



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON JUSTICE
AND COMMUNITY SAFETY**

(Reference: [Inquiry into Electoral Amendment Bill 2021](#))

Members:

**MR J HANSON (Chair)
DR M PATERSON (Deputy Chair)
MR A BRADDOCK**

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 3 FEBRUARY 2022

**Secretary to the committee:
Ms B McGill (Ph: 620 70524)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

WITNESSES

ARNOLD, DR BRUCE BAER , Associate Professor, University of Canberra.....	45
BARKER, DR JUSTIN , Executive Director, Youth Coalition of the ACT	9
BREWER, MR MICHAEL , Convenor, ACT Greens	16
CANTWELL, MR DAMIAN AM, CSC , Electoral Commissioner, Elections ACT.....	29
DAVIS, MR JOHNATHAN MLA , member for Brindabella and bill co-sponsor	1
KILLEN, DR GEMMA , Head of Policy, ACT Council of Social Service	40
MORALES, MS FLEUR , Party Director, ACT Greens.....	16
POULTER, MR ADAM , Deputy Chief Executive Officer, ACT Council of Social Service.....	40
SPENCE, MR RO , Deputy Commissioner, Elections ACT	29
VAN DIJK, MR ASH , Secretary, ACT Labor.....	23
WATTS, MS HANNAH , Director, Policy and Development, Youth Coalition of the ACT	9

Privilege statement

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. 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; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

Amended 20 May 2013

The committee met at 1.00pm.

DAVIS, MR JOHNATHAN MLA, member for Brindabella and bill co-sponsor

THE CHAIR: Good afternoon and welcome. I declare open the public hearing by the Standing Committee on Justice and Community Safety on the inquiry into the Electoral Amendment Bill 2021.

Before we begin, on behalf of the committee, I would like to acknowledge that we meet on the land of the Ngunnawal people. We respect their continuing culture and the contribution that they make to the life of this city and the region.

The Assembly referred this inquiry on 8 December last year. The committee has received 18 submissions, which are available on the committee website. The committee is also conducting an online survey, which remains open until 7 February.

Today the committee will be hearing from seven witnesses, starting with one of the joint sponsors of the bill, Mr Davis. The other is Mr Braddock, but he is acting today as a member of the committee, not a sponsor of the bill.

There are some housekeeping matters that I wish to draw to your attention. We are doing this under COVID-safe protocols, so the gallery is closed. There are touchpads at the entry way so that witnesses at the table can check in. We have Tony over here, who is going to be cleaning the room for us. Physical distancing applies and hand sanitiser is readily available. When you are not speaking, you are invited to wear a mask. When you are speaking you can take it off, obviously. I will allow you to have your mask off; you seem to be at a safe distance there, Mr Davis.

I remind witnesses that we are being recorded and transcribed. Before I invite you to make a brief opening statement, can you confirm that you are aware of the privilege statement and its rights.

Mr Davis: Yes, I have read and acknowledge the privilege statement.

THE CHAIR: Brilliant. Thanks for appearing today. Would you like to make a brief opening statement, because we have only 20 minutes?

Mr Davis: No; I think I made a 20-minute speech on the tabling of the bill—

THE CHAIR: You did.

Mr Davis: so I am actually happy to go straight to questions.

THE CHAIR: Yes. Great. I have heard it and read it, so I will kick off. I acknowledge that there are some children who would like to participate in the political process, but there are many that do not. I have spoken to them—my son, who is about to turn 16, being amongst them, and many of his friends. You know that 16 to 17 is an age where there is a lot of anxiety, there is a lot of pressure and there is a lot of focus on schooling. You have issues of bullying and mental health at that age.

There are a lot of kids that do not want to be involved in the political process, and this legislation will force them to get engaged or make them guilty of a criminal offence. How do you justify that to the many thousands of kids that do not want to get involved, and their parents?

Mr Davis: Thanks for the question, Mr Hanson. I think that there are a number of people within our community who do not wish to engage in the political process. There are women who do not wish to engage in the political process; there are people of culturally and linguistically diverse backgrounds that do not wish to engage in the political process. And we would not dream of eliminating their enfranchisement in the vote or within democratic processes.

I think this actually gets to a broader point that I think is really, really important to reinforce during this discussion: that young people are not a monolith. There will be young people who will want to vote Green, there will be young people who would love to vote for you, Mr Hanson, and there will be young people who will not want to vote at all. Those kinds of personal reflections on the process are true for any age demographic, gender, background, economic or social class. So you will find those people everywhere.

I do think, though, that Australia has a proud record—and one that we model internationally as a democracy, with our model of compulsory voting—that, as a right of citizenship and as an actively engaged population, we think it is really important that as many people as possible are reflected in the vote. Hopefully, that gets us better parliaments, better representations and better policy.

THE CHAIR: Sure, but to my point: children are often vulnerable. Children have got maturing lines. A lot of children do not want the added pressure in their lives of voting. And if there are children out there that do not want to vote, you are going to make it a criminal offence if they do not. Do you not think that that is punitive? Do you not think that is going to add to, for those children, many thousands of them, further anxiety, opportunities for harassment and bullying that occur? You see it in the political discourse. Why would you want to impose that on children?

Mr Davis: I think it is about levelling the playing field and having respect for the values and the autonomy of young people who we hope to enfranchise in the vote, to say that everyone who is currently eligible to vote is still held to this same standard if they choose not to vote. Those penalties that you refer to would equally apply to 16 and 17-year-olds. That is about treating those young people with respect who are engaging in the process.

To your broader point—that I think is really important—about a range of social, environmental and economic pressures that young people are disproportionately facing, and that are having an effect on anxiety, interpersonal relationships and young people's relationships at institutions, actually enfranchising those young people in the really powerful process of the vote and elections I hope will be a way of dissipating that anxiety.

Certainly, in my personal experience—and I do not wish to speak on behalf of all young people—when I was young and first started to engage in the political process, it

was actually through that engagement that I was able to dissipate some of my anxiety. It was the feeling of helplessness and detachment from the issues being talked about in this building and the decisions being made in my name, in my community, that actually, for me, led to that sense of anxiety and frustration because if no-one was listening, no-one was responding.

I think knowing that you can actually be empowered to engage in the process, hold your politicians to account and cast a vote that is in line with your values and the policy direction that you want the city to take is really powerful—

THE CHAIR: So you are imposing your experience on thousands of kids that would not feel that—

Mr Davis: I am not imposing. I am sharing with the committee so that you can have context about where I am coming from—

THE CHAIR: You are imposing it, because it is a criminal offence if you do not comply; right?

Mr Davis: What I—

THE CHAIR: Dr Paterson, a question?

Mr Davis: What I—

DR PATERSON: Given the increasing levels of mental health issues—and I think we are imposing so many adult issues and constructs on children and young people—in your explanatory statement you talk about reducing stigma and empowering young people. Do you not think that this could potentially disempower young people further and stigmatise them because they will be fined as a result of not voting?

Mr Davis: I think that is a really important question for the committee to consider. Certainly, in the research that I did, along with my co-sponsor, Mr Braddock, in preparation for tabling this bill, we were unable to find any evidence of that in other parts of the world where lowering the voting age had been considered or implemented. I think it is definitely something that we should be attuned to and consider if we do decide to make this legislative change, because we want it to be powerful and effective. We want to enfranchise more people, we want more people having a say, holding us to account, and we should definitely be alive to any possible risks.

But all of the evidence that I have been able to see would suggest to me that the benefits far outweigh the risk, in making sure that young people do not feel a sense of detachment from this place, from my job, from your job, from the decisions that we make in their name—that they actually do feel that their perspective matters, their lived experience to this point in their life matters and that we are obligated to respond to that politically and personally. I think that is going to have a really powerful benefit on the mental health and community cohesion between young people and this place.

DR PATERSON: I understand your political history; you were very politically active quite young. That is fantastic, and that is why you are here today. But a lot of young

people actually do not want to get involved yet. They are still building their understanding of the world and of politics and of where they fit. Two years, at that age, is actually quite a significant period of adult growth. So I again question you about the fact that I understand that you were really politically engaged and active at that age, but a lot of young people are not.

Mr Davis: Yes. I think it really is a fair question. Where that question took me when I considered it, prior to tabling the bill, is that, regarding those in our community currently over the age of 18 who are not engaged in the process, one of the benefits of having engaged in parliamentary democracy from a young age, running for three Legislative Assembly elections and one federal election, means that I have had the opportunity to meet hundreds, if not thousands, of voters in this city in the course of campaigning.

I can assure the committee that there are many, many of those people that we have chosen to enfranchise in the vote over the age of 18 who do not want to vote, do not understand the voting system or freely admit that they do not take their vote seriously. I would not dream of enfranchising those people out of the right to vote because of their self-declaration that they do not want to vote, that they do not see value in the vote or that they do not want to engage in the process. Conversely, I would find it troubling to use that same argument against 16 and 17-year-olds, to block them from the vote, because we would have to take that logic across the broader spectrum of the eligible voting population. I do not think anybody would advocate for that.

THE CHAIR: You previously argued that it should be voluntary for 16 and 17-year-olds. You backflipped on your argument. The Greens used to argue that for 16 and 17-year-olds it should be voluntary. Now you are saying it should be mandatory. You argued against it being mandatory and said it should be voluntary. You have backflipped on this. You have got a completely different argument than you used to have.

Mr Davis: I will take the politicised question as a great opportunity to stress to the committee the way that the ACT Greens operate in terms of the development of our policies. We are a grassroots political organisation. We value the active engagement of our membership and the development of our policies.

We had an organic conversation amongst our membership about the policy challenge between mandatory and voluntary. There was a pretty compelling case put to me, at least, about the institutional and cultural value of the mandatory vote in Australia and how that reinforces the strength of our democracy and how that is a model of our democratic institutions across the world. The ACT Greens membership were convinced of that argument.

While you may choose to editorialise it, Mr Hanson, as a backflip, I think it is a wonderful demonstration of a political party and people in this place being prepared to concede that we might not have had it right at one point. But we went away, we had deep conversations with the membership, we thought more about it, we saw more evidence and we chose to take a new opinion. That is evidence-based policy decision-making, and I strongly recommend it.

THE CHAIR: Not a backflip at all.

DR PATERSON: Given what has happened in America over the last couple of years and the destabilisation, I would say, of democracy worldwide, if this bill was enacted then we would have a situation where the ACT voting system and electoral system was different from the federal. ACT young people, 16 and 17-year-olds, would not be able to vote in the federal election, but they could in the state election. I am interested in your thoughts around the fact that we are complicating an already complicated system and what that actually might do in the long term for young people's view of democracy and its stability.

Mr Davis: It is a really good question. I think it is a not dissimilar point, Dr Paterson, to the one that was put to you and me during our service on the drugs of dependence select committee about the potential for the ACT legislation in that space to potentially conflict with the commonwealth. Fortunately, we took the view that the policy benefits—

DR PATERSON: That was on technicalities, though.

Mr Davis: Yes.

DR PATERSON: This is an actuality. That is the law: you cannot vote in a national election if you are under 18.

Mr Davis: That is right.

DR PATERSON: But you would be able to vote in an ACT election.

Mr Davis: That is right, and that speaks to the remit of this Assembly—what we would like to do versus what we actually can do. Of course, the Australian Greens have long held a policy that the voting age should be lowered nationally. My federal colleague Senator Jordon Steele-John is a really passionate advocate for that.

But here, in this place, that is not a bill that I would be able to propose or argue for. Instead, I think that this bill looks at the Legislative Assembly, what is within our remit. I think we do know that young people are disproportionately high consumers of government services and it is at the state and local level where governments provide those services, be it public transport, education or health. So there is actually a really compelling argument, for me, about why you would want to especially enfranchise young people at this level of government.

I think it does raise a really important broader question, though, for this committee around resourcing for the Electoral Commission. They have got a really important role in our democracy, to work with the electorate and to educate them about the voting process, the differences between different levels of government. We already have a different system between how we vote federally and locally, which—and I can sure speak for fellow candidates—can present some interesting opportunities with our how-to-vote cards at the polling booths. There is a need to explain those. So this might present a wonderful opportunity to explain to a growing pool of electors the difference between our two tiers of government and our two different models of

voting.

MR BRADDOCK: In the preparation of this legislation did you find any evidence of what some of my fellow committee members have been indicating: either causing distress or affecting the mental health of young people, or the negative or positive impacts that might arise from this change?

Mr Davis: Honestly, Mr Braddock, no, we did not, but I do not want to pretend that, simply because we have not been able to find any of that evidence, that is not a potential risk. I do not want to pretend that there are not potential opportunities for risk in any legislative reform. That is why I would strongly suggest to the committee that, if those are some anxieties that committee members have about what this legislative change might mean, there is some real scope to deep dive into what some recommendations might be to government about how we could limit or supplement those.

I would argue that it might include substantially greater resourcing to the Electoral Commission, to make sure not just that 16 and 17-year-olds are informed about how they can exercise the right to vote but that it really opens up a great opportunity to have a broader conversation with the electorate about this place, about our model of voting, about the Hare-Clark system and, hopefully, to see more people actively engage in their citizenry.

