before we get started. The committee has authorised the recording, broadcasting and re-broadcasting of these proceedings in accordance with the rules contained in the resolution agreed by the Assembly on 7 March 2002 concerning the broadcasting of Assembly and committee proceedings.

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Mr Bo'sher: Yes.

THE CHAIR: As I said, thank you for appearing before us this morning. Would you like to make some introductory remarks and then we will throw it open to questions?

Mr Bo'sher: Thank you very much. The Youth Coalition of the ACT is the peak body for youth affairs in the ACT and represents young people and those who work with them in the territory. We have worked with several groups of young people, with around 50 to 60 young people in total being involved in preparing our submission. We have talked to them on the issues involved in lowering the voting age and got their opinions and their attitudes, which we have compiled together to make our submission.

The youth coalition has always supported lowering the voting age in the ACT to 16, as do all the other youth affairs bodies around the country. We believe that 16 to 18-year-olds should be able to vote in elections in Australia, as they have the capacity to make informed decisions and, therefore, have a democratic right to participate. Young people's decision making is proven both in the academic literature which we have cited in our report and in everyday examples of young people's lives.

At 16, young people are transitioning from high school to college; they are making decisions about their education and their lives; they are choosing to do traineeships or apprenticeships; they are choosing which subjects they are going to do and, therefore, what they can study later in life; they are also becoming increasingly involved in their communities through volunteering and through employment. So they have the capacity to make decisions and are making them every day. Why then, if we accept that young

people can make decisions, do we not let them vote? Essentially, the argument is that young people are not engaged enough, are not informed enough or do not care enough in order to be involved.

Our consultations found that young people believed that they had not had enough civics education and that they wanted to learn more but that was not offered through the education system. Young people also said that they were not particularly concerned with politics, but when we unpacked this better we found that it was not that they did not care so much about politics but rather that they did not care that much for the formal political system and the formal ways of participation that other people in society think is important.

When they talked about things that they did not really see as exciting about politics, they talked about things like political parties, politicians not being particularly interesting for them and their not being very keen to watch debates in the Assembly. But that does not mean that they are not interested and do not care; it means that they care in a different way and about different things. We found that they really did care about a lot of issues. Things like climate change, school closures and employment were all really important to them. They care and they care a lot. We have to find the questions that let us discover this. I do not think we often ask the questions that really get to the heart of what young people care about.

This can lead us to mistakenly think that young people are apathetic and do not care. This is not to say that young people should not be taught about civics and should not learn about civics, because it is a fundamental part of our society and they need to understand how parliament works and how the electoral system works, in order to participate in that and in order to get their views across to government. And it is important, not just for when they are young people but through their whole lives, to participate in our democracy.

The civics education program needs significant reform and needs increased funding and a really innovative approach that engages young people. This approach should be something that builds links between the issues that they are concerned about and how they can engage in the political system to express these views and to make sure government responds to them.

Currently, with this alone, however, we do not think that an increased civics education program will engage young people to the extent that, as a society, we would want them to be engaged. If you are learning about civics in year 10, there is a chance that you won't be able to use that education for a further six years, depending on when the election is. There needs to be an impetus to engage young people in learning and to make them see it relevant to their lives.

To sum up, the most important question that we think the committee should be asking is: what is going to happen if we leave it at 18 and leave the system like it is? If it is being argued that young people do not know enough at the age of 16 to vote, then when do we think they are going to learn this knowledge? It won't be happening at college unless they are studying politics. That is not the majority of young people; it is only a minority. The reality is that, at the age of 16 and at the end of year 10, they have got all the civics education they are going to get. If we can make civics education engaging and

informative and get young people to really know about the system and we know that they care about issues, then we think they should be eligible to vote.

THE CHAIR: Thank you, Mr Bo'sher. Ms Hunter, do you want to make some additional remarks?

Ms Hunter: At this stage I won't make an opening remark; I will leave that with Luke.

THE CHAIR: Just answer questions?

Ms Hunter: Yes.

MR GENTLEMAN: Thanks for coming along. In your evidence you talked about the survey that you conducted of 50 to 60 people that were generally young people. Can you tell me the ages of the people that you surveyed?

Mr Bo'sher: Sure. The young people that we looked at were a group of university students who were over the age of 18—that was one of the groups—to see what they thought, in retrospect, of their experience of being 16, whether they felt prepared to vote at that age and the attitudes that they have, being a past experience of that age group. We also spoke to a group of young people at one of the youth centres in the ACT. We spoke to young people in schools and to the minister's youth council. Those three groups have ages between 13 and about 18.

MR GENTLEMAN: The survey of respondents gives quite a different result—that young people have a capacity to vote—in comparison to YES, which indicated that quite a number of them did not have the capacity to vote. Can you make any comments on that?

Mr Bo'sher: It can also be about the way the information is presented, although essentially we asked the same question—whether or not young people could vote—and the order in which we asked the question. From memory, all of our consultations involved a lot of talking about issues that they were concerned about and about how they saw decision making in their own lives. So the question about decision making and whether they were able to vote was more in the context of general engagement and general competence, rather than specifically talking about a political system.

