Critical Penology, Prisoners and Citizenship: in the genre of gonzo – a road trip to the cauldron for the Roach *case*

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Professor David Brown, University of New South Wales

Head Out on the Highway

Queen's birthday Monday and hitting the highway to Canberra for the *Roach* fixture at that coliseum, the High Court, where universal suffrage, democracy and modernity are the key players in the clash with opponents: restricted suffrage, feudalism and the resurrection of civil death. A fine day after the violent storms and floods as the Forrester eats up the kilometres to the sounds of The Pogues' *If I should Fall From Grace With God*, Bob Dylan's *Modern Times* and Lisa Miller's *Morning in the Bowl of Night.* I hope Lisa is right: 'There's got to be an upside to this upside down'.

A daydream flicks the switch from EP to Hunter S Thompson/Raoul Duke and his 1971 road trip to Vegas including the law enforcement narcotics convention with his Attorney, Dr Gonzo. Hunter S's boot contained: 'two bags of grass, 75 pellets of mescaline, five sheets of high-powered blotter acid, a saltshaker half-full of cocaine, and a whole galaxy of multi-coloured uppers, downers, screamers, laughers ... and also a quart of tequila, a quart of rum, a case of Budweiser, a pint of raw ether and two dozen amyls' (Thompson 1971). All my boot holds is a six pack and three botties of red, two of which found their way home.

'A Moment of Madness'

Book in to University House in the twilight and feeling like a figure in an urban landscape painting by Jeffrey Smart, walk in to town to catch a bit of the local derby between the Dragons and the Sharks at The University Bar. Result seemed settled once Dragons forward, Adam Peek, was sent off for a late, high, elbow to Adam Dykes' head, a shot described the next day as a 'moment of madness' (Stephenson 2007). Once the video ref had reported, referee Tony Archer wasted few words: 'Elbow, connected to the head, late. Go'. But game tight until the end. Wondered if this was a foretaste of things to come.

On the Way to the Cauldron

On the way to the Cauldron The Law Report on Radio National covered the forthcoming challenge, with an interview with Philip Lynch, Director of the Human Rights Law Resource Centre in Melbourne, which had organised the sizeable team of pro bono lawyers working on the case, many from Allens, to be lead onto the field by Ron Merkel QC. This is the lesser known side of the legal profession: hundreds if not thousands of hours put in for no fee. Philip Lynch outlined the game plan and a letter from plaintiff, Vickie Lee Roach, a Victorian Aboriginal woman prisoner serving a sentence who is enrolled in Kooyong electorate but who will not be able to vote at the forthcoming federal election.

Previous Encounters at this Venue

It is a very cold morning and the High Court forecourt is deserted. Previous fixtures spring to mind, the first being the opening of the High Court, on 26 May 1980, by the Queen. Amidst a fairly large gathering of onlookers and protesters, mainly republicans, 'Doc' Caplehorn and I held aloft the NSW Prisoners Action Group large STOP POLICE VERBAL banner. Not sure if the Queen noticed as she planted a tree (which seems to have disappeared since) and even if she did whether she would have known what Police Verbal was. The High Court was slowly learning and one year later in *McKinney v Judge* a majority was finally created out of previous Deane J dissents, to require a warning of the dangers of convicting on the uncorroborated confessional statement made by an accused while involuntarily held in police custody without access to a lawyer. Several old ladies shouted at us to 'go back to Moscow' and one even asked us how much 'Moscow gold' we were receiving.

Didn't have an opportunity to tell them my experience of being detained at Moscow airport while a succession of increasingly senior security officers decided what to do about the three issues of *Marxism Today*, a Gramscian publication sold in WH Smith, in my bag. It was the one with John Lennon on the cover which seemed to have provoked such concern and after much ado all three issues were confiscated and I was allowed to proceed without further interrogation or being rendered to the Lubyanka.

Last visit to the Cauldron was for the Wik case when Gladys Tybingoompa danced in the High Court forecourt after the judgment was handed down. Would Vickie Lee be dancing in her cell in a few months time?

Through the Turnstile

The attendants at the door of the High Court are friendly and helpful, handing out a match program in the form of a *Visitors' Guide to Oral Argument* and a précis of the case which includes a map setting out which judges are sitting where and what the basic points in the appeal are. The line up on the bench was The Chief in the middle (Murray Gleeson CJ –not the other 'Chief' Paul Harragon) flanked on his left by Kirby and Heydon JJ and on the right by Gummow, Hayne and Crennan JJ.