MR BRADDOCK: Have you seen any evidence of the positive outcomes that can arise from such a change at a societal or community level?

Mr Davis: Plenty. I spoke to some of these in my tabling speech in the Assembly, in direct quotes from young people in other jurisdictions around the world—one in Switzerland and one in Malta. They were direct quotes from young people about the weight they felt lifted off their shoulders because they had reached a point in their life where they were aware of the issues that were facing parliamentarians and politicians, the climate crisis chief among them, but young people are concerned about a whole of issues.

The fact that they could not only vote but that the institution was saying that their vote was valued made them feel like they were more able to join a political party, attend a town hall, sign a petition or write a letter to the editor. It was the whole community—and, in fact, in those instances, the whole country—sending a really clear cultural message to 16 and 17-year-olds that “we value your perspective, we value your opinion, we value your lived experience and we want to have them included in our national or subnational conversation”.

I think it is really an exciting opportunity for the ACT to say that, culturally, to all 16 and 17-year-olds in this city, when we come into this place and we make decisions in their name, and we make decisions that they will inherit, we really value what they think and feel about those decisions.

THE CHAIR: There is a lot of evidence about cognitive development and the society we have chosen—that 18 is when you become an adult, and that is the age at which you can drink, you can drive a car by yourself, you can go to war and you can use

legalised cannabis. Why have you decided that as a 16 or 17-year-old you have the cognitive development to make life and death decisions? It could be about euthanasia, and so on. You think that someone of that age has the cognitive development to do that, but you do not think they have the cognitive development to drive a car or to join the Defence Force?

Mr Davis: We actually do. We offer provisional licences to 17-year-olds—

THE CHAIR: Not unattended.

Mr Davis: and we allow you sit behind the steering wheel from 16.

THE CHAIR: What about alcohol and drugs? Do you think that that should be lowered to 16?

Mr Davis: I am not advocating lowering the age of drug or alcohol use, or any kind of substance use.

THE CHAIR: Why not?

Mr Davis: But you used the example—

THE CHAIR: But why not? Isn't your argument the same? I mean, why are you arguing for this? Is that your next step along the way?

Mr Davis: I find the suggestion that drinking or consuming a substance which is known to have detrimental health effects is comparable to engaging in your democracy and casting a vote to be a pretty long bow to draw.

THE CHAIR: It is about cognitive development. It is about the age at which you can make decisions, rational decisions. You have got the cognitive development.

Mr Davis: You have framed the question in that way, Mr Hanson. I would encourage anybody listening to today's debate to really try and compare drinking alcohol, smoking a cigarette or using cannabis to declaring a perspective on people in this place and other similar places, once every four years. I really think that they are a chalk and cheese comparison.

THE CHAIR: Isn't the reason that we have 18 as the measure of what separates a child from an adult cognitive development?

Mr Davis: We have a range of ages throughout that later adolescent and early adult spectrum, as a community. We have decided that at different times young people can make different decisions. Young people can make really substantial medical decisions by themselves without the consent of their parents from the age of 16—profound decisions to get surgery and really be empowered to make decisions about their own bodies.

When, as a society, we have decided that 16-year-olds can make those decisions but

they can't decide whether or not you or I are very good at our jobs, that is a really strange comparison, for me. As a society we have said, "Yes, you are adequately prepared to make that call, but you are not prepared to make a call about whether Mr Hanson or Mr Davis has a good vision for the future of the city."

THE CHAIR: Brilliant. Well, that is your 20 minutes, Mr Davis.

DR PATERSON: Can I ask another question?

THE CHAIR: We do not have time for another question, but I will give you the first question for the next witness. I have to move things along because of the time frame. Thank you very much for attending today.

Mr Davis: Thank you.

THE CHAIR: I look forward to the debates in the chamber.

Mr Davis: I can't wait.

THE CHAIR: Good on you. All right. Thanks.

BARKER, DR JUSTIN, Executive Director, Youth Coalition of the ACT
WATTS, MS HANNAH, Director, Policy and Development, Youth Coalition of the ACT

THE CHAIR: Welcome to Dr Barker and Ms Watts, from the Youth Coalition of the ACT. Thank you very much for attending and thanks for your submission. I remind you that there is a pink privilege statement in front of you. Can you confirm that you acknowledge that.

Dr Barker: Yes.

Ms Watts: Yes.

THE CHAIR: We are being live broadcast and transcribed. I ask that you keep your mask on unless you are speaking. I invite you to make a brief statement. We have only got 20 minutes, so a couple minutes, if you could, and then we will go to questions.

Dr Barker: I am happy to not make an opening statement. I have written stuff in the submission and will move straight to questions.

THE CHAIR: Okay. Brilliant.

DR PATERSON: Thank you very much for attending today. In your submission you talk about empowering young people and them having the capacity to vote. My question is: if the voting age was lowered, given that the ACT has a very complicated voting system and it is unknown to many adults as well, do you believe that there should be a significant increase in civics education that goes along with that that is targeted at 16 and 17-year-olds?

Dr Barker: Yes, I do think that there needs to be quite standardised good political and civics education given to 16-year-olds and 17-year-olds. Let's be clear that 16 and 17-year-olds are more likely to be involved and enrolled in education and living with their families than 18 and 19-year-olds. We have seen evidence in countries where they have lowered the voting age to 16 and 17 that there was higher voter turnout for 16-year-olds and 17-year-olds than there was for 18-year-olds and 19-year-olds. The level of political engagement and awareness was higher for the 16-year-olds and 17-year-olds, in part because you are able to provide them with a standardised education.

At 18 and 19, when people are now given the right to vote, they are maybe on an apprenticeship, a gap year or at university, but the idea of giving them any standardised education to make them aware of the political system is close to impossible. It would be really difficult. So the positive impact of improving and having standardised civics and political education for 16-year-olds and 17-year-olds is not just that they will understand it more at 16 and 17 but, as you pointed out, the 45-year-olds and the 60-year-olds will continue to be more educated than they are now.

At the moment I have a 14-year-old and a 17-year-old. My 14-year-old has been given civics education and she does not remember any of it because it was not done at the same time as being able to vote. In the same way, if I told my 14-year-old the road rules, she would not listen to them in the same way that my 16-year-old would because she is not being given the opportunity to drive. So when I ask her a question about road rules, my 17-year-old has a better knowledge of the road rules than any of us in this room and has a better recollection of them because she was given that education at the time that she was also given the opportunity and the right and responsibility to be able to do that.

So civics education plays a key role. There is a good evidence base for it, and it does provide us with a unique opportunity that we do not get for 18-year-olds and 19-year-olds.

DR PATERSON: I think schools are endlessly saying, “How can we possibly add another component to our education system?” While I do think that young people have the capacity to vote, it is about whether we would be putting too much pressure on both the education system and young people if this bill was enacted.

Dr Barker: We have quite a lot to do with the education system and with 16-year-olds and 17-year-olds and younger, and I do not think that this is an overwhelming imposition, by any stretch of the imagination. I think that the Education Directorate and the education system are more than capable of doing this. The idea is to have standardised political and civics education that everyone agrees to,

Like I said, the impact is not only on 16-year-olds and 17-year-olds. I know retired academics who are the chairs of NGO boards who do not care about the ACT election because they do not understand the political system and the impact they have. They turn to me in a board meeting and say, “Justin, who should I vote for?” Hopefully, you and I, and all of us in this room, are profoundly aware of the impact of voting in the local elections, in the ACT elections. I do not think it is overwhelmingly complicated. I think that we expect a lot of 16-year-olds and 17-year-olds in what they can learn and comprehend. They are very capable of comprehending a lot and this is not too complicated for them, by any stretch of the imagination.

Ms Watts: If I can add to that, there have also been studies—and one of them we referenced in our submission—where they have looked at the impacts of civics education. One of the things that they talk about is the role between the education system, the news media and families, and that if those three places are doing civics education all separately it does not really work. But when there is an understanding between the education sector and families and the community, and between the media and the news where people get a lot of their education and understanding from, once they are out of school that actually increases the civics education understanding, not just for young people but for the whole family.

Where they have done civics education with young people in the schools and then they have had an opportunity to vote, that also includes what they talk about as “second citizenship”. Older people who maybe did not have the opportunity of education when they were younger and first entering into the system may get to 30, 40 or 50 and still not really understand how it works. But through their children learning

about it and being able to practically do it, those families do it as well. I think for new Australians who maybe have come in as adults and have not had the same sort of education that people who have grown up in Australia have had, there is a real opportunity there as well. So it is not just about increasing those opportunities and that understanding for young people; there are a whole range of multigenerational and other people who have not had that chance before. This provides an opportunity for them to learn as well.

MR BRADDOCK: I am interested in the academic evidence that has come out from overseas jurisdictions where this change has actually been implemented. Are you aware of any evidence out there that there are negative impacts on young people from such a change, in terms of mental health pressure, or, conversely, any positive outcomes that have arisen internationally?

Dr Barker: Even over the last two or three years the amount of evidence that has come out about specifically these issues has increased. I am an ex youth studies academic and have been in discussion with lots of those people over the last few weeks. It is quite clear that there are no negative impacts in the countries that have lowered the voting age to 16 or 17 for individuals or the community. That is quite clear.

The varying degrees of positive influence change from political context to political context because there is more than just the voting system to be considered. There are other political and social issues going on in South America or Europe that affect the wellbeing of young people, so it is hard to control for that. But the positive impacts that we have been able to see due to lowering the voting age have been at an individual level. It is seen to increase self-efficacy, this idea that you have a bit more control and agency in your life, which is really positively correlated with positive self-esteem and good mental health. So that is really good.

The idea that society is acknowledging your capability, your rights as a citizen and you are empowered to vote has, at an individual level, improved the sense of self-efficacy. We also see that it improves, strangely enough, civic and political trust. They actually trust the political system more, and this is not just the 16-year-olds and 17-year-olds. This affects them as they move on. They become more politically engaged and participate in politics more as well. It is interesting when you think about what Hannah just said: the research has been done with the young people, but it has a trickle-on effect for those parents. There really is this reciprocal dialogue or discussion that goes on when you lower the voting age to 16 and people talk about it. You encourage them and enable them, and maybe even force them to have a discussion about politics, and it makes them become more aware.

THE CHAIR: In those other jurisdictions you referenced, is the voting of 16-year-olds and 17-year-olds made compulsory, and if they fail to vote are they subject to criminal penalties?

Dr Barker: No. I think that that is one of the unique things about the ACT context, the compulsory voting.

THE CHAIR: And you think that if a child does not vote that they should be held to

a criminal offence?

Dr Barker: I do, yes. I think they should be held to the same standard. Do I think it should be a criminal offence for everyone? No, but do I think that they should be held to the same standard as everyone else?

THE CHAIR: This legislation makes it a criminal offence.

Dr Barker: Yes, absolutely. Right now, they would be held to the same standard as everyone else who is given the vote, and I think that is reasonable.

THE CHAIR: So you support a child that does not want to vote having a criminal offence and penalty imposed on them.

Dr Barker: Yes, and I would like to explain why I do.

THE CHAIR: Please do.

Dr Barker: Because I think that the research clearly demonstrates—and it is very hard for me to not back that if I want to align myself with researching the evidence—that 16-year-olds have the cognitive capacity to make those decisions. I would like the opportunity to talk about that, because I heard the discussion about that previously.

In the time of cold cognition, where they are not under pressure and being pushed by their peers and when they get time to consider and think and ask questions about what they are going to do and they know when they are going to make that decision, in the privacy of their own time, that is very different to hot cognition. You cannot compare the two different kinds of decision-making processes.

We know that 16-year-olds have the cognitive capacity as much as adults to make decisions under that. Knowing that, and also knowing quite purposely and directedly that they have the capacity to understand the political system and to vote—and, again, there is research to support that—means that they should be held to the same standards as everyone else.

When it comes to the fine, at the moment it is \$10, I believe. I think that there are varying debates about it. I have heard some people say fines should be proportionate to income. This is not what we are debating here, but do I think that 16-year-olds and 17-year-olds can pay a \$10 fine? I do.

I do think that there is, again, evidence to suggest that 18 and 19-year-olds find it harder, and people up to the age of 25, to service those fines and to access voting than 16 and 17-year-olds because the 16 and 17-year-olds are more likely to be living in the family home and more likely to be involved in education to facilitate and support their participation in the voting system than 18 to 25-year-olds. So it may actually be harder for a 23-year-old to pay the fine and get to vote than it is for a 16-year-old or 17-year-old. Given that capacity, given that we know that they are able to do it, I do think they should be held to the same standard and included with the same degree of citizenship as everyone else. That is, as far as I can read it, what the evidence suggests.

THE CHAIR: So we are going to force kids to vote and engage in the political process—and that political process can get pretty vile at times.

Dr Barker: Yes.

THE CHAIR: I just did some googling today and found Adam Bandt calling conservative politicians bigots. I am sure there are people on the extreme right of politics that are equally disparaging. If you engage on Twitter, you will see that there is a lot of political bullying and nasty language that goes on. There is a lot of pressure.