Although we asked the same question—it is essentially the same; the way that they thought about it and the way that they made up their minds about whether they thought they could or could not vote—it was in the context of more general competencies applied to voting, as opposed to a formal political system. If you think about it in the context of a formal political system, there is a lot of rhetoric out there, and young people are often told that they do not have the capacity to make those decisions. At the moment they are excluded from voting. Because the associations with a formal political system are that young people are not competent, that is reinforced when they think about that question in that context.

MR GENTLEMAN: Was there a difference between the answer to that question by the university students and by the people at the youth centre, for example?

Mr Bo'sher: The response from the university students was that voting was really important. The answer from everyone was that voting was really important. The trends were quite similar across the age groups. They all found that voting was important. They obviously had slightly different experiences, with the uni students having voted in the past, as opposed to the 14 and 15-year-olds that had not voted before. But all of them said that voting was important.

MR GENTLEMAN: But more in that capacity to vote?

Mr Bo'sher: I do not think so. From memory, there was not a significant difference in the capacity to vote.

MRS DUNNE: Can you refresh my memory on the size of the survey?

Mr Bo'sher: About 50 to 60.

MRS DUNNE: These were people who were already members of the youth coalition?

Mr Bo'sher: No. There was a group of year 9 students at Amaroo high school. They were random students.

MRS DUNNE: There was a list of people. There were some students that you selected, people who attended a youth centre and members of the youth coalition.

Mr Bo'sher: Yes, and the minister's youth council.

THE CHAIR: And students from the university.

Mr Bo'sher: Yes, from the Australian National University.

MRS DUNNE: Do you have any more analysis than the survey instrument? Was there a developed survey instrument or—

Mr Bo'sher: Yes, we had a survey form that asked a range of questions. The information that we presented in our report was the summary that we got out of it. We did not explore any of that further. A lot of it was a simple yes/no on whether or not young people felt that they were capable and whether they felt the voting age should be lowered or not. They were yes/no questions that did not involve a deep level of analysis.

MRS DUNNE: How do you think that survey stacks up against perhaps the AEC's surveys, which are much larger sample groups?

Mr Bo'sher: There are a few issues involved. The first one is that the AEC one was across Australia and was not ACT specific. We know that in the ACT there are high levels of education and a high level of engagement in politics more generally, because of the location, size and general characteristics of the ACT. The ACT data can be significantly different from the broader Australian data. I do not in any way suggest that our survey of 50 young people is representative of the entire ACT. If you were going to look at statistics of young people in that way, you would need to do a broader, more encompassing survey.

MRS DUNNE: One of the things that I picked up in your comments was that young people engaged in the political process in a different way. I hope I am not misquoting you. I think you said something along the lines that they care about things—this is a precis—but they care about them in a different way. From my experience as a parent, that is probably the case. Given that we are talking about voting to elect members of the Legislative Assembly, how effective do you think that that engagement will be at that stage in life? By your own admission, you said they are not engaged with the Assembly; they are not engaged with the political—

MR GENTLEMAN: Formal politics.

MRS DUNNE: With formal politics; they are not engaged with political parties. I do not want this to be necessarily seen as a criticism. If the outcome is to participate in the election of the Legislative Assembly, how do you reconcile those two things? You are saying that people should get to participate in this and that they should demonstrate their rights and their ability to do this because they engage in a parallel political process, essentially. How do you reconcile asserting people's right to vote in the Legislative Assembly if at the same time you are saying that they won't engage with the Legislative Assembly and the legislative process?

Mr Bo'sher: There are two points that should be made. The first one is that, at the moment, when we talk about young people's engagement in the ACT, we are talking about engagement in a system that is essentially voting by 18-year-olds and above. At the moment, they are not included in the system. As I spoke about in my introduction, they do not have that impetus to be engaged. The Democratic Audit of Australia summed it up really well in a quote that they made that few people would take an interest in a sphere of life from which they have been deliberately excluded. That is a really important point to think about when we say, "Why would young people at the age of 16 really care about the Legislative Assembly when they cannot have a say in it at the moment? Why would they care about voting if they are not going to be able to do it for up to six years?"

MRS DUNNE: You are saying that, if they could vote, they would engage differently?

Mr Bo'sher: Yes, I think that is true. But I do not think that, just by lowering the voting age, we can hope that young people will engage in that way. We also need an effective civics education that bridges the issues and the ways that they can express their opinion through voting. A lot of young people that we talked to, like I said, did not really say that they cared that much about politics.

When we looked at the issues that they cared about, they were issues central to politics at the moment. Things like school closures, climate change—a whole range of issues—and employment were really key issues to them. They are also key issues to the rest of the Australian population who see voting as a way to make their voice heard. Young people need to see that link. That is not very clear at the moment, I do not think, to the young people we spoke to.

MRS DUNNE: A lot of what you touch on, I suppose in a way, is not quite within our terms of reference, but perhaps we could be generous with the terms of reference. It

relates to what is loosely called civics education. Your case study comments highlight what most of us see as the failings of civics education and what the house on the hill's inquiry into civics education is highlighting.

How would the youth coalition see that we could remedy that situation? You make a very valid point when you say that you are getting the bulk of your civics education in grade 5 or grade 6 and then you do not revisit it until you are 18 or maybe 20 or 21, depending on where your age falls in relation to the local cycle. It seems quite remote, especially when you are 10. How would you, as the youth coalition, see that, in the ACT in particular, we might address the shortfall in civics education?

