

Feedback on the draft report: Review into the future for local government, he mata whāriki, he matawhānui

February 2023



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OraTaiao
NZ Climate & Health Council

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About Orataiao

OraTaiao: The New Zealand Climate and Health Council is an organisation calling for urgent, fair, and Tiriti-based climate action in Aotearoa; we recognise the important co-benefits to health, well being and fairness from strong and well-designed mitigative policies.

We honour Māori aspirations, are committed to the principles of te Tiriti o Waitangi, and strive to reduce inequities between Māori and other New Zealanders. We are guided in our practice by the concepts of kaitiakitanga (guardianship), kotahitanga (unity), manaakitanga (caring), and whakatipuranga (future generations).

OraTaiao has grown over a decade to more than 900 health professionals concerned with:

- The negative impacts of climate change on health, well-being, and fairness;
- The gains to health, well-being, and fairness that are possible through strong, health centred climate action;
- Highlighting the impacts of climate change on those who already experience disadvantage or ill-health (i.e., equity impacts);
- Reducing the health sector's contribution to climate change.

As well as individual and organisational members, we are backed by 22 of New Zealand's leading health professional organisations for our Health Professionals Joint Call to Action on Climate Change and Health (see https://www.orataiao.org.nz/friends_and_supporters). This support includes the New Zealand Nurses Organisation, Public Health Association, the Royal Australasian College of Physicians and the Australasian College of Emergency Medicine, plus numerous other specialist colleges. Together, these organisations represent tens of thousands of our country's health workforce.

As an organisational member of the Climate and Health Alliance, and of the Global Climate & Health Alliance, we work with a worldwide movement of health professionals and health organisations focused on the urgent health challenges of climate change - and the health opportunities of climate action. OraTaiao signed the Doha Declaration on Climate, Health and Wellbeing of December 2012, which reflects this international perspective.

Chapters 4 & 5, Wellbeing

“Fundamentally, we consider at the core of a future for local government is a stronger focus on wellbeing” (Future of Local Government discussion document p 104).

Food systems

Vision

Fertile land around urban areas will be used for local, sustainable and resilient food production. Food production and composting will also occur in community gardens through towns and cities. Urban sprawl will reverse as fertile land surrounding cities is brought back into food production.

Explanation

Food system transformation will help mitigate climate change and improve peoples’ health.² In their article on healthy and climate friendly eating, Drew et al (Drew et al., 2020) stated:

“Eating patterns emphasizing the consumption of whole, plant-based foods offer an opportunity to achieve substantial emissions reductions while simultaneously realizing considerable health gains and health system cost savings.” (Drew et al., 2020, p. 11)

Local government plays an important role in food systems by ensuring that fertile land in proximity to populations remains productive and protected. Unfortunately, councils have not always been effective in preventing urban sprawl and the destruction of fertile land³ as illustrated by Environmental Court decisions that favour developers over the public good.⁴

Questions

1. Can the Review Panel describe in more detail how the legislative environment, including the Resource Management Act, has prevented local government from protecting fertile land around urban areas?
2. Could it be explained how some groups can alter local government policy, for example developers and large businesses, while others cannot, for example school children, homeless people, community groups? How does the Environmental Court system contribute

² Further reading on food systems:

https://www.orataiao.org.nz/consumer_magazine_can_changing_your_eating_habits_save_the_planet

https://www.orataiao.org.nz/healthy_and_climate_friendly_eating_patterns_in_the_new_zealand_context

https://www.orataiao.org.nz/submission_on_pricing_agricultural_emissions

³ For example see Severinsen, G., 2020, Reform of the Resource Management System: The urban context,

https://eds.org.nz/wp-content/uploads/2022/01/BMLR-Urban-Report-Summary_WEB-1.pdf

⁴ See news articles: <https://www.rnz.co.nz/news/ldr/436084/urban-sprawl-auckland-s-fertile-land-increasingly-used-for-housing>

<https://www.rnz.co.nz/news/political/475035/protecting-fertile-land-food-growers-celebrate-as-lifestyle-blocks-face-limitations>

Also note that the business model of some “farmers” is to land-bank farms for future urban development.

to this inequality and what can be done to correct this?

3. Can the Review Panel throw light on what underlying philosophies led to systems that promote inequality, and what change in ideologic ideas is needed to enable central government to make equitable frameworks in the future?