For a lot of kids already, there is a lot of bullying, a lot of harassment, a lot of stress and a lot of anxiety that goes with being 16 and 17 in the school environment. You have then got adult politicians labelling people with certain views as bigots and so on. How is that not going to then play out with increased stress, increased anxiety, increased opportunities for bullying? You vote a different way, one way or another, and there is that increased opportunity for bullying and harassment.

Dr Barker: Yes.

THE CHAIR: It just flows down. I am not saying it is right, but it is a reality. Then you have someone that does not want to vote, does not want to engage in the political process. If they do have a political view, they might be labelled a bigot. Then if they do not engage they are a criminal.

Dr Barker: Yes. Look, I think I agree with you that some of the behaviour of our politicians is not great and they do not conduct themselves very well. That is a different issue and I do think it needs to be addressed. I will restate that evidence I mentioned before about the increased sense of self-efficacy—that idea that giving young people the vote can actually make them feel more empowered and like they are being listened to and being heard.

You are right: young people do face a range of pressures that are currently being ignored. Currently, no-one is adequately responding to the mental health needs, education and training, housing, social issues, environmental issues, that young people are saying are distressing them. The idea that allowing them to have a say on what is going to affect their lives would be distressing to them, I think not only flies in the face of the evidence; I do not think it makes a lot of sense.

I do not think this is going to be any more terrain for bullying than the conversations that already happen in college about gender and sexuality. These conversations already take place and in a very unregulated way. I do think that we are capable of raising the bar and making this a proper conversation that they can formally participate in and let them have their say. I think the benefits for them emotionally, and their mental health, far outweigh any perceived risks, which as yet do not bear out in the evidence.

THE CHAIR: And you are agreeing with 16 as the age, not 15 or 14? What age do you think it should be, then?

Dr Barker: Youth is this period where, from the age of 12 to 25, there is incremental

and proportional responsibility. At no one point does anything click over to them being equally able and competent or having access to a range of things. That is in line with the neurodevelopmental evidence. We know that at the age of 16, in terms of cold cognition, they are just as able to make informed and educated decisions, of which an election is an example par excellence of cold cognition, as adults are.

We also know that under hot cognition, under pressure, under stress and strain and urgency in the gaze of their peers, there is diminished impulse control and consequential thinking for people up to the age of 25. That, again, is an average. It actually goes from 23 to 27, so we just say 25 on average. So, based on the neurodevelopmental evidence, I think 16 is a really good age to start voting.

I also think that culturally we already expect and have given opportunities for responsibility to 16-year-olds that are proportionate to voting. It is not the same as letting them do everything. We need to have incremental and proportional responsibility given to them provisionally, in the same way that you do not let them start driving straight away. You say, “When is it safe for them to start driving? do they need to start doing it with a parent watching them and then by themselves? Yes, they do.” I do think 16 is the best age. Again, based on that neurodevelopmental evidence and the things we expect of them already, culturally, to me it matches that.

THE CHAIR: Okay.

DR PATERSON: Dr Barker, a lot of what you have been talking about is about the research evidence around capacity, but you work with young people all the time. I am interested to know: is there a will from young people to actually vote in this community? Since this legislation has come out, I have done street stalls. I have been out talking to people about this. I get no sense of will from that age group. It is a “do not care” kind of thing.

Dr Barker: Yes.

DR PATERSON: I am interested in you guys, as the Youth Coalition, in what your read is, because, yes, that is my read of that.

Dr Barker: I think there are a couple of points there. There are a lot of misconceptions about young people that are informing this conversation that are not accurate, are not based on evidence and are actually counter to what we know about 16-year-olds and 17-year-olds. And 16-year-olds and 17-year-olds are not immune to that. They have bought into that too because they have not had access to the evidence and the research.

In my experience of speaking to young people about compulsory voting, when you first float the idea there are varying views on whether they should or they should not be given this. Then, when you have a discussion with them about the benefits for them and what the research says, it very quickly turns to: “Oh, yes; that actually sounds like a really good idea.”

I think it is really important that when any polling is done it needs to be pre and post. I encourage us to do this in the ACT, to sit down with young people and ask them,

“What is your attitude to voting now, for you and your peers?” then have a discussion, give them some information. Do not ask them to have an opinion. I do not ask everyone on the streets their opinion on vaccination. I figure out, based on evidence, what we are going to do regarding vaccines. I think that is true for anything. Have that discussion with them and then do a post survey to see how their attitudes have changed.

One of the mainstays in the conversations I have been having with 16-year-olds and 17-year-olds is: “If I told you that, all of a sudden, political parties will be more likely to care about the needs of, create policies that address, and do funding for things that you are concerned about because of mandatory voting, not voluntary, because they might not care so much, how would you feel about it then?” They say, “That is a great idea.” And that is the spectrum of kids who are homeless, disenfranchised and disadvantaged to kids who are like friends of my kids who go to colleges and high schools. When you have that discussion and give them the information, their views do change. I am very hesitant to believe any polling, whether it is with young people or adults, because they are not aware of the evidence. They are full of misconceptions. All they need to do is sit down and think about it for a little bit and their views often do change.

THE CHAIR: Dr Barker and Ms Watts, I would love to keep the conversation going, but we only have 20 minutes today. Thank you both for attending. Thank you for your evidence and thank you for your submission.

Dr Barker: Excellent. Thank you very much for the opportunity.

Ms Watts: Thank you.

DR PATERSON: Thank you.

Short suspension.

BREWER, MR MICHAEL, Convenor, ACT Greens
MORALES, MS FLEUR, Party Director, ACT Greens

THE CHAIR: Thank you very much for attending today. Can I just start off by confirming that you are aware of the pink privilege statement in front of you.

Mr Brewer: Yes.

Ms Morales: Thank you.

THE CHAIR: We are being live broadcast. I invite you to make a brief statement. You have only got 20 minutes, so could you make it brief and then we will go to questions.

Mr Brewer: Of course. Thank you, Mr Hanson. We acknowledge the privilege statement. Thank you for the opportunity to come and speak and present on this. This is something that is really important to the ACT Greens. We have come at this position purely because we believe in greater community engagement and greater voice for community, and that includes 16 and 17-year-olds.

I would really like to take this opportunity to reflect on my personal experience. I am only 22 right now, so I was 17 when the same-sex marriage plebiscite was happening. I am a bisexual man, I am really proud and out, and I was proud and out then. It really hurt to not be able to participate in that process because I could not vote.

I recognise that that was a federal vote and it was based on different roles and different rules, but I absolutely empathise with the feelings of young people today who want to have their voice heard and feel impotent and do not have that efficacy. That is why I am so passionate about this issue. I would like to give Fleur an opportunity to speak as well.

Ms Morales: Thanks, Michael. It is a really important discussion that we are having today. I am really proud to represent my members and the party. We are a grassroots organisation and values based, and we do politics differently. We absolutely support lowering the age to 16 and 17, purely because we believe that it is good for democracy. This cohort are our future and increasing their agency and civic engagement via the ability to vote is simply the right thing to do. As a proud mum of two young voting-age children, I would have seen real value in an education piece and getting them engaged in politics way sooner than they were. I think this would have increased their engagement and their interest in voting and diversity in our political system.

THE CHAIR: Thanks. We will start with Mr Braddock. You might know him.

Ms Morales: He looks familiar.

MR BRADDOCK: The ACT Greens are a political party. What would you say to 16 and 17-year-olds who are interested in supporting other political parties, like Labor or the Liberals?

Mr Brewer: Mr Braddock, I would say, “Good on them.” I think that that is what this bill is all about. That is why we are so proud to say that 16 and 17-year-olds should be allowed to vote. We think that it is a win for the community if you give 16 and 17-year-olds the opportunity to make decisions about what they think is important, to make that choice, go to the ballot box and vote for the Labor Party, the Liberal Party or the Greens, whoever it might be. I think that it is a win for the whole community to have that greater voice and greater engagement from these people who need to make decisions about their future.

THE CHAIR: There are lots of 16 and 17-year-olds that do not want to get involved in the process. They are already stressed. There are a lot of mental health issues. There are a lot of problems in our society, COVID nonetheless, and the thought of having to then vote is adding another layer of stress. There is more complexity; there is more opportunity for bullying and harassment that comes from that. Why have you changed your view, which used to be that this should be voluntary, to, now, that it should be compulsory and that a child who chooses not to participate should be held to criminal offence?

Mr Brewer: Thank you for your question, Mr Hanson. I will take it in small chunks, if I may. I think that, for children who do not want to vote—not children; I should say 16 and 17-year-olds, young people that do not want to vote—the opportunity to vote will give them greater interest. Our submission talks about giving further education to 14 and 15-year-olds as well, in school, civics education. If you can’t access something, if you can’t participate in something, of course you are not going to be interested.

THE CHAIR: But this is not giving someone the opportunity to vote; this is imposing a requirement. They are somewhat different. You previously, in this place, argued that it should be voluntary. You changed your tune on that, following the previous inquiry, when you could not get that through. The recommendation from the previous inquiry, the evidence, was that compulsory voting is a requirement. You have backflipped on that and your whole argument has changed.

Mr Brewer: We absolutely say now that we think it should be mandatory. I think that it is good that we have changed our position, and I would encourage both the Labor Party and the Liberal Party to change their current positions on this matter. We are a grassroots party and I am very proud of that. We have gone out to members on this issue and engaged and consulted across the relevant members of the public in the ACT. This is something that the members have made a decision on and said, “Yes, we should change it,” and it is a better policy for it.

THE CHAIR: But only recently you were arguing that it should be voluntary. You came to this place arguing one way. Previously you did not want to see it imposed, you did not want kids to be criminalised for not voting, and now you are coming in, only a matter of months later, saying that kids should be criminalised for not voting. I find that change in position extraordinary. You say, “We went out to our members.” You came into this place to argue one way. That was knocked back. Then you have come back with another go at it, which is wanting to criminalise kids. Now you think that that is a good idea. It is completely contrary to what you argued before.

Mr Brewer: I think we have made an improvement in this case. I think that what having mandatory voting for 16-year-olds and up really represents is that we want everyone to treat their vote with value. We want everyone to feel engaged and to really want to actively participate and actively take a role in this matter. In terms of your point about criminalisation, Mr Hanson, I think we need to have an equal standard for everyone and put the value of responsibility on these young people. You know, 16 and 17-year-olds understand what they are doing. They know that voting is important and that it is a right and a responsibility in Australia, and in Canberra. With the support of civics education to make that clear, to support them through the enrolment process when voting does come up, I am very comfortable with that.

THE CHAIR: Just on that point, you said it should be equal. You are very keen that it should be equal, but this legislation actually applies different penalty units for 16 and 17-year-olds. Can I just clarify: do you think that it should be equal and that they should have the same penalty units or that it should not be equal and that they should have half the penalty units?

Mr Brewer: I think it should be equal in the sense that people should be equally responsible for voting and, therefore, an appropriate penalty should be applied. I think it is for the committee to decide what that appropriate penalty is. Certainly, my view and the ACT Greens' view is that financial penalties for this sort of matter are not the best way of dealing with it. Restorative justice matters. We want a more community-based approach on matters like this, because simply fining someone for taking the choice of not voting is not going to be the best outcome for the community.

THE CHAIR: But that is what this legislation does—which you are in here supporting.

Mr Brewer: Yes.

THE CHAIR: It imposes a criminal penalty and a fine. Do you support that or not?

Mr Brewer: I think that there need to be fair penalties for not voting.

THE CHAIR: You are not answering the question, though, really, are you? Do you support a financial penalty being imposed on children for not complying with this legislation? Because that is what this legislation does. Yes or no? It is simple.

Mr Brewer: Yes, I do, but I think that the committee and the Assembly should work to find better alternatives to that. It is not a part of this conversation right now, but I think that waiving the fine or finding an alternative community approach is appropriate in this case, not only for 16-year-olds and 17-year-olds but for other disadvantaged groups and, frankly, for all those in the ACT, because I do not think it is the most appropriate penalty.

DR PATERSON: You have mentioned multiple times the Greens being grassroots. That also came through in Mr Davis's submission. I would challenge that in terms of this bill. To me, it appears to have come through very quickly and to have been rushed through the Christmas period. I would argue that there has been a lack of consultation broadly with the community. It seems to be happening very quickly. I challenge your

ideas about the fact that this is a grassroots initiative. I guess I am questioning the politics behind it.

Ms Morales: Can I make some comment?

Mr Brewer: Of course.

Ms Morales: Thank you. The Greens have been debating this issue for 25 years. It is not a new conversation to our cohort. In fact, last year it was taken to what we call our forum, which is our members, and debated quite seriously, amongst other policy discussions. So we have been having this conversation for quite some time. Yes, the turnaround was quick, but it was based on a long-term history of having a conversation on wanting to lower the voting age.

THE CHAIR: Can I clarify that? I agree with what Dr Paterson is saying: that this does not seem to have been something that has organically grown from your grassroots. It seems to be that you had a longstanding position, you came into this place and the idea of it being voluntary got pinged, so you went top down and said, “We need to change this legislation so that we can get it through.” To try and characterise this as some sort of organic grassroots idea coming up—“Let’s all change our minds from voluntary to compulsory”—is just not plausible.