Mr Bo'sher: We have a really unique place in the ACT, for two reasons. One is that we are a city/state and every young person in the ACT has the opportunity to come to the Legislative Assembly and see what politics means at that form of political level. That is an opportunity that states like Western Australia and Queensland might not have. Being states that are quite large, they cannot get everybody to come and see the Legislative Assembly and be engaged in the same way as we can here. That is something that we should take advantage of.

The civics education needs to be relevant to young people. I have already talked a lot about making that link between issues and democracy and politics. It needs to be seen more broadly than just about educating people about parliament, but that is a really central part. So it needs to happen in years 9 and 10 as well. The years 5 and 6 stuff is really important, but it needs to really be reinforced to make it relevant.

MRS DUNNE: I said this at morning tea that often children learn about the process of voting but do not actually learn about the—

MR GENTLEMAN: Politics.

MRS DUNNE: After you have voted and you have been accounted for, you do not learn about the consequences or the impact of voting. Does that encapsulate the issue that you see?

Mr Bo'sher: Yes.

MRS DUNNE: Kids do not engage; they are concerned about issues but they do not see the link between the issue and the legislature.

Mr Bo'sher: That is true.

MR GENTLEMAN: I put a plug in here for our ACT Assembly education office. We hold a few forums during the year. I have seen the results at the end of the debate; for example, the one that Dr Foskey and I were involved in, which was "let the rivers run".

DR FOSKEY: And it is coming true.

MR GENTLEMAN: And that is coming true. It is incredible. These kids have had a big influence. At the end of the process, they seem to be much more aware and prepared to be much more engaged than they were at the beginning. Some of your comments are

true.

Ms Hunter: I agree that there is a fantastic education office here. Certainly the youth coalition has engaged with that office before in running youth work activities and having debates with students and with MLAs. Yes, we are fully supportive of the office.

Mr Bo'sher: That is a really good example of the way that politicians can act, not just as part of the legislature but be seen to respond to issues, in particular, and work with young people on issues. That is really fantastic. That outreach stuff and getting out there and speaking with young people are really important.

THE CHAIR: Did you find any difference between the responses of the young women and the young men in your survey?

Mr Bo'sher: No, it was about half-half in terms of a gender balance. There was not any significant difference between what young women and young men said. YES recognised that there was quite a difference between how informed young men and young women felt about issues and how prepared they were to vote. But that was not something that, in particular—

THE CHAIR: In that relatively small sample you did not get the feeling that that was coming through?

Mr Bo'sher: No, not really.

Ms Hunter: That may also be linked back to the statement Luke made that it reflects the uniqueness of the territory, in that the high level of education and engagement that we have here may be very different to that in Bunbury in Western Australia or wherever else the sites were that the study talked to young people.

THE CHAIR: I do not know the results, but Mr O'Regan in his evidence made mention of the fact that insurance companies require young people under the age of 25 to pay more for their insurance for their vehicles because they are more likely to be involved in a car accident. I believe it is true that young men are more likely to be involved in a car accident than young women. I wonder whether there is a difference in those stats for the ACT and those for other parts of Australia, given that we have got excellent roads here. There would be many variables, I imagine, in the statistics. There are probably all sorts of reasons why the stats might be different here in the ACT compared to elsewhere with regard to accidents.

It begs the question: are young men less ready at the age of 16 to make those decisions and have that thinking than young women are—not that I am suggesting that we give permission to young 16-year-old women and not 16 year-old-men? It is an observation. That was why I wondered whether there was any difference in the readiness of the young men. You say there was none.

Mr Bo'sher: Not in our study, no.

DR FOSKEY: One of the things that I have been exploring with previous witnesses—we had the ACT Electoral Commissioner and representatives from the Democratic Audit

of Australia—is that there are issues about voluntary voting for 16 and 17-year-olds and the fact that it is compulsory for everyone else. It looks as though there is a bit of an issue there. If the only way that this law could come in was if the government decided to make it voluntary for 16 and 17-year-olds and compulsory for everyone else—with the implications of possible double standards and so on—what would your opinion be on reducing to 16 the voting age at which it becomes compulsory to vote?

Mr Bo'sher: If the only choice was to reduce the voting age to the age of 16, with it being compulsory, we believe that that is still a good option. We think that, with a good civics education program, young people from the age of 16 can make competent decisions and can be engaged. We are essentially arguing throughout our submission that young people at 16 are not entirely different from young people at 18. A lot of the issues that we talk about, whether it is about enrolment and voting when perhaps you do not feel you have the capacity or you do not feel ready, are issues that apply to 16-year-olds as much as they apply to 18-year-olds, 30-year-olds and 60-year-olds.

If people do not have knowledge of the issues at the age of 18, they still have to vote and still have to turn up. If they do not, they will get fined. We have been saying that young people at the age of 16 have those decision-making capacities, almost as much as those at 18 do, and that, if the voting age is lowered to 16 and civics education was improved, young people would be competent voters at 16. The levels of apathy that are mentioned are as applicable to the entire population as they are to 16 to 18-year-olds. So we would support a compulsory voting system from 16.

