
REPRESENTATION.

No. 11 of 1905.

An Act relating to the Representation of the several States in the House of Representatives.

[Assented to 23rd November, 1905.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1. This Act may be cited as the *Representation Act* 1905.

Inquiry as to population of the several States.

2. For the purpose of determining the number of Members of the House of Representatives to be chosen from time to time in the several States, the Chief Electoral Officer of the Commonwealth shall at the times and in the manner prescribed by this Act ascertain the numbers of the people of the Commonwealth, and the numbers of the people of the several States.

3.—(1.) The day on which any census of the people of the Commonwealth is taken shall be an Enumeration Day within the meaning of this Act. Appointment of Enumeration Day.

(2.) The Chief Electoral Officer shall appoint other Enumeration Days as follows :—

- (a) The first Enumeration Day shall be appointed as soon as practicable after the commencement of this Act ;
- (b) After the first census taken after the commencement of this Act, an Enumeration Day shall be appointed at the expiration of every fifth year after the then last preceding Enumeration Day.

4.—(1.) The numbers of the people shall be ascertained as on Enumeration Day in accordance with the following provisions :— Ascertainment of number of people of the Commonwealth and the States.

- (a) The numbers of the people of each State, as shown by the census, shall be taken.
- (b) In the case of an Enumeration Day not being a census day, allowances shall then be made, as prescribed in Schedule A or by the regulations, by adding the increases and deducting the decreases in those numbers arising from births, deaths, arrivals, and departures during the period from the last census day.
- (c) There shall be excluded from the reckoning the number of persons who, by section twenty-five or section one hundred and twenty-seven of the Constitution, are required not to be counted.

(2.) Until the census is taken pursuant to any law of the Commonwealth, the census taken pursuant to the law of any State shall, as regards that State, be the census for the purposes of this section.

(3.) Until otherwise prescribed, the quarter days shall be the thirty-first of March, thirtieth of June, thirtieth of September, and thirty-first of December.

5. All Statistical Officers of the Commonwealth and of the several States are hereby authorized and required to furnish to the Chief Electoral Officer all such statistical information as he requires to enable him to ascertain the numbers of the people in accordance with this Act. Statistical information to be furnished.

6. The Chief Electoral Officer shall forthwith, after he has ascertained the numbers of the people in accordance with this Act, make and forward to the Minister a certificate, in accordance with the form prescribed in Schedule B or by the regulations, setting forth the numbers of the people of the Commonwealth and of the several States as on Enumeration Day. Certificate of Chief Electoral Officer.

7. A copy of the certificate of the Chief Electoral Officer shall forthwith be published in the *Gazette* ; and copies of the certificate shall forthwith be laid before both Houses of the Parliament, if the Parliament is then sitting, and if not then within thirty days after the next meeting of the Parliament. Gazettal of certificate.

Effect of certificate.

8. The certificate of the Chief Electoral Officer shall, for the purposes of this Act, be evidence of the numbers of the people of the Commonwealth and of the several States, and shall remain in force until superseded by the making of another certificate in accordance with this Act.

Determination of number of Members of House of Representatives.

9. The Chief Electoral Officer shall, immediately after the issue of the foregoing certificate, determine the number of Members of the House of Representatives to be chosen in the several States in the manner hereinafter mentioned.

Determination of representation of the States.

10. For the purpose of determining the number of Members of the House of Representatives to be chosen in the several States, the following procedure shall be followed :—

- (a) A quota shall be ascertained by dividing the number of people of the Commonwealth, as shown by the certificate (for the time being in force) of the Chief Electoral Officer, by twice the number of Senators.
- (b) The number of Members to be chosen in each State shall, subject to the Constitution, be determined by dividing the number of the people of the State, as shown by the certificate (for the time being in force) of the Chief Electoral Officer, 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.

Notification setting forth number of Members of House of Representatives.