Mr Brewer: I would disagree with your characterisation, Mr Hanson. I think that the forum process that Fleur has outlined to you is very much grassroots. When you have a bill that is not successful, as our previous attempt was not, it creates cause for reconsideration and contemplation, and I think that is what we have done. We went out to members and we talked widely and engaged broadly to come to this position. Frankly, I think that this is a better policy position than our past position. I am really proud that we can come out and say, “We did not get it quite right last time. We want to make improvements. We want to be better this time.”

THE CHAIR: Okay.

MR BRADDOCK: Can I just jump in and say that, as a sponsor of this bill, the Greens first raised this 26 years ago. We went to the election in 2020 seeking to extend voting rights for 16-year-olds and 17-year-olds. We tabled it in December. We are utilising this committee process in order to have that community conversation around it. So if you are feeling rushed—

THE CHAIR: Mr Braddock, no, you cannot just make that statement. You agreed that you would represent as a member of the committee, not as a sponsor of the bill. If you want to be a sponsor of the bill, you can leave the committee room; otherwise, you remain here as a member of the committee. Make a choice.

MR BRADDOCK: Fair enough. I will decide to remain here.

THE CHAIR: Great. All right. If you have got a question, please ask the question.

MR BRADDOCK: Why do the Greens support 16-year-olds and 17-year-olds having the right to vote?

Mr Brewer: Thank you, Mr Braddock, for your question. I think that, as I have said, or alluded to previously at least, it is a really great opportunity to have young people's voices heard. They need to have a say on the issues that are important to them, that matter to them. They are mature and old enough to make those decisions and to seriously contemplate who to vote for. I think that it is a better outcome for the entire community if we do have more voices engaged in politics and more people able to express that choice through the ballot box process.

We already know that young people engage in politics. Young people vote. They go out on the street and they protest. Young people volunteer, join political parties, whether it is the ACT Greens, the Labor Party or the Liberal Party. So they are politically engaged and we know that there is interest. I think it is appropriate that they are, at 16, given the opportunity to vote. They have already gone through schooling. They are at a point where they are emotionally and mentally mature enough to vote.

THE CHAIR: If a child does not vote, and they have this imposed on them, they have got a financial penalty as part of this legislation. If they do not have a job, how do they pay for it?

Mr Brewer: My understanding is that the current penalty, Mr Hanson, is \$10. I think that for the large majority of young people that is affordable. I also would draw you back to my previous statement that I would encourage this committee, and I would encourage the Legislative Assembly, to consider alternative forms of penalty, including waiving and making restorative attempts—

THE CHAIR: Sure. But currently this legislation, as it stands, does not have that in it. This is an inquiry into this legislation, as opposed to a broader debate on how penalties should be applied. If a child does not vote, does not pay their penalty, what then happens? Do you think that further penalties should be imposed? Is there a penalty for non-payment of fines? Do you think there should be punitive action or are you just happy to let it slide?

Mr Brewer: I think that they should be treated like any other person who chooses not to vote.

THE CHAIR: Right.

Mr Brewer: Yes.

THE CHAIR: Okay. All right.

DR PATERSON: I think I have this right. I do not believe you can be a candidate at 16 and 17. I do not believe that that is what the bill is saying. Do the Greens believe that you should be a candidate between 16 and 17? If not, do you think that, given that this is seen as an empowering change for young people, to give them the vote but not to give them candidacy is problematic?

Mr Brewer: Dr Paterson, currently it is not something that we have considered, to be

frank with you. Currently, we do not have any kind of proposal to suggest that 16 and 17-year-olds can stand. I think that it is something that should be considered down the track. Obviously, this is the first step.

As I am sure you know, you know, it was something that happened when South Australia introduced the vote for women. They were originally given the vote; the Legislative Council came in and tried to scupper that plan by giving them candidacy and it still got passed anyway. If that were to happen, I do not think I would mind that. But that is in a fantasy, not this world. That is the next step in how we continue to engage 16-year-olds and 17-year-olds; after we have, hopefully, enabled them to vote, how do we continue to keep them as civic members of the Canberra community?

DR PATERSON: Do you think it is problematic that you can vote but you cannot actually represent?

Mr Brewer: I think that it is definitely something that should be considered. Did you want to make any comment?

Ms Morales: No; I agree with you wholeheartedly.

Mr Brewer: Obviously, we would not want to impact schooling. That is an important consideration in terms of candidacy. But it is not something that we have delved deeply into yet.

MR BRADDOCK: There has been a lot of community commentary saying that the Greens are only doing this out of self-interest. What would you say in response to that?

Mr Brewer: Thanks for your question, Mr Braddock. I have made it very clear to the committee that we are interested in empowering young people, 16 and 17-year-olds, to make the choices that they want to make, to have their voice expressed as they want, and that looks like voting how they like at the ballot box. To one of your concerns, Mr Hanson, that includes not numbering the box at all and just putting a blank slip in the box. If that is how they choose to not vote then I think that is perfectly within their rights. That is why this is so key.

THE CHAIR: So you reject the assertion that has been made that this is really a grab for votes because the Greens got the message that it is something that might be attractive to children? Certainly the polls would indicate that younger people vote Green at a younger age. You see this as a grab for votes. You are refuting that, are you?

Mr Brewer: I do. I do refute that. I would hope that, if 16-year-olds and 17-year-olds are given the opportunity to vote, the old parties do actually make an attempt to appeal to younger voters more than they clearly currently do. If you have got polling that suggests that younger people are going to support the Greens' policies then I think that that is younger people making their voice heard through a polling system, instead of voting.

THE CHAIR: So it is just a happy coincidence that your policy aligns with your

political benefit? It has been characterised by some people that you will go as far as criminalising children so that you can coerce them into voting, knowing that you will be the beneficiaries of that. You refute that?

Mr Brewer: I do refute that, Mr Hanson, yes.

THE CHAIR: Okay.

Mr Brewer: I think that the good for the community is what we are solely interested in. We are quite comfortable with how we campaign. We are quite confident that we can win votes without trying to increase the franchise in the way that you characterise.

THE CHAIR: Okay. Well, it is not me. I am paraphrasing. I think Mr Braddock has acknowledged that that is a commentary that is in the community, the way it has been characterised. Sadly, we have reached the 20-minute mark. Thank you very much for your submission. Thank you very much for appearing today and presenting your evidence. We will watch with interest how the debate unfolds. Thank you very much.

Mr Brewer: Thank you very much.

Ms Morales: Thank you.

VAN DIJK, MR ASH, Secretary, ACT Labor

THE CHAIR: We will move to our next witness, Mr van Dijk, from ACT Labor. Thank you for coming along today. Thank you for your submission. Would you confirm you have read the privilege statement? We are being transcribed and broadcast and so on. We have not got a lot of time today, but I would invite you to make a short opening statement, if you wish to do so.

Mr van Dijk: I acknowledge the privilege statement. Thanks to the committee for inviting me to come speak to my submission. There was a lot of ground covered in the inquiry into the 2020 election and the Electoral Act and a lot of good submissions in respect of lowering the voting age there.

The submission that we put together essentially outlines our position, which is formed from our ACT Labor conference. Our ACT Labor conference is essentially a group of members that come together each year and that are elected by their members to determine what ACT Labor's policies are. Our policy is that we support compulsory voting above all else and support that system but that consideration should be given to 16 and 17-year-olds to vote, noting that that is not a determined position on that. I know that may be frustrating to some. However, I think that it is worth the thought. And I am glad the committee is doing that work.

I have included in my submission the reasons why we believe compulsory voting should be a standard, noting that that is not what this bill is proposing to do. But, given the recent change in position from the Greens, I thought I should include that. In respect of compulsory voting, I have just highlighted a couple of things that I think are key for the committee to consider. Obviously we know, as politically engaged people, that talking to young people is really, really hard. Eighteen to 24-year-olds can be really hard to engage with. Then, if we are introducing a new age cohort of 16 to 17, it can be even more difficult, I think, to be able to engage with them about what their obligations are and what they need to do, which then leads us to the challenge of potential criminal penalties for young people.

I know that when I was under 18 I was not very politically engaged. As a young gay man I used to get bullied at school a fair bit, and I could not think of anything worse than potentially having—I had enough in my life, as a young person—to turn out to a court or get a fine or something for not voting when there was so much going on in my life at the time.

The other kind of concern that I have heard, talking to people since I have provided my submission, is the idea of introducing politics onto school campuses. We already see a lot of it at university and some of the negative things that happen there with youth wings of political parties, which we all have, and we are all doing work on that space. I think that that is a real challenge and worth considering as well.

If we did do this, I think that there are a lot of things to consider and that this is something that should not be urgent. There are a lot of questions to answer.

THE CHAIR: Certainly what you are saying there reflects some of the conversations

I have had, including with my son, who turns 16 in April, and a number of his friends. They have got a lot going on in their lives. Think of them having the requirement to vote being imposed on them, interference in their lives from all of the politicians who will be chasing their votes and the politicisation, even if it is not formally through the schools but certainly in the schoolyard: “Who are you voting for? You are voting for that lot; you are a bigot. You are voting for that lot; you are a nutter.” Whatever gets imposed, to mandate that for children, who are struggling with a lot of things, and then to say that if you do not do it you are a criminal, seems to be trying to address some of the issues in terms of “voluntary”. I am just curious about the Labor Party.

Mr van Dijk: Of course, yes.

THE CHAIR: You have said that that is part of your policy platform. But this may come before the Assembly before your members and everyone have had a chance to think about this. How is that going to play out? You will then update your policy platform at a later date?

Mr van Dijk: I guess the key thing there is that the conference that happens once a year determines our platform and what our platform is and what we take to elections. That gets updated each year. I should also say that, in regard to ACT Labor’s membership, you can join from 15 years of age. Absolutely I take your point that there will be people in schoolyards saying, “Who are you voting for?” I do not want to go onto a school campus and have that discussion. But we will have members that are of those ages in school potentially playing that role, and there is a question about that.

I think the other aspect of having “compulsory” in the schoolyards is that—sorry, I am conscious of time—your point actually was about our policy or platform. The other thing we do is apply our democratic processes through electoral representatives to the Legislative Assembly. If people are preselected by our members and win government then there is a certain responsibility on them to be able to govern on behalf of the members that are elected. So that gap is kind of filled by our representatives that are preselected and elected.

DR PATERSON: Just around the consistency issue that, if this went through, 16-year-olds and 17-year-olds still would not be able to vote in the federal election, my concern is that that sort of democracy is challenged overseas. We see increasingly troubled times with the pandemic. I just wonder what your thoughts are about a system like the ACT political system, which is incredibly complex already, and then adding this “you can vote here but you cannot vote there” element to something. What do you think about that?

Mr van Dijk: I said that from a voluntary voting perspective. But it is also pertinent in a compulsory voting setting as well, in that 2016 was a particularly challenging year for any political party in the ACT because we had an ACT election and a federal election quite close together. I think I talked about the last election inquiry, the 2020 election inquiry, being about messaging and consistency always being so important. You do not want someone saying, “You vote at 18,” which is what the ACT will be saying, and then you do not turn up to an ACT election and potentially you have a criminal penalty. Alternatively, 16 and 17-year-olds turning up to vote in a federal election is a real challenge.

I think the other challenge here in the ACT, where we see a lot of people coming to the territory for work—public servants, grad programs, all of that sort of thing—is that, if they have kids, what happens for those 16 and 17-year-olds that might move over with parents or for university or whatever? I think consistency would be challenge.

Then there are the questions the ACT Electoral Commission asks: “How are we going to properly have an education campaign to do that? How do we do that properly if people are listening for about two seconds? How are we going to tell them there are two different systems operating here?” That is another challenge.

The point of my submission, in respect of the considerations, is that there are a lot of challenges that need to be thought through, rather than just choosing one way or the other, support or disagree. As you say, our representatives will need to make a decision if we proceed with the bill.

MR BRADDOCK: I am not debating that there are challenges. Practical implementation would require a lot of things to overcome that. I just want to ask about the ACT Labor policy position. Practical considerations to one side, does it support the principle of 16-year-olds and 17-year-olds being able to vote?

Mr van Dijk: Obviously the challenge is that it is open to consideration of the matter. At some point in time—not in my time as secretary but at some point—the debate has been had by our members and they have determined that they are open to the consideration. But they did not form a view one way or the other. So that is ACT Labor’s policy position: that it is open to consideration, effectively by our members of the Legislative Assembly.

MR BRADDOCK: Thank you for clearing that one up.

Mr van Dijk: Sorry I cannot clarify that any further for you.

THE CHAIR: It has been raised in submissions, in the community and in discussions previously that this looks like an attempt by the Greens, who know that it is to their political advantage, to get this through whichever way they can. If they cannot get voluntary voting, they will change it to compulsory. It does not matter what pain and suffering or exploitation of kids that might cause along the way. They know this is to their political advantage. Would you be of that view as well: that the reality here is that what we are seeing is political games at play? The message that the Greens got given put them on the back foot completely and, in the space of a few months, it seems to be political opportunism to maximise their vote?

