

**AUSTRALIAN ELECTORAL COMMISSION**

**SUBMISSION**

**TO THE JOINT STANDING COMMITTEE ON ELECTORAL  
MATTERS' INQUIRY INTO REPRESENTATION OF THE  
TERRITORIES IN THE HOUSE OF REPRESENTATIVES**

**Canberra**

**15 August 2003**

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# Representation of the Territories in the House of Representatives

## 1 Introduction

1.1 This submission by the Australian Electoral Commission (AEC) is presented to the Joint Standing Committee on Electoral Matters (JSCEM) in response to its 'inquiry into the representation of Territories in the House of Representatives', as invited by the JSCEM's media release of 21 July 2003.

1.2 The AEC views the representation entitlements of electors in the Territories as a matter for the Parliament. On that basis the AEC will not be making any recommendations as part of this submission. However, the AEC will provide some background to the process of determining entitlements, a history of Territory entitlements, an explanation of the process that led to the loss of a division in the Northern Territory, and provide commentary on the *Commonwealth Electoral Amendment (Representation of Territories) Bill 2003*.

1.3 The submission has a number of attachments containing statistical information requested by the JSCEM. Due to the lack of availability of the requested information prior to 1984, this information is limited to the period after 1984. Statistical information from prior to 1984 will be provided to the JSCEM at a later date. The Attachments are:

- Attachment A: Average divisional enrolment when States or Territories lost or gained seats, 1984 – 2003;
- Attachment B: Losses or near gains of divisions and fraction of quota involved, 1984 – 2003; and
- Attachment C: Gazettes of section 48 Determinations, 1984 – 2003.

## 2 The current inquiry

2.1 On 19 February 2003, the Electoral Commissioner determined that the Northern Territory (NT) was entitled to be represented in the House of Representatives by one member. The NT had gained a second seat in 2000.

2.2 Fluctuations of this sort attract a great deal of comment from parliamentarians and the media. In this instance, the loss of a division has also resulted in the introduction into parliament of a private member's bill. On 16 June 2003, Mr Tollner MP (the Member for Solomon) introduced a private member's bill to set a minimum of two members each for the Australian Capital Territory (ACT) and the NT<sup>1</sup>. The Bill is entitled the *Commonwealth Electoral Amendment (Representation of Territories) Bill 2003* (the Tollner Bill).

2.3 In July 2003, the Special Minister of State asked the JSCEM to inquire into and report on increasing the minimum representation for the Territories to

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<sup>1</sup> 2003. House of Representatives *Hansard*, 16 June 2003. p15587.

provide for a minimum of two seats each for the ACT and the NT in the House of Representatives<sup>2</sup>.

### 3 Representation in the House of Representatives

#### Representation in the States

3.1 The process for determining representation in the House of Representatives is prescribed in section 24 of the Constitution.

3.2 Section 24 of the Constitution states basically that:

- the House of Representatives be composed of Members directly chosen by the people of the Commonwealth;
- the number of Members shall be as nearly as practicable twice the number of Senators;
- the number of Members chosen in the States shall be in proportion to the number of their people according to the quota prescribed in section 24; and
- five members at least shall be chosen in each original state.<sup>3</sup>

3.3 In relation to the quota, section 24 states the following:

- i. A quota shall be ascertained by dividing the number of the people of the Commonwealth, as shown by the latest statistics of the Commonwealth, by twice the number of the senators;
- ii. The number of members to be chosen in each State shall be determined by dividing the number of the people of the State, as shown by the latest statistics of the Commonwealth, by the quota; and if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State.

3.4 In determining the quota, the populations of the ACT and the NT are not taken into account.

#### Representation in the Territories

3.5 In relation to the Territories, section 122 of the Constitution provides that:

The Parliament ...may allow the representation of [a] territory in either House of Parliament to the extent and on the terms that it thinks fit.

3.6 The Division of the Northern Territory was formed as a result of the passage of the *Northern Territory Representation Act 1922*. However, the member was restrained by that Act from voting on any question, being counted towards quorums and majorities, or being chosen as Speaker. Full

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<sup>2</sup> JSCEM website, <http://www.aph.gov.au/house/committee/em/territories/index.htm>

<sup>3</sup> 1983. Joint Select Committee on Electoral Reform. *First Report*, Canberra: AGPS. p71.

Tasmania has never exceeded the necessary 4.5 quotas to be entitled to 5 seats in the House of Representatives on the numbers.

Western Australia fell short of 4.5 quotas up until the 1911 determination, and again at the 1921 and 1926 determinations. That is, Western Australia used the Constitutional provision to achieve 5 seats in four determinations: 1904, 1906, 1921 and 1926.

There were no other instances of states relying on the minimum representation to achieve 5 Members.

voting rights were conferred on the Member for the Northern Territory with the passage of the *Northern Territory Representation Act 1968*.<sup>4</sup>

3.7 The Division of the Northern Territory was abolished in 2000 when it was determined that the NT was entitled to two divisions.

3.8 Representation of the ACT in the House of Representatives was first introduced by the *Australian Capital Territory Representation Act 1948*. The Member for the Australian Capital Territory had the same voting rights as the Member for the Northern Territory until the passage of the *Australian Capital Territory Representation Act 1966*, when full voting rights were conferred. The *Australian Capital Territory (House of Representatives) Act 1973* provided for the ACT to elect two members to the House of Representatives.<sup>5</sup>

3.9 The ACT gained a third division after the 1993 federal election, but lost that Division in 1997.

3.10 Currently, both Territories are entitled to at least one member in the House of Representatives as a result of subsection 48(2B) of the *Commonwealth Electoral Act 1918* (the Act).

