

## Parliamentary Electorates and Elections Amendment (Voting Age) Bill 2005

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The object of this Bill is to amend the *Parliamentary Electorates and Elections Act 1912* so as to reduce the minimum voting age from 18 to 16.

#### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision that gives effect to the amendments to the *Parliamentary Electorates and Elections Act 1912* set out in Schedule 1.

**Clause 4** is a transitional provision that suspends the rights to vote that are conferred by the proposed Act for a period of 12 months from the date of assent.

#### Schedule 1 Amendments

**Schedule 1 [1]** amends section 20 (Qualification of electors) so as to reduce the age from which a person becomes entitled to enrolment (and therefore to vote) from 18 to 16.

**Schedule 1 [2]** makes a consequential amendment to section 20B (Eligibility of spouse or child of eligible overseas elector) so as to replace references to the age of 18 years with references to the age of 16 years.

**Schedule 1 [3]** amends section 21 (Disqualifications from voting) so as to ensure that a person who is the subject of a detention order under the *Children (Criminal Proceedings) Act 1987* is disqualified from voting if the order has a term of 12 months or more.

**Schedule 1 [4] and [5]** make consequential amendments to section 33A (Claims for provisional enrolment) so as to replace references to the age of 18 years with references to the age of 16 years and so as to replace a reference to the age of 17 years with a reference to the age of 15 years.

**Schedule 1 [6]** amends section 34 (Compulsory enrolment and transfer) so as to ensure that enrolment as an elector is optional for a person who is under the age of 18 years.

**Schedule 1 [7]** makes a consequential amendment to section 41 (Information as to deaths and convictions) so as to replace references to the age of 17 years with references to the age of 15 years.

**Schedule 1 [8]** applies the reporting requirements of section 41 (Information as to deaths and convictions) to the Director-General of the Department of Juvenile Justice, in relation to persons detained in detention centres, in the same way as they apply to the Commissioner of Corrective Services in relation to persons detained in a correctional centre.

**Schedule 1 [9]** makes a consequential amendment to section 89 (Deputy returning officers to be furnished with copies of rolls and ballot-papers) so as to replace a reference to the age of 18 years with a reference to the age of 16 years.

**Schedule 1 [10]** makes a consequential amendment to section 100 (Questions to be put if voter challenged) so as to replace a reference to the age of 18 years with a reference to the age of 16 years.

**Schedule 1 [11] and [12]** amend sections 120C (Penalty notices for certain offences) and 120F (Offences relating to failure to vote) so as to ensure that voting is optional for an elector who is under the age of 18 years.

**Schedule 1 [13]** inserts a new section 187. The proposed section contains five subsections:

- (a) Proposed subsection (1) ensures that a person who is under the age of 18 years is not under any disability or incapacity of infancy in relation to enrolment and voting.
- (b) Proposed subsection (2) ensures that the lowering of the voting age from 18 to 16 does not have the effect of granting any rights, entitlements or privileges under the Principal Act to a person who is under the age of 18 years simply because they are granted by reference to the person's entitlement to vote or to be enrolled for voting. For example, an elector is eligible for appointment as a returning officer. But for the proposed amendment, a person who is under the age of 18 years would, merely by being an elector, be eligible to be appointed as a returning officer. The proposed subsection makes it clear that such a person does not become eligible for such an appointment.
- (c) Proposed subsection (3) ensures that the lowering of the voting age from 18 to 16 does not have the effect of granting any rights, entitlements or privileges under any other Act or law to a person who is under the age of 18 years simply because they are granted by reference to the person's entitlement to vote or to be enrolled for voting. The proposed subsection is to be subject to any contrary intention that appears in the Act or law concerned.
- (d) Proposed subsection (4) makes particular provision with respect to the *Jury Act 1977*. It specifically states that an elector who is under 18 years of age is not qualified to serve as a juror.
- (e) Proposed subsection (5) makes particular provision with respect to local government elections. By virtue of section 266 of the *Local Government Act 1993*, a person who is qualified to vote in a State election is also qualified to vote in a local government election. The effect of the proposed subsection is to ensure that the reduction in voting age for State elections flows through to local government elections.