



Court of Appeal Te Kōti Pira

28 July 2021

MAKE IT 16 INCORPORATED v ATTORNEY-GENERAL (CA640/2020)

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Court of Appeal. The synopsis does not comprise part of the reasons for the judgment of the High Court.

Background

Make it 16 Inc is an advocacy group that campaigns to lower New Zealand's voting age from 18 to 16 years. In 2020 the group sought a declaration in the High Court that the provisions in the Electoral Act 1993 and the Local Electoral Act 2001, which fix the minimum voting age at 18 years, are inconsistent with the right to be free from age discrimination in section 19 of the New Zealand Bill of Rights Act 1990 (NZBORA).

The High Court declined to make the declaration of inconsistency. The Judge found that the voting age restrictions are reasonable limitations on the right to be free from age discrimination under section 5 of the NZBORA.

Make it 16 now appeals the High Court's decision.

Issues for the hearing

Make it 16's position is that the High Court was incorrect to find that the voting age restrictions are reasonable limitations on the rights of 16 and 17 year olds to be free from age discrimination. It seeks a declaration of inconsistency that the voting age restrictions are inconsistent with section 19 of the NZBORA.

The Attorney-General's position is that the High Court was correct in declining to make a declaration of inconsistency. It submits that s 12 of the NZBORA, which provides that every New Zealand citizen over the age of 18 can vote in parliamentary elections, settles any limitation on s 19 in respect of the voting age. Alternatively, it submits the High Court was correct to conclude the current voting age restrictions are justified limitations on the appellant's right to be free from age discrimination.

Remote viewing of hearing

A livestream of this hearing will be made available to members of Make it 16 to observe the hearing remotely if they cannot attend in person. Any viewing is subject to the Senior Courts Protocol for Remote Viewing of Hearings.

Hearing details

- Date: Thursday 5 August 2021
- Time: 10 am
- Venue: Courtroom 1, Court of Appeal, Cnr Aitken and 54 Molesworth St, Wellington.

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