Housing

Vision

Everyone can live in a warm, dry, healthy home. Housing is affordable for people of all walks of life. Urban design and transport infrastructure mean that people can get to school and work safely and in reasonable time using active and/or public transport. Children are able to get to and use local parks and recreational areas without being exposed to motor vehicles. Urban design is sensitive to the natural environment meaning that biodiversity and greenery abound and that dwellings are safe and resilient.

Explanation

Quality housing is important for children's health (Oliver et al., 2018). Howden-Chapman & Pierse said that "housing-related poor health is a major social and environmental problem, contributing to significant health inequalities" (Howden-Chapman & Pierse, 2020). Urban design is an important determinant of childhood injury (Carroll et al., 2015; Hosking et al., 2013; Newbury et al., 2008; Rothman et al., 2014; Shepherd et al., 2014) as expressed in the adage, "kids and cars don't mix" (Hsiao et al., 2009). The importance of urban design sensitive to the natural environment⁵ has been demonstrated by recent weather events.

Questions

1. How has the legislative framework hindered local government from implementing urban design that puts Nature and people first?
2. How has market-led housing policy contributed to unaffordable and poor-quality housing, what alternative models are there, and how can local government working with community groups be better supported in leading housing development?

Trees, parks, green and blue spaces

Vision

Local government and community groups work together to plant millions of trees in urban and regional spaces along with biodiverse habitats that attract native birds, bees and other wildlife. Local government is a large employer of people who work in pest control, native flora regeneration, and the care and maintenance of parks and reserves using methods that might use a bit more time but

⁵ See the Environmental Defence Society statement on stronger recognition of the natural environment and urban design,

<https://eds.org.nz/resources/documents/media-releases/2021/eds-submission-on-the-resource-management-enabling-housing-supply-and-other-matters-amendment-bill-calls-for-stronger-recognition-of-the-natural-environment-and-urban-design/>

avoid toxicity to insects and humans and minimise carbon emissions. Trees planted now will help cool towns in the future as ambient temperatures rise from global warming. Regenerated nature environments along waterways provide natural runoff systems that help reduce flooding when pipes can't cope. The natural environment contributes to peoples' psychological wellbeing through pleasing landscapes, soundscapes, and placemaking for people to meet, play and relax.

Explanation

At present, trees are politicised. According to the Environmental Defence Society (EDS) (Severinsen & Taylor, 2023):

"This [the national planning framework] invites political prioritisation of outcomes rather than legal direction to ensure (or even encourage) that multiple outcomes are achieved at the same time. For example, this approach could see... the protection of urban trees being traded off in the interests of increasing housing supply, in an effort to minimise costs (eg where established trees are in awkward positions on a site slated for intensification)." (Severinsen et Taylor, 2023, p. 19)

"The ability to protect individual and groups of trees "if the location or value of the tree justifies its protection" seems to introduce another legal test and puts an inappropriate onus on those seeking protection." (Severinsen et Taylor, 2023, p. 86)

"This is also of concern because the RSS [Regional Spatial Strategy] process does not have provision for appeals to the Environment Court, creating a significant amount of legal influence over subsequent NBE plans without corresponding legal safeguards." (Severinsen et Taylor, 2023, p. 110)

These quotes are from the EDS submission on the proposed Natural and Built Environment and Spatial Planning Bill and they show the restricted conditions which local government must navigate in efforts to improve wellbeing for the environment and people.

Questions

1. Could the Review Panel explain the legislative environment in which local government operates – how does this look from a systems perspective?
2. The RMA and its proposed replacement, the Natural and Built Environment and Spatial Planning Bill, play a central role in how local government can deliver wellbeing initiative and therefore any discussion on the future of local government must discuss this in detail – what does the Review Panel think of this?
3. Could more consideration be given to how the legal system impacts local government in terms of time, effort, fiscal cost and outcomes?

Transport

Vision

Aotearoa NZ will be a country where most people travel by active and public transport. People walk, cycle, bus, train or ferry to their destination safely and efficiently in a fully integrated network. The minority of people who have to travel by car or truck can do so without undue traffic congestion. People are fitter and healthier as a result. Children can safely play outside and walk or bike to school without risk of being run over.

Explanation

Research shows that people who travel by active and public transport are healthier.⁶ Local government is responsible for most of the infrastructure required for active and public transport but seems unable to allocate funding according to wellbeing. The 2022 Auckland Transport report states that capital expenditure (new and renewal) on roads was \$441,422, on public transport was \$146,661, and on “other” was \$68,108⁷ which shows a funding bias in favour of roads of 3:1 over public transport and around 10:1 over active transport (assuming that cycling and walking infrastructure falls into the other category). The funding imbalance is in the opposite direction to the relative value of active and public transport to wellbeing and the environment as shown in the literature.

