



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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Submission Cover Sheet

Inquiry into Electoral Amendment Bill 2021

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Expanding voting rights in the ACT

Submission to the Electoral Amendment Bill 2021

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Introduction

The Australia Institute welcomes the opportunity to make a submission to the Justice and Community Safety Committee's inquiry into the Electoral Amendment Bill 2021.

The Australia Institute's Democracy & Accountability Program was founded in 2021 to improve the quality of Australian governance and heighten public trust in politics and democracy. Although the program is new, the Australia Institute has written about democracy and accountability issues since it was founded in 1994.

In principle, the Australia Institute supports extending the franchise to those aged 16 and older. Young people have a stake in the decisions that are made for them and in their name, and have the greatest incentive of any group of voters to consider the long term. Decisions made by governments today, particularly in response to global warming, will affect a 16-year-old today for decades to come.

Australia Institute research finds that "if you don't vote, you don't count". Examples include the increase in pension spending after compulsory voting was introduced in Australia; large and sudden increases in public health expenditure when women received the vote in the United States; and improved public services in African-American communities after the *Voting Rights Act 1965*.¹ Allowing those 16 and 17 years of age to vote could lead to similar, valuable outcomes for young people.

¹ Shields & Campbell (2016) *#democracysausage*, pp. 11–12,
<https://australiainstitute.org.au/report/democracysausage/>

Compulsory voting and fines

The Australia Institute has written in the past about how fines for failing to vote are too low, and fail to account for inflation and wage growth. This remains true, especially in the ACT – which is tied with the Commonwealth for lowest fines for not voting (at \$20). One possibility would be to introduce progressive fines, where those with higher incomes pay larger fines so the incentive to obey the law is consistent across incomes.²

That said, the \$10 fine for a person under 18 years of age failing to vote seems proportionate. Ideally, enrolment and voting would be voluntary for those under 18 years of age. We recommend the ACT engage with the Commonwealth to amend the *Australian Capital Territory (Self-Government) Act 1988* to allow for voluntary enrolment. Such a change is supported by more Australians than oppose it, as discussed below.

There are also socio-economic impacts from the use of fines to achieve policy outcomes. The problem of incarceration of low-income Australians for unpaid fines is a major issue. A \$10 fine is unlikely to engage any of these impacts, but we note it for consideration whenever a fine is introduced or extended.

Support for a change to compulsory enrolment

In July 2021, the Australia Institute polled Australians about a range of issues relating to territory rights.

Respondents were asked about their views on the ability of the ACT to allow 16- and 17-year-olds to enrol to vote on a voluntary basis. Currently, an act of the Australian Parliament means that the ACT cannot allow 16- and 17-year-olds to enrol to vote on a voluntary basis,³ whereas states are not limited by federal legislation.

² Shields & Campbell (2016) *#democracysausage*; The Australia Institute (2019) *Compulsory voting: Ensuring government of the people, by the people, for the people*, <https://australiainstitute.org.au/report/compulsory-voting-ensuring-government-of-the-people-by-the-people-for-the-people/>

