



VOICES AND VOTES

**A parliamentary committee inquiry into young people
engaging in democracy in Queensland**

LEGAL AID QUEENSLAND FEEDBACK SUBMISSION

Contents

1.0	Introduction	3
2.0	Key areas of concern are outlined under the following themes:	
2.1	Voting System and Electoral Commission Queensland.....	4
2.2	Education.....	6
2.3	Engaging young people with politics & politicians	10

1.0 Introduction

Legal Aid Queensland welcomes this opportunity to provide a response to *'Voices & Votes; a parliamentary inquiry into young people engaging in democracy in Queensland.'*

Legal Aid Queensland is the single largest legal service representing children and young people within the Queensland legal system. In recognition of the unique vulnerabilities of children involved in legal disputes, Legal Aid Queensland's Youth Strategy seeks to work towards every child and young person under the age of 18 having access to appropriate and quality legal services.

Legal Aid Queensland's specialist services include:

- The Youth Advocate
- Youth Legal Aid, which represents juveniles in criminal proceedings
- The Child Protection Team, for advice and representation of children involved in child protection cases
- Family Law Team which includes Child Separate Representatives in the Family Court, where children are the subject of residence or contact applications and
- Social workers who prepare assessment reports in cases involving children.

In 2004-2005 Legal Aid Queensland, in partnership with private law firms doing legal aid work, provided representation in legal cases for 2370 children and young people and advised a further 1677 children and young people in legal disputes. The views expressed in this paper are informed by interactions with young people within the legal context.

Legal Aid Queensland recognises the challenges that young people and also, indigenous people face when trying to access and participate in the governmental and political processes of Queensland. Legal Aid Queensland believes that the legacy of community disempowerment and dependence left by historical government policies underpins the barriers to Indigenous young people actively participating in the democratic process.

Of note in relation to the Inquiry is the large young population of Indigenous Queenslanders. Indigenous young people 0 – 14 years make up 40% of the Indigenous population compared to 20.5% for the non-Indigenous population. Indigenous young people under 24 years make up 58% of the Indigenous population compared to 34% of the non-Indigenous population¹

Given our involvement with young people with legal disputes, Legal Aid Queensland has a particular interest in advocating for all young people to assist them to develop a greater understanding of their legal rights and responsibilities. Accordingly, the underlying framework for Legal Aid Queensland's submission is that:

- all children and young people have the right to be educated;
- the vulnerabilities of children and young people brought about by their age and/or inexperience necessitate special assistance for children in understanding what their legal rights and responsibilities are; and
- there is a direct relationship between young people learning and understanding their legal rights and responsibilities, and young people engaging in democracy in Queensland.

¹ Australian Bureau of Statistics, 2001 Census of Population and Housing, 2001.

2.0 Key Areas of Concern

2.1 Voting System and Electoral Commission Queensland (ECQ)

Education/Information

We propose that the ECQ adopt the strategies proposed in Sections 2.2 and 2.3 of this submission.

Voter registration

We submit that the primary factors affecting young people's motivation and decision to enrol are awareness and accessibility.

Any measures to increase young people's awareness of the process of enrolment and their eligibility for enrolment should be explored. It is recommended that innovative and creative media campaigns be funded to engage and prompt young people in taking an interest in participating in this process.

Voter registration through ECQ liaison with Education Queensland, the Australian Taxation Office and Queensland Transport could be an efficient way of capturing the attention of young people. This could take the form of reminders to vote at school, upon lodging tax returns and upon obtaining/renewing driver's licenses. To explore this proposition even further, it could be argued that young people be automatically registered upon reaching voting age, although obtaining correct electoral information for this process could be difficult without liaison with other government agencies.

Although we are advocating for a co-ordinated response from Government in encouraging young people to enrol to vote by providing them with direct and timely information, none of the suggestions in our submission in this regard support the introduction of any form of national identification.

In addition, the critical factor in motivating young people, and raising young people's awareness of the need to enrol is an election. We therefore submit that campaigns targeting young people must be boosted at this time and the time permitted before closing electoral rolls should be extended to ensure young people are not disadvantaged.

Accessibility could be boosted by ensuring that there is easier access to enrolment information on the ECQ and AEC websites. While there is information currently provided on both websites, it could be better presented and promoted to attract the attention of young people. Further, it is likely that many young people are unaware of the information provided on these websites. With this in mind, it would be beneficial for the ECQ and AEC to develop links with other websites that young people would frequently visit, such as radio and television websites. It is important to note, despite an overall shift in the increased use of technology, such as the internet, that some young people and members of the population still do not have ready access to the internet.