11. The Chief Electoral Officer shall forthwith, after he has determined the number of Members of the House of Representatives to be chosen in the several States in accordance with this Act, make and forward to the Minister a notification setting forth the number of Members of the House of Representatives to be chosen in the several States.

Certificate not to affect certain elections.

12. When in pursuance of a certificate under this Act an alteration takes place in the number of Members of the House of Representatives to be chosen in any State the alteration shall not affect—

- (a) any election held before the State has been redistributed into electoral divisions pursuant to the certificate ; nor
- (b) any election to fill a vacancy in a House of Representatives elected before such redistribution,

but shall affect any general election after such redistribution.

Power to make regulations.

13.—(1.) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Laying before Parliament.

(2.) All regulations made in pursuance of this Act shall be laid before both Houses of the Parliament within thirty days next after they are made if the Parliament is then sitting, or if the Parliament is not then sitting then within thirty days after the next meeting of the Parliament.

Power of Parliament over.

(3.) A regulation altering or superseding or providing a substitute for or affecting Schedules A and B, or either of them, shall not have

any force until it has been laid before both Houses of the Parliament for thirty days, or if within that time a resolution has been proposed in either House of the Parliament to disapprove of the regulation, until the motion for the resolution has been disposed of.

(4.) If before the regulation comes into force a resolution disapproving of it is passed by either House of the Parliament, the regulation shall be of no effect.

SCHEDULES.

SCHEDULE A.

The Representation Act 1905.

METHOD OF ASCERTAINING THE NUMBERS OF THE PEOPLE OF THE COMMONWEALTH AND OF THE SEVERAL STATES.

1. Increases and decreases in the numbers of the people in each State, arising from births and deaths, and arrivals and departures (whether by sea or land), during the period from the last Census Day up to and including the last quarter day before Enumeration Day shall be ascertained.

2. The Chief Electoral Officer may accept as evidence of increases and decreases, and of the number of persons who by section twenty-five or section one hundred and twenty-seven of the Constitution are required not to be counted, any returns supplied to him by the Government Statistician of the Commonwealth or of any State.

3. Returns supplied by the Government Statistician of the Commonwealth or of any State to the Chief Electoral Officer shall be based on official information received as follows :—

- (a) In the case of births and deaths, from the Registrar-General of Births and Deaths ;
- (b) In the case of arrivals and departures by sea, from the Department of Trade and Customs ;
- (c) In the case of arrivals and departures by land, from the Railway Departments.

4. In the case of the States of New South Wales, Victoria, Queensland, and South Australia, ten per centum shall be added to the numbers of people arriving and departing as shown by the information received from the Railway Departments, to allow for unrecorded arrivals and departures by rail and road.

5. The following percentages shall be added to the numbers of persons departing by sea from the several States as shown by the information received, to allow for unrecorded departures by sea :—

	per cent.
New South Wales	9
Victoria	9
Queensland	10
South Australia	7
Western Australia	5
Tasmania	12·5

6. In reckoning the arrivals and departures by sea, the number of seamen discharged or having deserted from, and the number of seamen signing on as members of the crew of, any ship (other than a ship trading exclusively in a State) shall be taken into account.

SCHEDULE B.

COMMONWEALTH OF AUSTRALIA.

The Representation Act 1905.

CERTIFICATE OF THE CHIEF ELECTORAL OFFICER OF THE
NUMBERS OF THE PEOPLE OF THE COMMONWEALTH AND
OF THE SEVERAL STATES.

I, _____, Chief Electoral
Officer of the Commonwealth of Australia, do hereby certify that I have, in the
manner prescribed by the *Representation Act 1905*, ascertained the numbers of the
people of the Commonwealth and of the several States, and that those numbers were
on the _____ day of _____ 19____ as follows :—

States.					Numbers of the People.
New South Wales	
Victoria	
Queensland	
South Australia	
Western Australia...	
Tasmania	
The Commonwealth	

Dated the _____ day of _____ 19____

Chief Electoral Officer.