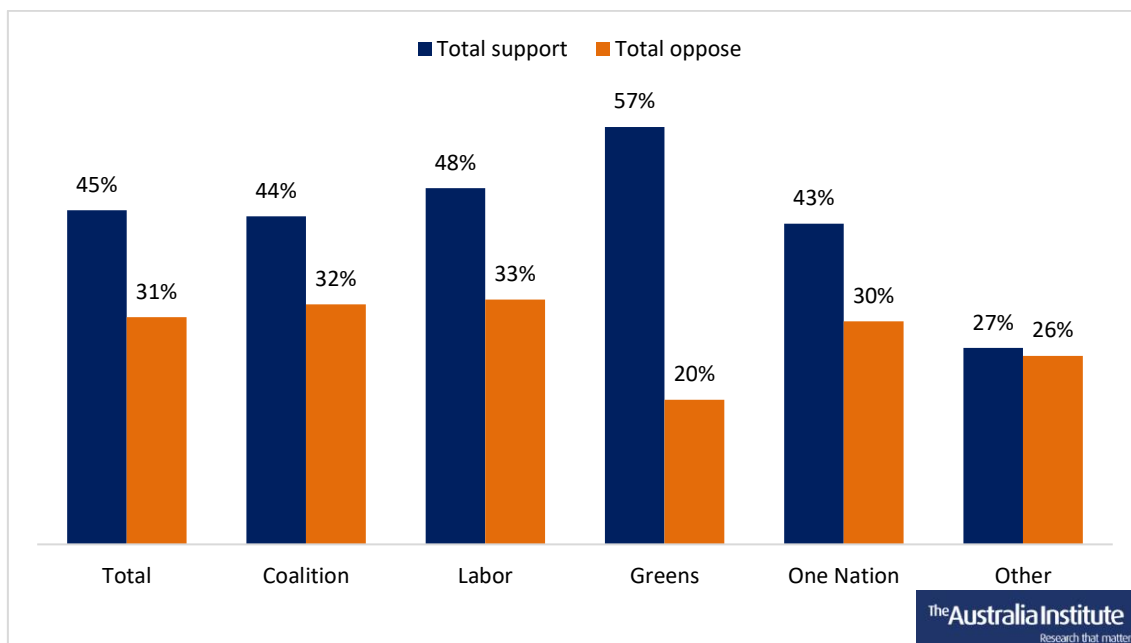
³ ACT Electoral Commission (2021) *Inquiry into the 2020 ACT Election and the Electoral Act – Supplementary Submission*, pp 7-8, <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees/jcs/inquiry-into-2020-act-election-and-the-electoral-act#tab1695217-2id>

Results show that support for the ACT to be able to allow 16- and 17-year-olds to enrol to vote on a voluntary basis is stronger than opposition to the idea across all voting intentions, however a significant amount of people are unsure or don't know.

- 45% of Australians support the idea, with 31% opposing it.
- 44% of Coalition voters support the ACT having the right to allow 16- and 17-year-olds to enrol to vote on a voluntary basis, with 32% opposing the idea.
- 48% of Labor, 57% of Greens, 43% of One Nation and 27% of Other voters support the idea.
- One in four (24%) Australians say they don't know or are unsure.

It should be noted that respondents were asked whether they support the ACT having the right to change its enrolment laws, rather than whether they support those over 16 years of age having the vote.

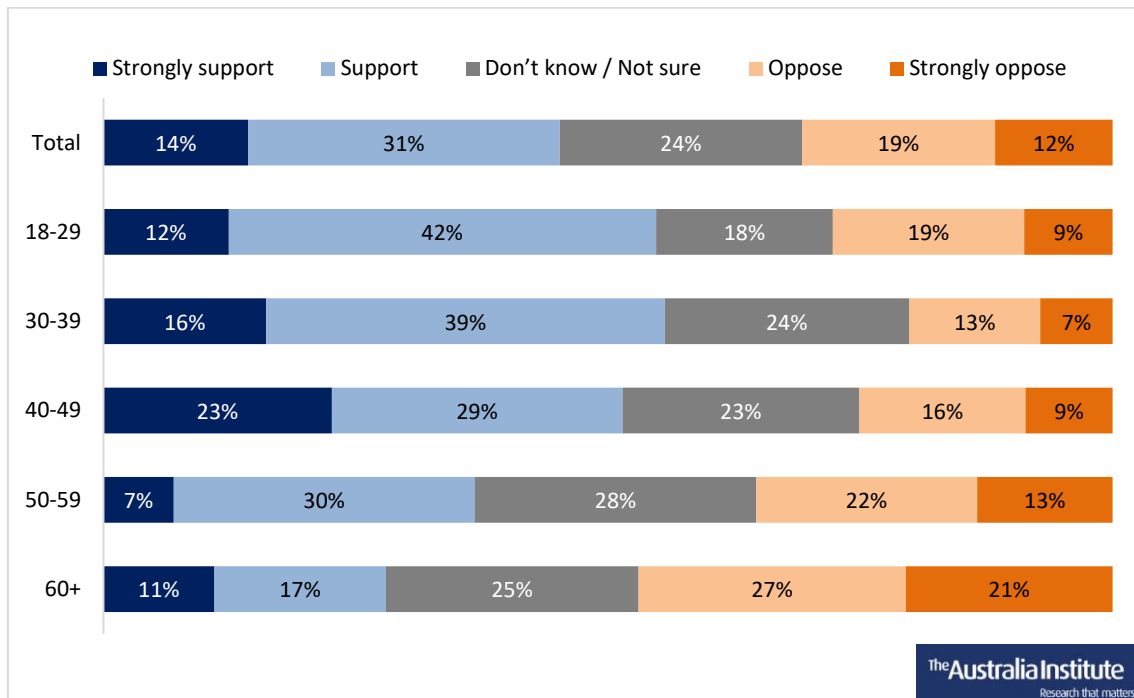
Figure 1: Support for the ACT to have the right to allow 16- and 17-year-olds to enrol to vote on a voluntary basis, by voting intention



