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RESEARCH PAPER

RESEARCH PAPER SERIES, 2013–14

29 MAY 2014

Electoral redistributions during the 44th Parliament

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Executive summary

- The periodic redrawing of electoral boundaries is required by law to maintain electoral divisions of roughly equal enrolment size within a state or territory. Redrawing of boundaries is known as a redistribution.
- During the expected life of the 44th Parliament there will be redistributions in New South Wales and Western Australia brought about by the representation entitlement trigger which determines the number of members of the House of Representatives a state or territory is entitled to in relation to its population. It is expected that New South Wales will lose a division and Western Australia will gain a division.
- There will be redistributions in the Australian Capital Territory and the Northern Territory because of the seven year provision in the *Commonwealth Electoral Act 1918*. It is expected that the number of electoral divisions will remain unchanged in both cases.
- The redistribution of Tasmania, also due because of the seven year provision, will be deferred until after the next election because it is scheduled to fall within 12 months of the deemed expiration of the House of Representatives.

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Introduction

Each state and territory is divided into electoral divisions for the House of Representatives. The number of divisions is determined by population and the Australian Constitution. The boundaries of these divisions have to be redrawn or redistributed from time to time to allow for population movements; thus ensuring equal representation between divisions within each state and territory.¹

There are expected to be four redistributions occurring prior to the deemed expiration of this, the 44th, Parliament. This paper outlines the reasons why.

Redistribution provisions

Section 59 of the *Commonwealth Electoral Act 1918* (the Act) sets out the three provisions that trigger electoral redistributions.² Briefly, these are:

- representation entitlement—a redistribution must be held if the number of members of the House of Representatives to which a state or territory is entitled changes
- malapportioned divisions—a redistribution must be held if the number of electors in more than one third of the divisions in a state or a division in a territory deviates from the average enrolment in that state or territory by over ten per cent for a period of more than two months (this has not been a trigger for a redistribution since the current provisions were introduced in 1984), and
- expiration of seven years—if neither of the above provisions triggers a redistribution in a state or territory within seven years of the previous redistribution then a redistribution must be held in that state or territory.

Representation entitlement

Under section 46 of the Act, the Electoral Commissioner ascertains the populations of the states and territories from the Australian Statistician the day after 12 months after the first meeting of a newly elected House of Representatives, provided that the 'House of Representatives has continued for a period of 12 months'.³ Section 48 of the Act specifies the manner in which representation entitlements are calculated from these population numbers.⁴

The first meeting of the current House of Representatives took place on 12 November 2013, so on 12 November 2014 the Electoral Commissioner will obtain the latest population figures published by the Australian Bureau of Statistics (ABS).⁵ According to the latest ABS publication of demographic statistics the population figures that will be available at 12 November 2014 will relate to the end of March 2014.⁶

In order to estimate what these population figures might be, the Parliamentary Library has taken the most current population figures, September 2013, and projected these to March 2014 using population growth figures for the period September 2012 to September 2013. The resultant population projections and estimated representation entitlements of the states and territories are shown in Table 1.

These estimates show that the current representation entitlements should change only in New South Wales and Western Australia. New South Wales will lose an electoral division while Western Australia will gain one. This will be the third division lost from New South Wales in nine years—a division was lost in each of the redistributions of 2006 and 2009. Western Australia's gain is its first since its 2000 redistribution.⁷

1. Information on the redistribution process can be found on the Australian Electoral Commission website, [Redistributions](#), accessed 29 May 2014.

2. [Commonwealth Electoral Act 1918](#), accessed 29 May 2014.

3. *Ibid.*, Part III, division 3, section 46. Note that the 'day after 12 months' is what we commonly think of as the anniversary date. For example, a calendar year starts on 1 January and finishes at midnight on 31 December; therefore, the 'day after 12 months' of a calendar year is 1 January of the next year.

4. An initial quota is ascertained by dividing the total population of the six states by twice the number of senators from the six states. A quota for each state and territory is then determined by dividing the population of the state or territory by the initial quota. The resultant figure rounded to the nearest whole number determines the entitlement.