Additional strategies including targeted public awareness, education and media campaigns are necessary in order to reach a broad cross-section of the population of young people. In light of this, and in relation to servicing Queensland's young Indigenous people, ECQ awareness campaigns should be culturally relevant and promoted in a variety of ways, including across remote areas of the State.

Finally, it must be added that young people need to be aware of the potential for them to enrol provisionally from the age of 17. We submit that provisional enrolment is not widely known and is an important factor in encouraging young people to vote.

Polling stations

The opening hours for polling stations should be lengthened to reflect the fact that many young people are engaged in casual employment that occupies them on a Saturday and which can prevent them from voting. Young people would be more motivated to make the effort to vote if they are also aware of alternate options which do not require them to vote on that day. We submit that many young people and/or their employers are not aware of voting entitlements and options when committed in a work capacity on the day of an election and recommend that the AEC take action to publicise these options.

Further, it would be easy to target young voters by ensuring that polling stations are located at universities, shopping centres and local schools - places that young people would have a greater familiarity with.

We understand that electronic voting is not yet at a stage where it could replace standard voting practice, however, we would support ongoing research in this area. Further, we note that the AFC has undertaken research with Electronic Voting Machines and found some clear benefits to this technology. The ability to reduce inadvertent informal votes by informing a voter that they may be about to cast an informal vote, and offering the ability to reconsider, and by offering the ability, for the first time, for blind or other voters with a disability to cast their own, un-assisted vote, through the provision of voice or other technology on the machines. We submit that the capacity to warn about casting an informal vote would be of critical importance to inexperienced voters.

Advance Voting

We note that postal votes are already available to people unable to cast a vote on Election Day due to work commitments, amongst other factors. As noted above also, we submit that this is an option that should be more broadly publicised to young people, perhaps upon registration for a Tax File Number.

We submit that extending the availability of postal voting to all voters upon request, may assist, but is not necessarily a process that would further promote voting to young people. Postal voting is, after all, a process that often requires even more organisation than voting in the usual manner.

Close of rolls

There is no question that young people would be disadvantaged by closing the rolls immediately after an election is called. As has been stated earlier, when it is considered that most young people enrolling would be first-time voters, it is unsurprising that the announcement of an election is considered a key trigger in encouraging young people to enrol.

We submit that if anything, the time allowed to register to vote should be extended.

We note that Special Minister of State, Eric Abetz, has recently made a speech to the Sydney Institute² proposing that the Electoral Roll be closed immediately upon calling an election. We submit that this change would drastically disadvantage young people from registering to vote. Minister Abetz argues that disadvantage to young people would not occur because young people do not overwhelmingly favour one political party over another. We submit that this argument ignores the importance of getting young people to enrol and become involved in the political process, regardless of which party they may vote for.

A further issue of concern is the negative impact that a refusal of enrolment may have on a young person's willingness to engage in future political participation. If a young person eagerly attempts to enrol before an election, but is told that they will not be eligible to vote due to close of the rolls, it is likely that they will become disillusioned with the process. We submit that all attempts by young people to engage in the political process should be encouraged.

Fixed Election Day

A fixed election day would be invaluable in allowing clear education to young people on the electoral process. It would be far easier for young people to remember when to vote and when they would need to enrol by if elections were held on a fixed day. That said, we acknowledge that this is a change that would have far reaching political ramifications.

² "Electoral reform, making our democracy fairer for all" ADDRESS TO THE SYDNEY INSTITUTE, 2005.
<http://www.nofa.gov.au/scripts/Media.asp?Table=SMQS&Id=212>

New voting system

We submit that the critical factor on this issue is ensuring a level of consistency between voting practice at a state and federal level. As inexperienced voters, it is highly likely that young people would be easily confused by the varying requirements at a state and federal level.

That said, we again acknowledge that this is a change that would have far-reaching political ramifications.

Voting age

We note that the voting age was last lowered in 1973. We submit that the legal responsibilities of young people have changed considerably since that time and that young people are now more likely to be directly affected by government policy.

We acknowledge that not all young people would necessarily be interested in voting at a younger age, but that many would have good reason to be interested. We note that responsibilities start earlier than a young person's eighteenth birthday. A young person may have left school and be working and paying taxes. Alternatively, a young person may be studying full-time, but engaged in political activity. In our submission, it is also highly relevant to note that young people in Queensland are considered criminally responsible as adults from the age of 17, and are sent to adult prison from this age.

