

# Submission to Justice Committee

## Electoral (Lowering Voting Age for Local Elections and Polls) Legislation Bill

### YouthLaw Aotearoa

Level 1, Westfield Shopping Centre  
5 Leyton Way  
Manukau City Centre  
Auckland

0800 UTHLAW  
(0800 884 529)

[www.youthlaw.co.nz](http://www.youthlaw.co.nz)



Contents

Who We Are ..... 3

YouthLaw Aotearoa’s Submission..... 4

    Reasons for Supporting this Bill..... 4

    Our Recommendation ..... 4

# Who We Are

---

YouthLaw Aotearoa is a Community Law Centre vested under the Legal Services Act 2000. We are a charity and part of the nationwide network of twenty-four community law centres throughout Aotearoa. We are a specialist law centre focussing on the legal needs and interests of children and young people under 25 years of age.

This submission is informed by YouthLaw Aotearoa's insights from working with children and young people across New Zealand for over thirty years.

**Contact:**

Darryn Aitchison

General Manager

YouthLaw Aotearoa

[darryn@youthlaw.co.nz](mailto:darryn@youthlaw.co.nz)

# YouthLaw Aotearoa's Submission

---

YouthLaw Aotearoa strongly supports this Bill.

We made a submission to the Independent Electoral Review. In that submission, we surveyed the key arguments, both in favour of and against lowering the voting age. We concluded that, on balance, we supported the lowering of the voting age.

Our views have evolved since making the submission to the independent review. We now **strongly support** lowering the voting age, including through the measures contained in this Bill.

## Reasons for Supporting this Bill

### Independent Electoral Review

The Independent Electoral Review was a robust, independent and wide-ranging review. It considered a large number of submissions; looked at legal, jurisprudential and constitutional principles; and examined international literature and evidence. It is by far the best source of policy guidance on this question. As such, its recommendation **should** be followed. The independent panel **recommended lower the voting age**.

*“The right to vote is a fundamental right, recognised and protected by international and New Zealand law. Having reviewed the evidence before us, we recommend lowering the voting age to 16. The small risk of giving the vote to some young people who may not be ready to exercise that right is outweighed by the potential benefits of enfranchising those who are ready”.*

*-Independent Electoral Review,  
Interim Report*

### Supreme Court

The Supreme Court of Aotearoa has confirmed that the age restriction in current legislation is not consistent with the NZ Bill of Rights Act, in particular, the right to be free from age related discrimination (*Make It 16 Incorporated v Attorney-General*).

The Courts' role is to declare the law, which it has done. It unanimously declared an inconsistency with regard to the Local Electoral Act. **The Bill addresses this inconsistency in a manner which aligns with the independent panel's findings and recommendations.**

### Community Law Centres o Aotearoa

We have read the submission on this Bill by Community Law Centres o Aotearoa. We agree with the key arguments made in that submission.

1. The current voting age is inconsistent with the Bill of Rights Act
2. The cognitive ability of 16-year-olds is consistent with democratic decision making.
3. Permitting 16-year-old to vote strengthens democracy in the long-term by leveraging their higher tendency to engage in the democratic process and establish life-long patterns.

## Our Recommendation

We support this Bill and recommend it is enacted.

## YouthLaw Aotearoa

Level 1, Westfield Shopping Centre  
5 Leyton Way  
Manukau City Centre  
Auckland

0800 UTHLAW  
(0800 884 529)

[www.youthlaw.co.nz](http://www.youthlaw.co.nz)