Mr van Dijk: If the question is, “Who stands to benefit most from this change,” I would probably have to say, from my perspective, the Greens, absolutely. I think that engaging 16 and 17-year-olds in political process is quite important. We currently do that. I think just about every one of us accepts membership from 16 and 17-year-olds for our parties. That is the way that people engage currently.

Yes, I do think the Greens have a bit to gain. Obviously, Labor would benefit as well,

more than the Liberals. But we know that these people out there already exist, these politically engaged people. If they join our party, they form their positions and they can come to conference if they want to.

THE CHAIR: There are opportunities already for those young people, who are interested in politics, to get involved in the political process and actually vote in elections within parties and all that sort of stuff, depending on the party rules, beyond just voting in an election?

Mr van Dijk: Yes.

THE CHAIR: So if you are interested, and want to, you can already?

Mr van Dijk: Absolutely, yes, for ACT Labor, yes. I am conscious of time but, just quickly, if you will indulge me? We have even had people younger than 15 years of age come to our conference and be granted leave to speak to conference about issues that matter to them. I think that particular person, a couple of years ago, was talking about wanting to decrease the age of membership for ACT Labor so that he could be allowed in. I think he was pretty young, obviously under 15 at that stage. Obviously, the question here is not whether 15-year-olds are voting. But there are many ways to engage, I think. It is up for consideration if 16 and 17-year-olds should be given the right to take that a step further and then participate in voting.

MR BRADDOCK: In your submission—and you referred to it in your opening statement—you referred to how the 18 to 24 age group is very difficult to engage with. Dr Barker from the Youth Coalition gave evidence earlier today that the 16-year-old and 17-year-old group are actually, if anything, easier to engage with because they are, usually, mostly at school, supported in a home environment; they are not on gap years, doing apprenticeships and all those other things. Is that something you agree with, where Dr Barker is coming from there?

Mr van Dijk: I can see where they come from. From the experience that I highlighted in my opening statement, it was not necessarily on my radar. But, yes, 16, particularly in the ACT. I am originally from Western Australia. But in the ACT I am really pleasantly surprised—and would probably still find the same if I was in WA now—about how engaged young people are. There are the school climate strikes and all that sort of thing. Again, it is that kind of engagement in the schoolyard that I see as kind of a challenge. But there is no question, I do not think, that increasingly our younger people are becoming more engaged in a range of matters, whether they take that up in political parties or voting or climate strikes and that sort of thing. I would not dispute that point.

THE CHAIR: Politics can get pretty toxic. You would be aware of that. We see pretty bad behaviour, particularly toward the fringes of politics, and the fear that that would then get imposed in the schoolyard and that, if you did not support a particular party, you would be labelled on whichever side it is. It is just another cause to separate and divide, cause friction, harass. Particularly on social media as well, I think, that has become particularly toxic. You talked about some experiences you had. That seems to be your biggest fear, that we are going to be politicising our schoolyards and our children, particularly those that may not wish to be part of or are not really across

the political issues.

Mr van Dijk: Yes, I do say that. It probably quite heavily stems from my own experience at school. I was never really that engaged with politics and did not realise my grandfather was a union member and all that sort of stuff until I ended up joining my own union. So it was very far from where I was at.

Some kids at the school were passionate about it, whether it was making fun of kids for whatever they looked like or what they thought about the world. That is something that I think some people of that age do not fully consider when they say the things that they say: how it hurts people and how they might be labelled and that sort of thing. So that has been my concern.

Obviously, any political party will try to target the vote. If the vote is with 16 and 17-year-olds then the political parties—Labor, Greens or Liberal—will be potentially setting up street stalls outside schools and that sort of stuff. Then where are the limits in that space? I think they are the things that need to be thought out.

MR BRADDOCK: I have noticed that Alicia Payne MP has come out and said that, in effect, she supports the rights of 16-year-olds and 17-year-olds to vote. Is there latitude within the Labor Party platform or systems to allow individual representatives to have those views or is that a representative of all the views in the Labor Party?

Mr van Dijk: Again, sorry to disappoint you, but the whole point of our policy position is that it is up for people to consider. There can be debates by individual members. I think there would be a different conversation to have if Alicia was saying that she supports opening up voting to 16 and 17-year-olds and our platform said, “Absolutely not. We oppose 16 and 17-year-olds having the vote.” I think it is a challenge.

I should say that I think engaging young people politically is a really great thing. How engaged they are is fantastic. The amount of thought they put into what happens matters to them. Turning out to rallies, taking time off school, all that sort of thing, is fantastic. I love the fact that we have got quite a number of people under 18 in our party.

I think giving them the opportunity to vote could be a great idea, provided that we can get over the hurdles of criminal penalties and the challenges that come with some behaviours that we see in schools or targeting those age groups. If Alicia is of the view that 16 and 17-year-olds can vote, I think that is from a good position, because we should be engaging young people in our political system. If Dr Paterson said, “I am totally against it,” that is absolutely fine. She can, within the remit of the policy platform that is open to the consideration of the matter.

THE CHAIR: Thanks very much for attending. Thank you for your submission.

Mr van Dijk: No problem.

THE CHAIR: We look forward to you coming up with a view on this.

Mr van Dijk: Well you might. Will the bill come back at some point?

THE CHAIR: The process will be that the committee will write a report at some stage and table that in the Assembly. At some stage after that, it will really be a matter for Mr Braddock and Mr Davis as to when they bring the bill back.

Mr van Dijk: Sure.

THE CHAIR: So I guess we will wait and see. But it will be after the committee reports, one would hope.

Mr van Dijk: In the meantime, I will guarantee that ACT Labor will consider the options, at least as per our policy platform.

MR BRADDOCK: Do we have a time frame for when that will occur?

Mr van Dijk: It will be before it comes back to the Assembly. The caucus will, I would expect, be discussing it. I am more than happy to chat in. Our policy, as far as we are aware, is that we are open to consideration. But it should be compulsory, which is not contested here.

THE CHAIR: Thanks very much for attending. We will watch with interest.

Mr van Dijk: No worries at all.

Short suspension.

CANTWELL, MR DAMIAN AM, CSC, Electoral Commissioner, Elections ACT
SPENCE, MR RO, Deputy Commissioner, Elections ACT

THE CHAIR: We move to the next witnesses, the Electoral Commissioner, Mr Cantwell, and Ro Spence. It is nice to see you again. This is probably about your fiftieth appearance, I guess. On behalf of the committee, thank you very much for attending today and thank you very much for your submission as well. Could you just confirm that you are across the privilege statement?

Mr Cantwell: Yes.

THE CHAIR: We are being recorded and so on. We have not got long today, but I am ready to take a short statement, commissioner, before we crack on.

Mr Cantwell: Thank you very much, Mr Hanson and committee. Thank you for the opportunity for Mr Spence and me to appear today and to supplement the submission led by the commission. A quick opening statement, if I may? If I can refer to that covering letter to the submission?

The Electoral Commission is opposed to lowering the mandatory voting age from 18 to 16, as proposed by the bill, for a number of reasons. Firstly, we believe the current legislation provides an appropriate level of voter accessibility to electoral services without imposing big obligations and penalties upon minors that would flow from compulsory enrolment and voting. I want to make clear that failure to enrol and/or vote by 16-year-olds and 17-year-olds would be a criminal offence, which may result in criminal court proceedings heard in the ACT Children's Court and imposition of a fine, conviction or other sentence if found guilty.

The bill would see the ACT become non-aligned with all other jurisdictions. That would result, we believe, in likely confusion amongst 16 and 17-year-olds in relation to their eligibility, indeed their compulsion, to vote in federal elections and other state and territory elections when moving interstate.

To establish a separate electoral roll for 16 and 17-year-olds would require some additional costs and administration effort between us and the Australian Electoral Commission, and those costs and details are yet to be determined because they have got a fair bit on their plate at the moment. That would require a series of administrative work by both commissions. We are not funded at the ACT for the additional staff and resources required to conduct the necessary community and school education programs, enrolment drives and equitable services arising from the bill.

We also note that the school curriculum would be subject to control and resourcing of education directly in this manner but also we incur, my staff, some additional stress and anxiety in dealing with a number of this age group, 16 to 17-year-olds. If for one reason or another they do not vote, we would have to deal with them at the point where we would be dealing with potential criminal court action.

So whilst recognising the intent behind the bill and the benefit it would offer to some

in this age group with respect to their ability to enrol and vote in ACT elections, that needs to be balanced against, we believe, the significant negative issues that mandatory enrolment and voting of this age group would bring to all in that category, and we believe that overwhelmingly the costs and disadvantages, compared to the benefit for some, would see us recommending retaining the mandatory age, 18.

THE CHAIR: I just want to get my head across the process as it stands now. If someone does not vote, they get sent a letter by you—is it?

Mr Cantwell: That is correct.

THE CHAIR: It is by you?

Mr Cantwell: Yes.

THE CHAIR: You say, “You did not vote. Why not? Pay a bill,” that type of thing?

Mr Cantwell: Yes. A series of default notices occurs—three default notices. The non-voters are offered an opportunity to provide to me a valid and sufficient reason as to why they did not vote and, not being able to provide evidence or valid or sufficient reason, they otherwise pay a penalty, currently \$20, or ultimately, if the penalty is not paid or they are not able to offer valid or sufficient reason, it may be referred through to the DPP for prosecution in the Magistrates Court. Just as an example of the numbers, there were around 24,000 non-voters initially from the 2020 election. There are around 1,400 who are still subject to the processes arising from non-voting in the 2020 election and are now subject to the processes in the ACT Magistrates Court.

THE CHAIR: There are a lot of kids out there that would not want to vote, and I have spoken to a few of them that just would not want to engage with the process. They do not know anything about it, and they are children. They just decide, “Right, I am not voting because I do not agree with this imposition on me to vote.” That is not a reason not to do it under this legislation, is it? They would be required to vote—that is the law, to vote—so they do not get to make that choice.

Mr Cantwell: Like all electors, the legislation requires eligible electors to both enrol and vote and, again, through that process, if they do not vote, they need to offer a valid and sufficient reason as defined by the act. Otherwise, ultimately they are awarded a penalty by me or, if referred to the court, a higher penalty and any potential court costs, depending upon how the magistrate sees it.

THE CHAIR: So they do end up in court. They might have to engage a lawyer. There are additional costs. Where does that end up? Can you cite some examples of where some people have gone all the way through that process and ended up going through the court? What is the end of the spectrum on that? Can they end up in jail or what happens?

Mr Cantwell: No. Again, I cannot talk for the magistrate or the court proceedings, and every case is dealt with individually, of course—individual summons in which the offender is facing a criminal offence as defined by the Electoral Act—and the circumstance will be dealt with by the magistrate as he or she sees fit. I cannot speak

to the outcomes of those court showings. As I said, for the 2020 election there are around 1,400 yet to go through that process.

The opportunity exists, by way of those default notices, to offer both that valid and sufficient reason and pay to me, to the commission, the \$20 penalty or go to the Magistrates Court at which point, if found guilty, it can result in a conviction and/or penalty being awarded, as I described.

THE CHAIR: Your contention, as I read it from your submission, is that a whole bunch of kids fronting court, being fined, getting convicted is not a great advert for democracy and voting in the ACT?

Mr Cantwell: Essentially, yes. I think there are negatives associated with the outcomes that would befall those who, for one reason or another—and I cannot comment individually—are not enrolling or not voting. We need to consider that in the context of how that would be viewed by those individuals, their parents or guardians as such, and how we would wish to consider that more broadly as a society. But from our view, as the commission, we would need to deal with those individuals as that case would arise.

THE CHAIR: If as a parent I did not want my child to be engaged in the process, I think that 16-year-olds should be left alone to get on with their lives, which are complex enough as they are, and the 16-year-old did not vote because, as a child under my care, I had said and agreed with that child that they will not vote, who is responsible? Who gets convicted, the child or the parent?

Mr Cantwell: The voter. In this case it will be the child.

THE CHAIR: So you might get many parents out there that really do not like what is going on and they influence their child not to vote, a child under that adult's care, guardianship, responsibility, but ultimately the child is going to get the conviction?

Mr Cantwell: The eligible voter, as proposed by the bill, would be the 16 or 17-year-old and the consequences, whether it be paying a penalty through the default notice system, through the commission or, indeed, confronting criminal court proceedings in the ACT Children's Court would fall upon the voter or, in this case, the non-voter, and that would be the 16 or 17-year-old, and they will be held accountable, as any other elector would be under the legislation.

MR BRADDOCK: May I ask a supplementary on that process question, where you are talking, commissioner, about valid and sufficient reasons specified under the act for people not voting. Religious duty to abstain from voting, for example, is one reason. This is not part of the current legislation, but would it be possible, for example, to have an argument based around maturity if the individual felt they lacked the maturity? Would that be something that could work within the legislation?

Mr Cantwell: The act prescribes certain circumstances or classes of electors that are not compelled to vote. They include overseas electors, Antarctic voters and so forth. The phrase "valid and sufficient reason" refers to considerations for non-voters of those who are otherwise required to vote and who fail to do so. The determination of

that rests, as defined by the act, with me in the first instance and, if referred to the Magistrates Court, having passed through the necessary three default notice system, then that is a matter for the court to determine how they see the reason to be offered by the non-voter at the time of that court appearance.

