

## State and Territory Representation in the House of Representatives

- 4.1 As discussed in chapter three, the composition of the House of Representatives is governed by section 24 of the Constitution. The Constitution provides that the number of Members of the House of Representatives be, as nearly as practicable, twice the number of Senators. This is referred to as the “nexus”.
- 4.2 Australia elected its first Commonwealth Parliament in 1901. At that time, it comprised 36 Senators and 75 House of Representatives Members. Table 4.1 on the following page details the number of State and Territory House of Representatives Members returned at each federal election since 1901.
- 4.3 From the table, it can be seen that there were two significant increases in the size of the House of Representatives - in 1949 and 1984. At the 1949 election, the number of Members increased from 75 to 123 following a legislated increase in the number of Senators for each of the original States, from six to ten. Similarly, in 1984, the number of House of Representatives Members increased from 125 to 148 following a legislated increase in the number of Senators for each of the original States, from ten to 12. In 1977, the number of Members was reduced from 127 to 124, following the High Court ruling in *McKellar v Commonwealth (1977)*. The Court held that the four Territory Senate places created in 1974 could not be included in the number of Senators for the purpose of calculating the

Table 4.1. Number of House of Representatives Members returned at each federal election since 1901

Election Year	NSW	Vic.	Qld.	SA	WA	Tas	NT	ACT	Total
1901	26	23	9	7	5	5	-	-	75
1903	26	23	9	7	5	5	-	-	75
1906	27	22	9	7	5	5	-	-	75
1910	27	22	9	7	5	5	-	-	75
1913	27	21	10	7	5	5	-	-	75
1914	27	21	10	7	5	5	-	-	75
1917	27	21	10	7	5	5	-	-	75
1919	27	21	10	7	5	5	-	-	75
1922	28	20	10	7	5	5	1	-	76
1925	28	20	10	7	5	5	1	-	76
1928	28	20	10	7	5	5	1	-	76
1929	28	20	10	7	5	5	1	-	76
1931	28	20	10	7	5	5	1	-	76
1934	28	20	10	6	5	5	1	-	75
1937	28	20	10	6	5	5	1	-	75
1940	28	20	10	6	5	5	1	-	75
1943	28	20	10	6	5	5	1	-	75
1946	28	20	10	6	5	5	1	-	75
1949	47	33	18	10	8	5	1	1	123
1951	47	33	18	10	8	5	1	1	123
1954	47	33	18	10	8	5	1	1	123
1955	46	33	18	11	9	5	1	1	124
1958	46	33	18	11	9	5	1	1	124
1961	46	33	18	11	9	5	1	1	124
1963	46	33	18	11	9	5	1	1	124
1966	46	33	18	11	9	5	1	1	124
1969	45	34	18	12	9	5	1	1	125
1972	45	34	18	12	9	5	1	1	125
1974	45	34	18	12	10	5	1	2	127
1975	45	34	18	12	10	5	1	2	127
1977	43	33	19	11	10	5	1	2	124
1980	43	33	19	11	11	5	1	2	125
1983	43	33	19	11	11	5	1	2	125
1984	51	39	24	13	13	5	1	2	148
1987	51	39	24	13	13	5	1	2	148
1990	51	38	24	13	14	5	1	2	148
1993	50	38	25	12	14	5	1	2	147
1996	50	37	26	12	14	5	1	3	148
1998	50	37	27	12	14	5	1	2	148
2001	50	37	27	12	15	5	2	2	150
next*	50	37	28	11	15	5	1	2	149

Source: adapted from Appendix 11, *House of Representatives Practice, Fourth Edition, 2001, p754.*

\*At the time of publication, the next federal election had yet to be called but is due by mid- April 2005.

number of Members of the House of Representatives under the nexus provision, and the House of Representatives was reduced accordingly.<sup>1</sup>

- 4.4 Table 4.1 includes the State and Territory representation entitlements for the next election, which is based on the Australian Electoral Commissioner's February 2003 determination. The date of the election for the 41st Parliament has yet to be determined, but must be held no later than mid-April 2005.
- 4.5 At the next federal election, based on the 2003 determination, Queensland will elect an additional Member to the House of Representatives while the NT and SA will each elect one less Member than it has in the current Parliament.
- 4.6 Listed below are the States and Territories that have lost a seat in the House of Representatives at elections from 1901 to date, and the year of the elections at which those seats were lost.<sup>2</sup>
- NSW: 1955, 1969, 1977 (two seats) and 1993.
  - Victoria: 1906, 1913, 1922, 1977, 1990 and 1996.
  - SA: 1934, 1977, 1993 and election due by April 2005.
  - NT: election due by April 2005.
  - ACT: 1998.
- 4.7 Table 4.2 details – for each of the jurisdictions listed in the preceding paragraph, and for each relevant election - the margin by which the jurisdiction was short of retaining its House of Representatives seat. Results are listed by “population gap” order, which appears in the last column of the table; that is, in ascending order of the number of additional people that the State or Territory needed to retain its seat. The “quota gap” is the difference between the quota and the next half quota.

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1 House of Representatives Practice, 2001, fourth edition, Department of the House of Representatives, p 84.

2 NSW, Qld and WA each lost a House of Representatives seat at the 1961 determination for the 1963 federal election, however, this determination was set aside by the *Representation Act 1964*. NSW, Qld and SA each lost seats in 1977 after the *Representation Amendment Act 1977* provided that the remainder for an additional seat be (returned to) greater than 0.5 of the quota.

Table 4.2. States and Territories that have lost seats: 1901 – next federal election

State/Territory	Election Year	Change in number of Seats	Quotas <sup>1</sup>	Quota Gap	Population Gap
Northern Territory	2004-5	2 to 1	1.498	0.002	295 <sup>2</sup>
Australian Capital Territory	1998	3 to 2	2.495	0.005	658
South Australia	1993	13 to 12	12.451	0.049	5,627
Victoria	1913	22 to 21	21.375	0.125	7,717
New South Wales	1993	51 to 50	50.417	0.083	9,554
Victoria	1922	21 to 20	20.358	0.142	10,698
South Australia	2004-5	12 to 11	11.415	0.085	11,282
South Australia	1934	7 to 6	6.327	0.173	15,870
Victoria	1906	23 to 22	22.051	0.449	24,643
Victoria	1996	38 to 37	37.279	0.221	26,404
Victoria	1990	39 to 38	38.176	0.324	35,982
New South Wales	1955	47 to 46	45.986	0.514	38,239
New South Wales	1967	46 to 45	44.440 <sup>3</sup>	0.560	53,402

Source: Australian Electoral Commission, 28 October 2003.

<sup>1</sup>The quotas and the quota gap listed in table 4.2 have been rounded to 3 decimal places. To calculate the population gap down to an individual person, the AEC uses a quota calculated to 8 decimal places.

<sup>2</sup> Some submissions to the inquiry have referred to a population shortfall of 291 and 295 people for the NT. An additional 294 people would increase the population of the NT to 200,054 which is 1.49999953 quotas. An additional 295 people would increase the population to 200,055 people and return a quota of 1.50000703 (two seats).

<sup>3</sup>An extra seat was granted on any remainder of the quota between 1964-1972 determinations of entitlements to seats.

**4.8** From table 4.2, it can be seen that the Territories have experienced the smallest margins (in terms of the number of people) by which a jurisdiction has been short of retaining a House of Representatives seat. At the 2003 determination of entitlements for the 41st Parliament, the NT was 295 people short of retaining its second seat. In 1998, the population gap for the ACT was slightly greater; it was short of retaining its third House of Representatives seat by 658 people.