Kick Off

Ron Merkel led for the plaintiff, softly spoken, calm and without histrionics. He outlined the argument he was going to traverse over the course of the day. There were, he said four 'pathways' in invalidity. The two key arguments were:

- that the 2006 amendments to the *Commonwealth Electoral Act* 1918 which disenfranchised all prisoners (ss93(8AA) and 208(2)(c)) were invalid as contrary to ss7 and 24 of the Constitution which provide for members of the House of Representatives and the Senate to be 'directly chosen by the people' of the Commonwealth and the States respectively. Prisoners have become entitled to vote as members of 'the people' and any law which seeks to disqualify them is not consistent with the Constitutional system of representative government; and
- the disqualifying provisions were invalid as being contrary to the implied freedoms of political communication and political participation established in *Lange* and *ACTV*

The Softening-up Period

Merkel QC then proceeded to try to take the court through the arguments in more detail. I say try, because at least some of the judges were frequently interjecting in an attempt to test the argument, so that it was difficult to keep to the game plan. Heydon and Crennan J at either end of the bench were largely silent and very difficult to read. The Chief was incisive and measured in his questions; Kirby J, as ever, was courteous and urbane. He seemed to be acting as devil's advocate trying to highlight weak points in the argument, one assumed in the hope that these might be repaired. Gummow J was harder to see over the bench than the others, but made up for lack of stature with more oblique interventions which seemed to identify patches of sticky ground. Hayne J was the most animated in terms of facial gestures, glancing around at the other judges when he had made what he obviously thought was a punishing tackle. I was reminded of Adam Peek the night before, wondering if some of the shots were a little late and high, there may even have been a bit of elbow in there.

As the going got tough up the middle I thought Merkel lifted and got into stride, rather like Pricey or Petero for Queensland in the first Origin, making the hard yards and breaking the advantage line. He drew strongly on recent decisions in Canada, the European Union and South Africa in the *Sauvé*, *Hirst* and *NICRO* cases which all held that prisoner disenfranchisement provisions were invalid, as a way of showing the approach of other comparable leading courts and that the government was both going against the flow and taking us back before federation.

Who is Among 'The People'?

The category of 'the people' entitled to vote has expanded since 1901 to include non-European migrants in 1961; Indigenous Australians in 1962; those aged between 18 and 21 in 1973; and an expansion in the voting rights of prisoners in 1983. Current disqualifications include persons under 18, holders of a temporary visa or unlawful non-citizens, a person who 'by reason of unsound mind, is incapable of understanding the nature and significance of enrolment and voting', a person convicted of treason or treachery, and now, all serving prisoners (*Commonwealth Electoral Act* 1918 s93).

Much of the action at this point revolved around the Judges putting examples to Ron Merkel: could women be disenfranchised constitutionally, or people of a particular race or religious group or political party, or bankrupts, or people between 18 and 21, or people over 70? This continued the following day when David Bennett QC Solicitor General was putting the Commonwealth case. For Merkel the disqualification had to be 'rational' or 'non-arbitrary' or 'non-discriminatory' while Bennett adopted a 'multifactorial approach' which sounded a little like 'intuitive synthesis', that is a way of avoiding the clear articulation of a test.

The Arbitrary Nature of the Disqualification

The plaintiff had put in a 'Special Case' in order to demonstrate that the disqualification of prisoners was 'arbitrary' in having no connection with the nature and seriousness of the offence committed and thus constituting an additional punishment. A deal of criminological and statistical material was put forward to demonstrate that the disqualification operates without regard to the seriousness of the offence.

I thought I detected a judicial unease with this sort of empirical argument: the judges seemed happier debating constitutional principle and powers and the history of previous decisions. This unease with the empirical and statistical was more than manifest in the Commonwealth's submissions, which stated baldly that 'the statistical information included in the Special Case is irrelevant to any of the issues before this Court'.[1] At 4pm the Chief blew the whistle and players retired to the sheds.