5. The Electoral Commissioner adjusts ABS population estimates to include eligible Norfolk Island voters (see also subsections 38A and 95AA of the *Commonwealth Electoral Act 1918*); as these adjustments are very small and do not affect the outcome, no estimates of these adjustments have been included in Table 1.

6. The March 2014 population figures will be released on 25 September 2014, see dates of forthcoming issues of population data on p. 2 of Australian Bureau of Statistics (ABS), [Australian Demographic Statistics, September Quarter 2013](#), cat. no. 3101.0, ABS, Canberra, 2014, accessed 29 May 2014

7. Dates of all previous redistributions can be found on the Australian Electoral Commission website, [Redistribution dates since 1901](#), accessed 29 May 2014.

Tasmania will retain its five divisions, even though it would be entitled to only three under the representation entitlement formula, because section 24 of the Constitution guarantees that each of the original states is entitled to at least five members.

The size of the Parliament will remain unchanged at 150 divisions.

Table 1: Estimated representation entitlements

	Population projections Mar 2014	Quota (a)	Entitlement	Change (b)
New South Wales	7 493 811	47.312	47	-1
Victoria	5 824 681	36.774	37	0
Queensland	4 718 834	29.792	30	0
South Australia	1 682 392	10.622	11	0
Western Australia	2 574 758	16.256	16	+1
Tasmania (c)	514 039	3.245	5	0
Six states	22 808 515		146	0
Northern Territory (NT)	243 965	1.540		
Cocos (Keeling) Islands	571	0.004		
Christmas Island	2 217	0.014		
Total NT (d)	246 753	1.558	2	0
Australian Capital Territory (ACT)	385 853	2.436		
Jervis Bay	421	0.003		
Total ACT (d)	386 274	2.439	2	0
Australia	23 441 542		150	0

Note: For representation entitlement purposes: Jervis Bay is included with the Australian Capital Territory; and the Northern Territory includes either or both Cocos (Keeling) Island and Christmas Island if either or both are each determined not to be entitled to a member of their own [s.48(2C) of the *Commonwealth Electoral Act 1918*].

(a) Derived by dividing the population of a state or territory by an initial quota, i.e. the population of the six states divided by twice the number of senators for the six states (144); the initial quota calculated here is 158 392.

(b) Change over current entitlement.

(c) One of the original (six) states at the establishment of the Commonwealth of Australia. Section 24 of the Constitution entitles each original state to at least five members.

(d) For NT and ACT, if the remainder of their quota is 0.5 or less then s.48 of the *Commonwealth Electoral Act 1918* allows a new quota to be determined after the addition of a margin of error to their population estimate. If the resultant remainder of a new quota is greater than 0.5 then an additional member is determined for that Territory. In the Table estimates, this is not applicable to NT and the ACT entitlement is unchanged with the addition of the margin of error so it is not shown.

Expiration of seven years

Section 59 of the Act sets out that a redistribution in a state or territory must commence within 30 days of the expiration of seven years after the most recent redistribution in that state or territory (however, a redistribution can be deferred, see the next section). Table 2 sets out the date of the most recent electoral redistribution held in each state and territory and the date of the next scheduled redistribution under this provision.

Redistributions of the Australian Capital Territory and the Northern Territory will occur during this Parliament under this provision. The Australian Capital Territory redistribution should commence at the end of 2014 or early in 2015 whilst that of the Northern Territory is scheduled for September/October 2015.

Tasmania is also due for a redistribution towards the end of this Parliament but it will be deferred until after the election because it is scheduled to occur within 12 months of the deemed expiration of the House of Representatives (see next section).

A redistribution of Western Australia is also due under this provision but the representation entitlement trigger (see above) will override this and, thus, the redistribution will occur earlier. If the representation entitlement trigger is not produced, however, then this redistribution would be deferred until after the next election because it also would be commencing within 12 months of the deemed expiration of the House of Representatives.