Questions

1. Can the Review Panel provide an explanation of the reasons behind the underinvestment in active and public transport infrastructure and how this negatively affects wellbeing?

Noise

Vision

Towns and cities are places of relative peace where the soundscape gives a sense of wellbeing and belonging. The soundscape includes the wind in the trees, birds singing, and people talking, laughing and making music. Sounds that cause “annoyance” (such as traffic and construction noise) have been all but eliminated.

Explanation

Noise is one of the most important determinants of health and wellbeing in urban areas according to a recent report by the United Nations Environmental Program.⁸ Noise annoyance causes heart disease, mental illness and premature death (Gong et al., 2022; Khomenko et al., 2022; Li et al.,

⁶ See Coffey, D., & Wright, S. (Eds.). (2021). Active Transportation Policy Statement. OraTaiao: NZ Climate and Health Council.

https://assets.nationbuilder.com/orataiao/pages/1150/attachments/original/1656636253/Final_-_Active_Transportation_Policy_Statement.pdf?1656636253

Coffey, D., & Wright, S. (Eds.). (2022). Submission on Reshaping Streets. OraTaiao: NZ Climate and Health Council.

https://assets.nationbuilder.com/orataiao/pages/1180/attachments/original/1663801415/OraTaiao_submission_on_resaping_streets.pdf?1663801415

⁷ Auckland Transport 2022 Annual Report <https://at.govt.nz/media/1989997/at-annual-report-2022.pdf>

⁸ Frontiers 2022: Noise, Blazes and Mismatches, Noise, Blazes and Mismatches, available at

<https://www.unep.org/resources/frontiers-2022-noise-blazes-and-mismatches>

2022; Münzel et al., 2021; Pyko et al., n.d.; Vienneau et al., 2022). Responsibility for noise control is divided between multiple organisations meaning that councils have little scope to improve the soundscape of urban areas and by extension can do little to influence well being related to noise. Legislation that sets noise limits is outdated. Although the link between noise and health has been appreciated for over 60 years, research that nails the link between noise and wellbeing is quite recent. Noise is one of the most important but least appreciated determinants of wellbeing. It is of relevance to the review on the future of local government because councils need to be able to influence the whole system (transport, construction, trees and natural landscape, and the built environment) in order to influence wellbeing.

Questions

1. The discussion document mentions taking a systems approach but it is unclear how local government could materially influence all aspects of a system that reflect on something like the soundscape – can the Review Panel provide more detail on what would enable a council to effectively reduce noise and optimise soundscapes?

Ch. 7. Representative democracy

The voter turnout problem

Local government is surprisingly undemocratic. A recent article explains:

“Only 35% of eligible Aucklanders cast a ballot in the 2019 local body election. The ones who did looked a lot like the audiences at Grey Power and Warkworth: older, whiter and wealthier than the general population. Only 20% of eligible people in the 26–30 age bracket voted in 2019, while 61% of people aged 76–80 cast a ballot. Māori were less likely to participate, with 25% turnout, compared to 36% for non-Māori. Participation was inversely related to neighbourhood deprivation: poorer places generally voted less and richer ones voted more. In those conditions, appealing to bigotry is tempting for some candidates.”¹⁰

A recent Scoop article showed that only 15.75% (less than one in six) of Auckland’s eligible voters actually voted for the current mayor¹¹ or put another way over 80% of eligible voters did not vote for him.

Youth suffrage

Young people are disengaged with local government compared to central government elections. Voter turnout in the 2020 general elections was 82% overall and 74% in 25–34 year-olds¹² compared to only 21% of 26–35 year-olds in the 2022 Auckland local elections.¹³ Voting amongst people less than 25 years of age is actually slightly higher than those in their late 20s and early 30s suggesting increasing engagement amongst some young people, or creeping disillusionment as they get older.

The Future for Local Government Working Groups recommends lowering the voting age to 16 years. I agree this is a necessary step although it is just one of many changes needed to improve local government democracy.

The arguments in support of lowering the voting age fall into two main groups:

1. it would be good for democracy by increasing voter engagement and long-term voter turnout;
2. it is an issue of social justice – youth suffrage.

The arguments against lowering the voting age fall into two main groups:

1. the claim that younger people lack the capacity to vote, whether cognitive capacity or knowledge or just that they might be unduly susceptible to outside influence;
2. allowing young people to vote could cause harm to others, whether adults or other children or society in general.