Getting the Yips: Chairman and The Vertigo of Late Modernity

Headed to Chairman and Yip for dinner, where a picture of Chairman Mao gazes down from the walls, creating the risk for diners of being tagged 'Maoists' by Federal Education Minister Julie Bishop who is under the delusion that the State public sectors are full of them, while the government happily takes Maoist slogans from the 1970s such as 'smash the left bureaucrats in the student unions' even further. Tucked into some fine fare, including Jock Young's new book, *The Vertigo of Late Modernity.* According to Jock:

> Vertigo is the malaise of late modernity: a sense of insecurity, of insubstantiality, and of uncertainty, a whiff of chaos and a fear of falling. The signs of giddiness, of unsteadiness, are everywhere, some serious, many minor; yet once acknowledged, a series of separate seemingly disparate facts begin to fall into place (Young 2007:12).

I became intrigued, for I had recently experienced a bout of extreme giddiness and disorientation, which the doctor duly diagnosed as 'Benign Positional Vertigo' and referred me to a neurologist, my appointment being some weeks hence. Could it be, I wondered, that rather than anything organic, I was actually suffering from a sociological rather than a medical condition? I read on nervously. The signs of vertigo were:

> The obsession with rules, an insistence on clear uncompromising lines of demarcation between correct and incorrect behaviour, a narrowing of borders, the decreased tolerance of deviance, a disproportionate response to rule-breaking, an easy resort to punitiveness and a point at which simple punishment begins to verge on the vindictive (Young 2007:12).

I could certainly recognise these signs, but as a critic rather than a bearer. Noted that amongst a list of moral panics Jock included 'binge drinking', lamenting that 'the concept of "binge" shrinks palpably, now consuming four drinks in a row becomes a pariah act of wanton debauchery' (Young 2007:13). Having aided and abetted Jock dispose of a number of bottles of wine at one sitting I understood his concern. But downing a good glass of Canberra region shiraz, I felt it was more likely that my vertigo was a result of a middle ear infection rather than life in late modernity, however bizarre and dizzying it seemed to have become.

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1 Written Submissions of the Second Defendant, 23 May 2007, para 74.

Kick Off for the Second Stanza

Back at the stadium for the second stanza and Peter Hanks QC kicked off for the first defendant, the Australian Electoral Commissioner who was only on the field for 15 minutes, supporting the Commonwealth position. Kirby J immediately got stuck in asking why, shouldn't the Electoral Commissioner be above the partisan fray? Hanks' response that the Commissioner was 'presuming the validity of the legislation' sounded a bit weak, and his Honour clearly thought so too.

Commonwealth Solicitor General Hits the Ball Up

The second defendant Commonwealth response was taken up by Commonwealth Solicitor General, David Bennett QC, he of the mellifluous *Life of Brian*, 'release Roger, release Rodderick' rolled r (there was no 'rascally rapscallion' but there was an 'incorrigible rogue'). Not that the Solicitor General calls for many people's release these days as the job under the Howard Government tends to involve justifying the continued detention of people rather than their release. I recalled sitting in the NSW Supreme Court exactly 30 years ago to hear David Bennett acting pro bono argue successfully on behalf of NSW prisoner Ian Fraser that an internal prison disciplinary court was a 'court' within the meaning of the *Justices Act* (*R v Fraser*). This was a landmark decision because it meant that for the first time an appeal lay against the Visiting Justice courts, enabling challenges to a range of kangaroo court type practices such as convicting activist prisoner Brett Collins with 'committing a nuisance' by writing a letter to the Legal Aid Manager of the NSW Law Society seeking legal assistance with a forthcoming High Court case (*Collins v McCrae and ors*).[2]

Bennett's game plan was to argue that parliament could legitimately place qualificatons on the franchise but must not do so in such a way as to prevent the election being directly 'chosen by the people'. The requirements and limitations made under ss7 and 24 of the Constitution control the making of laws with respect to the qualifications of voters but only in so far as 'the voting system as a whole must not be so "distorted as not to answer the broad identification ... of ultimate control by periodic popular election"'.[3] This question is one of degree and there 'is no fixed test, capable of consistent application at all times and to all circumstances, for determining whether the voting system is so distorted as not to answer the broad identification required'.[4] It was here then that the 'multifactorial' test (which the judges had some fun with) came in, which seemed to mean there are lots of factors to take into account and the result will differ from time to time and depend on the circumstances.

Further there was no requirement that a characterisation of a law made under s51 of the Constitution is to be determined by reference to concepts such as 'irrationalty', 'arbitrariness' or 'discrimination'[5] or in the alternative if there was, that rational connecion was provided.