3.11 In 1985, the Joint Select Committee on Electoral Reform (JSCER) considered Territory representation in its report, *Determining the entitlements of Federal Territories and new States to representation in the Commonwealth Parliament* (the 1985 report).

3.12 In paragraphs 1.5 to 1.8 of the 1985 report, the JSCER indicated that one reason for that inquiry was that it would be possible for the Australian Parliament to increase the representation of the Territories beyond what would be warranted by their populations. In paragraph 2.13 of the 1985 report, the JSCER referred to its recognition in its first report in 1983<sup>6</sup> that there was a possible danger of a government using a majority in both houses to increase the Territory representation in either House to advance its own political ends inherent in the recommendations in its first report.<sup>7</sup>

3.13 In the 1985 report, the JSCER recommended that the Constitution be amended to prevent a government in control of both Houses increasing the representation of the Territories out of proportion to the states for perceived political advantage.<sup>8</sup> The government response referred this question to the then Constitutional Commission.<sup>9</sup>

3.14 The Constitutional Commission recommended that representation of Territories in the House of Representatives be in proportion to their population (with the proviso that the representation should not drop below two for the

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<sup>4</sup> 1985. Joint Select Committee on Electoral Reform. *Determining the entitlement of federal Territories and new States to representation in the Commonwealth parliament*, Canberra: AGPS. p5.

<sup>5</sup> 1985. Joint Select Committee on Electoral Reform. *Determining the entitlement of federal Territories and new States to representation in the Commonwealth parliament*, Canberra: AGPS. p5.

<sup>6</sup> 1983. Joint Select Committee on Electoral Reform. *First Report*, Canberra: AGPS. paragraph 4.6.

<sup>7</sup> 1985. Joint Select Committee on Electoral Reform. *Determining the entitlement of federal Territories and new States to representation in the Commonwealth parliament*, Canberra: AGPS. paragraph 1.2.

<sup>8</sup> 1985. Joint Select Committee on Electoral Reform. *Determining the entitlement of federal Territories and new States to representation in the Commonwealth parliament*, Canberra: AGPS. paragraph 4.7.

<sup>9</sup> 1986. Senate *Hansard*, 22 September 1986. p622.

ACT and one for the NT).<sup>10</sup> There has been no referendum on these recommended changes to the Constitution.

3.15 The JSCEM's December 1995 report, *The effectiveness and appropriateness of the redistribution provisions of Parts III and IV of the Commonwealth Electoral Act 1918* was a general review of redistribution principles and practices applying to boundaries for House of Representatives divisions.

3.16 While some attention was paid to the method of determining the numbers of divisions in each State and Territory, the JSCEM did not consider the question of minimum numbers of House of Representatives divisions for the Territories, or the wider question of States or Territories gaining and losing divisions in subsequent determinations.<sup>11</sup>

## Redistributions

3.17 The representation requirements of the Constitution are given effect by Parts III and IV of the Act. The intent of these parts is to produce a situation in which members are chosen in the States and Territories in proportion to the number of people in the States and Territories.

3.18 The proportion of members to people is maintained by the redistribution of electoral boundaries (redistributions). There are three triggers for a redistribution outlined in section 59<sup>12</sup> of the Act. These are:

- a Determination made under subsection 48(1) of the Act results in an alteration to the number of members of the House of Representatives chosen in a State or Territory at a general election;
- it appears that the enrolment of more than one third of the Divisions in a State or Territory have been malapportioned<sup>13</sup> for a period of 2 months; or
- there has been no redistribution of the State or Territory for 7 years.

3.19 The NT lost its second division as a result of a Determination made under subsection 48(1) of the Act. The Determination process is discussed below. The other two triggers for redistributions, and the redistribution process itself, will not be examined in this submission.

## 4 The Determination process

4.1 Sections 46 to 49 of the Act govern the Determination process.

4.2 Section 46 of the Act provides that during the thirteenth month following the first meeting of a House of Representatives, the Electoral Commissioner shall ascertain the numbers of people of the Commonwealth and of the

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<sup>10</sup> 1988. Constitutional Commission. *First Report*. Canberra: AGPS. p311.

<sup>11</sup> 1995. Joint Standing Committee on Electoral Matters. *Report on the effectiveness and appropriateness of the redistribution provisions of Parts III and IV of the Commonwealth Electoral Act 1918*. Canberra: AGPS. chapter 3.

<sup>12</sup> Section 59 applies to the Northern Territory and the Australian Capital Territory as a result of the actions of sections 55A and 56 of the Act.

<sup>13</sup> Malapportioned is defined as the enrolment of the Divisions deviating from the State or Territory average by 10%.

several States and Territories in accordance with the latest statistics of the Commonwealth.

4.3 Section 47 indicates that the Australian Statistician shall, at the request of the Electoral Commissioner, provide the statistical information required to ascertain the numbers of people of the Commonwealth and of the several States and Territories. Since 1977, the statistics provided have been the quarterly estimated resident population statistics from the Australian Bureau of Statistics (ABS). The basis for the use of these statistics is discussed below.

4.4 Section 48 of the Act requires the Electoral Commissioner, as soon as possible after the numbers of people of the Commonwealth and of the several States and Territories have been ascertained, to determine the State and Territory representation entitlements in the House of Representatives. This is referred to generally as the Determination. Section 49 of the Act requires the Electoral Commissioner to forward to the Special Minister of State a certificate containing the results of the Determination. This certificate is published in the Commonwealth Gazette.

4.5 The section 48 Determination is made by dividing the population of the Commonwealth by twice the number of Senators for the States. The result of this equation is known as the quota. As a result of the action of section 45 of the Act, which excludes the population of the Territories from this calculation, the population of the Commonwealth is the population of the States for the purposes of section 48.