In short, young people are directly affected by government policy on a variety of issues including social security, education, the environment and the legal system.

Therefore, we submit that it may be appropriate to extend non-compulsory voting to young people aged 16 to 18.

At a minimum, we submit that the government should continue to monitor public opinion on this issue.

2.2 Education

Civics Education and Participation

Legal Aid Queensland's fundamental approach to the provision of legal services to children and young people is consistent with local, national and international consensus that because of the vulnerabilities brought about by their age and/or inexperience, children require special assistance in understanding what their legal rights and responsibilities are. In Legal Aid Queensland's experience, a key to increased participation and interest in democracy is young people learning and understanding their legal rights and responsibilities at a young age or at least by the time they are voting age.

Although it is not Legal Aid Queensland's core business, we are often approached to respond to requests from schools and various agencies to facilitate presentations and attend community events with the aim of educating young people about their legal rights and responsibilities. The level of response to these requests often occurs on an *ad-hoc* basis, as these additional commitments are dependent on capacity issues. There is a greater demand, and demonstrated community need for this community educational role than Legal Aid Queensland has the capacity to provide. Other community agencies and indeed, the Queensland Police Service also facilitate school presentations on a regular basis.

Understanding the law and young people's participation in democracy are interlinked. There are numerous *youth development* research studies that suggest that young people do want to participate in their local community and decision making that affects their lives³. Many youth agencies facilitate opportunities for young people to have their say on community issues, however, there are also governing laws which limit, and at times contradict the type and extent of young people's full participation in society. For example, in Queensland, 17 year olds are regarded as too young to buy alcohol, get married without parental consent, enter into many types of legally binding contracts, or sue another party in most civic disputes. However, despite these factors, and not being able to vote at 17, young people in Queensland are considered criminally responsible as adults from this age, and are sent to adult prison from this age, as previously noted in our submission.

³ *Consulting Young People about their Ideas and Opinions, Creating Change in Your Community*, (2004) Youth Affairs Council Of Victoria [www.yacvic.org.au]

Young people gain their understanding of political and legal systems in a variety of ways. Many young people seek out their parents as a source of information about voting and political matters and as they grow older are likely to be exposed to receiving information informally through public forums such as the media, and formally via teachers within the school environment. We submit that the school environment is the most consistent and appropriate place to learn about civics education and will complement all other sources of learning that young people have access to.

In 1997, the Australian Law Reform Commission released a report, *"Seen and Heard – priority for children in the legal process"* following its inquiry into issues which included legal representation and advocacy for children and their access to legal processes, the appropriateness of procedures by which children give evidence, the appropriateness and effectiveness of the legal process in protecting child consumers, and issues relating to children in federal jurisdictions.

The report discusses *children in education* and specifically refers to civic responsibility and education reforms. **Recommendation 37** from the Seen and Heard report (1997) states that⁴:

Guidelines on national best practice for student participation in school decision making should be developed. The guidelines should include material that assists students to understand their rights and responsibilities in the context of school decisions affecting them. A handbook for teachers and students explaining the guidelines should be prepared and distributed to all schools in Australia.

The report also makes the following key points in the introductory discussion on civics education and participation⁵:

The fundamental right of children to be educated is reflected in article 28(1) of CRC.

Most Australian children spend a significant percentage of their time in the formal education system.

The education system and legal processes intersect in a number of significant ways. At school young people often have their first exposure to information about rights and responsibilities outside the family. Educating young people about the legal system can assist them to participate effectively in society and should have a positive effect on the relationship they have with legal bodies as adults.

For the majority of children, the school is the first and most important social institution with which young people have contact outside the family. At school, the child learns how to interact with others and the rules of social behaviour, and education plays a vital role in establishing for the individual a permanent, healthy membership of society. When a student fails in this process or is failed by it, the consequences for the individual and society are often damaging and expensive.⁶

In addition to providing education on rights and responsibilities, schools give families and appropriate professionals the opportunity to address learning, behavioural and social problems as soon as they appear so as to greatly reduce the risk of children coming into adverse contact with the legal system. While schools should not be the only site for early intervention they have a critical role because of the amount of time children spend there⁷.