On the implied freedom of political communication argument I thought that the second row feed was being pushed where the Solicitor General argued that 'voting' itself was not a communication protected by the implied freedom, which only extended to the

2 See generally Zdenkowski & Brown 1982. On the aftermath of the *Fraser* decision see Brown 1986.

3 Written Submission of the Second Defendant, 23 May 2007, para 12 quoting *McGinty v Western Australia* at 285 per Gummow J.

4 Written Submission of the Second Defendant, 23 May 2007, para 16.

5 Written Submission of the Second Defendant, 23 May 2007, paras 47-52.

communication that is necessary to place the elector in a position to make an informed choice'.[6] On the freedom of political participation argument the Commonwealth submitted there is 'no such implied freedom' in this context which went beyond existing Constitutional provisions such as ss7 and 24, or again in the alternative, if there was, the disenfranchisement is 'appropriate and adapted' to the legitimate objectives of the legislation.[7]

Objectives of the Legislation

In earlier written submissions the Commonwealth had identified five objects or ends of the disenfranchising legislation. Someone had had to put a bit of work into this as these ends had not been clearly articulated by government members in the debate over the ironically named *Electoral and Referendum (Electoral Integrity and other Measures) Act* 2006. I say 'ironically' because in addition to prisoner disenfranchisement the legislation also provided for the early closure of the rolls which is likely to disenfranchise a large number of young first-time voters and people who have moved or otherwise failed to update their details on the electoral roll[8] and an increase in the disclosure thresholds for private donations to political candidates from $1500 to $10,000, together with an increase in the tax deductibility of donations, measures likely to reduce electoral transparency and encourage private donations to political parties (Sawyer 2006). So it is difficult to see how limiting electoral participation, reducing transparency, and excluding prisoners increase the 'integrity' of the electoral system.

Absent from government contributions to the 2004 and 2006 debates was any reference to the importance of the franchise as a manifestation (indeed under the *Electoral Act*, a 'duty') of citizenship, a basic human right, and a mechanism of participation in a democratic polity. It was left largely to independent country-based MP, Peter Andren, and to the leader of the Greens, Senator Bob Brown, to raise these broader arguments. For Andren, 'the right to vote - to have a say in who governs the country and even, at a state level, who runs the prisons – is a basic human right. As a right, it is not something that should be taken away by politicians'.[9] For Bob Brown:

> The whole basis of the respect for the rule of law rests on the participation of citizens through the democratic selection of their representatives making the law. How will prisoners subject to this feudal concept of civil death have respect for the law if they are banned from participating in its formation?

The objects of the disenfranchisement spelt out in the Commonwealth submissions similarly made no mention of democracy or citizenship or universal suffrage. But the 'it's bleeding obvious' type of government justification in the parliamentary debates had been dressed up a bit. Thus the disenfranchisement was argued to:

- support civic responsibility/ support respect for, and obedience to, the law/ and support an important aspect of representative democracy – all by preventing persons who have broken the social compact by committing a serious breach of a law of the Commonwealth or of a State or Territory from voting in a federal election or referendum; and
- support the integrity of the electoral system by excluding from voting ... persons who

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6 Written Submission of the Second Defendant, 23 May 2007, para 62.

7 Written Submission of the Second Defendant, 23 May 2007, paras 63-65.

8 The figure of 375,000 was mentioned in parliamentary debates; Peter Andren, Wed 10 May 2006, House of Representatives, 15.

9 Hansard, House of Representatives, 10 August 2004.

> by reason of their full-time detention, are less able to participate in political communications and political matters.[10]

The last seemed to have been drafted by someone who, quite apart from the matter of principle, had never heard of newspapers, radio, television and education programs. The plaintiff Vickie Roach for example, had completed a Masters degree in prison, was hoping to start a PhD and is active in prison based education programs and in mentoring other prisoners over political and governmental issues affecting them. The first three were generally characterised at the hearing and in submissions as different formulations of 'the social compact'.