4.6 The population of each State and Territory is divided by the quota and the result is then rounded to the nearest whole number to arrive at the number of members of the House of Representatives to which the State or Territory is entitled.

4.7 The basis of this arrangement is a 1977 amendment to the *Representation Act 1948* (since incorporated into the Act), and a cognate amendment to the *Census and Statistics Act 1905*.

4.8 The basis for the current arrangements was described in an opinion provided to the JSCER by Mr P Brazil, then Secretary of the Attorney General's Department, and republished in the JSCER's *First Report*:

The expression 'the latest statistics of the Commonwealth' in s.24 is not defined by the Constitution. However, s.24 was the subject of comment by the High Court in Attorney-General (Cth) (Ex rel. McKinlay) v. Commonwealth (1975) 135 CLR 1 and Attorney-General (NSW) (Ex rel. McKellar) v. Commonwealth (1977) 139 CLR 527. In McKinlay's case, Barwick CJ. examined the provisions of the Census and Statistics Act as it then stood and concluded (at p.21) that the population statistics collected 'at least annually' by the Statistician pursuant to s.16 of the Act would qualify as the latest statistics for the purposes of s.24 of the Constitution. Gibbs J. considered the then existing scheme under the Representation Act, which provided for determinations to be made every 5 years of the numbers of members of the House of Representatives to be accorded to each State based on the population figures disclosed by the latest census. His Honour (with whose judgement on this aspect Stephen and Mason JJ agreed) commented (at p.52) that 'the census would not always provide the latest reliable statistics from which to ascertain the numbers of the people of the States', and that '(t)he constitutional requirement must be given effect, notwithstanding that on some occasions statistics other than those provided by the Census may have to be used in ascertaining the numbers.'...

The Representation Act was amended in 1977 to deal with the defects in the legislation brought to light in the McKinlay and McKellar decisions. The new s.3 inserted in the Act refers to 'the latest statistics of the Commonwealth' without defining the expression and the new s.4 requires the Statistician to supply the Chief Australian Electoral Officer with all such statistical information as he requires for the purposes of the Act. A cognate measure enacted by the Commonwealth Parliament in 1977 was the Census and Statistics Amendment Act in 1977. It provided for... the Australian Statistician to collect such statistics as were necessary for the purposes of the compilation of statistics of the number of the people of each State as on the last day of March, June, September, and December in each year.

4.9 Based on legal advice obtained by the Australian Electoral Office at the time of the 1977 amendments, the AEC is of the opinion that the cognate amendments to the *Representation Act 1948* and the *Census and Statistics Act 1905* are intended to ensure that the statistics compiled by the ABS of the number of people of each State as on the last day of March, June, September and December each year constitute the 'latest statistics of the Commonwealth' for the purposes of the section 48 Determination.

## **5 2003 Determination**

5.1 The Section 48 Determination following the 2001 federal election was made on 19 February 2003 using the Australian Bureau of Statistics publication *Population, Australian States and Territories, September Quarter 2002* (ABS cat. no. 3239.0.55.001).

5.2 The Determination resulted in the representation entitlement in Queensland increasing by one seat and the entitlement in South Australia and NT being reduced by one seat respectively.

5.3 The calculations in the Determination were as follows:



5.4 **Step 1:** Number of people of the Commonwealth and of the several States and Territories were ascertained to be as follows:

State/Territory <sup>1</sup>	Number of people
<b>The States</b>	
New South Wales	6,657,478
Victoria	4,888,243
Queensland	3,729,123
Western Australia	1,934,508
South Australia	1,522,467
Tasmania	473,371
<b>Population for determining the Quota<sup>2</sup></b>	<b>19,205,190</b>
<b>The Territories</b>	
Australian Capital Territory <sup>3</sup>	322,317
Jervis Bay Territory	554
Northern Territory <sup>4</sup>	197,724
Territory of Cocos (Keeling) Islands	600
Territory of Christmas Island	1,436
Australian Antarctic Territory	65
Territory of Heard Island and McDonald Islands	0
Coral Sea Islands Territory	4
Territory of Ashmore and Cartier Islands	0

Notes on Australian Population table

1 Under section 38A of the *Commonwealth Electoral Act 1918* (the Act), the Territory of Norfolk Island is not taken to be a Territory for the purposes of this ascertainment.

However, under section 45(2) of the Act, a Norfolk Island resident who is one of the people of a State for the purposes of sections 7 and 24 of the Constitution is included in the count of the population of the relevant State and of the Commonwealth for the purposes of this ascertainment and, under section 46(2) of the Act, a Norfolk Island resident who is enrolled in the Australian Capital Territory under section 95AA(3) of the Act is also included in the count of the population of the Australian Capital Territory for the purposes of this ascertainment.

2 Under section 45 of the Act, the total number of the people of the Commonwealth does not include the numbers of people of the Territories.

3 Under section 4 of the Act, the Jervis Bay Territory is taken for the purposes of this ascertainment to be part of the Australian Capital Territory.

4 Pursuant to section 48(2C) of the Act, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island are taken to be part of the Northern Territory for the purposes of this ascertainment.

5.5 **Step 2:** Under section 48(2)(a) of the Act, the quota is determined by dividing the number of the people of the Commonwealth by twice the number of Senators for the States. Under section 45 of the Act, the total number of the people of the Commonwealth does not include the numbers of people of the Territories.