DR FOSKEY: One of the issues raised by Mr Green was that the fine for not voting can be up to \$110 if the person does not pay the early call, which is a lot smaller. He thought that was quite punitive on young people. That was raised as an argument against the bill. What are your comments on that?

Mr Bo'sher: Our comments would be that that fine is only if you do not turn up on the day to vote. There is no obligation to fill out a ballot sheet on the day. It is about turning up to the voting booth. The point of the fine is that you show that you are engaged and that you turn up. So it is not a fine if you do not actually cast a valid vote; it is a fine if you do not turn up on the day.

We think that the vast majority of young people feel that they have the capacity to vote. If those young people do not feel that they have the capacity, all they have to do is turn up to the voting booth on the day and have their name marked off. That is all they have to do. They do not have to cast a vote if they do not feel that they are prepared to. As I have reinforced before, we do not think that there is a significant difference between those that are 16 and those that are 18 and those that are 30.

MR GENTLEMAN: What do you think would be the impact of that fine on somebody that is younger and invariably would have an income, you would imagine, that would be lower than others, if they have an income?

Mr Bo'sher: The impact of the fine on a 40-year-old who might be on a \$60,000 a year wage is going to be very different to the same fine on a 16-year-old who is earning maybe \$4,000 a year. Obviously that is a very different impact, but this applies in all matters and to all ages. The fine on a pensioner who is living on their pension is

obviously going to be more than that on the 40-year-old as well. At the moment, we impose fines on young people for driving offences and for other matters that are the same, and they have a relatively harsher impact on young people than they do on any other group of the population.

That is a really good point. Maybe something we should look at, as a society, is how those fines impact on different groups differently. But at the moment in our society, our legal system imposes the same financial fines on young people as on other people.

MRS DUNNE: You make a good point, but I suppose you would make the point that speeding fines for somebody who is 17 are the same as those for people who are 77. I want to explore with you the level of compulsion. People are not compulsorily required to drive. I take your point, but the issue is that we run the risk of compulsorily requiring 17-year-olds to vote, whether they want to or not and whether they feel mature enough to do it or not. In a way, do you see that there is a difference—and knock me down if you like—between the compulsory nature of enrolling to vote and turning up to the polling booth on the day and what seems to me to be the voluntary or optional nature of driving?

Mr Bo'sher: Perhaps that is not the best comparison to make. Perhaps a better comparison would be that of an unemployed person who is also forced to vote and who is living on a lower wage. That person would face a bigger impact, by a \$110 fine, than the 40-year-old who is earning the \$60,000 a year.

There are already inequities in the system. Although we do not want to introduce more inequities in the system, if young people were educated—if there was a good education campaign that at least made young people aware that they had to turn up on the day to get their name marked off, to participate at that level in the process—if young people knew that they had to participate, I do not think that, as a society, it is too much to ask for them to take half an hour or 20 minutes out of their day to go to the polling booth.

DR FOSKEY: It is argued that that fine is one of the reasons why many over 18-year-olds turn up too. Sorry, I cannot help it, but I support my bill.

THE CHAIR: All this discussion still begs the question: where would the cut-off point be? Do we now say that—and this is in regard to 16 and 17-year-olds, for all the reasons that you and the young people have given us—we should bring it back even further? That question will always remain. Where is the cut-off point?

Mr Bo'sher: That is the sort of question that can be revisited. This is an issue that can often be re-looked at. We live in a changing society where the responsibility at the age of 16 is different now than it was 40 years ago. It was mentioned in the previous session that 16-year-olds now are making decisions about their lives that are very significant and that are very different from 20, 30, 40 years ago.

Young people are also increasingly educated. The structure of the education system means that in years 9 and 10, as young people go to make those decisions to move to college, they are gaining an increasing amount of independence and responsibility. Simply because of the structure of our society and the way that we do education, 16 is an appropriate age, given the life experience of most people at the age of 16. But that is not to say that, if education changes and the way that as a society we give responsibility and

independence to young people, that could not be revisited later. But I think 16 is the most appropriate age at this time.

THE CHAIR: Thank you very much for appearing before us and for your submission to us. You will get a copy of the transcript as soon as possible for you to check through for accuracy. Thank you very much.

Mr Bo'sher: Thank you very much.

Ms Hunter: Thank you.

THE CHAIR: Thank you.

SAHA, PROFESSOR LAWRENCE J, Adjunct Professor, School of Social Sciences, Faculty of Arts, Australian National University

THE CHAIR: Thank you very much for appearing before us today and thank you for the material. I just need to read this card before we start. The committee has authorised the recording, broadcasting and rebroadcasting of these proceedings in accordance with the rules contained in the resolution agreed by the Assembly on 7 March 2002 concerning the broadcasting of Assembly and committee proceedings.

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Prof. Saha: Yes, I did. Thank you.

THE CHAIR: Would you like to make some introductory remarks, and then we will go to questions. We have till 12.40 pm.

Prof. Saha: My publishing name—the name that appears on documents—is Lawrence J Saha. I am an adjunct professor in the School of Social Sciences in the Faculty of Arts here at the ANU. I am also joint chief investigator of the Youth Electoral Study, which is an ARC-funded link grant, with the Australian Electoral Commission as our partner. My other co-investigator is Murray Print at the University of Sydney, and we have a research officer, Kathy Edwards. If you see any of our reports, the three of us are the ones who appear on those publications.