'Social compact' or 'social contract' seems an extraordinarily vague basis on which to base this 'forfeit'. First, which of the many versions of 'social contract' theory was being relied on I wondered? Presumably not the 'social compact' which encompasses the notion of a 'social wage' in the form of governmental provision and safety nets, or its 'accord' version practised by the Hawke Government. Secondly, assuming its existence, presumably it could be broken in various ways, for example by taking the country to war based on a falsehood or paying whacking great bribes to the enemy regime? Obscene executive salaries do not exactly enhance the 'social compact'. Citizens sent to prison are hardly the only or even the most obvious 'social compact' breakers. And thirdly, how do you teach people the virtues, benefits and responsibilities entailed in a democratic system by totally excluding them from it? This is the 'we are going to teach you that human life is sacred by killing you' type of reasoning, which I have always found a tad self defeating, undermining the very values it purports to uphold.

Just such an argument has been thrice rejected recently in *Sauvé*, *Hirst* and *NICRO* in Canada, Europe and South Africa. As the Canadian Supreme Court held in *Sauvé*:

> With respect to the first objective of promoting civic responsibility and respect for the law, denying penitentiary inmates the right to vote is more likely to send messages that undermine respect for the law and democracy than enhance those values. The legitimacy of the law and the obligation to obey the law flow directly from the right of every citizen to vote. To deny prisoners the right to vote is to lose an important means of teaching them democratic values and social responsibility (*Sauvé* at 4-5).

The Close of Play

Once the Commonwealth Solicitor General finished there were brief run-on appearances by his WA and NSW colleagues, both of whom were intervening on behalf of their respective Attorneys General in support of the Commonwealth position. Kirby J quickly asked them both why – what was their governments' interest in a total disenfranchisement of prisoners? The WA presence made more sense in that WA had earlier in the year followed the Commonwealth and had disenfranchised prisoners entirely from voting in WA State elections, after previously allowing prisoners serving less than one year to vote,[11] the WA Government being in such a rush to mimic the Howard Government that they couldn't even wait for this case to be heard. The answer provided by RM Mitchell for the WA AG was that the WA Constitution contained a similar provision (*Constitution Act* 1889 (WA) s73(2)(c)) providing that members be 'chosen directly by the people') so that the WA disenfranchisement might also be impugned if this case succeeded.

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10 Notice dated 13 April 2007; reproduced in the Written Submission of the Plaintiff, para 86.

11 *Electoral Legislation Amendment Act* 2006 (WA) which came into force on 3 March 2007.

By contrast prisoners in NSW serving less than one year are still entitled to vote in NSW State elections. So what was the NSW Solicitor General doing there waving a banner for the Howard Government? Let the Commonwealth defend its own politics of exclusion. I had asked NSW Solicitor General Michael Sexton QC the same question at half time the previous day, albeit in a rather leading form. 'What is your position Michael, are you appearing for democracy and modernity or for feudalism?' He blushed and answered in kind that he was appearing 'for the forces of darkness'. Indeed. In response to Kirby J's more polite version of the same question, the answer seemed to be that NSW supported the power of the Commonwealth to so legislate (as distinct from supporting the particular legislation) and that such an exercise of power was not invalid for 'while the content of the abstraction "the people" will change from time to time ... that content has not changed to a general acceptance that "the people" now includes persons serving prison sentences' so that the disenfranchisement was 'consistent with the constitutionally-mandated system of representative government'.[12] Thus do governments of all persuasions seek to crimp the Constitution.

The Chief extended play by 10 minutes extra time to permit a brief response from Merkel QC for the plaintiff and then blew the final whistle.

Day 3 Head Home from the Match

Back to University House to watch State of Origin 2 (disappointing for Blues supporters) and on the way happened upon a recent copy of the *New York Review of Books* which contained an extended review essay by Jason De Parle (2007) on three recent prison books, one being *Locked Out: Felon Disenfranchisement and American Democracy* (Manza & Uggen 2006). The reviewer argues that 'civic reintegration' is not the reason to give felons the vote. Rather 'the reason is that to do otherwise – to exclude 5.3 million people from the rolls – is to offend the principle of universal suffrage and undermine democratic legitimacy' (De Parle 2007:36). He points out that in the US if felons had been allowed to vote the US would have a different President. In the 2000 election in Florida alone, if just ex-felons (those released from prison – some US States bar those convicted of felonies from voting for life) had been allowed to vote Gore would have carried the State by 30,000 votes and won the election. (I began to envisage the flow on effects – the invasion of Iraq might not have happened, the world might be a much safer place, climate change may have been addressed earlier – this line of thought became too distressing so I stopped). Felony disenfranchisement laws in the US effect a massive racial gerrymander: disenfranchising 2.4% of voters nationally but 8.4% of voting age blacks, and in five States more than 20%.