5.6 Number of people of the Commonwealth = 19,205,190

Twice the number of Senators for the States = 144

Quota = 133,369.375

{Calculation: 19,205,190 / 144 = 133,369.375}

### 5.7 **Step 3:** The Entitlement Determination

5.8 The number of members of the House of Representatives to be chosen in each State and Territory is determined by dividing the number of people in each State and Territory by the quota and rounding the result to the nearest whole number.

State/Territory <sup>1</sup>	Number of people	Divided by the Quota	Result	Number of Members to be chosen	Change
New South Wales	6,657,478	133,369.375	49.9176	50	-
Victoria	4,888,243	133,369.375	36.6519	37	-
Queensland	3,729,123	133,369.375	27.9609	28	+1
Western Australia	1,934,508	133,369.375	14.5049	15	-
South Australia	1,522,467	133,369.375	11.4154	11	-1
Tasmania <sup>2</sup>	473,371	133,369.375	3.5493	5	-
Australian Capital Territory <sup>3</sup>	322,871	133,369.375	2.4209	2	-
Northern Territory <sup>4</sup>	199,760	133 369.375	1.4978	1	-1
Australian Antarctic Territory	65	133,369.375	0	0	-
Territory of Heard Island and McDonald Islands	0	133, 369.375	0	0	-
Coral Sea Islands Territory	4	133,369.375	0	0	-
Territory of Ashmore and Cartier Islands	0	133,369.375	0	0	-

Notes on Entitlement Determination

1 Under section 38A of the *Commonwealth Electoral Act 1918* (the Act), the Territory of Norfolk Island is not taken to be a Territory for the purposes of this determination.

However, under section 45(2) of the Act, a Norfolk Island resident who is one of the people of a State for the purposes of sections 7 and 24 of the Constitution is included in the count of the population of the relevant State and of the Commonwealth for the purposes of this determination and, under section 46(2) of the Act, a Norfolk Island resident who is enrolled in the Australian Capital Territory under section 95AA(3) of the Act is also included in the count of the population of the Australian Capital Territory for the purposes of this determination.

2 Tasmania is guaranteed a minimum of five Members under section 24 of the Constitution.

3 Under section 4 of the Act, the Jervis Bay Territory is taken for the purposes of this determination to be part of the Australian Capital Territory.

4 Under section 48(2C) of the Act, the Territories of Cocos (Keeling) Islands and Christmas Island are taken for the purposes of this determination to be part of the Northern Territory because they lack sufficient population to qualify for representation in their own right.

5.9 Redistributions in Queensland and South Australia have commenced and are expected to be completed by March 2004.

5.10 However, the provisions of section 55A of the Act mean that the NT can only undergo a redistribution if the number of members to be chosen by the

NT is two or more. The effect of this is that, as the NT reverted from 2 seats to 1, it is not eligible to undergo a redistribution. Following legal advice on the interpretation and consequences of section 55A, the NT was taken to have reverted to a single Division as at 19 February 2003.

## 6. The Tollner Bill

6.1 On 16 June 2003, Mr Tollner MP (the Member for Solomon) introduced a private member's bill to set a minimum of two members each for the ACT and the NT<sup>14</sup>. The Bill is entitled the *Commonwealth Electoral Amendment (Representation of Territories) Bill 2003* (the Tollner Bill)

6.2 The Tollner Bill contains one schedule, which states:

1 After subsection 48(1)

Insert:

(1B) If the number of members of the House of Representatives to be chosen for the Australian Capital Territory or the Northern Territory under subsection (2B) has been altered since the last determination, a new determination under paragraph (1)(b) shall be made as soon as practicable.

2 Subsection 48(2B)

Repeal the subsection, substitute:

(2B) At least two members of the House of Representatives shall be chosen in the Australian Capital Territory and in the Northern Territory at a general election.<sup>15</sup>

6.3 The Explanatory Memorandum for the Tollner Bill indicates that:

Subsection (1B) inserted after subsection 48(1) of the Commonwealth Electoral Act provides for an immediate redistribution if, as is the case, the numbers of members of the House of Representatives has been altered under subsection 2B. Effectively this clause provides for the change to take effect before the next general election.

New subsection 48 (2B) alters the current provision of the Act for a single Member for the ACT and NT and provides for the two Territories to each elect a minimum of two Members to the House of Representatives.<sup>16</sup>

6.4 Section 2 of Schedule 1 of the Tollner Bill would achieve the effect Mr Tollner is seeking, guaranteeing a minimum of two members in the House of Representatives for both the NT and ACT.

6.5 However, the AEC has two concerns about section 1 of Schedule 1. The first is the fact that, if the bill is passed, this section will be included in the Act. Once the NT has been restored to two divisions, this section will be redundant. The AEC is of the opinion that it would be better to include this section as a transitional arrangement as part of the amending bill, rather than a direct amendment to the Act.

6.6 The second concern the AEC has with this section relates to the requirement to conduct a full redistribution of the NT prior to the next federal election. If this option is adopted, the AEC is concerned that there will be insufficient time between the proclamation of the Act and the next federal

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<sup>14</sup> 2003. House of Representatives *Hansard*, 16 June 2003. p15587.

<sup>15</sup> 2003. *Commonwealth Electoral Amendment (Representation of Territories) Bill 2003*, Schedule 1.

<sup>16</sup> 2003. *Commonwealth Electoral Amendment (Representation of Territories) Bill 2003*, Explanatory Memoranda.

election to complete the full redistribution, which will take between nine months and a year to finalise.

6.7 The AEC believes it would be more efficient for the transitional provisions to set aside the 19 February 2003 section 48 Determination to the extent it applies to the NT. This would have the effect of restoring the NT to two divisions as if the Determination had not taken place. This approach would ensure that for all purposes under the Act, the NT would be taken to have had two divisions continuously since the completion of the 2001 redistribution.