Apart from whatever families may themselves inculcate, one of the more important ways that children first learn about the concept of formal legal processes is through their experiences of school discipline. The way school rules are set and enforced, particularly the processes associated with discipline and exclusion, may affect the way young people react to and interact with authorities and legal processes throughout their adult lives.

⁴ Australian Law Reform Commission, *"Seen and Heard – priority for children in the legal process"*, 1997, Report No 24, p. 194

⁵ Australian Law Reform Commission, *"Seen and Heard – priority for children in the legal process"*, 1997, Report No 24, p. 191

⁶ *Seen and Heard – House of Representatives Standing Committee on Employment, Education and Training Report of the Inquiry into Truancy and Exclusion of Children and Young People from School* AGPS Canberra 1996, 31

⁷ *Seen and Heard – This was emphasized in House of Representatives Standing Committee on Community Affairs Report on Aspects of Youth Homelessness* AGPS Canberra 1995 ch 10.

Children are vulnerable and often disadvantaged in their dealings with institutions and adults because they have little understanding of their rights and responsibilities. They subsequently may have little understanding of the government services or complaints mechanisms available to them, and of the roles and functions of different stakeholders in the legal system. The *Seen and Heard* report states that schools, in partnership with families, should play a central role in teaching children about their rights and responsibilities in a liberal democratic society. This should assist in the development of a politically aware population and help children to become more effective in dealing with legal processes as juveniles and as adults⁸.

Additionally, the report highlighted that young people participating in focus groups repeatedly commented on the need for schools to place more emphasis on teaching life skills. This was seen as a way of enabling children to deal with their problems or issues arising effectively rather than resorting to anti social or offending behaviour⁹.

Some important initiatives have been supported in the past. The report refers to an announcement made by the federal Government that from 1999 all school students in years 4 to 10 would take compulsory lessons in civics and citizenship¹⁰. The national civics program, *Discovering Democracy*, includes material on principles of democracy, the development of the constitution and the responsibilities of different levels of government. We understand that this program received funding until 2004, however still continues to advocate for the inclusion of modules in the (Study of Society and the Environment) SOC syllabus in primary and high schools. *Discovering Democracy* also provides a comprehensive and resourceful website with links to tailored teaching materials¹¹.

According to the *Seen and Heard* report, teaching children about their rights and responsibilities in school and in the wider community is probably more likely to bolster parents' and teachers' authority than undermine it. Like most adults, children will generally be more willing to follow rules they understand and can see the need for¹².

There are many themes currently included in civics education curricula and programs, which are relevant to the issues considered in this Inquiry, including: Why have elections? What is parliament? What does MP stand for? What does an MP do? Why political parties? How does a government work? How do I get active in my local community? How is the law made?

The recommendations made in "Hands on Parliament – a parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes"¹³ are supported and relevant for reference to in this section also.

Of particular relevance is Recommendation 4:

Given the strong link between education about democratic processes and participation in those processes, the Minister for Education should review the nature and extent of civics and citizenship education for all students in Queensland schools and consider whether more can be done to:

- ensure that civics education is taught to all students in Queensland schools;
- increase the effectiveness of the manner in which civics and citizenship education is taught to Aboriginal and Torres Strait Islander students;
- ensure that civics and citizenship education includes an Indigenous perspective and teaching about Aboriginal and Torres Strait Islander peoples' experiences of civics and citizenship; and
- ensure that all teachers (both pre-service and existing) undertake training in Aboriginal and Torres Strait Islander studies.

⁸ Australian Law Reform Commission, "Seen and Heard – priority for children in the legal process", 1997, Report No 84 p. 192.

⁹ *Seen and Heard* - Adelaide Focus Group 29 April 1996. See also A Daniel & J Cornwell *A Lost Generation?* Australian Youth Foundation Sydney 1993, 13.

¹⁰ D.Kemp, Minister for Schools, Vocational Education and Training Media release 8 May 1997.

¹¹ see <http://www.civics.tum.edu.au/dmccroevitoccheiv.htm>

¹² Australian Law Reform Commission, "Seen and Heard – priority for children in the legal process", 1997, Report No 84

¹³ Legislative Assembly of Queensland, Legal Constitutional and Administrative Review Committee. September 2003. *Hands on Parliament – A parliamentary inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes*. Report No 42

And Recommendation 6:

To enhance and encourage the involvement, interest and participation of Aboriginal and Torres Strait Islander people, particularly youth, in parliamentary processes, Parliamentary Education Services should:

- review its programs and educational material to ensure that they are inclusive of Aboriginal and Torres Strait Islander peoples; and
- consider ways in which Aboriginal and Torres Strait Islander citizens might be further engaged in parliamentary education, for example, through smaller scale parliamentary activities conducted in regional and remote areas, and by developing parliamentary resource kits in conjunction with Education Queensland for inclusion in civics education teaching.

