



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Justice Committee | Komiti Whiriwhiri Take Ture

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

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Presented to the House of Representatives
by James Meager, Chairperson

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

Recommendation

The Justice Committee has examined the Electoral (Lowering Voting Age for Local Elections and Polls) Legislation Bill and recommends that this bill not proceed.

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

The bill aims to reduce the voting age in local elections and polls from 18 years to 16 years. It would amend the Local Electoral Act 2001 to enable 16- and 17-year-olds to vote in local elections and polls. The bill would create a new category of electors, called “youth electors”, and provide for 16- and 17-year-olds to be registered on a youth electoral roll. It would not change the eligible age for:

- voting in parliamentary elections
- voting to elect members of an alcohol licensing trust or trustees of a community trust
- being elected or appointed as a member of an alcohol or licensing trust or a trustee of a community trust
- serving as a juror.

The eligible age for these activities would remain at 18 years.

To achieve its aim, the bill would also amend several other pieces of legislation, including the Electoral Act 1993 and local Acts.

The bill was referred to the Justice Committee of the previous Parliament, which called for written submissions with a closing date of 20 October 2023. The submissions are published on the Parliament website. We thank submitters for sharing their views with us.

Reason for recommending that the bill not proceed

We received a letter from the Minister of Local Government dated 20 December 2023, indicating that the Government does not intend to support the bill in further parliamentary stages. We are respectful of the views of Ministers and members in charge of bills. We take their views into account when the committee makes decisions on how to progress matters that come before us for consideration. The local government sector, like the wider justice sector, is facing many pressing and challenging issues affecting communities across New Zealand. We must prioritise our time to advance outcomes that seek to address those challenging issues.

Regardless of the voting intentions of parties, the Minister in his letter categorically stated that he does not wish to progress the bill through further parliamentary stages. Given this, it is our view that further consideration of this bill should not be considered a priority matter for

local government or the committee. This is in contrast to bills where parties may indicate that they will not be voting for a bill in the House, but the member or Minister in charge of the bill wishes it to proceed.

We thank all submitters for their contributions, and for the time and thought put into their submissions. Many of the submissions were from younger New Zealanders, and we do not wish to put them to additional time and cost for a bill that the Minister in charge has indicated will not proceed further.

We are therefore recommending, by majority, that the bill not proceed.

Opposition parties differing view

The opposition parties are disappointed that this committee has resolved not to fully consider the Electoral (Lowering Voting Age for Local Elections and Polls) Legislation Bill.

This legislation was a direct response to the decision of the Supreme Court in *Make it 16 Incorporated v Attorney General* [2022] NZSC 134. Critically, the Court there issued a declaration of inconsistency in saying:

[T]he provisions of the Electoral Act 1993 and of the Local Electoral Act 2001 which provide for a minimum voting age of 18 years are inconsistent with the right in s 19 of the New Zealand Bill of Rights Act 1990 to be free from discrimination on the basis of age; these inconsistencies have not been justified in terms of s 5 of the New Zealand Bill of Rights Act.

That is to say our highest court has found that our voting laws are discriminatory and breach human rights. This bill is a direct response to that finding. In addition, in the last Parliament this committee reported back to the House on that declaration of inconsistency and the government response to it.

This is the first time that a declaration of inconsistency has been referred to a select committee since the enactment of the New Zealand Bill of Rights (Declarations of Inconsistency) Amendment Act 2022. We are deeply concerned that the committee ceasing its consideration of the bill is reflective of a dismissive and cavalier attitude of the majority to this important constitutional issue. While the legislative response is ultimately for the Government, this committee as a subcommittee of Parliament has a duty to fully discharge its obligations and fully consider the question before it.

We are deeply concerned at the precedent that the decision of this committee not to proceed to a full consideration of the bill sets. This is a committee of Parliament, which is the ultimate check on executive power. We are appalled that the Minister saw fit to write to this committee and in substance (if not in form) direct the committee to cease its consideration. We are disappointed that the majority of the committee bowed to executive power rather than discharged its duty as a subcommittee of Parliament.

In Parliamentary terms this is precedent setting. It can now be taken that where the government has made its intention clear that legislation will not proceed it is appropriate for a committee to cease further consideration.

We are disappointed for the many submitters on this bill. Many of these submitters were young people who took a particular interest in this bill and were engaged in the democratic process in a very encouraging way. It would come as no surprise if those young people felt disenfranchised by the dismissive approach of the majority of the committee.

We consider it insulting and condescending of the Minister to suggest in his press statement on this matter that consideration of extending voting rights to 16- and 17-year-olds is a “costly distraction”.

It is also disappointing for the Minister to further suggest that the legislation was without reason or justification. This was clearly wrong and a departure from accuracy not becoming of ministerial office. Not only is the declaration of inconsistency itself reason enough to address the Bill of Rights failing, but the report of the select committee into that declaration and the government response went further. The final irony is the many submissions on the bill provided substantial evidence (including references to a number of scholarly articles) to show:

- Lowering the voter age will increase voter turnout in the long term.
- Lowering the voting age will reduce the inequities in voter participation.
- The voting choices of young people are rational and responsible as other voters.
- Lowering the voting age can lead to better voter education.

We also note that the Future of Local Government Report recommended lowering the voting age to increase participation. We also note that many councils fully or partially supported the proposal to lower the voting age (such as Dunedin, Wairoa, and Wellington). Invercargill City Council did not support the bill citing the special situation of its licensing trust (which has a voting age of 18).

Ultimately the Government has used its majority to circumvent the democratic process—a course of action that is becoming increasingly familiar. It is with disappointment that we note that we have been prevented from discharging our duties as opposition parliamentarians from fully and properly scrutinising this legislation and reporting to the House accordingly.

Appendix

Committee procedure

The Electoral (Lowering Voting Age for Local Elections and Polls) Legislation Bill was referred to the Justice Committee of the 53rd Parliament on 29 August 2023. The closing date for submissions was 20 October 2023. The bill was reinstated on 6 December 2023. We received and considered submissions from 872 interested groups and individuals.

Committee members

James Meager (Chairperson)
Hon Ginny Andersen
Jamie Arbuckle
Cameron Brewer
Tākuta Ferris
Paulo Garcia
Dr Tracey McLellan
Rima Nakhle
Tamatha Paul
Todd Stephenson
Hon Dr Duncan Webb

Related resources

The documents that we received as evidence are available on the [Parliament website](#).