## Attachment A

Table showing average divisional enrolment when States or Territories lost seats

DATE OF DETERMINATION	WHEN EVENT	AVERAGE DIVISIONAL ENROLMENT AT TIME OF DETERMINATION							
		<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>
19 Feb 2003	NT and SA to lose, Qld to gain a seat each	85399	88042	87099	80304	86933	66066	109439	54551
9 Dec 1999	WA & NT to gain a seat each	83314	85844	83042	84323	86202	65847	106600	108512
28 Feb 1997	ACT to lose, Qld to gain a seat each	79588	81366	80413	79871	83598	64902	68353	101600
4 Mar 1994	Vic to lose, ACT & Qld to gain a seat each	76460	75759	79282	74100	84121	64707	95419	92642
1 Mar 1991	NSW & SA to lose, Qld to gain a seat each	72982	74524	77634	69818	76066	63033	90238	84880
30 Jun 1988	Vic to lose, WA to gain a seat each	69802	68667	69863	70349	71835	59972	81556	74808
27 Feb 1984	commencement of amendments (144 seats +3)	76990	76655	78667	73385	80133	57062	73647	64939

Note: Determinations are made on the basis of the total population of the States and Territories. Average divisional enrolment plays no part in determining the number of divisions.

## Attachment B

### Losses or near gains of divisions and fraction of quota involved, 1984-2003

in date order

<i>year</i>	<i>Losses, gains, near gains</i>	<i>quota</i>	<i>quota gap</i>
2003	South Australia from 12 to 11	11.415	> 0.085
2003	ACT near gain in 2003	2.421	> 0.079
2003	NT from 2 to 1	1.498	> 0.002
1999	ACT near gain in 1999	2.425	> 0.075
1997	ACT from 3 to 2	2.495	> 0.005
1997	NT near gain in 1997	1.454	> 0.046
1994	Victoria from 38 to 37	37.279	> 0.221
1994	NT near gain in 1994	1.428	> 0.072
1991	New South Wales from 51 to 50	50.417	> 0.083
1991	South Australia from 13 to 12	12.451	> 0.049
1988	Victoria from 39 to 38	38.176	> 0.324

in quota gap order

<i>year</i>	<i>state losing seat</i>	<i>quota</i>	<i>quota gap</i>
2003	NT from 2 to 1	1.498	> 0.002
1997	ACT from 3 to 2	2.495	> 0.005
1997	NT near gain 1997	1.454	> 0.046
1991	South Australia from 13 to 12	12.451	> 0.049
1994	NT Near gain in 1994	1.428	> 0.072
1999	ACT near gain in 1999	2.425	> 0.075
2003	ACT near gain in 2003	2.421	> 0.079
1991	New South Wales from 51 to 50	50.417	> 0.083
2003	South Australia from 12 to 11	11.415	> 0.085
1994	Victoria from 38 to 37	37.279	> 0.221
1988	Victoria from 39 to 38	38.176	> 0.324

**Attachment C**

**Gazettes of section 48 Determinations, 1984-2003**



**AUSTRALIAN ELECTORAL COMMISSION**

**Certificate of the Electoral Commissioner as to the numbers of the people of the Commonwealth and of the several States and Territories and the number of Members of the House of Representatives to be chosen in the several States and Territories**

I hereby certify that, pursuant to section 46 of the *Commonwealth Electoral Act 1918*, I have this day ascertained the numbers of the people of the Commonwealth and of the several States and Territories in accordance with the latest statistics of the Commonwealth, and that those numbers are as follows:

State/Territory <sup>1</sup>	Number of the people
<b>The States</b>	
New South Wales	6 657 478
Victoria	4 888 243
Queensland	3 729 123
Western Australia	1 934 508
South Australia	1 522 467
Tasmania	473 371
<b>The Territories</b>	
Australian Capital Territory <sup>2</sup>	322 871
Northern Territory <sup>3</sup>	199 760
Australian Antarctic Territory	65
Territory of Heard Island and McDonald Islands	0
Coral Sea Islands Territory	4
Territory of Ashmore and Cartier Islands	0
<b>The Commonwealth<sup>4</sup></b>	<b>19 205 190</b>

I further certify that, pursuant to section 48 of the *Commonwealth Electoral Act 1918*, I have this day determined the number of Members of the House of Representatives to be chosen in the several States and Territories at a general election to be as follows:

State/Territory	Number of Members of the House of Representatives to be chosen in the State or Territory
New South Wales	50
Victoria	37
Queensland	28
Western Australia	15
South Australia	11
Tasmania <sup>5</sup>	5
Australian Capital Territory	2
Northern Territory	1
Australian Antarctic Territory	0
Territory of Heard Island and McDonald Islands	0
Coral Sea Islands Territory	0
Territory of Ashmore and Cartier Islands	0



*Notes*

1. Pursuant to section 38A of the *Commonwealth Electoral Act 1918* (the Act), the Territory of Norfolk Island is not to be taken to be a Territory for the purposes of this ascertainment.

However, pursuant to section 45(2) of the Act, a Norfolk Island resident who is one of the people of a State for the purposes of sections 7 and 24 of the Constitution is included in the count of the population of the relevant State and of the Commonwealth for the purposes of this ascertainment and, pursuant to section 46(2) of the Act, a Norfolk Island resident who is enrolled in the Australian Capital Territory under section 95AA(3) of the Act is included in the count of the population of the Australian Capital Territory for the purposes of this ascertainment.

