



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

4 JULY 2022

MEDIA RELEASE

MAKE IT 16 INCORPORATED v ATTORNEY-GENERAL

(SC 14/2022)

Hearing in the Supreme Court 12 July 2022

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 Supreme Court. The synopsis does not comprise part of the reasons for the judgment of the Court of Appeal. A direct link to the judgment is included at the end of this synopsis.

Background

The appellant, Make It 16 Inc, is a lobby group advocating that the minimum voting age be lowered from 18 years to 16 years. It sought a declaration that the statutory provisions setting the minimum voting age at 18 are inconsistent with the right to freedom from age discrimination guaranteed under s 19 of the New Zealand Bill of Rights Act 1990 (NZBORA).

In August 2020, the High Court declined to grant the declarations. It considered that while the voting age provisions appear inconsistent with the right in s 19 of NZBORA, the inconsistency was a reasonable limit on that right in terms of s 5 of NZBORA.

On appeal, in December 2021, the Court of Appeal held that the voting age provisions were inconsistent with s 19 of NZBORA. However, in contrast to the High Court, the Court of Appeal did not consider the Attorney-General had established that the limits on the right of 16 and 17 year olds to be free from age discrimination created by the voting age provisions were reasonable limits on the right. Nevertheless, beyond making this finding, the Court noted relief was discretionary and chose to exercise restraint. The Court accordingly declined to make the declarations sought by Make it 16.

This Appeal

In April 2022, the Supreme Court granted leave on the question of whether the Court of Appeal was correct to dismiss the appeal.



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Viewing of hearing

The Courtroom is open to the public in accordance with the [COVID 19 Protection Framework Protocol](#).

This hearing of the appeal will be livestreamed. Details about access to the livestream and the conditions of access will be posted on the [Courts of New Zealand website](#) shortly before the hearing. No recording is permitted.

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Court of Appeal decision: [\[2021\] NZCA 681](#) (14 December 2022)

Supreme Court leave decision: [\[2022\] NZSC 47](#) (13 April 2022)