

Civics Education and Voting Age Bill

Member's Bill

Explanatory note

The purpose of Part 1 of this Bill is to require national curriculum statements issued by the Minister of Education to contain a statement regarding the delivery of civics education.

The amendment to the Education Act 1989 proposed by Part 1 of the Bill will require the Minister of Education, in notifying a national curriculum statement under section 60A of that Act, to include in that national curriculum statement a statement requiring the delivery of civics education.

National curriculum statements will be required to include statements requiring the delivery of education about the Treaty of Waitangi, the constitutional law and conventions of New Zealand, the structure and electoral processes of central and local government in New Zealand, the New Zealand legal system, and the rights and responsibilities associated with citizenship of New Zealand.

Such a requirement is consistent with the recommendation of the Constitutional Arrangements Committee which reported to the House of Representatives in August 2005: "To foster greater understanding of our constitutional arrangements in the long term, increased effort should be made to improve civics and citizenship education in schools to provide young people with the knowledge needed to become responsible and engaged citizens."

The purpose of Part 2 of this Bill is to lower the age at which a person is entitled to be registered as an elector and to vote in Parliamentary elections and, consequential upon section 23 of the Local Electoral Act 2001, in Local Elections from 18 years to 16 years.

The amendments proposed in Part 2 are consistent with the provisions of section 19 of the New Zealand Bill of Rights Act 1990 and section 21 of the Human Rights Act 1993, which provide that discrimination on the basis of age, commencing with the age of 16 years, is generally unlawful.

This Bill rectifies the anomaly that a young person who is aged 16 or 17 is entitled, under section 20 of the Education Act 1989, to no longer be compulsorily enrolled in school, and may well be in full time paid employment. Under the current age for electoral registration, such young persons are paying tax on what may be quite substantial full-time earnings, but have no ability through Parliamentary representation to elect those who determine both the level of income tax and other taxes they pay or the manner in which the tax revenue collected from them is expended.

Furthermore, a young person who has attained the age of 17 years may, under section 33 of the Defence Act 1990, be enlisted or engaged in the Armed Forces. However, under the current provisions of the Electoral Act 1993, such a young person may not enrol as an elector and therefore may not vote.

This Bill rectifies these anomalies by ensuring that young people of an age that permits them to be in full time employment, pay tax on the earnings from that employment, and serve New Zealand in the Armed Forces, will also be entitled to democratically participate in the electoral process that elects those who represent them.

Clause by clause analysis

Clause 1 gives the Bill its Title.

Clause 2 is a commencement provision. It provides that the Bill will come into force on the day after the date on which it receives the Royal assent.

Clause 3 states the Bill's purpose.

Clause 4 provides that Part 1 of the Bill amends the Education Act 1989.

Clause 5 amends section 60A of the Education Act 1989 to require that national curriculum statements notified by the Minister of Education under that section contain statements regarding the delivery of civics and citizenship education, including education about the Treaty of Waitangi, the constitutional law and conventions of New Zealand, the structure and electoral processes of central and local government in New Zealand, the New Zealand legal system, and the rights and responsibilities associated with citizenship of New Zealand.

Clause 6 provides that Part 2 of the Bill amends the Electoral Act 1993.

Clause 7 repeals the definition of “adult” in the Electoral Act 1993; and substitutes a definition of “person of voting age” that provides that a person becomes a person of voting age for the purposes of that Act, and consequentially for the purpose of the Local Electoral Act 2001, at the age of 16 years.

Clause 8 amends section 60 of the Electoral Act 1993 to provide that any member of the Defence Force, irrespective of his or her age, who is outside New Zealand is entitled to vote in the electoral district in which his or her place of residence was located immediately before he or she last left New Zealand.

Clause 9 amends section 74 of the Electoral Act 1993 to omit the words “adult person” and substitute the words “person of voting age” defined by Clause 7.

Clause 10 amends section 82 of the Electoral Act 1993 to provide that any person of or over the age of 15 years may make an application to a Registrar of Electors for registration as an elector and, upon attaining the age of 16 years, be registered as an elector without any further application.

Clause 11 consequentially amends the provisions of section 83 of the Electoral Act 1993 relating to the updating of electoral rolls.

Sue Bradford

Civics Education and Voting Age Bill

Member's Bill

Contents

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Civics Education and Voting Age Act 2007.
- 2 Commencement**
This Act comes into on the day after the date on which it receives the Royal assent.
- 3 Purpose**
The purpose of this Act is to amend the Education Act 1989 to require national curriculum statements to contain statements regarding the delivery of civics and citizenship education and to amend the Electoral Act 1993 to lower the age at which a person is entitled to be registered as an elector and to vote from 18 years to 16 years.

Part 1- Amendments to Education Act 1989

- 4 Education Act 1989 called principal Act in this part**
In this part the Education Act 1989 is called "the principal Act".

5 National education guidelines

Section 60A of the principal Act is amended by inserting the following new subsection:

“(3) Every national curriculum statement notified by the Minister under this section must include a statement requiring the delivery of civics and citizenship education, including education about -

- (a) the Treaty of Waitangi; and
- (b) the constitutional law and conventions of New Zealand; and
- (c) the structure and electoral processes of central and local government in New Zealand; and
- (d) New Zealand’s legal system; and
- (e) the rights and responsibilities associated with citizenship of New Zealand.

Part 2 - Amendments to Electoral Act 1993

6 Electoral Act 1993 called principal Act in this part

In this part the Electoral Act 1993 is called “the principal Act”.

7 Interpretation

Section 3 of the principal Act is amended by repealing the definition of **Adult** in **subsection (1)** and substituting the following definition:

“**Person of voting age** —

- (a) Means a person of or over the age of 16 years; but
- (b) Where a writ has been issued for an election, includes, on or after the Monday immediately before polling day, a person under the age of 16 years if that person's 16th birthday falls in the period beginning on that Monday and ending on polling day:

8 Who may vote

Section 60 of the principal Act is amended by omitting in **subsection (f)** the words **he or she is or will be of or over the age of 18 years on polling day, and**.

9 Qualification of electors

Section 74 of the principal Act is amended by omitting in **subsection (1)** the words **adult person** and substituting the words **person of voting age**.

10 Compulsory registration of electors

Section 82 of the principal Act is amended by repealing **subsection (2)** and substituting the following subsection:

“(2) Notwithstanding anything in **subsection (1)(a)** of this section, any person of or over the age of 15 years may make application in the prescribed form to a Registrar of Electors for registration as an elector, and that person shall, upon attaining the age of 16 years, be registered as an elector without any further application.

11 Updating of electoral rolls

Section 83 of the principal Act is amended by omitting the number **17** in **subsection (6)(a)** and substituting the number **15**.