2. Pursuant to section 4 of the Act, the Jervis Bay Territory is taken to be part of the Australian Capital Territory for the purposes of this ascertainment.
3. Pursuant to section 48(2C) of the Act, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island are taken to be part of the Northern Territory for the purposes of this ascertainment.
4. Pursuant to section 45 of the Act, the total number of the people of the Commonwealth does not include the numbers of people of the Territories.
5. Tasmania is guaranteed a minimum of five Members under section 24 of the Constitution.

Andy Becker  
Electoral Commissioner

19 February 2003



AUSTRALIAN ELECTORAL COMMISSION

**Certificate of the Electoral Commissioner as to the numbers of the people of the Commonwealth and of the several States and Territories and the number of Members of the House of Representatives to be chosen in the several States and Territories**

I hereby certify that, pursuant to section 46 of the *Commonwealth Electoral Act 1918*, I have this day ascertained the numbers of the people of the Commonwealth and of the several States and Territories in accordance with the latest statistics of the Commonwealth, and that those numbers are as follows:

State/Territory <sup>1</sup>	Number of the people
<b>The States</b>	
New South Wales	6 411 772
Victoria	4 712 186
Queensland	3 512 434
Western Australia	1 861 018
South Australia	1 493 077
Tasmania	470 266
<b>The Territories</b>	
Australian Capital Territory <sup>2</sup>	310 935
Northern Territory <sup>3</sup>	195 366
Australian Antarctic Territory	65
Territory of Heard Island and McDonald Islands	0
Coral Sea Islands Territory	4
Territory of Ashmore and Cartier Islands	0
<b>The Commonwealth<sup>4</sup></b>	<b>18 460 753</b>

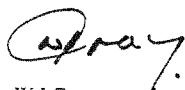
I further certify that, pursuant to section 48 of the *Commonwealth Electoral Act 1918*, I have this day determined the number of Members of the House of Representatives to be chosen in the several States and Territories at a general election to be as follows:

State/Territory	Number of Members of the House of Representatives to be chosen in the State or Territory
New South Wales	50
Victoria	37
Queensland	27
Western Australia	15
South Australia	12
Tasmania <sup>5</sup>	5
Australian Capital Territory	2
Northern Territory	2
Australian Antarctic Territory	0
Territory of Heard Island and McDonald Islands	0
Coral Sea Islands Territory	0
Territory of Ashmore and Cartier Islands	0



*Notes*

- 1 Pursuant to section 38A of the *Commonwealth Electoral Act 1918* (the Act), the Territory of Norfolk Island is not to be taken to be a Territory for the purposes of this ascertainment.  
However, pursuant to section 45(2) of the Act, a Norfolk Island resident who is one of the people of a State for the purposes of sections 7 and 24 of the Constitution is included in the count of the population of the relevant State and of the Commonwealth for the purposes of this ascertainment and, pursuant to section 46(2) of the Act, a Norfolk Island resident who is enrolled in the Australian Capital Territory under section 95AA(3) of the Act is included in the count of the population of the Australian Capital Territory for the purposes of this ascertainment.
- 2 Pursuant to section 4 of the Act, the Jervis Bay Territory is taken to be part of the Australian Capital Territory for the purposes of this ascertainment.
- 3 Pursuant to section 48(2C) of the Act, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island are taken to be part of the Northern Territory for the purposes of this ascertainment.
- 4 Pursuant to section 45 of the Act, the total number of the people of the Commonwealth does not include the numbers of people of the Territories
- 5 Tasmania is guaranteed a minimum of five Members under section 24 of the Constitution



W J Gray  
Electoral Commissioner

9 December 1999



# Commonwealth of Australia

# Gazette

No. S 76, Monday, 3 March 1997

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**SPECIAL**

## AUSTRALIAN ELECTORAL COMMISSION

### Certificate of the Electoral Commissioner as to the numbers of the people of the Commonwealth and the several States and Territories and the number of Members of the House of Representatives to be chosen in the several States and Territories

I hereby certify that pursuant to section 46 of the *Commonwealth Electoral Act 1918* I have this day ascertained the numbers of the people of the Commonwealth and the several States and Territories in accordance with the latest statistics of the Commonwealth, and that those numbers are as follows:

State/Territory <sup>1</sup>	Number of the people
<b>The States</b>	
New South Wales	6 190 248
Victoria	4 541 016
Queensland	3 354 753
Western Australia	1 762 735
South Australia	1 479 156
Tasmania	473 384
<b>The Territories</b>	
Australian Capital Territory <sup>2</sup>	308 393
Northern Territory <sup>3</sup>	179 742
Australian Antarctic Territory	70
Territory of Heard Island and McDonald Islands	0
Coral Sea Islands Territory	0
Territory of Ashmore and Cartier Islands	0
<b>The Commonwealth<sup>4</sup></b>	<b>17 801 292</b>

I further certify that pursuant to section 48 of the *Commonwealth Electoral Act 1918* I have this day determined the number of Members of the House of Representatives to be chosen in the several States and Territories at a general election to be as follows:

State/Territory	Number of Members of the House of Representatives to be chosen in the State or Territory
New South Wales	50
Victoria	37
Queensland	27
Western Australia	14
South Australia	12
Tasmania	5
Australian Capital Territory	2
Northern Territory	1
Australian Antarctic Territory	0
Territory of Heard Island and McDonald Islands	0
Coral Sea Islands Territory	0
Territory of Ashmore and Cartier Islands	0

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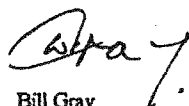
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Notes

- 1 Pursuant to section 38A of the *Commonwealth Electoral Act 1918* (the Act), the Territory of Norfolk Island is not to be taken to be a Territory for the purposes of this ascertainment.

