

# CONTENTS

Foreword by <i>Colin A Hughes</i>	v
Preface and Acknowledgments	xv
Table of Cases	xvii
Table of Statutes	xxiii
<b>1 DEFINING THE LAW OF POLITICS: VALUES, GAMES AND RITUALS</b>	<b>1</b>
The Scope and Rationale of this Book	1
Electoral Regulation in Australia: A Potted History	7
Values and Games: What is the Law of Politics For?	11
<b>2 MAPPING PARLIAMENTS AND WEIGHTING VOTES</b>	<b>17</b>
Introduction	17
Parliamentary Design: Structure and Size	18
Weighting and One-Vote, One-Value	21
Redistributions in Australia	31
Independence: Depoliticising the Redistribution Process	35
Redistribution Criteria	39
Litigation and Controversies	42
<b>3 THE FRANCHISE</b>	<b>45</b>
Introduction	45
The Constitution and the Universality of the Franchise	46
Qualifications for the Franchise – and Reform Debates	52
A Compulsory Franchise	60
<b>4 ENROLMENT AND THE ROLL</b>	<b>67</b>
Introduction	67
The Roll: Privacy, Finality and Closure	69
Enrolment Procedure and the Move to Automatic Enrolment	74
The Link to Land: Residency and Address	76
Special Enrolment Categories	80
Objecting to Enrolments and ‘Cleansing’ the Rolls	83
What’s in a Name? Power to Refuse ‘Inappropriate’ Names	85

<b>5</b>	<b>INITIATING AN ELECTION</b>	<b>88</b>
	Introduction	88
	The Electoral Commissions	89
	Electoral Writs and Timelines	92
	Nominations	98
	Candidate Qualifications	102
	Disqualifications from Candidature	103
<b>6</b>	<b>POLITICAL PARTY REGULATION</b>	<b>117</b>
	Introduction	117
	Court Involvement in Party Affairs	120
	Party Registration, Membership and Naming	130
	Parties and Anti-Discrimination Law	138
	Freedom of Association and Juridification	140
<b>7</b>	<b>CAMPAIGNING</b>	<b>142</b>
	Introduction	142
	‘Truth in political advertising’	143
	Misleading Electors in Casting a Vote	148
	Defamation	151
	Offensiveness	156
	Improper Influence and Electoral Bribery	158
	Identification and Authorisation of Material	161
	Limitations on Canvassing on Polling Day and on How-to-Vote Cards	163
	Penalties and Time Limitations for Offences	165
<b>8</b>	<b>POLITICAL BROADCASTING</b>	<b>167</b>
	Introduction	167
	Broadcast Advertising and the <i>ACTV</i> Case	168
	An Obligation of Balance?	173
	Authorisation of Political Broadcasts	174
	Blackouts and Opinion Polling	176
	The Internet and Telephones	178
<b>9</b>	<b>HOW WE VOTE</b>	<b>182</b>
	Introduction	182
	Voting Systems	182
	The Secret Ballot	186
	Where and When we Vote	192
	Counting: Scrutiny and Judging Formality	199
	Safeguarding Polling and the Count	204

10 JUDGING ELECTIONS: THE ROLE OF THE COURTS IN ELECTORAL PRACTICE	207
Introduction	207
Disputed Returns and Parliamentary Membership	209
Injunctions and Administrative Review	231
11 POLITICAL MONEY	238
Introduction	238
The Genesis of Political Finance Regulation in Australia	240
Donations and Disclosure	242
Public Funding	248
Government Advertising as an Incumbency Benefit	251
Political Finance Reform	254
Australia in International Perspective	256
12 REFERENDA AND DIRECT DEMOCRACY	263
Introduction	263
Federal Constitutional Referenda	265
Key Features and Compulsory Voting at Referenda	266
Referendum Questions	267
Referendum Campaigns	269
Voting and Formality at Referenda	271
Challenging Referenda	273
Direct Democracy	275
Bibliography on the Law of Politics in Australia	277
Books, Monographs and Symposia	277
Articles, Chapters and Published Papers	278
Index	289