

## REPRESENTATION.

**No. 16 of 1948.**

**An Act to increase the Number of Senators  
and for other purposes.**

[Assented to 18th May, 1948.]

Preamble:

**W**HEREAS it is provided by section seven of the Constitution that, until the Parliament otherwise provides, there shall be six senators for each Original State, and that the Parliament may

make laws increasing or diminishing the number of senators for each State, but so that equal representation of the several Original States shall be maintained and that no Original State shall have less than six senators :

AND WHEREAS it is provided by section fourteen of the Constitution that, whenever the number of senators for a State is increased or diminished, the Parliament may make such provision for the vacating of the places of senators for the State as it deems necessary to maintain regularity in the rotation :

AND WHEREAS it is provided by section twenty-four of the Constitution that—

- (a) the House of Representatives shall be composed of members directly chosen by the people of the Commonwealth ;
- (b) the numbers of such members shall be, as nearly as practicable, twice the number of senators ; and
- (c) the number of members chosen in the several States shall be in proportion to the respective numbers of their people, and shall, until the Parliament otherwise provides, be determined, whenever necessary, in the manner specified in that section, but that, notwithstanding anything in that section, five members at least shall be chosen in each Original State :

AND WHEREAS the Parliament has, by the *Representation Act* 1905–1938, made other provision for determining the number of members chosen in the several States :

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

1. This Act may be cited as the *Representation Act* 1948. Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. In this Act, unless the contrary intention appears— Definitions.
  - “casual vacancy” means a vacancy in the place of a senator occurring before the expiration of his term of service ;
  - “sitting senator” means a senator elected at an election previous to the election referred to in section five of this Act.
4. From and including the day of the first meeting of the Parliament after the first dissolution of the House of Representatives occurring after the commencement of this Act, the number of senators for each State shall be ten. Number of senators.
- 5.—(1.) At the first election of senators held after the commencement of this Act, the number of senators chosen to represent each State shall be seven, together with such number of senators (if any) for that State as are to be chosen to fill casual vacancies which are long casual vacancies within the meaning of the *Senate Elections Act* 1903–1948. Election of senators.

(2.) If at that election any senators are to be chosen to fill casual vacancies, the provisions of the *Senate Elections Act 1903-1948* shall apply in relation to the filling of those casual vacancies but, in the application of those provisions to the filling of a long casual vacancy, all the places to be filled shall be deemed to be periodical vacancies.

(3.) Of the senators chosen at the election (other than any sitting senator), the first two senators elected shall be chosen for a term of six years and shall hold their places from and including the day referred to in the last preceding section but, for the purpose of maintaining regularity in the rotation of senators, the places of those two senators shall not become vacant until the first day of July, One thousand nine hundred and fifty-six.

(4.) Of the senators chosen at the election (other than any sitting senator or any senator elected to fill a long casual vacancy), the last two senators elected shall be chosen for a term of six years and shall hold their places from and including the day referred to in the last preceding section but, for the purpose of maintaining regularity in the rotation of senators, the places of those two senators shall, subject to this section, become vacant on the first day of July, One thousand nine hundred and fifty-three.

(5.) Each other senator chosen at the election (not being a senator elected to fill a long casual vacancy) shall fill a periodical vacancy arising on the first day of July, One thousand nine hundred and fifty.

(6.) If the sixth or seventh senator elected is a sitting senator, or if both the sixth and seventh senators elected are sitting senators, then, for the purpose of maintaining regularity in the rotation of senators—

(a) the place of that senator or the places of those senators (being a place or places which, but for this sub-section, would become vacant on the first day of July, One thousand nine hundred and fifty-six) shall become vacant on the first day of July, One thousand nine hundred and fifty-three; and

(b) of the senators to whom sub-section (4.) of this section applies, the place of the first senator elected, or the places of both those senators, as the case requires (being a place or places which, but for this sub-section, would become vacant on the first day of July, One thousand nine hundred and fifty-three), shall not become vacant until the first day of July, One thousand nine hundred and fifty-six.

Provision in the case of a double dissolution.

6. If the dissolution of the House of Representatives referred to in section four of this Act is a dissolution at which the Senate and the House of Representatives are dissolved simultaneously, the provisions of sub-section (1.) of the last preceding section shall have effect as if the word "ten" were substituted for all the words from and including the word "seven" and the provisions of the succeeding sub-sections of that section shall not have effect.

7. The allowances payable under the *Parliamentary Allowances Act* 1920-1947 to the senators to whom sub-section (3.) or (4.) of section five of this Act applies shall be reckoned from and including the day referred to in section four of this Act. Reckoning of parliamentary allowances to certain senators.

8.—(1.) The last determination made by the Chief Electoral Officer, prior to the commencement of this Act, under section nine of the *Representation Act* 1905-1938, of the number of members of the House of Representatives to be chosen in the several States, shall not have effect. Determination of number of members of the House of Representatives.

(2.) Forthwith after the commencement of this Act, the Chief Electoral Officer shall make a determination in accordance with section ten of the *Representation Act* 1905-1938 of the number of members of the House of Representatives to be chosen in the several States and, for the purpose of the making of that determination, the number of senators shall be deemed to be sixty.

---