As to the comments that I guess I would want to introduce myself with, I will simply say something about our project to familiarise you with the work we have been doing. I will say a little bit about my own background prior to that and my interest in what at one stage was called youth political socialisation—how young people learn about politics.

The YES project is a four-year project. We are now towards the end of the final year, although we still have a little bit more work to do. We will, no doubt, continue to work on it informally amongst ourselves after this year, because of the amount of data we have collected. As I said, it was an ARC-funded grant from a link project, which requires that you have an industrial partner. Our partner was the AEC.

For the past 3½ years we have been working with the AEC. They have, in a sense, been

members of the steering committee which has guided all of the work we have done in our data collection. They have also seen but have not—how shall I put it—vetted all of the results. In other words, we passed all of our results before them before we made them publicly available, just out of courtesy.

The project is quite large and quite ambitious. So far we have done focus group interviews with groups of young people in senior secondary years, primarily year 12, in 16 electoral divisions around the country—in four secondary schools in each of the 16 electoral divisions. That is quite a number of schools, and quite a number of young people that we have spoken to, using the focus group technology, which is pretty open-ended. It is letting the students more or less speak for themselves.

In addition to that, we have tried to get small groups of people outside of the education system. We have conducted focus groups with young people who are in the work force and with young people who are unemployed. We are just in the process of looking at that data, so I am not in a position to say very much about that at this point.

In addition to these focus group interviews, we have conducted one national survey of 155 schools from all regions of the country, drawn randomly according to certain what we call stratified principles to make sure we get enough private schools, to make sure we get enough rural schools, to make sure we get enough schools in the Northern Territory, for example, and the ACT, which are relatively small. We stratified our selection procedure, yet maintained a random process. From these 155 schools we have almost 5,000 respondents—students who completed a questionnaire which we sent to the schools and had teachers administer according to guidelines that we gave.

In addition to that, we conducted a workshop last year, bringing in experts from all over the country on research on youth. We held this at the parliamentary education centre in June last year. We are about to publish the proceedings of that. We had 12 speakers, researchers from other universities and other organisations around the country, including ourselves. We made our own contribution.

Just last week we had a symposium in Sydney called “Democracy and Citizenship”, which was partly related to our project. We brought in both academics and members of electoral commissions from a wide variety of countries. We had the Pacific Islands present, we had South-East Asia present, we had India and Pakistan present, we had South Africa present, and we had New Zealand present. We spent much of two days discussing matters related to youth and citizenship which involved, to a large extent, voting.

That event was addressed by a group called the international democracy electoral audit, or something like that. It is on the document which was launched last week. I have given that to Sandra to perhaps make a copy of or to obtain a copy for you. It summarises voting procedures throughout the world and looks at things like what works and what does not work. Age is not the specific focus. They look at other things as well, but age is certainly one of the things they look at.

That is to introduce you a little bit to the project I represent. Prior to joining this project, I conducted two other surveys here in the ACT, the first in 1987, which was a survey of only ACT schools. I had 1,300 students involved in that one. I looked at both political

learning and also how people learn about work. I was interested in those aspects of young people's thoughts. I repeated that survey in 1991 but included South Australia, just to get another dimension to see if there were any differences. Much of that experience I have brought with me into the YES project. Indeed, we have some items we call anchor items—questions which appeared in all three surveys—that we are able now to look back and see if there are any differences from 1987 to the present.

MRS DUNNE: These are the things that are on page 9 of the second survey.

Prof. Saha: The second one; okay.

MRS DUNNE: Sorry. That is a question.

Prof. Saha: One of the questions?

MRS DUNNE: Yes. I was wanting to ask you—

Prof. Saha: About the political activities.

MRS DUNNE: About the 1987 and 1992 surveys.

Prof. Saha: Yes. What I did then was repeated exactly verbatim in all three surveys. The 1987 was exclusively ACT; 1992 included South Australia; and 2004 was from all over the country.

MRS DUNNE: I was trying to look to see what might have explained some of the differences.

Prof. Saha: Some might be the fact that ACT students are different. I heard that raised in the last session, and I can certainly give my view about that.

MRS DUNNE: We are special, are we?

Prof. Saha: They are not exclusively different. They share much of youth culture which seems to be pretty pervasive throughout the country. One of the points we talked about last week was whether or not we are now dealing with a homogeneous youth culture because of exposure to the media and things of that nature. It does not matter where young people are growing up. To a large extent they all have the same experiences; they are going through the same type of education system and they are experiencing the same kinds of rites of passage as they progress to adulthood. There is a commonality, I think, but that does not mean that there are not regional differences. There are, in some cases, yes.

THE CHAIR: Are you ready to take questions now?

Prof. Saha: Yes.

THE CHAIR: You said that you could comment, or you might want to comment, on whether there is any difference, or you have perceived any difference, between young people in the ACT and elsewhere. Could you expand on that one?