THE CHAIR: One would think, perhaps, that a whole bunch of children saying they are too immature to vote, putting that forward as a valid reason, might be an argument against this legislation, but that would have to be a matter for the magistrate.

DR PATERSON: I am just trying to find, while we were talking, how many 17-year-olds are enrolled.

Mr Cantwell: We have got some data on that and I am happy to raise that. I offer that we have, firstly, to clarify that we have got provisional enrolment arrangements for 16 and 17-year-olds under the current legislation. It is voluntary for the 16 to 17-year-olds to provisionally enrol and mandatory for enrolling and voting from age 18. Your question is: how many 17-year-olds are provisionally enrolled?

DR PATERSON: Yes, how many 16-year-olds are enrolled in the ACT?

Mr Cantwell: I might just defer to Ro, if we have that off the top of the head. If not, we might have to come back to you with the specifics of that information for provisional numbers of those who are provisionally enrolled, given that it is not mandatory. We will have to go back and check with our partner, AEC.

DR PATERSON: It would be interesting to know too: do young people enrol just before an election or is it an ongoing thing that 16 and 17-year-olds are aware they can enrol now, so they do?

Mr Cantwell: We will have to come back to you with the detail on how many 16 and 17-year-olds.

THE CHAIR: There is a supplementary for you—and it might be something for the committee to do—but the ABS would have statistics on the approximate number of 16 to 17-year-olds in the ACT, would not it?

Mr Cantwell: They do, and I have looked at that data again today.

THE CHAIR: So you have got that data?

Mr Cantwell: They have got data on everything. It is the ABS. I have referred to the ABS census data. Of course, it is quite extensive and detailed. You can break it down by states and territories and by age groups and so forth. The data about our population and demographics is all there, but we can give you the detail once we go back to AEC and confirm the number of those that were eligible to provisionally enrol and enrol.

THE CHAIR: Because that will be interesting to see then; you could see it as a percentage of that number.

Mr Cantwell: Yes.

THE CHAIR: You cannot remember off the top of your head what that number of 16 and 17-year-olds was?

Mr Cantwell: I would not want to go on the committee's records as having said it, because I looked at the numbers quickly, and I did so in the context of looking at the Human Rights Commission report referred to in the explanatory notes to the bill, to confirm in my mind, or get a sense in my mind of, the number of respondents to that particular survey quoted in that human rights report comparative to the total number of age groups/blocks within both the ACT and around Australia. All I can say is that I know the data is there; it is arising from the most recent census by the ABS; it is available online; so the inquiry can actually—

THE CHAIR: We will dig it up. That is fine.

Mr Cantwell: But we will certainly get the detail about the number of those 16 and 17-year-olds who are provisionally enrolled.

DR PATERSON: Why is there provisional enrolment? Is it just to get ready so that, by the time an election does come around, you do not have to do as much work?

Mr Cantwell: Essentially, yes. It serves that purpose well. It gives them a sense of awareness of the process and helps that process sit in place and, insofar as AEC can manage the roll with the data that can be provided by it or made available by those provisional enrollees, then that is the outcome.

MR BRADDOCK: I just want to explore a bit further and understand the financial implications this would represent, if adopted, to the Electoral Commission and hence the electoral roll costs. Do you have any estimates as to how much that would actually cost, should this reform proceed?

Mr Cantwell: I have engaged with the AEC and I have to say that I cannot talk for them in detail here, but, because they are quite obviously focused on preparations for the forthcoming federal election and because of the number of variables and the circumstances that we would have to walk through in detail with them, they are unable to give definitive costs at this point in time. I would have to say, though, that there will be some costs and those costs would have to be negotiated and worked through with them.

They involve a variety of issues, including amendments, electronic and paper-based amendments, to the roll and the roll data source providers which would have to be determined and negotiated and agreed with those organisations such as the ATO that currently provide data for those who are required to be enrolled to vote; that is, age 18 and over. So there is a fair bit of work that AEC would have to do to work through that.

Our joint roll arrangements between the commonwealth and the territory, under which we have such a joint roll arrangement, work very well, but, as I said, they are occupied with preparations for the federal election. We would have to go back to them subsequent to the deliberations of this inquiry and/or the Assembly to determine some

further refined costs, but there will be some additional costs to both the AEC and to the Electoral Commission in the ACT.

THE CHAIR: Commissioner, one of the points you talk about is the stress that this could potentially cause your staff. I imagine that chasing people up for non-payment of fines—“Why did not you vote?”—dragging kids through the courts could be a pretty stressful issue for your staff. I imagine it is pretty difficult with adult voters, let alone with children.

Mr Cantwell: It is a real point, and I have one staff member who is still dealing with this administrative issue from the 2020 election. We have people who will argue directly about such compulsion to enrol and vote. That staff member, a representative of the commission, has to deal with that, and that is a heavy workload. That one staff member is still working through that for, as I said, around the 1,400 electors, eligible electors, who chose not to vote and are now being referred to and subject to a summons to appear in the Magistrates Court over a number of hearings.

The Magistrates Court has had to delay those hearings from late last year, as previously scheduled, because of the COVID lockdowns at the time. Then they have to appear over the period from March onwards. That is a real stress, and the anxiety that comes with dealing with those individuals is real. I have seen it. To do that, to ask my staff to do that in dealing with minors and/or their parents or guardians or representatives, will be even more so stressful, I think, for them, and I would have to pay very careful attention to how I dealt with that at the individual staff level.

THE CHAIR: Fair enough.

DR PATERSON: I was a candidate in the election. I got to understand the Electoral Commission’s role during the election. I am interested to know how you feel about the idea—and we have talked with other people who have given evidence—that currently there is a lot of university participation with different parties on campus and whether that would start to be replicated in schools and how, if there is an election, you would see your role in monitoring what goes on in schools and how electioneering plays out?

Mr Cantwell: I am careful to remain within my lane, and I am not the Education Directorate. To somewhat answer your question, I think we do have a community engagement role, and we have a couple of staff members whose role it is to reach out and pass on the message and engage with community groups, with schools, as they would be able to engage with us and as they are willing to take up such offers of presentations then about their checks, about their record processes in the ACT et cetera. Some do, but not many, and it is a busy space. We reach out to as many organisations and schools as we can.

Insofar as we encourage an understanding and an awareness about democracy here in the ACT, not just for the age group proposed to be compelled to vote, enrolled to vote, in this bill but more broadly the community, it is part of our mandate and we take that very seriously and allocate as many resources as we can to it, particularly as it relates to an election period, as you made reference to, and as it relates to how we would cooperate with the Education Directorate around the education program or inserting

additional information packages as part of an already busy curriculum. That is the Education Directorate's purview and the responsible people within that directorate, but we would perhaps work with them to understand how we could help engage in that process.

I certainly do not have the resource and staff to reach out across the many schools and classes that should be, I think, engaged and educated about this if this bill is passed, because there is a real potential for confusion about what their responsibilities, indeed their requirements, under law would entail, and they would have to understand that they would not be eligible to vote, for example, in a federal election, even though that might be occurring at about the same time, potentially, as it did in years past, with an ACT Assembly election. They would not be able to vote in other jurisdictions if they moved elsewhere, interstate or to another territory. Conversely, those who move from interstate or other territories to the ACT would find themselves compelled to vote in an ACT Assembly election. They might not know anything about that. So we would have a unique system, and that is a challenge.

MR BRADDOCK: We have received submissions from the Youth Coalition and other academics who have provided quite strong evidence, academic evidence, from overseas examples where extending the vote to 16 to 17-year-olds led to such things as increased turnout, engagement in the political process. Has the Electoral Commission engaged with that evidence, reviewed it and come to a view on it?

Mr Cantwell: My understanding is that, where they have been referenced, they refer to those other electoral systems that do not compel this age group to vote; rather, it is voluntary. That is, I think, made clear in our submission. As I have highlighted here today, this bill proposes mandatory enrolment and voting for this age group, which carries with it, as we have mentioned, the potential for criminal court action for failing to do so; so there are some stark differences which need to be thought about and clarified when we try to compare this system and the proposed amendments to the Electoral Act that would be required here. We need to make sure we are comparing even things here.

If I may, the bill's explanatory notes also make reference to the Human Rights Commission report of 2019, which, in turn, through a 2018 survey—and which was highlighted by one of the authors of another submission—noted that the respondents to that survey predominantly were aged 9 to 12; so we need to be careful about the detail or data that is being referred to here and make sure that we are making valid comparisons with our system here in the ACT.

THE CHAIR: Just to clarify, you are not aware of any other jurisdiction that has imposed a mandatory requirement with criminal penalties on 16 and 17-year-olds to vote. In other jurisdictions, as you are aware, that is voluntary; so we would be unique in the world in criminalising children for not voting?

Mr Cantwell: My understanding—and we have written this in the report—certainly personally, is that there is no jurisdiction in Australia, federal or state and territory jurisdiction, which is considering such a proposed amendment or requirement. Those which are referred to in our submission have voluntary voting age variations of the age group 16 and onwards. We understand that the Greek legislation includes a

compulsion to vote for this age group but without associated penalties, as being proposed here. That is our understanding of those other jurisdictional arrangements.

THE CHAIR: You would be compelled, under this legislation, to pursue 16 and 17-year-olds with the same vigour as you would pursue anyone else that is required to vote under the act?

Mr Cantwell: Yes. They will be eligible voters. They would need to enrol; they would be compelled, under legislation, to enrol and vote. And if they fail to vote, the same processes would apply as would for those who are 18 and over, as is currently the case under existing legislation.

THE CHAIR: Moving to another issue: in various elections—and we have discussed it at previous inquiries following elections—we have seen the sort of coercion where fake Twitter accounts, bots and things are not authorised and so on. When you are engaging with younger people and there is that blurred line between what is an electoral matter and what is education, or what is just TikTok or Facebook, do you think this is going to make your job even more complex, because you are engaging with children? And where is that blurred line between what is education, what is just schoolyard engagement and what is an electoral matter? If a non-government school—I am just picking an example—is making a point in a lesson, does that then become an electoral matter in terms of leading up to a vote? Have you put your mind to that at all?

Mr Cantwell: That is an interesting question. It may well be the case that close attention will be paid to that aspect because the 16 to 17-year-old group are perhaps more attuned to using social media platforms as the basis of their information or engagement with each other and with the broader community. Insofar as that may be the case, I think we would have to pay attention to making sure that the provisions that require authorisation statements are fully understood and in place across the entire jurisdiction of eligible voters. It is a growing concern as we all move to a more connected world of that nature. I think that in the 16 and 17-year-old group it might cause particular challenges.

THE CHAIR: At the moment it is my understanding—and it is not under your act—that politicians do not go into schools to campaign, but there would be nothing under your act, the Electoral Act, that would stop a politician standing at the school gate and handing out their fliers as kids go into school. There would be nothing to stop us then?

Mr Cantwell: That is an interesting question. There are requirements in the act that speak to political canvassing and the like at election period. If a school is conducting an election activity or sponsoring or appears to be hosting an election activity, as you described, then clearly that would present some circumstances where we would have to be very careful about how we interpret that.

THE CHAIR: Not during necessarily the designated election period, but what is to stop a politician turning up to the school gate in the morning and in the afternoon and giving kids paraphernalia that they then take into the school?

Mr Cantwell: I might just think about it for a second and ask Ro if he has any

thoughts about how that would play out and how that would have implications under the act, which is, I think, the point of your question.

THE CHAIR: How would you stop that? If I decided to go and stand outside all the public schools and hand out electoral material, what is to stop me? I am not saying I would.

Mr Spence: There is nothing in the act at this point in time that would prohibit the handing out of appropriately authorised electoral matter outside the period of voting. As you would be aware, schools are often used as a polling place, but you are not asking about that particular time.

THE CHAIR: No.

Mr Cantwell: More generally.

THE CHAIR: Yes, generally.

Mr Cantwell: My thinking is that in the electioneering or campaigning, which can occur at any time, the potential candidates, having declared themselves as potential candidates, can do what they need to do, as allowed under the act, to canvas and electioneer. Notwithstanding, I think the school might be, I would imagine, cautious about being seen as endorsing such candidates. I think your question relates to a candidate who might just appear at the school gate—

THE CHAIR: That is right.

Mr Cantwell: cross the line and start handing out paraphernalia.

THE CHAIR: Indeed.

DR PATERSON: Around one aspect of the proposed bill about the age of 14 enrolment, do you view that as just setting back everything by two years, so it is what it is, or are there specific problems or issues with enrolling 14-year-olds?

Mr Cantwell: The same issues arise in the context of compelling 16 and 17-year-olds to enrol and vote. The data sources to verify identity for the 16 and 17-year-old group pose particular problems, because they are not evident for the AEC already, or provisional enrolment for age 14 and 15, being voluntary, as proposed by this bill. It is not so much a question of data source but a question of verification of their identity that would be sufficient for AEC to accept their enrolment.

