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Electoral redistributions during the 45th 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.
- There are three provisions which may trigger a redistribution—representation entitlement, malapportioned divisions, or expiration of seven years since previous redistribution.
- During the expected life of the 45th Parliament there could be a redistribution of South 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. If this happens then South Australia will lose an electoral division.
- A redistribution of the Northern Territory, because of the expiration of seven years provision, was started during the last Parliament and is expected to be completed in early 2017. The number of divisions will remain unchanged at two.
- A redistribution of Tasmania, also because of the seven years provision, will occur early in the life of this Parliament. This redistribution had been deferred because it was scheduled to fall within 12 months of the deemed expiration of the previous House of Representatives. There will be no change to Tasmania's entitlement to five divisions.
- Redistributions of Queensland and Victoria will also be held because of the expiration of seven years provision. Neither state will have a change to its entitlement of divisions.
- If South Australia does lose a division then the next election may be held for a Parliament reduced to 149 divisions.

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Introduction

Each state and territory is divided into electoral divisions (or seats) 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 five redistributions occurring prior to the deemed expiration of this, the 45th, Parliament.² 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.³ 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 is extremely unlikely to be a trigger during this Parliament, 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 the anniversary of the first meeting of a newly elected House of Representatives, provided that the 'House of Representatives has continued for a period of 12 months'.⁴ Section 48 of the Act specifies the manner in which representation entitlements are calculated from these population numbers.⁵

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1. Information on the redistribution process can be found on the Australian Electoral Commission website, [Redistributions](#), accessed 18 August 2016.
 2. Dates of all previous redistributions can be found on the Australian Electoral Commission website, [Redistribution dates since 1901](#), accessed 18 August 2016.
 3. [Commonwealth Electoral Act 1918](#), accessed 18 August 2016.
 4. *Ibid.*, section 46.
 5. 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.

The first meeting of the current House of Representatives is scheduled to take place on 30 August 2016, so on 31 August 2017 the Electoral Commissioner will obtain the latest population numbers published by the Australian Bureau of Statistics (ABS).⁶ According to the latest ABS publication of demographic statistics, the population numbers that will be available at 31 August 2017 will relate to the end of December 2016.⁷

In order to estimate what these population numbers might be, the Parliamentary Library has taken the most current population numbers (December 2015) and projected these to December 2016 assuming that the population growth over the previous 12 months (December 2014 to December 2015) continues. 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 could change in South Australia, which is estimated to lose an electoral division. If South Australia is reduced to 10 seats it will return to the number of seats it had at the 1954 election and continue the decline from its maximum representation of 13 seats (1984, 1987 and 1990 elections).

Tasmania will retain its five seats, 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.

Since no other states or territories are estimated to increase their entitlement the size of the Parliament will decrease to 149 divisions.⁸

Table 1: Estimated representation entitlements

	Population projections Dec 2016	Calculated number of members (a)	Entitlement	Change (b)
New South Wales	7 778 347	47.412	47	0
Victoria	6 108 264	37.232	37	0
Queensland	4 869 236	29.680	30	0
South Australia	1 714 039	10.448	10	-1
Western Australia	2 635 252	16.063	16	0
Tasmania (c)	519 523	3.167	5	0
Six states	23 624 661		145	-1
Northern Territory	244 874	1.493		
Cocos (Keeling) Islands	601	0.004		
Christmas Island	2 258	0.014		
Total NT (d)	247 733	1.510	2	0
Australian Capital Territory	398 356	2.428		
Jervis Bay	415	0.003		
Norfolk Island	1 660	0.010		
Total ACT (d)	398 771	2.441	2	0
Australia	24 271 165		149	-1

Note: For representation entitlement purposes: Jervis Bay and Norfolk Island are included with the Australian Capital Territory; and the Northern Territory includes Cocos (Keeling) Island and Christmas Island. Norfolk Island, Cocos (Keeling) Island or Christmas Island will not be included if they are determined to be entitled to a member of their own.

(a) Derived by dividing the population of a state or territory by a population quota, i.e. the population of the six states divided by twice the number of senators for the six states (144) because s.24 of the Constitution requires there to be 'as nearly as practicable' twice as many members as senators. The population quota calculated here is 164 060.

6. Norfolk Island population numbers will also be provided because, due to the [Territories Legislation Amendment Act 2016](#), from 1 July 2016 Norfolk Island will be included in the Australian Capital Territory.

7. The December 2016 population figures will be released on 22 June 2017, see dates of forthcoming issues of population data in Australian Bureau of Statistics (ABS), [Australian Demographic Statistics, December Quarter 2015](#), cat. no. 3101.0, ABS, Canberra, 2016, p. 2, accessed 18 August 2016.