Importantly, we note that lowering the voting age to 16 for local government elections, will actually only result in a third of younger New Zealanders eligible to vote at the age of 16. This is because local government elections occur every three years. Similarly, a third of younger New Zealanders will be eligible to vote for the first time at the age of seventeen. And a third at age eighteen. Lowering the voting age to 16, will mean that all younger New Zealanders will be eligible to vote by the age of eighteen in local government elections. Currently, a third must wait till age twenty, and another third by age twenty-one.

Voter engagement

Research shows that young people are politically engaged. Eichhorn and Bergh state that (Eichhorn & Bergh, 2020):

“... we should understand voting as a social act, which young people are more likely to engage with, if they still live with their parents and which is more common the younger they are. This particular insight seems to extend to 16- and 17-year olds further. Several studies have shown that they tend to present a greater eagerness to engage politically than their slightly older counterparts.” (“Lowering the Voting Age to 16: Learning from Real Experiences Worldwide”, 2020, p. 4)

Eichhorn and Bergh go on to explain that:

“Voters at the ages of 16 and 17 may have different political preferences from the rest of the electorate. Their votes may therefore affect the composition of parliaments and locally elected assemblies, which may in the long run affect policy outputs. Two contradictory claims that are often heard in public debates about this issue are, first, that youth tend to support radical political alternatives, and, second, that the young tend to vote like their parents.” (“Lowering the Voting Age to 16: Learning from Real Experiences Worldwide”, 2020, p. 7)

Therefore, allowing 16–17 year-olds to vote should increase diversity in political opinion. Enabling young peoples’ voice is even more important in the environmental crises facing Earth. Unfortunately, voting diversity is likely to be opposed by incumbents for whom maintaining the status quo would serve their own self interests better.

The reason lowering the voting age from 18 to 16 years should increase lifelong voter turnout for these people might not be immediately apparent. Last time the voting age was lowered, from 21 to 18 years, 18–20 year-olds voted at a lower rate not only in the first election but in subsequent elections too. This is because voting is a habit that is established early in one’s voting career: people who do not vote in their first election are less likely to vote throughout their life. Research shows that the voting habit is more likely to be established positively in school-aged people than in 18 year-olds (Franklin, 2020) because “by 18 years of age many young adults have left the parental home and are engaged in the arduous process of establishing their separate existence as self-sufficient individuals, leaving little time or motivation for learning the skills needed for voting” (Franklin, 2020). On the other hand, at the age of 16 “potential voters would be more likely to still be living in the parental home, subject to influences from other members of a mixed-generation household in which older members had benefited from multiple opportunities to learn the habit of voting” (Franklin, 2020).

Research shows that 16–17 year-olds are more engaged politically than those slightly older. This has been demonstrated in student movements such as School Strike for Climate, the international youth movement for climate action.

Social justice

Baumtrog argued that not allowing youth to vote is a form of epistemic injustice (Baumtrog, 2021). Fricker described two types of epistemic injustice (Fricker, 2008). The first, testimonial injustice, is when what a person says receives a deflated degree of credibility by a hearer who holds a prejudice against that person, be it based on age, gender, or whatever. Baamtrog reviewed the science and showed that 16–18 year-olds were just as capable of voting as older people and pointed out that “having equal or comparable argumentative ability but being restricted from voting based on the

false claim that these abilities differ, is then a grave social injustice in societies valuing suffrage” (Baumtrog, 2021). Testimonial injustice against young people is a concern because the idea that young people are not particularly capable or reliable is probably widely held – “they live in an epistemic tyranny of the majority” (Baumtrog, 2021).

The second form of epistemological injustice is hermeneutic injustice which, Fricker explains (Fricker, 2008):

“This sort of injustice occurs at a prior stage, when someone is trying to make sense of a social experience but is handicapped in this by a certain sort of gap in collective understanding —a hermeneutical lacuna whose existence is owing to the relative powerlessness of a social group to which the subject belongs.” (Fricker, 2008, p. p. 70)

Hermeneutic injustice is also a voting age concern because many young people care deeply about the world, the environment, and climate change; however, as a social group, school children are relatively powerless because they are not allowed to vote, voting is not discussed much amongst their peers because it is not relevant, and there is a gap in their collective understanding as explained above. As noted by Mackie (Mackie, 2019), “studies have also shown that young people are cynical about formal politics, disenchanted about conventional political activity and disempowered rather than apathetic” (Mackie, 2019, p. 82). Lowering the voting age would go some way towards empowering young people.