Prof. Saha: I will give you what I can. So far in our analyses we have resisted breaking our findings down by state. You can appreciate that we have been bombarded. We have already made representations to parliament and the Senate standing committee. Over time, various members have approached us, saying, “How did my region or my area do?” or “How did my state do?” or something of that kind. So far we have not really attacked that other than for our own purposes to see if there are differences—and there are in some areas, which I can tell you about.

Nor do we know the names of the schools, by the way. Because we outsourced the data-gathering process to a market research organisation, we purposely avoided our getting the names of the schools which participated. Until the study is finished I could not tell you, quite honestly, which schools participated and which did not. That is sitting in a safe somewhere, which we purposely do not want. As I said, we are asked these questions quite often.

I do not think it is any secret that the ACT represents a fairly atypical population, just in simple demographics, compared to the rest of the country. In fact, with regard to my earlier surveys, one of the things I had the greatest difficulty with in terms of publishing the data from those surveys was that people said, “Yes, but these data are different. How can you say that this is representative of young people everywhere?”

They are far better educated than young people in other states and elsewhere in the country. I think their parents are, by and large, better educated on average. I am making generalisations now, but you will appreciate this. I think they are a lot closer—at least they feel a lot closer—to, if I can use their term, where the action takes place. They are more accustomed to being around people who are involved in government. Indeed, their parents probably are public servants of some kind. They are accustomed not only to hearing about parliamentarians around the city but also to seeing international visitors around the city, to say nothing of Parliament House and all the facilities it has to offer.

In experiential terms, they almost take things for granted which people in other states simply cannot, that they simply have no access to whatsoever. I think in this respect they have a heightened sense of politics. I think they have perhaps a little bit more awareness of young people in other states. When we asked them questions like “do you intend to vote when you turn 18?” the largest proportion from the ACT said yes, compared to all the other regions. That was true whether we asked the question under the present compulsory voting requirements. We also had the question: “would you vote even if you did not have to?” The ACT students were still ahead on that. I hope that gives you some idea of how they are different from other students elsewhere.

MRS DUNNE: How different? You said they are different, but how different?

Prof. Saha: I would have to go back and look at the statistics. I could give you figures. I would have to go back and break it down, but the voting would be in the order of, let us say, 90 per cent saying that they would probably vote, whereas in other states we might get as low as 65 or 70 per cent, say, in the Northern Territory or some place like that. Victoria and New South Wales are pretty comparable, in that they would be probably about 85 per cent. Queensland is a little lower. Western Australia and South Australia are pretty much in-between, but that is a generalisation. The gap is in the order of 15 per

cent, and that is on the question—

MRS DUNNE: Sorry, between the ACT and the mean, or between the ACT and the lowest?

Prof. Saha: Between the ACT and the lowest, somewhere in the order of 15 per cent. So there is a spread. This is even with the questions under the umbrella of compulsory voting. One of the reasons why this project was funded is that the AEC argues that, at any given point in time, there are something like 300,000 young people around the country who are not enrolled who should be enrolled and who would not vote because they are not on the rolls.

This seems to be fairly consistent. It changes a little bit at federal election time, but then it just goes back down. The mandate of the project is really to find out not only why this figure continues to exist but what is it about young people and politics that we need to know more about to get them more engaged and things of that nature. Is there a problem? Can we identify some of the problems? Are there mechanisms?

I should not be speaking for the AEC, but I have sat through many meetings with them. They really are looking for mechanisms which will help them approach young people and get them to respond in a positive way to enrolling when they are 17, getting on the rolls when they are 17, and being ready to vote when they are 18. Those mechanisms can vary from inducements of various kinds to stricter fines. We did not ask them about stricter fines. They told us about the stricter fines in the focus groups. We did not even ask them in our survey; we did not even think about it. But they are all under the impression that if they do not vote, they are going to get fined, even though the AEC say they rarely fine people for not voting.

MRS DUNNE: Do they have an accurate perception of what the fine is?

Prof. Saha: They do. When we have asked them, they have said that it is something like \$25 or \$50. It is not a huge fine, but they still do not like the idea of being fined, and they will say that. I remember that in one discussion we had, one of the options that could be introduced would be just to be more strict in applying fines—in other words, that the compulsory nature of voting has some consequences if you do not vote.

DR FOSKEY: Perhaps I can take this opportunity to correct the record on something I said earlier on in relation to the amount of fine. At the ACT election the failure to turn up to vote incurs a penalty of \$20, which is a fifth of the federal level. I gave a very wrong impression back there. That is at ACT elections. I think the larger penalty applies at federal elections.

Prof. Saha: Yes. I am just giving you the order. The AEC even admits that it does not apply that too strictly, from what I understand. It is not for me to really comment on that. But because this occurs in our focus group discussions with students, it comes up.

MR GENTLEMAN: Could I just bring you to the question of capacity to vote, which we've been talking about with other attendees. The Youth Coalition of the ACT did a small study and the result was that 94 per cent of those in the study said that they believed people below 18 had the capacity to vote—the understanding, in other words.

But your study gave quite a different response.

Prof. Saha: Yes, I'm glad you asked that, because I think this is a very important part of understanding how young people approach the whole issue of voting and participating in an election. I analysed some of my previous survey data, looking at what I call readiness to vote or preparedness to vote, and it turns out that at a national level something like 50 per cent really don't feel fully confident about voting. We asked multiple questions, so it's not just in response to one question. We asked them whether they understood political parties well enough to vote and whether they felt they had enough political knowledge to be able to vote. Our study has looked at not only the individual questions, and we report that in our first report.