The Queensland Government should provide additional funding to the Parliamentary Service for use by Parliamentary Education Services to develop and implement relevant programs and material.

While there are a number of existing programs and curricula already developed and implemented in primary schools and high schools, there is concern that these curricula may not be implemented consistently across all schools, both within the state and private school systems, and that once students reach secondary school the civics education course may be an elective only, effectively meaning that not all students will be participating in this learning opportunity. Efforts need to be made to ensure that the majority of students at all levels of schooling have had access to learning about civics and participation in democracy.

2.3 Engaging young people with politics & politicians

[Relevant to 'The Political System and Politicians' and 'Young People and the Community' sections]

Motivation Verses Meaningful Participation Verses Tokenism

When young people or indeed a person of any age feels strongly, and is motivated about an issue and wants to create change, there are numerous challenges ahead. For young people, the challenges can be more complicated by feelings of limited experience, limited resources and limited understanding of political processes, and most commonly by not being "taken seriously" by politicians or people seen to have decision-making powers. Young people are typically stereotyped as being politically apathetic. It is a more likely scenario that level of motivation is a stronger influencing factor on young people's participation in democratic processes.

Fulfilling the responsibility to vote in an election is one option for young people to enact their legal rights and responsibilities, however many young people are motivated to extend their participation in democracy beyond the act of voting by being politically active in various community action groups centred around a particular cause or issue, like concern for the environment, often motivated by their own personal experience of this issue in their life. However, for other young people they are so disillusioned by political processes, or are simply unaware of the political process that they do not possess any motivation to participate in this light.

A commonly attributed disincentive for young people to participate in Australia's democracy - particularly through voting - is their lack of trust in political leaders. Young people, throughout various studies have widely characterized politicians as liars and promise-breakers¹⁴. It is difficult for young people to be motivated to understand the connection between what a politician does, how policies are made and the flow-on effect of how this affects their lives, when in their view, they believe they do not have powerful, youth related and respected role models in political leadership.

Respect for political and decision making processes emerges when young people are listened to and are encouraged to participate, and are engaged with in meaningful ways, such as face to face meetings with politicians, and through the opportunity to ask questions. There are some basic principles that are essential as a guiding framework for these processes.

¹⁴ A/Professor Murray Print, Dr. Larry Saha, Dr Kathy Edwards, Youth Electoral Study, 2004.

Key principles underpinning youth participation include aiming for:

Empowering experiences: young people having greater control over their lives through participation in process that affect their lives;

Purposeful engagement: young people taking on valued roles, addressing issues that are relevant to them, and influencing real outcomes;

Inclusiveness & Flexibility: ensuring that all young people are able to participate in processes that affect their lives¹⁵.

Young people have enduring creative drive and energy to offer when genuinely engaged with making change within their local community, and when they are *taken seriously*. Young people are not a homogenous group; they have culturally diverse backgrounds, and have varying life experiences. Creative and strategic thought into processes to minimise barriers to enable participation for young people are essential. Some potential barriers to participation may be, for example, difficulties in accessing transport, previous negative past experiences of bureaucratic processes as being tokenistic, experiences of being discriminated against, low self-esteem, low literacy, homelessness, poverty, inaccessibility of venue, and limited time.

By adopting the above principles, and encouraging and valuing equal access for young people to participate in decision-making forums that affect their lives; young people are more likely to become active and enthusiastic participants in democracy, and influence their peers in a positive and meaningful way.

Civics education and democratic participation processes prepare and encourage young people to grow up to be responsible, enquiring and active citizens; with the ability to interact and engage, in a spirit of community-building, peace and respect, with their culturally diverse and changing, local community.

It is worth also considering that it is not just young people disengaging from democracy. Indicators such as falling voter registrations, and low voter turnouts suggest that many of the challenges young people have in exercising their democratic rights and duties are not restricted to young people, but to all of us. If efforts and resources are invested into improving democracy generally, this may also flow through to young people¹⁶.

¹⁵ Creating Change In Your Community (2004) Youth Affairs Council of Victoria.

¹⁶ Youth Affairs Network of Queensland (YANQ), 2005, Voices & Votes submission