Across age groups, support is higher amongst those aged under 50-years-old, with a majority of voters in each age group under 50 supporting the idea.

- Over half of those aged 18-49 (51-56%) support the ACT having the right to allow 16- and 17-year-olds to enrol to vote on a voluntary basis.
- 37% of people aged 50-59 support the idea, with 35% opposing it.
- 28% of people aged 60 or older support the idea, with 47% opposing it.

Figure 2: Support for the ACT to have the right to allow 16- and 17-year-olds to enrol to vote on a voluntary basis, by age group



Conclusion

Extending the franchise to 16 and 17-year-olds will make ACT democracy more representative and allow for a minority voice to be better heard. Young people have a greater personal stake in the long-term decisions of government than any other group.

While compulsory voting is a cornerstone of Australian democracy, and fines for not voting are in general too low, the \$10 fine for those under 18 years of age seems proportional and fair.

Ideally, enrolment and voting would be voluntary for those under 18, and we recommend the ACT engage with the Commonwealth to this end. Recent Australia Institute polling demonstrates that 45% of Australians support such a change, with only 31% opposed.

Method

The Australia Institute surveyed 1,004 people between 14 and 16 July 2021, online through Dynata’s Rapid Results polling, with nationally representative samples by gender, age and region.

The margin of error (95% confidence level) for the national results is 3%.

Results are shown only for larger states.

Voting crosstabs show voting intentions for the House of Representatives. Those who were undecided were asked which way they were leaning; these leanings are included in voting intention crosstabs. “Coalition” includes separate responses for Liberal and National. “Other” refers to Independent/Other.

Detailed results

Currently, an act of the Australian Parliament means that the ACT cannot allow 16- and 17-year-olds to enrol to vote on a voluntary basis.

Would you support or oppose amending the act, so that the ACT can decide whether it allows enrolment on a voluntary basis?

	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>18-29</i>	<i>30-39</i>	<i>40-49</i>	<i>50-59</i>	<i>60+</i>
Strongly support	14%	18%	11%	12%	16%	23%	7%	11%
Support	31%	30%	32%	42%	39%	29%	30%	17%
Oppose	19%	18%	20%	19%	13%	16%	22%	27%
Strongly oppose	12%	12%	12%	9%	7%	9%	13%	21%
Don’t know / Not sure	24%	22%	26%	18%	24%	23%	28%	25%

	<i>Total</i>	<i>Coalition</i>	<i>Labor</i>	<i>Greens</i>	<i>One Nation</i>	<i>Other</i>
Strongly support	14%	16%	14%	15%	13%	10%
Support	31%	29%	34%	41%	30%	17%
Oppose	19%	20%	22%	14%	15%	14%
Strongly oppose	12%	13%	12%	5%	15%	12%
Don’t know / Not sure	24%	23%	19%	24%	26%	48%