Again, we need to tease it out with the AEC. I am not sure what data source or what verification of identity the AEC would use for a 14-year-old. We would have to consider that with AEC in the process of enacting those requirements, if so required, subsequent to the bill being passed, if that is what the Assembly does. Again, it adds to the administrative issues that I have to work through with the AEC. The process of them being enrolled and then maintained on the roll, having been provisionally enrolled, involves more work, administration and costs by the AEC and by us in terms of a joint roll partner.

Mr Spence: You were talking about setting back two years. As we now know, the provisional enrolment is for 16 and 17-year-olds. The bill does, I believe, allow for 14-year-olds to preliminary enrol. There is no necessary basis for making that a two-year period—it could be 15-year-olds—and there is precedent in a single year of preliminary enrolment. Really, the core element of preliminary enrolment is to allow anyone who turns voting age during an electoral event to already be on the approved certified list.

DR PATERSON: Do you think that having a 14-year-old enrolment age may have consequences for an 18-year-old voting in a federal election in that people will start to tune out if you have been talking to them about enrolling to vote for years, or do you think you are more likely to get better enrolment by 18 for federal elections?

Mr Cantwell: Firstly, the enrolment levels in the ACT are very high and participation is very high. There is a percentage drop-off as they get older, at about the 22-year-old mark, before it comes back up again. We have to consider what problems we are dealing with. Engagement of those eligible voters is very strong—in fact, it is the highest across all jurisdictions—in the ACT, both enrolment and participation in the voting process. What impact do I think provisional enrolment at 14 would have upon their sense of willing to take part in federal or other elections? That is difficult to say. I would like to think that a discussion about these sorts of topics enriches our understanding as a community—and not just that age group—about social engagement and our democratic processes. I would hope that it would take a positive feed from it.

At the same time, as we pointed out in our submission, we assume there would be a number who, for one reason or another—like every other age group who are now compelled to enrol and vote—fail to vote and have to go through the process of default notices and/or criminal action, criminal court processes. That may well indeed prove to be a disincentive for them to engage further. Put yourself as a 14 or 15-year-old who is provisionally enrolled—or maybe a 16 or 17-year-old who has now found to not have voted—who cannot offer a valid vote and ends up in a criminal court action. How do they feel about having to take part in a process later on? It is hard to say, but there are a number of factors at play in that age group and what they are coming through in their age group. I am not sure how that would play out in the long run.

THE CHAIR: Commissioner and Ro, thank you very much for attending today and for your submission. You said that you are going to provide us with some statistics on the number of 16 and 17-year-olds enrolled—

Mr Cantwell: Provisionally enrolled.

THE CHAIR: If you do have the ABS stuff, flick us a link; otherwise we will track it down as well.

Mr Cantwell: Yes. Our new chairperson is a former head of ABS, so we should be able to point you to the right link.

THE CHAIR: They should know what to do then; brilliant.

Mr Cantwell: It is there. It is an extensive database that they have presented. I will send you the link and I will also get the information about provisional enrolments for 16 and 17-year-olds.

THE CHAIR: Thank you.

Short suspension.

POULTER, MR ADAM, Deputy Chief Executive Officer, ACT Council of Social Service

KILLEN, DR GEMMA, Head of Policy, ACT Council of Social Service

THE CHAIR: ACTCOSS—Mr Poulter and Dr Killen—thank you very much for attending today. Can I just remind you of the privilege committee statement in front of you. If you can just nod that you agree with it? Thank you. We are being transcribed, recorded and broadcast. I invite you to make a short statement prior to us going to questions.

Mr Poulter: I would like to make a short opening statement. Listening to most of the testimony thus far, ACTCOSS believes there are three main issues at play here: are youth ready, what is the balance of risk and what are the challenges of the implementation of doing this, if it is done? Firstly, are youth ready? ACTCOSS has a wide range of members, including many who work with youth, including the Youth Coalition, who are really the peak body best able to speak on this. Justin, in his testimony, spoke about the fact that, when we are making decisions about how to vote, that is where we draw on cold cognition processes. We have time on our side and we make that vote in private, not under the pressure of peers.

Neuroscience research shows that, by the age of 16, the average person and, indeed, the vast overwhelming majority of people, in fact do have the cognitive ability to make a decision and vote as well as they might have at 18, 20 or later ages. It is very different to other processes of cognition which come into play when people make decisions under pressure and around issues such as criminal acts and the use of illicit substances. That is the first issue. I think the science clearly says, “Yes, youth are ready,” as is experienced in other jurisdictions.

As to the second area, the balance of risk, this is going to be a short statement but there is a lot that could be said here. On the positive side of the ledger first, the Youth Coalition submission reviews a lot of the international research on countries where already people who are aged 16 and 17 can vote. What that shows is that there are very positive benefits for individuals in terms of their self-esteem. They feel that they can participate in the political process and that they have a say on issues that matter to them and their families. It provokes discussions around these issues and sometimes engages adults who may not have thought so much about these issues or engaged previously. There can also be considerable benefits for the wider society. Sixteen and 17-year-olds are much more media literate in terms of the online world. They are much better at seeing through fake news and are able to help themselves, their age group but also others, to unpick those kinds of challenges, which are very real and growing.

On the negative side of the ledger, negative risks, many of those have been spoken to. One that has come up has been what might the impact be on schooling. There is already some guidance around not allowing electioneering in schools. There is a real opportunity with the Education Directorate, if the bill goes through, to put in place strong guidelines around these issues. I would also note that many 18-year-olds still have not taken their HSC and they are voting. This is not an issue, as far as we are aware, that has come up in regard to them. I am conscious of time. There are many

other risks, and you may well want to raise some of those in your questions.

Proceeding to the third area of implementation challenges, I think one that has come up, even in the last testimony, is around criminal justice implications. If someone does not register to vote or if they then do not vote they can be issued with a criminal penalty and a fine. We welcome the fact that the level of those penalties has been set lower for 16 to 17-year-olds, but we would suggest that there is an opportunity to look at options other than fines, around education that could be provided to someone who does not vote. There is a wider issue, as we see with many issues before the Assembly, around the appropriateness of fines. For people who are poorer or disadvantaged, fines can be quite an issue, whereas if there is an alternative which is around mandatory education we would see it as welcome.

I do not want to take any more time, but I do think it is important to look at the evidence from other countries where this has been done already. I think that the Youth Coalition, in particular, have done a good job of summarising that. It really does show the benefits from passing legislation such as this and the opportunity for the ACT to take perhaps a leading role within Australia on this matter, as it has done on so many other issues.

MR BRADDOCK: I am really interested in ACTCOSS's unique perspective on what considerations we should also consider about the disadvantaged 16 and 17-year-olds if we were to proceed with this bill. What support systems and so forth should be put in place?

Mr Poulter: Firstly, I would say that it is really important that there is a program of civic education—and others have spoken to that—that reaches out and includes all members of the community. We would see the main venue for that being schools and being a push, perhaps, by the Education Directorate talking with the Electoral Commission and others about how to do that. In terms of reaching disadvantage in some children who are not in schools and some youth who have already, at 17, chosen not to go to school, the community sector has a number of organisations working directly with youth, reaching out to people who may even be homeless or in very disadvantaged circumstances. I think there is an opportunity to engage with the community sector around how we reinforce some messaging that was developed and encourage people to vote. I think there would be a big opportunity there.

THE CHAIR: In your evidence you talked about other jurisdictions where people can vote. Under this legislation you must vote. You talked about other jurisdictions where this is being done. What other jurisdictions are there where a child who does not vote is found criminally responsible and fined and then, if they do not pay their fine, is dragged through the courts?

Dr Killen: As far as we know, mandatory voting does not exist in other jurisdictions for 16 and 17-year-olds.

Mr Poulter: Mandatory voting is very uncommon internationally.

THE CHAIR: But you did say this is being done in other jurisdictions. The point is that it is not.

Mr Poulter: Engaging people aged 16 and 17 in the electoral process, giving them the right to vote and have a say in political issues, is done in many other jurisdictions. You are absolutely correct in saying that mandatory voting is very uncommon across the world. I am not aware of another jurisdiction where there is both mandatory voting and the age of voting has been lowered. The issue at play here is that Australia is incredibly progressive, I have to observe, in requiring its citizenry to vote and all the benefits that come from that in terms of civic and political engagement. So any answer to that has to be speculative.

THE CHAIR: So there are no other jurisdictions that do this but, regardless, you support 16-year-olds who do not vote being found criminally culpable? That is what this legislation does.

Mr Poulter: Our reading of the legislation and the detail on this matter is that there are criminal penalties at 50 per cent of the current rate, which could result in a fine being issued of \$10, and that if the person chooses not to pay that fine, as is the case for people who are over 18 who are voting, then they could be subject to criminal penalties. As Justin said more articulately earlier today, if we look at 16 and 17-year-olds, the typical situation is that they are still within the family, they are still within school, and they have support networks which would encourage them to register and vote and help them to pay a fine and advise them that it is better not to go to court. We would also say that there is an opportunity here for the committee to look at an alternative to a fine, which could be an opportunity for education, a mandatory opportunity to attend a session explaining the importance of voting.

THE CHAIR: Sure. The \$10 aside, ultimately, there is criminal culpability here. I just find it odd that ACTCOSS thinks that imposing further criminal penalties on younger people, in this case 16 and 17-year-olds, is a good way to go.

Mr Poulter: If there was a broad consultation with you, explaining the opportunities here, I think you would find that the majority would welcome the opportunity to vote. I think that 16 and 17-year-olds are highly politically engaged.

THE CHAIR: What do you base that on? Is that speculation?

Dr Killen: Youth Co have done some consultation with young people that they work with and have found that many of them are excited about the opportunity to vote. Mission Australia's most recent youth survey also found that young people in the ACT, in particular, are highly politically engaged and care a lot about social and political issues. Ten per cent of young people in the ACT are in environmental groups and something like eight per cent are in political groups. While those numbers might seem small, they are also significant compared with people over the age of 18.

THE CHAIR: Certainly there would be some people engaged in the process, but you would imagine—certainly from a number of children I have spoken to—there would be a lot that do not want to. How many thousands of kids will be forced to vote, in your view, who do not want to and then, if they do not, will be found criminally culpable, and is that worth the price of this?

Dr Killen: I think the same could be said for people over the age of 18.

THE CHAIR: I agree it could, but surely criminalising children is not something that ACTCOSS would support.

Dr Killen: No, of course not, but we also offer other kinds of responsibilities to young people, like the opportunity to drive or hold a drivers licence.

THE CHAIR: Sure, but we do not hold them criminally culpable if they do not drive. If they choose not to drive, they are not subject to penalties.

Dr Killen: Yes.

THE CHAIR: They are not compelled to drive, are they?

Dr Killen: But if they speed or fail to pay a parking fine or something like that then, again, they are subject to criminal penalties. I accept that it is about a balance of responsibility and penalty in that case.

Mr Poulter: The opening point we made was: are they ready? Neuroscience strongly indicates an experience overseas that people over the age of 16 are ready to make decisions about voting and they are aware of the consequences of not voting. If you combine it with a program of education, I think you can very much mitigate these kinds of issues.

DR PATERSON: ACTCOSS is such a strong advocate for the vulnerable and disadvantaged in our community. One of the things that I am feeling from the other submissions is that we are potentially creating a vulnerable cohort. They are 16 and 17-year-olds that we have talked about and how ready they are to vote and how engaged they are politically—fantastic—so when they turn 18 and they do vote, bring it on. But we risk, with this legislation, criminalising them. Maybe those two years of 16 and 17-year-olds building up to voting is a really important part of the developmental process. I guess, from ACTCOSS's view, I am interested in your thoughts about potentially having a vulnerable cohort of young voters who are children, who are living with parents, who may face fines, who do not work and who have school pressures.

Dr Killen: We pointed out in our submission that young people also have many other responsibilities. At 16 there are many people who are carers already and who have employment. I think that in the first instance perhaps we have to trust that they can take on that responsibility. The research from other jurisdictions also tells us that people become more politically engaged once you offer them that right and responsibility to vote.

THE CHAIR: Is this being offered or is this being mandated? Is that the difference, that there may be some who are very capable of voting and engaging with the process, but there are many, because there are different levels of maturing, who are clearly not and clearly do not want to engage and are very busy with their schooling? Being a teenager is a tough time. Are we looking at a cohort who are more mature, politically engaged and active—they are probably engaged with the Youth Coalition and other bodies—and looking at them as a snapshot and not looking at what would be a

significant number, be it a minority or a majority, for whom this would be a punitive burden which, if they do not comply, makes them a criminal?

Dr Killen: In terms of the young people that Youth Co is consulting with, many of them are through youth workers and the network of people who are working with actively disadvantaged young people. I think it would be a misinterpretation to suggest that Youth Co's consultations are happening with young people who are already very engaged. We are talking about disadvantaged young people when we talk about Youth Co's cohort of young people.

I guess the other point to make is that we do not ask 18-year-olds whether they are mature enough or whether they have the time or the intelligence to vote. We expect them to vote because they are ready. I guess the argument for bringing the voting age down is that, once you implement a lower voting age, people are expected to become politically engaged. The research from other jurisdictions says that they do become more politically engaged after they are offered that opportunity. I respect that it is a different situation between a mandate and an offering.