Another way of viewing epistemic injustice is by looking at how young people are represented (or misrepresented) (Bessant, 2020):

“Representations of the child or youth as incomplete, not fully rational and not adult have meant that any idea children and young people can or should participate in political life has generally been rejected. Typically other considerations take priority like the idea ‘we’ are obliged to protect children from what sensible adults know to be a dangerous world.” (Bessant, 2020, p. 227)

A public mindset of epistemic and representation bias has important implications for how the public conversation about lowering the voting age proceeds. Even though there is a strong case to be made for youth suffrage (Seleman, 2018), it is up against entrenched beliefs and mind-frames that represent ‘youth’ as somehow incapable or in need of protection – we are all in need of care and protection, but many younger people could characterise ‘adults’, who they rightly see as responsible for degrading the Planet, as paternalistic hypocrites. The Supreme Court of Aotearoa has ruled denying people <18 years of age is “inconsistent with the right to freedom from discrimination on the basis of age”.¹⁴ Along with this landmark court decision, when ‘selling’ a lower voting age to the public the conversation will need to encompass science and the voices of credible leaders as well as the law.

A good example of the political challenge of lowering the voting age was seen in Scotland (Huebner, 2021):

“16- and 17-year-olds were first included in the franchise for Scotland’s referendum on independence that was held in September 2014—a highly salient and narrowly contested vote that was preceded by a long and exceptionally mobilising campaign.” (Huebner, 2021, p. 566)

The claim that young people lack the capacity to vote

Multiple studies have shown that people over the age of 14 or 15 have just as much capacity to understand politics as older people (Baumtrog, 2021; Bessant, 2020; Mackie, 2019; Oosterhoff et al., 2022). There is also plenty of evidence that young people are interested, especially in environmental and global issues (Baumtrog, 2021; Bessant, 2020; Mackie, 2019; Oosterhoff et al., 2022); however, people might be less likely to vote in local or even general elections if they seems irrelevant on the global scale, as noted by Mackie (Mackie, 2019) and Huebner (Huebner, 2021) in the Scottish case, “because in contrast to the independence referendum, these elections did not offer the opportunity to impact immediate and far reaching political and social change” (Huebner, 2021, p. 567). This shows that allowing young people to vote is only one part of the solution to democratic reform. Local government must be seen to be genuinely and effectively addressing environmental and social issues of our time, not just a forum for quibbling about rates.

The claim that allowing young people to vote could cause harm

Rotorua Mayor Tania Tapsell said that she did not support lowering the voting age to 16 because “we should let kids be kids and enjoy the rest of their schooling years before having to worry about adult issues.”¹⁵ It is pretty hypocritical to espouse letting kids be kids while we build towns and cities where can’t safely play outside or cycle to school, and at the same time discount young people’s passion for fixing world problems;¹⁶ however, it is understandable given the epistemic injustice described above.

Tania Tapsell’s own story makes a good case for enfranchising youth. Tapsell first joined a political party at the age of 14, left home at 16, and in 2013 was the youngest elected district councillor at the age of 21. Mackie (Mackie, 2019) points out that “‘youth’ has always been a notoriously ‘fuzzy phase’ to determine, but arguably never more so than now” (Mackie, 2019, p. 91).

One potential “harm” from lowering the voting age could come from inconsistencies, for example from allowing younger people to vote in local but not general elections. Huebner found evidence for this in some young people after the success of Votes-at-16 in Scotland (Huebner, 2021):

“... the fact that young people who were eligible to vote in Scotland were temporarily disenfranchised in subsequent UK elections indeed raised strong negative feelings.”
(Huebner, 2021, p. 573)

This would suggest that, in Aotearoa, a change to “Make It 16”¹⁷ should be applied to local and general elections simultaneously.

Another argument against lowering the voting age is that school kids should just be educated in politics first; however, “the evidence suggests that there is a null relationship between civic education and turnout” (Weinschenk & Dawes, 2022). In Huebner’s study of Scottish school children, many found civic education ineffective, repetitive, even condescending and patronising (Huebner, 2021). Weinschenk and Dawes suggest that, instead of civic education,

“... schools should look for other interventions or mechanisms that can foster political participation. For instance, some recent research has shown that interventions designed to improve non-political skills (for example, psychosocial skills, such as self-control) can have downstream effects on political engagement.” (Weinschenk et Dawes, 2022, p. 947)

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