Table 2: Electoral redistribution dates due to expiration of seven years

State/Territory	Most recent	Next scheduled
New South Wales	22 December 2009	December 2016 / January 2017
Victoria	24 December 2010	December 2017 / January 2018
Queensland	15 December 2009	December 2016 / January 2017
South Australia	16 December 2011	December 2018 / January 2019
Western Australia	18 December 2008	December 2015 / January 2016
Tasmania	16 February 2009	February / March 2016
Northern Territory	19 September 2008	September / October 2015
Australian Capital Territory	9 December 2005	December 2014 / January 2015

(a) The next scheduled date of redistribution has been deferred twice; for reasons see section on Deferral of redistribution.

Deferral of redistribution

Under subsections 59(4) and 59(9) of the Act, any redistribution scheduled within 12 months of the expiration of a House of Representatives is deferred and commenced within 30 days after the first meeting of the new House of Representatives.⁸

Most recently this provision of the Act caused the redistribution of the Australian Capital Territory, due to occur in December 2012/January 2013 (as triggered by the seven-year rule), to be deferred until after the 2013 election.

A redistribution of Tasmania is scheduled for February or March 2016. However, since this would mean that the redistribution would be within 12 months of the deemed expiration date (11 November 2016) of this Parliament, it will be deferred until after the next election. Coincidentally, under this provision the previous redistribution of Tasmania was deferred until after the 2007 election.

Under subsections 59(5) and 59(9A) of the Act, any redistribution due to occur during the first 13 months of the new Parliament will be deferred until after the representation entitlements determination is made if the Australian Electoral Commission is of the opinion that the determination will or may alter the number of members.

Under this provision, on 6 December 2013:

the Australian Electoral Commission directed the redistribution [of the Australian Capital Territory] that had been due to start by 12 December 2013 be deferred until after the next determination of membership entitlement for the House of Representatives, due in Nov/Dec 2014, on the basis that the number of electoral divisions could increase to three.⁹

The redistribution of the Northern Territory is due to commence about 13–14 months before the expiration of the House of Representatives so it is likely to go ahead.

Conclusion

Population projections suggest that two redistributions—of New South Wales and Western Australia—are expected to be triggered by the representation entitlement determination 12 months after the first sitting of this Parliament. Based upon these projections, the author expects New South Wales will lose a division and Western Australia will gain one.

The redistribution of the Australian Capital Territory, scheduled to commence after the first sitting of this Parliament, will now go ahead after the representation entitlement determination. Based on population projections, the author expects no change in the number of divisions.

A redistribution of the Northern Territory will be held in the latter part of this Parliament because it will be seven years since the previous redistribution. No change is expected in the number of divisions.

8. The expiration of the 44th Parliament is deemed to be 11 November 2016, three years after the first sitting of the House of Representatives on 12 November 2013.

9. Australian Electoral Commission, [Media Release](#), accessed 29 May 2014.

The redistribution of Tasmania scheduled for late in the term of this Parliament will be deferred until after the next election of the House of Representatives.

A timetable showing when the next redistribution in each state and territory is expected to occur is shown in Table 3 below.

The House of Representatives should go to the next election with an unchanged 150 electoral divisions.

Table 3: Predicted timetable of upcoming electoral redistributions

Next scheduled	Parliament	State/Territory	Most recent
December 2014/ January 2015	This	New South Wales	22 December 2009
December 2014 / January 2015	This	Western Australia	18 December 2008
December 2014 / January 2015	This	Australian Capital Territory	09 December 2005
September / October 2015	This	Northern Territory	19 September 2008
December 2016 / January 2017	Next	Queensland	15 December 2009
Early 2017	Next (a)	Tasmania	16 February 2009
December 2017 / January 2018	Next	Victoria	24 December 2010
December 2018 / January 2019	Next (b)	South Australia	16 December 2011

(a) Scheduled within the last 12 months of this Parliament so will be deferred until the next Parliament.

(b) This redistribution will probably be deferred until the Parliament after next.

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