

REPRESENTATION AMENDMENT ACT 1977

No. 16 of 1977

An Act to amend the *Representation Act 1905*.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

Short title,
&c. 1. (1) This Act may be cited as the *Representation Amendment Act 1977*.¹

(2) The *Representation Act 1905*² is in this Act referred to as the Principal Act.

Commence-
ment. 2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

3. Section 1A of the Principal Act is repealed and the following section substituted:—

Interpret-
ation. “1A. In this Act—

‘determination’ means a determination made under section 9;

‘ordinary general election’ means a general election of members of the House of Representatives next following a House of Representatives that expired or was dissolved at or towards the end of the period of 3 years from the first meeting of that House;

‘people of the Commonwealth’ does not include the people of any Territory.”

4. Sections 3, 4, 5 and 6 of the Principal Act are repealed and the following sections substituted:—

Ascertain-
ment of
numbers of
people of
Common-
wealth and
States. “3. Where a House of Representatives has continued for a period of 11 months after the date of the first meeting of that House, the Chief Australian Electoral Officer shall, within 30 days after the expiration of that period, if that House is still continuing, ascertain the numbers of the people of the Commonwealth and of the several States in accordance with the latest statistics of the Commonwealth.

“4. The Australian Statistician shall, on request by the Chief Australian Electoral Officer, supply the Chief Australian Electoral Officer with all such statistical information as he requires for the purposes of this Act.

Supply of
Statistical
information.

“5. The Chief Australian Electoral Officer shall, immediately 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 the Schedule or by the regulations, setting forth the numbers of the people of the Commonwealth and of the several States as so ascertained.”

Certificate of
Chief
Australian
Electoral
Officer.

5. Section 10 of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:—

Determi-
nation of
representation
of States.

“(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 Australian 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.”

6. Section 12 of the Principal Act is repealed and the following section substituted:—

“12. (1) At an ordinary general election, the number of Members of the House of Representatives to be chosen in each State shall be in accordance with the last determination made before that election.

Elections.

“(2) At a general election of Members of the House of Representatives, not being an ordinary general election, the number of members to be chosen in each State shall be in accordance with the determination in accordance with which the State is for the time being distributed into electoral divisions.”

7. Schedule B to the Principal Act is repealed and the following Schedule substituted:—

Schedule.

SCHEDULE

Section 5

COMMONWEALTH OF AUSTRALIA

Representation Act 1905

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

I, _____, the Chief Australian Electoral Officer, hereby certify that I have this day, in accordance with the *Representation Act 1905*, ascertained the numbers of the

people of the Commonwealth and of the several States in accordance with the latest statistics of the Commonwealth, and that those numbers are 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 Australian Electoral Officer.

Minor and consequential amendments.

8. The Principal Act is amended as set out in the Schedule.

Transitional.

9. (1) The Chief Australian Electoral Officer shall, within 30 days after the commencement of this section, ascertain the numbers of the people of the Commonwealth and of the several States in accordance with the latest statistics of the Commonwealth, and, notwithstanding sub-section 12 (2) of the Principal Act as amended by this Act, at the first general election of Members of the House of Representatives held after the commencement of this section, the number of Members to be chosen in each State shall be in accordance with the determination made in relation to that ascertainment of the numbers of the people.

(2) The ascertainment of the numbers of the people in pursuance of sub-section (1) shall, for the purposes of the Principal Act as amended by this Act, be deemed to have been made under and in accordance with section 3 of that Act as so amended.

SCHEDULE

Section 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Provision	Amendment
Section 2	Omit "Chief Electoral Officer of the Commonwealth", substitute "Chief Australian Electoral Officer".
Section 7	After "Chief", insert "Australian".
Section 8	After "Chief", insert "Australian".
Section 9	After "Chief", insert "Australian".
Paragraph 10 (a)	After "Chief", insert "Australian".
Section 11	After "Chief", insert "Australian".
Sub-section 13 (3)	Omit "Schedule B", substitute "the Schedule".
Heading to Schedules	Omit "SCHEDULES".

NOTES

1. Act No. 16, 1977; assented to 28 February 1977.
2. Act No. 11, 1905, as amended. For previous amendments *see* Act No. 9, 1938; No. 97, 1964; and No. 40, 1974.