I've also constructed what we call a scale in data analysis, where we combine all of those questions together into one figure and then we use it to see how young people respond. I refer to this as the social psychological dimension. I think we underestimate the mystery that surrounds voting for a lot of young people who've never voted. In other words, they have probably never seen a ballot box, or if they did it was back in year 9 or something when they have some vague recollection of having seen one. The mechanism of going to the box and what you do in the secrecy of the box is something they haven't experienced, and I think that until they go through this they're not going to feel fully confident about voting.

That lack of confidence does translate, in our questionnaire, into whether or not they say they're going to vote: the more confident they feel, the more they're likely to say, "Yes, I will vote when I reach 18." So there is something there about confidence, and of course this raises questions about how we then raise their confidence. Can we do it in schools? Is it something that we can do for them? Is it something their parents can do for them, for example? Our study found that parents are hugely important in the political awareness of young people and it could well be—and we're in the process of making this suggestion, even to the AEC—that some campaigns might be directed to parents: take your child with you when you vote.

MRS DUNNE: To the polling booth, yes.

Prof. Saha: Yes. A lot of young people in our focus groups remembered being taken, when they were children, by their parents to vote, and that memory was so vivid that it would come out when we asked them about voting and how they learnt about voting. They'd say, "Well, I remember going with my parents when I was a young kid," or something like that. So there are all these kinds of things that we're starting to pick up, and I don't think we give enough attention to that.

Before I go off on to something else, the other thing we found with respect to parents is that it doesn't seem to really matter whether the young people agree with their parents or not as long as they're debating, talking, discussing, or something of that kind. We found instances where young people reject the political view of their parents, maybe because of a particular party they identify with or something of that kind. But the study seems to indicate that, irrespective of whether young people agree or disagree with their parents, talking with their parents about politics is positively related to their being politically aware and saying that they would vote when they're 18. So again that's something that could be useful, we hope.

MRS DUNNE: So what you're saying is that people like us shouldn't use our experience with our own children as a barometer of how other children behave!

Prof. Saha: These are things we're finding out; you can make of it what you want but I think there's something there. The other thing I want to add to this is the role of the school and school elections, which I think are very important. We found a lot of cynicism in our focus groups about school elections. We have anecdotal data from schools, not in the ACT—I did the focus groups in the ACT and I have to say I didn't run into this—but elsewhere in the country, of teachers vetoing a school election, on the grounds that the person that the students elected was not deemed suitable or acceptable.

We've discussed this with the AEC and I know that Elections ACT are willing to go out and conduct school elections on request, but only on the proviso that they're conducted properly. I have looked into that, and I think we're missing an opportunity by not making more of school elections and—

DR FOSKEY: Do you know anything about a project that's run in Canada which is—

MRS DUNNE: Student vote.

DR FOSKEY: We were told about it by the Democratic Audit of Australia. Yes, it's called student vote and it's run in conjunction with elections that are happening there.

Prof. Saha: Yes.

DR FOSKEY: It shadows, basically, the electoral process.

Prof. Saha: It's like a mock election, running a federal election in schools; is that the one?

DR FOSKEY: It has apparently improved the turnout when young people become eligible to vote.

Prof. Saha: Yes. In other words, it's not just a school election for their own student representative council or something like that; they actually have their own mock national election.

DR FOSKEY: It assumes that they have the right to vote, though they don't—

Prof. Saha: I think that's a perfectly useful tool. It could be tried whenever there's a federal election, for example. I say "federal election", but you might be interested in the ACT aspect of it. The schools could be asked or encouraged to run their own election using the same candidates. Presumably in Canada they use the same candidates.

DR FOSKEY: That's right.

Prof. Saha: Yes, they go through the whole thing as though they're actually voting in the national election.

DR FOSKEY: Yes. And of course the advantage that's cited with the ACT is that we know when our election will be, so it can be programmed into the curriculum.

Prof. Saha: That may be a good way to start, because what our survey showed is that, over and above those school elections that are not properly run, overall the experience of either running for a position in a school election or voting in a school election leads to a higher propensity to say that they will vote when they're 18. So there is something positive about this experience and our data show that. All we can say is that, if you're looking for an area that can be improved, here is one that might be useful.

MR GENTLEMAN: Could I bring you back to your first report and the discussion on page 4 about case studies. You were looking to follow up some of the interviewed students. You say here that in 2003 you interviewed students in year 11, age range 16 to 17, then followed up with the same students in 2004, ages 16 to 18, and were going to contact these students in 2005-06. Have you been able to contact them?

Prof. Saha: We did. It turned out to be a bit more difficult than we thought, because there's more mobility than we thought; getting the same students a year or so later and at the same school wasn't always that easy. Also, what we found was that a lot of them had enrolled as a result of participating in our first focus group, so we were sort of the contamination in the process. So there was a higher level the second time around who said that they had enrolled because they had been sensitised to it and they became aware of it. So, in effect, our experiment wasn't quite as productive as we thought it might be. But I think our general sense was that a larger number of students had enrolled the second time around, when we came to talk to them.