8. The House of Representatives has had 150 seats since the 2001 election.

(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 the NT and the ACT, if the remainder of their calculated number of members is 0.5 or less then s.48 of the *Commonwealth Electoral Act 1918* allows a new calculation to be determined after the addition of a margin of error to their population estimate. If the resultant remainder of the new calculated number of members is greater than 0.5 then an additional member is determined for that Territory. In the Table estimates this is not applicable for the NT, and the ACT entitlement is unchanged with the addition of the current margin of error, so it is not shown. However, new margins of error, derived from the 2016 Census, will be available at the time of the next determination and this could possibly influence the ACT outcome.

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 Northern Territory, Tasmania, Queensland and Victoria will occur during this Parliament under this provision.

A redistribution of South Australia is also due under this provision but the representation entitlement trigger (see previous section) could override this and, thus the redistribution will occur earlier. However, if the representation entitlement trigger is not produced then this redistribution would be deferred until after the next election because it would be scheduled to commence within 12 months of the deemed expiration of the House of Representatives.⁹

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

State/Territory	Most recent redistribution	Next scheduled - expiration of 7 years
New South Wales	25 February 2016	February / March 2023
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	19 January 2016	January / February 2023
Tasmania	16 February 2009	September 2016 (a)
Northern Territory	19 September 2008	September / October 2015 (b)
Australian Capital Territory	28 January 2016	January / February 2023

(a) The scheduled redistribution was deferred until after the 2016 election and will commence within 30 days of the first sitting of this Parliament.

(b) This redistribution commenced on 15 October 2015 and is expected to be finalised on 7 February 2017.

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.

Most recently this provision of the Act caused the redistribution of Tasmania, due to occur in February/March 2016 (as triggered by the seven-year rule), to be deferred until after the 2016 election. This redistribution will now commence within 30 days of the first sitting of the House of Representatives.

A redistribution of South Australia is scheduled for December 2018 or January 2019. However, since this would mean that the redistribution would be within 12 months of the expected deemed expiration date of this Parliament, it will be deferred until after the next election. As discussed in the previous section, this may not come into effect because it may already have been redistributed under the representation entitlement trigger.

9. The expected expiration of the 45th Parliament is deemed to be 29 August 2019, the end of three years after the expected first sitting of the House of Representatives on 30 August 2016.

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 Electoral Commission is of the opinion that the determination will or may alter the number of members. In this case, Tasmania and Queensland will be the only affected states. Tasmania's entitlement of five seats will not change and Queensland's entitlement is not expected to change (see Table 1); therefore, both redistributions will likely not be deferred.

Conclusion

The Parliamentary Library's population projections suggest that one redistribution—South Australia—is 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 South Australia will lose a division.

The redistribution of the Northern Territory, commenced in the latter part of the last Parliament, will be finalised in early 2017 and the deferred redistribution of Tasmania will be held immediately after the first sitting of this Parliament.

A redistribution of Queensland will commence at the end of this year or early in 2017 and Victoria will be redistributed in late 2017 or early 2018.

At this stage, New South Wales, Western Australia and the Australian Capital Territory will not be redistributed until early 2023, although these could occur earlier if their representation entitlements changed.

The House of Representatives could go to the next election with 149 electoral divisions.

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

Table 3: Predicted timetable of upcoming electoral redistributions

Next scheduled	Parliament	State/Territory	Most recent
September / October 2015 (a)	Current (45th)	Northern Territory	19 September 2008
September 2016 (b)	Current (45th)	Tasmania	16 February 2009
December 2016 / January 2017	Current (45th)	Queensland	15 December 2009
September 2017 (c)	Current (45th)	South Australia	16 December 2011
December 2017 / January 2018	Current (45th)	Victoria	24 December 2010
January / February 2023	Future (47th)	Western Australia	19 January 2016
January / February 2023	Future (47th)	Australian Capital Territory	28 January 2016
February / March 2023	Future (47th)	New South Wales	25 February 2016

(a) AEC, [Northern Territory \(NT\) federal redistribution](#), webpage. This redistribution commenced on 15 October 2015 and is expected to be finalised on 7 February 2017.

(b) The scheduled redistribution was deferred until after the 2016 election and will commence within 30 days of the first sitting of this Parliament.

(c) If the Electoral Commissioner determines that South Australia's entitlement does not change then its next scheduled redistribution is due to commence in December 2018 / January 2019 (see Table 2). This date occurs within 12 months of the deemed expiration of this Parliament so the redistribution will be deferred until the next (46th) Parliament.

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