DR PATERSON: Just on ACTCOSS's position: in terms of the drugs of dependence inquiry, ACTCOSS advocated against a fine, that there should not be a penalty, whereas in this case it is suggesting that there should be. I am just wondering about the discrepancy there.

Dr Killen: It is our understanding that it is not possible to not have a fine because of the voting system in Australia being mandatory, and it is not possible to make it optional by removing the fine, but we are strongly in favour of exploring other options apart from fines, such as education programs or things that avoid placing undue penalties.

THE CHAIR: The problem is that in the legislation, as it is written—and we have got to make a decision to vote on it or not—that is not actually an option at the moment, noting what you are saying.

MR BRADDOCK: Just exploring further, where you mention community service or education, what could that look like as an alternative to the proposed fine?

Mr Poulter: I think that could look like an orientation session where they are reminded—because a civic education program should be in place by then, including with outreach in collaboration with the community sector, for disadvantaged groups—of the requirements to vote but also the opportunities. I would see it as potentially a session organised by an appropriate body that has the trust of youth and can sit down with them and try and explain that. Realistically, it would probably be organised as a group session if there were a few people. It would be able to benefit from peer discussion, including having youth in there who believe in voting and can, hopefully, sway and explain the importance to them of doing so.

THE CHAIR: There is probably more we could ask you, but we are limited by time. Thank you very much for attending today and thank you for your submission. We will watch on with interest how this all plays out.

ARNOLD, DR BRUCE BAER, Associate Professor, University of Canberra

THE CHAIR: Dr Arnold, you are our last witness today, so welcome aboard. Before we start, I just want to confirm that you have read and understand the privilege card that was sent to you?

Dr Arnold: I have.

THE CHAIR: Great, and you have heard the housekeeping matters?

Dr Arnold: Yes.

THE CHAIR: Fantastic. I invite you to make a brief opening statement before we go to questions.

Dr Arnold: I will try and keep it brief. The bill is a commendable effort to engage with human rights concerns. Unfortunately, in my opinion it addresses the wrong questions. Several submissions regarding the bill have properly expressed concern about community disengagement from political processes. That disengagement will not be cured by extending the franchise to 16-year-olds or, indeed, to 14-year-olds, many of whom, just like the elderly, the poor, people with disabilities and members of First Nations, also feel disregarded.

Disengagement would be better addressed through initiatives such as restrictions on the private funding of political parties, increased transparency about property deals in the ACT and elsewhere, a deep politicised selection of the judiciary and an increased accountability of governments at the national, state and territory levels. Those initiatives are not easy. They are, however, much more likely than franchise extension to foster what the sponsors of the bill characterise as the confidence of people and, moving on from that, to actually achieve change.

In my submission I have referred to a range of issues, possibly somewhat snarly. Given the shortness of time and being conscious that the committee is busy, I want to wrap up by highlighting one concern regarding, ultimately, the bill's paternalism. The proposed legislation embodies a youth discount. That discount is not available to disadvantaged people. If we are indeed serious about human rights, rather than self-interested talk about rights, we should acknowledge responsibilities alongside rights. Voting is serious, voting is fundamental, and it should not be degraded by lower penalties for teenagers.

THE CHAIR: Thanks. I think you have raised a number of important issues, but some of them are beyond the scope of this inquiry. They are actually issues that the committee engaged with pretty extensively in its previous report into the ACT election and the Electoral Act. So we are aware of those and we endeavour to do that. I suppose you have made the point that, if you are saying 16 and 17-year-olds should be treated the same as 18-year-olds and above, why then have a separate category in terms of the penalty? You are doing this because 16 and 17-year-olds should be treated the same. You cannot have your cake and eat it: on the one hand, 16 and 17-year-olds are equal but, on the other hand, they are not. It just creates an

inconsistency which gives you a concern; is that right?

Dr Arnold: It is contrary to the principle that we are treating all voters alike.

THE CHAIR: What is your view, more broadly, about 16 and 17-year-olds being brought into the mandatory requirement to vote and, should they fail to vote—as lots of adults do—being subject to criminal penalties? Do you think that is appropriate?

Dr Arnold: It is one way to ensure that you do have an effective mandatory voting system. I appreciate that you have heard a range of views on this, but I would question whether many young people are actually that interested in direct participation in the electoral system. I would caution about some of the figures that you have been given. It is very easy, if you are a young person or, indeed, if you are an adult, to engage in clickocracy, to be on an online group to express your interest that way. That is quite different to, say, actually getting out in the rain or in the heat, going along and standing in a queue, hopefully having a sausage along the way, and actually voting. Yes, there is some interest among young people. Some of them are passionately interested in politics; others are just not interested. If you are going to get them to vote, I am sorry, I think, as a pragmatist, that they need to face the same incentive, if you like, the same penalty, as everyone else.

DR PATERSON: On a similar issue around candidature, and you raised that, can you speak further to that and the issues around not being able to be a candidate, even though you are being fined for not voting?

Dr Arnold: In principle, if we are accepting that young people, and ultimately 16 is a likely arbitrary age—if we are accepting that a 16-year-old can determine the fate of the ACT—then that 16-year-old, in principle, should be quite capable of standing and, indeed, being seated as a member of the Legislative Assembly. We should trust them. At the risk of being somewhat brusque, I do not think the sponsors of the bill really have the courage of their convictions. It appears to be proposing a discount for youth in terms of penalties. I do not think we are going to have, say, a 16-year-old seated in the Assembly but, in principle, if someone was sufficiently charismatic, sufficiently organised, sufficiently smart, sufficiently credible, why not?

MR BRADDOCK: That was an excellent question. I do not want Jeremy to die of a heart attack if I propose such an idea. You have referred to the youth discount. That is quite a common theme in penalties that apply. For example, if a commuter put their feet on the seat of an ACTION bus, if they were an adult, they would receive a penalty in the order of \$160, but if they were a youth it would be \$80. Is that something you oppose across the board or is it particular to this piece of legislation?

Dr Arnold: I think the difference there is that voting is more fundamental. Voting is sort of central to a liberal democracy, whereas the misbehaviour that we see among adults—those strange academics who actually use public transport in the ACT—in public transport is in a range of other contexts. It is common to adults and to minors, to young people, but we have some recognition that it is one way that young people act up. It is one part of growing up, if you like, that they break the rules, and to some extent we actually want them to do that. As a society, we do not want kids wrapped up in cotton wool. It is a valid point, but voting is a bit different to smoking. What have

I seen recently? Smoking, public urination, putting your chewing gum or your feet on the seat—that sort of thing—which is qualitatively different.

THE CHAIR: Are you concerned at all about kids all of a sudden being coerced into politics, kids that are enjoying their lives as kids, trying to get on with busy, complex schoolyard politics—as opposed to big politics—studying for the HSC and other exams and growing and maturing? There might be some kids that want to engage in the Young Liberals or Young Labor or the Young Greens through choice, but in this case kids that want to remain independent from the political process, because they are growing, maturing, are now essentially being forced into it and, if they do not comply, there are criminal penalties. Are you concerned by that?

Dr Arnold: Broadly, I am concerned about coercion. My personal view would be that we should not have mandatory voting. I recognise that that is controversial, but I would argue that, if we were to get rid of mandatory voting, we would need to invest. We would quite legitimately invest significant resources in persuading people, rather than forcing them, that it is your right and, indeed, it is your duty to participate in Australian politics at the national, state and local government level. It is something that you should do as a citizen, as a person, if you like.

DR PATERSON: Do you see issues around the fact that there would be a different voting regime for the federal election and the state and territory elections for young people if this went through?

Dr Arnold: It is administratively mucky. I think some people will be confused. On the other hand, as an academic who teaches law and who is interested in the politics and the Constitution, if the bill is passed, it is a nice opportunity to work out whether it works or not, and we might well be able to persuade other jurisdictions—I suspect Victoria, and possibly Queensland, under the current government—to adopt the same mechanism. Over time it would be introduced to the national government and, I suspect partly because particular parties would see that it is in their interests, we will get a particular demographic.

MR BRADDOCK: A number of the other submitters have provided extensive references and academic evidence in support of their claims. Have there been any academic articles written or any peer-reviewed journals in support of what you are suggesting here today in terms of the disadvantages from extending voting rights to 16 and 17-year-olds?

Dr Arnold: The literature is all over the place. Somewhat snarkily, I think, in my submission I flagged that there are real concerns about the data that has been flagged by the sponsors. That Human Rights Commission report is based on a survey of nine and 12-year-olds. I have godchildren whom I love; one is 10 and one is five. Yes, they feel neglected and unloved and mummy and daddy have horrible rules about them and, “Why can’t we get rid of Peter Dutton?” or whatever. This is part of growing up. The point I was trying to make before is that lots of people feel neglected and many people are indeed substantially disadvantaged. I am somewhat wary about claims that we should extend the franchise on the basis of this rather problematical survey based on the feelings, legitimate or otherwise, of nine and 12-year-olds.

MR BRADDOCK: I will come back to the question: is there any academic evidence supporting what you are stating here today?

Dr Arnold: In what sense?

MR BRADDOCK: Other submitters who are supportive of the proposal have provided extensive lists of academic evidence in support of the proposition. So I am asking the question: you have cast doubt on one piece of academic literature from that survey, but are there any other academic articles out there? Can you please bring those to the attention of the committee?

Dr Arnold: I am happy to do a post-submission and provide you with some documentation shortly, given your time frame for doing your report.

THE CHAIR: You have referenced the fact that the view of whether it should be raised, lowered or whatever it is is perhaps at the whim of political advantage. Do you see that perhaps there is a motive behind lowering the voting age, which is about rank political advantage, that one party is going to benefit over another, or do you think this is pure in heart?

Dr Arnold: I think it is uncertain. If you look at the literature, it is a traditional claim. There has been some sense, for example, less so in the academic literature but certainly in some of the popular writing, that this is—how can I put it without being horrible?—a Greens or a left initiative. I think that is somewhat unfair, given that we have the odd conservative cohorts. Certainly within my lifetime, when I was young, the Country Party kids were passionate, were very well organised and did doorknocking, sausage sales, scones or whatever. Whether there are enough young people out there to make that much difference, I think, is really a moot point. We just do not know.

MR BRADDOCK: You have mentioned your extensive experience in law. Have you done research or published papers in relation to voting rights and the cognitive development of 16 or 17-year-olds?

Dr Arnold: Yes. I have a monograph coming up, based on my PhD, in a couple of months. I have written extensively on neurodiversity—if you like, the assessment of cognitive ability. I have written in Australia and have been published in Australian and overseas law in medical journals on how people understand the world, notions of responsibility, notions of restraint and so on.

One of the interesting comments before was when ACTCOSS was referring to cold cognition. There is a fundamental difference between understanding something and necessarily taking responsibility and acting on the basis of that understanding. Adults, and minors, are sometimes irrational. It may well be that some Australian politicians at the national level have a very good sense, but they are spouting nonsense. They have, if you like, the cognition, but their responsibility in terms of propagating hate speech and propagating nonsense about vaccination, for example, is missing.

We need to be quite conscious, I think, in saying what in law we might characterise as Gillick competence; recognising that, say, some 12-year-olds—I was not being

entirely facetious before—are quite capable of making existential decisions about whether they live or not when they are facing serious medical problems. Some 12-year-olds are quite capable; some 17-year-olds are not.

To get back to the risk of being one of those dreadful academics who is always referring to a footnote, if we look historically, a Roman male was an adult at 11. These days if you are an 11-year-old we do not give you a gun, we do not give you a sword and we do not get you tramping through the snow to conquer Gaul or somewhere like that. Some of this 16, 17, 18, 14, 12 or whatever demarcation is ultimately somewhat arbitrary. It is 21 in some jurisdictions; 25, I think, in Ohio is when you can vote. This is, if you like, historical contingency. We have done it traditionally and we will continue to do it in particular places. There is not necessarily a nice test that, magically, when you get to 16, your brain is somehow different, your emotion is now under control.

MR BRADDOCK: The Youth Coalition and Dr Barker were very much of the view that research has shown that cognitively they develop that capability to do so at that age.

Dr Arnold: There is literature to the opposite effect. Indeed, if we look at some of the pleadings that we see in Australian courts, there are arguments that this particular person or, indeed, young people, generally 18-year-olds, have a lower control of their emotions, are more likely to be impulsive and have a stronger tendency to engage in risk taking. Indeed, this is one of the things that you do when you are young. For want of a better word, you arc up. I think we need to be somewhat cautious about some of the claims regarding 16; 16 is when the right switches start clicking in.

THE CHAIR: Thanks very much for attending. I appreciate that you are attending as an individual, because a lot of people that attend are part of key stakeholders and groups. The effort you have made to respond as an individual is greatly appreciated. As a result, you have some different aspects and thoughts on this, which I appreciate. Thanks for your submission.

Dr Arnold: Thank you.

THE CHAIR: You said you might send us a little bit of a bibliography of some articles that might be of interest to the committee.

Dr Arnold: I will send you some pointers, yes, and fairly quickly.

THE CHAIR: That would be great. Thanks very much for attending.

The committee adjourned at 3.50 pm.