MRS DUNNE: What that seems to say is that you need to help students join the dots—and the youth coalition spoke about this as well. Young people are interested in the issues but don't make the connection between the issues and the legislature. What you're saying is if you help people join the dots they're more likely to enrol to vote?

Prof. Saha: I would agree. That's a good way of putting it. That was one of the things that we were criticised on at the very beginning of our study when we had our workshop and we brought in youth researchers from all over the country. They heard what we had to say and their comments were that we were assuming that voting alone is political engagement. They said, "Look, you've got to take a broader view of what constitutes political engagement for young people." We looked at our survey data and we have questions in there about volunteering, Rotary, Clean Up Australia and things of that kind. The students who participate in those kinds of activities are the ones who are also more likely to say they will vote.

So in some respects there is a group of students that are kind of inside the circle, doing all of these things: they're volunteering, doing some kind of civic activity, voting in school elections, running for positions in school elections, talking to their parents. They are doing all of the right things, and they stand out very strongly. But there is a group that is probably doing none of these, and the question is: how do we get to them?

MRS DUNNE: This is perhaps not necessarily pertinent to this inquiry but I just wanted to ask you, if I might be indulged, about support for social movements and intention to vote. In your second report you have a list of a range of social movements. I just want to

make sure I've got the right understanding of that. This is the percentage of people who would express an interest in being involved in that social movement and their intention to vote? It is on page 19 in the second report, figure 8.

Prof. Saha: In figure 19, the top bar is those persons who say they would join a protest on behalf of that particular cause—

MRS DUNNE: Okay, so that's of all the students you surveyed?

Prof. Saha: and of those 62 per cent of persons who said they would be willing to join a protest—or a rally; that sounds a little less intimidating—in support of a movement for asylum seekers and refugees, approximately 63 per cent said they would vote, even if it were not compulsory. The bottom, the darker, bar says only 45 per cent who would not join the protest said they would vote. So the difference in joining the protest or not is the difference between 63 per cent and 45 per cent. So in every case except the last one being willing to join a rally of some kind in support of some cause resulted in the person saying they were more likely to vote.

MRS DUNNE: Not just to vote on those issues?

Prof. Saha: No, just to vote.

MRS DUNNE: Okay.

Prof. Saha: What it's really saying is that there's something about being involved that relates to voting, so voting is just part of a wider network of political engagement on all of these issues, except for the last one. I have an explanation for the last one. I think that abortion is more of a religious issue and is probably seen more on moral grounds than political grounds and, therefore, whether or not they would participate or not has no bearing on whether they will vote. But on all of the others, even the gay and lesbian rights movement, even though not all students were willing to say they would support that, the ones that would support that still said they were more likely to vote. So it's clear that many forms of activism, many forms of involvement, are positively related to voting.

THE CHAIR: On the other side, various social commentators say that our young people are more disengaged now and more instant in their responses to life. I've experienced it with my own stepson; someone rings him on his mobile phone and obviously says, "What are you doing?" He says, "Nothing" or "Not much," even if he's in the midst of something. So the question that he's asking in his head is: "What option is there open to me at the end of this phone? If I say I'm doing blah, maybe I will cut off the opportunity to go on and do something different." He doesn't do it as much now, but certainly when he was a little bit younger that was his behaviour.

There is sort of an individualisation of our society, too, in that we are more interested in what is important to us and what benefits us—as a general rule, and that is, of course, a large generalisation—than we are in what affects our fellow human beings. Did you notice throughout the studies, or over time, any shift in the propensity of our young people to be more instant in their responses and to dismiss something that may interfere with their social life? Are there comments like, "It's a waste of a Saturday to have to go

and vote”?

Prof. Saha: I think I understand your question. What they say is that things should be made more convenient. What they’re saying and what we heard, especially in the focus group interviews, was: “Why can’t voting be made easier? Why can’t enrolment be made easier?” In fact, we received questions as to why they aren’t automatically enrolled: “Why does anyone have to fill out a form? The government knows who we are, where we are, how to find us. Why doesn’t it just happen?” As far as voting goes, we’ve had people say: “Why do you have to go somewhere to vote? Why can’t you do it on a computer, through your mobile phone by text message or something like that?” So, yes, we are hearing those kinds of things because they do have a different perspective of time and—

DR FOSKEY: They don’t enjoy the social life of voting.

Prof. Saha: That’s a good observation; that it’s a social event: you front up at a polling booth, where there are a lot of things going on and a lot of other people from your area—your neighbours maybe and people of that kind—and it becomes a social occasion. That’s something they don’t understand. We did get questions like that—that it should be easier—and I think that points a little bit to your statement that maybe that is a symptom of this greater individualisation that’s going on.

THE CHAIR: And the “instantness”—if that’s a word.

Prof. Saha: Yes, it shouldn’t take you half a day or a couple of hours to get in the car and drive there, stand in a queue and fill out your forms manually.

THE CHAIR: Thank you very much for your time today and for this information. We’ll be sending you a transcript of the hearing as soon as we can, so that you can check it for accuracy.

Prof. Saha: Thank you very much.

The committee adjourned at 12.38 pm.