However, pursuant to section 45(2) of the Act, a Norfolk Island resident who is one of the people of a State for the purposes of sections 7 and 24 of the Constitution is included in the count of the population of the relevant State and the Commonwealth for the purposes of this ascertainment and, pursuant to section 46(2) of the Act, a Norfolk Island resident who is enrolled in the Australian Capital Territory under section 95AA(3) of the Act is included in the count of the population of the Australian Capital Territory for the purposes of this ascertainment.

- 2 Pursuant to section 4 of the *Commonwealth Electoral Act 1918*, the Jervis Bay Territory is taken to be part of the Australian Capital Territory for the purposes of this ascertainment.
- 3 Pursuant to section 48(2C) of the *Commonwealth Electoral Act 1918*, the Cocos (Keeling) Islands and the Territory of Christmas Island are taken to be part of the Northern Territory for the purposes of this ascertainment.
- 4 Pursuant to section 45 of the *Commonwealth Electoral Act 1918*, the total number of the people of the Commonwealth does not include the numbers of people of the Territories.



Bill Gray  
Electoral Commissioner

28 February 1997



**AUSTRALIAN ELECTORAL COMMISSION**

**Certificate of the Electoral Commissioner as to the numbers of the people of the Commonwealth and of the several States and Territories and the number of Members of the House of Representatives to be chosen in the several States and Territories**

I hereby certify that pursuant to section 46 of the *Commonwealth Electoral Act 1918* I have this day ascertained the numbers of the people of the Commonwealth and of the several States and Territories in accordance with the latest statistics of the Commonwealth, and that those numbers are as follows:

State/Territory <sup>1</sup>	Number of the people
<b>The States</b>	
New South Wales	6,024,467
Victoria	4,463,723
Queensland	3,134,224
Western Australia	1,683,587
South Australia	1,463,877
Tasmania	472,207
<b>The Territories</b>	
Australian Capital Territory <sup>2</sup>	299,843
Northern Territory <sup>3</sup>	171,029
Australian Antarctic Territory	75
Territory of Heard Island and McDonald Islands	0
Coral Sea Islands Territory	0
Territory of Ashmore and Cartier Islands	0
<b>The Commonwealth<sup>4</sup></b>	<b>17,242,085</b>

I further certify that pursuant to section 48 of the *Commonwealth Electoral Act 1918* I have this day determined the number of Members of the House of Representatives to be chosen in the several States and Territories at a general election to be as follows:

State/Territory	Number of Members of the House of Representatives to be chosen in the State or Territory
New South Wales	50
Victoria	37
Queensland	26
Western Australia	14
South Australia	12
Tasmania	5
Australian Capital Territory	3
Northern Territory	1
Australian Antarctic Territory	0
Territory of Heard Island and McDonald Islands	0
Coral Sea Islands Territory	0
Territory of Ashmore and Cartier Islands	0



2 Australian Electoral Commission

Notes

- 1 Pursuant to section 38A of the *Commonwealth Electoral Act 1918* (the Act), the Territory of Norfolk Island is not taken to be a Territory for the purposes of this ascertainment.

However, pursuant to section 45(2) of the Act, a Norfolk Island resident who is one of the people of a State for the purposes of sections 7 and 24 of the Constitution is included in the count of the population of the relevant State and of the Commonwealth for the purposes of this ascertainment and, pursuant to section 46(2) of the Act, a Norfolk Island resident who is enrolled in the Australian Capital Territory under section 95AA(3) of the Act is included in the count of the population of the Australian Capital Territory for the purposes of this ascertainment.

- 2 Pursuant to section 4 of the *Commonwealth Electoral Act 1918*, the Jervis Bay Territory is taken to be part of the Australian Capital Territory for the purposes of this ascertainment.
- 3 Pursuant to section 48(2C) of the *Commonwealth Electoral Act 1918*, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island are taken to be part of the Northern Territory for the purposes of this ascertainment.
- 4 Pursuant to section 45 of the *Commonwealth Electoral Act 1918*, the total number of the people of the Commonwealth does not include the numbers of people of the Territories.

B Cox  
Electoral Commissioner

4 March 1994



**AUSTRALIAN ELECTORAL COMMISSION**

**Certificate of the Electoral Commissioner as to the numbers of the people of the Commonwealth and of the several States and Territories and the number of Members of the House of Representatives to be chosen in the several States and Territories**

I hereby certify that I have this day, in accordance with the *Commonwealth Electoral Act 1918*, ascertained the numbers of the people of the Commonwealth and of the several States and Territories in accordance with the latest statistics of the Commonwealth, and that those numbers are as follows:

State/Territory	Number of the people
New South Wales	5,827,373
Victoria	4,379,981
Queensland	2,906,838
Western Australia	1,633,896
South Australia	1,439,157
Tasmania	456,663
The Commonwealth <sup>2</sup>	16,643,908
Australian Capital Territory <sup>3</sup>	284,985
Northern Territory <sup>4</sup>	159,179
Australian Antarctic Territory	101
Territory of Heard Island and McDonald Islands	0
Coral Sea Islands Territory	4
Territory of Ashmore and Cartier Islands	3

I further certify that pursuant to section 48 of the *Commonwealth Electoral Act 1918*, I have this day determined the number of Members of the House of Representatives to be chosen in the several States and Territories at a general election to be as follows:

State/Territory	Number of Members of the House of Representatives to be chosen in the State or Territory
New South Wales	50
Victoria	38
Queensland	25
Western Australia	14
South Australia	12
Tasmania	5
Australian Capital Territory <sup>3</sup>	2
Northern Territory <sup>4</sup>	1
Australian Antarctic Territory	0
Territory of Heard Island and McDonald Islands	0
Coral Sea Islands Territory	0
Territory of Ashmore and Cartier Islands	0





**Notes**

- 1 Pursuant to section 38A of the *Commonwealth Electoral Act 1918*, the Territory of Norfolk Island is not taken to be a Territory for the purposes of this ascertainment and determination.
- 2 Pursuant to section 45 of the *Commonwealth Electoral Act 1918*, the total number of the people of the Commonwealth does not include the numbers of people of the Territories.
- 3 Pursuant to section 4 of the *Commonwealth Electoral Act 1918*, the Jervis Bay Territory is taken for the purposes of this ascertainment and determination to be part of the Australian Capital Territory.
- 4 Pursuant to section 48(2C) of the *Commonwealth Electoral Act 1918*, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island are taken for the purposes of this ascertainment and determination to be part of the Northern Territory.