Scan morning papers before departing and yet again no coverage of case. Prisoners don't seem to rate, whereas there is evidently great media interest in the High Court's overturning of the jury in the defamation case involving *SMH* restaurant reviewer Matthew Evans and the limoncello oysters (*John Fairfax Publications Pty Ltd v Gacic*). Free speech for food critics: I wondered what Vickie Lee Roach was eating that night and wished her well. When I turned on the ignition The Pogues *Fairytale of New York* kicked in and Shane MacGowan's voice croaked through the speakers: 'I can see a better time/When all our dreams come true'.

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12 Submission of the Attorney General for NSW, Intervening 30 May 2007, para 4.5.

Critical Criminology

What then might we draw from this story for the practice of critical criminology, the subject of this conference? I will make a few brief points.

- We need to remember how to tell stories, and how not to take ourselves too seriously. Irony, humour and self deprecation are useful correctives to a tendency to be overly worthy and serious. We need to have fun, to inject a dose of the Yippee and the gonzo, while as John Pratt points out, be aware of becoming overly self indulgent.
- We need to maintain the rage, to resist the reduction of issues such as depriving prisoners of the right to vote, attempting to exclude them from one form of political subjectivity, to a narrow legal/constitutional issue – it is an outrage. We do well to communicate this to students, as well as attempting to equip them with the legal and criminological tools to challenge such outrages. In a climate in which student life is often so busy and instrumental, it is important that academics and critical criminologists in particular, support activist students who get involved in such issues, who work in and with the social movements and community organisations, who protest against injustice in its multitude of forms, who get arrested.
- We need to recognise that a major strength of critical penology and criminology in Australia has been its close connection with the social movements and the prison movement in particular. Critical criminologists can form a valuable role as transmission points through which questions, challenges, knowledge, research, policy, legal and political strategies, the voices and aspirations of suppressed groups, can all be circulated and relayed between social movements, students, politicians, the media and the general public. One way we can do this (and many of us do it) is to invite guest speakers from social movements, from Justice Action, from Rape Crisis and community centres and so on, to speak to classes.
- We need to recognise that theory is not its own justification, but should be assessed against Foucault's 'tool-kit' approach – how useful is it in understanding particular issues and problems and in advancing justice claims on the part of excluded groups? In teaching, the approach that commences with a tour through the major theories/theorists can often produce a deadening effect on student interest, enthusiasm and the ability to identify with the topic under discussion. In my experience it is often better to start with an issue, a problem, a case, a controversy, a news item; start in an existing situation or place and then move out in spirals, painting in context and connections, raising theories and histories for consideration as and when they seem to assist in developing understanding, rather than as templates to be applied or teleologies to be asserted.
- We need to recognise, as Julie Stubbs stressed earlier, that 'critical' is a shifting characterisation, it is not a given property of a particular theory/line or group. We need to acknowledge the importance of being reflexive, of not appearing to already know the answers, of being open to debate and of being prepared, as many of us regularly are, to engage in popular and media discussion of criminological issues, rather than confining them to the academy or to those of 'like mind'.

Editor's Note

On 30 August the High Court issued orders upholding Roach's challenge to the 2006 legislation, but held that the 2004 legislation which restricted the franchise to prisoners serving less than three years was valid. Reasons were handed down on 26 September. By majority (Gleeson CJ, and Gummow, Kirby and Crennan JJ in a joint judgment) the High

Court held that the 2006 legislation infringed ss7 and 24 of the Constitution which require that Senators and Members of the House of Representatives be 'directly chosen by the people'. This phrase implies 'the franchise is generally held by all adult citizens unless there is a substantial reason for excluding them' and a reason will only be substantial if it is 'reasonably appropriate and adapted' to serve a purpose which is consistent with the maintenance of representative government. As the disenfranchising provision of the 2006 legislation 'operates without regard to culpability or the nature of the crime committed, and in imposing a civil disability without regard to proportion', it does not meet this test and is invalid. The court held that it was not necessary to decide whether the legislation infringed the implied freedom of political communication. Hayne and Heydon JJ, in separate judgments, dissented. Despite winning, Vickie Lee Roach will not be able to vote in the 2007 Federal election as she is serving a five year sentence. She was awarded one half of her costs.

Cases

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