B Cox  
Electoral Commissioner

1 March 1991

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**AUSTRALIAN ELECTORAL COMMISSION**

**DIRECTION OF 1991 ELECTORAL REDISTRIBUTIONS**

Pursuant to section 59(1) of the *Commonwealth Electoral Act 1918*, the Commission hereby directs that a redistribution into Divisions shall commence in the States of New South Wales, Queensland and South Australia.

Dated this 1st day of March 1991.

T R Morling  
Chairperson

B Cox  
Electoral Commissioner

I Castles  
Commissioner

## AUSTRALIAN ELECTORAL COMMISSION

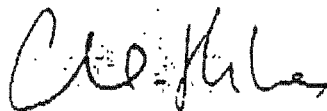
CERTIFICATE OF THE ELECTORAL COMMISSIONER AS TO THE  
NUMBERS OF THE PEOPLE OF THE COMMONWEALTH AND OF THE SEVERAL  
STATES AND THE NUMBER OF MEMBERS OF THE HOUSE OF REPRESENTATIVES  
TO BE CHOSEN IN THE SEVERAL STATES

I hereby certify that I have this day, in accordance with the Commonwealth Electoral Act 1918 ascertained the numbers of the people of the Commonwealth and of the several States in accordance with the latest statistics of the Commonwealth, and that those numbers are as follows:

State	Number of the People
New South Wales	5,660,475
Victoria	4,233,557
Queensland	2,706,170
Western Australia	1,519,918
South Australia	1,401,221
Tasmania	447,842
The Commonwealth	15,969,183

(2) I further certify that pursuant to section 48 of the Commonwealth Electoral Act 1918, I have this day determined the number of Members of the House of Representatives to be chosen in the several States at a general election to be as follows:

State	Number of Members of the House of Representatives to be chosen in the State
New South Wales	51
Victoria	38
Queensland	24
Western Australia	14
South Australia	13
Tasmania	5



Colin A Hughes  
Electoral Commissioner

30. June 1988



AUSTRALIAN ELECTORAL COMMISSION  
CERTIFICATE OF THE ELECTORAL  
COMMISSIONER AS TO THE NUMBERS OF THE  
PEOPLE OF THE COMMONWEALTH AND OF THE  
SEVERAL STATES AND THE NUMBER OF  
MEMBERS OF THE HOUSE OF  
REPRESENTATIVES TO BE CHOSEN IN THE  
SEVERAL STATES

I HEREBY certify that I have this day, in accordance with the *Commonwealth Electoral Act 1918*, ascertained the numbers of the people of the Commonwealth and of the several States in accordance with the latest statistics of the Commonwealth, and that those numbers are as follows:

<i>State</i>	<i>Number of the People</i>
New South Wales	5,474,300
Victoria	4,121,500
Queensland	2,546,400
Western Australia	1,407,500
South Australia	1,362,900
Tasmania	442,100
The Commonwealth	15,354,700

(2) I further certify that pursuant to section 48 of the *Commonwealth Electoral Act 1918*, I have this day determined the number of Members of the House of Representatives to be chosen in the several States at a general election to be as follows:

<i>State</i>	<i>Number of Members of the House of Representatives to be chosen in the State</i>
New South Wales	51
Victoria	39
Queensland	24
Western Australia	13
South Australia	13
Tasmania	5

Dated the eighteenth day of February 1986.

COLIN A. HUGHES  
Electoral Commissioner



**AUSTRALIAN ELECTORAL COMMISSION  
CERTIFICATE OF THE ELECTORAL  
COMMISSIONER AS TO THE NUMBERS OF THE  
PEOPLE OF THE COMMONWEALTH AND OF  
THE SEVERAL STATES AND THE NUMBER OF  
MEMBERS OF THE HOUSE OF  
REPRESENTATIVES TO BE CHOSEN IN THE  
SEVERAL STATES**

I hereby certify that I have this day, in accordance with the *Commonwealth Electoral Act 1918*, ascertained the numbers of the people of the Commonwealth and of the several States in accordance with the latest statistics of the Commonwealth, and that those numbers are as follows:—

<i>State</i>	<i>Number of the People</i>
New South Wales	5,365,100
Victoria	4,043,700
Queensland	2,481,700
Western Australia	1,368,700
South Australia	1,343,500
Tasmania	433,300
The Commonwealth	15,036,000

(2) I further certify that pursuant to section 25 of the *Commonwealth Electoral Act 1918*, I have this day determined the number of Members of the House of Representatives to be chosen in the several States at a general election to be as follows:—

<i>State</i>	<i>Number of Members of the House of Representatives to be chosen in the State</i>
New South Wales	51
Victoria	39
Queensland	24
Western Australia	13
South Australia	13
Tasmania	5

Dated the twenty-seventh day of February 1984.

(COLIN A. HUGHES)  
Electoral Commissioner