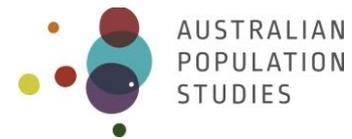

Alternative methods of determining the number of House of Representatives seats for Australia's territories



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Abstract

Background

Population size determines the number of seats each Australian state and territory is entitled to in the House of Representatives. The Northern Territory (NT) and Australian Capital Territory (ACT) were allocated two and three seats, respectively, in the August 2017 determination, but by very small margins. Both territories risk losing a seat at the next determination. This would result in them having considerably more people per member of parliament than any of the states.

Aims

This paper (1) provides modelling to support the consideration of alternative rules for determining membership entitlement to the House of Representatives which does not disadvantage the NT and ACT and (2) presents population projections for future determinations under the current and alternative rules.

Data and methods

Population projections for the states and territories were produced for three demographic scenarios. The resulting numbers of seats for the NT and ACT were calculated for each scenario under the current and proposed alternative seat entitlement rules.

Results

Under the existing rules the NT and ACT would only keep their current number of seats at the next determination if they experienced higher net in-migration than in recent years. Under the alternative seat entitlement rules suggested, the NT and ACT would be very unlikely to lose any seats and would almost certainly gain seats in ensuing decades.

Conclusions

There is a case for re-examining the way the states and territories are allocated seats in the House of Representatives.

Key words

Commonwealth Electoral Act; Constitution; House of Representatives; Australia; seat entitlements; population projections; Northern Territory; Australian Capital Territory.

1. Introduction

Population statistics play a central role in determining the number of seats in the House of Representatives assigned to each state and territory. The seat allocation process is set out in the *Commonwealth Electoral Act 1918*, and is based on the fundamental principle described in the Australian Constitution that each state is allocated a share of seats equal to its share of the national population (*Commonwealth Electoral Act 1918; Commonwealth of Australia Constitution Act 1900*). Various special provisions, along with the need to round fractional seat entitlements (e.g. 10.6 or 11.4 seats) to the nearest whole number, mean that the population–seat relationship is imprecise, but much of the basic principle is retained.

Because of changes to state and territory shares of the national population over time, the Electoral Act requires the Australian Electoral Commissioner to periodically re-calculate seat entitlements. A year-and-a-day after the first sitting of the House of Representatives following a general election, updated population numbers are obtained from the Australian Bureau of Statistics (ABS). New calculations of state and territory seat entitlements are then made. When the number of seats in a state or territory changes, a redistribution of electoral boundaries within that jurisdiction is initiated and the new boundaries come into effect at the next federal general election.

Sometimes seat entitlement calculations have generated controversy, especially in the case of the Northern Territory (NT). In the 2003 determination of state and territory entitlements for the House of Representatives, the NT saw its entitlement reduced from two seats to just one because of a falling share of the national population (Australian Electoral Commission 2003). But it was very close: if the NT had just 295 more people it would have retained two seats. The ensuing controversy resulted in an Inquiry into representation of the territories in the House of Representatives by the Joint Standing Committee on Electoral Matters. The Committee report recognised the greater uncertainty of territory estimated resident population (ERP) calculations relative to those of the states and recommended both that the 2003 seat determination for the NT be set aside and a margin of error be incorporated in future seat determinations ‘when a Territory falls short of quota’ (Joint Standing Committee on Electoral Matters 2003, pp. viii–ix). The Electoral Act was amended the following year to incorporate the report’s recommendations and the NT retained its two seats.

In the years 2013–2016 the NT again experienced population growth below the national rate (Wilson 2017a) resulting in a declining share of the national population. In the recent 2017 determination the NT retained two seats, though by a very small margin (Australian Electoral Commission 2017). If the NT were to lose a seat in the near future, about a quarter of a million people would be represented by a single member of parliament, a population to seat ratio much higher than for any of the states. The 2017 determination also gave the ACT an additional seat, but by a very small margin. If the ACT were to lose a seat, it too would be subject to a much higher population to seat ratio than any of the states. This raises two key questions: (1) Might the NT and ACT lose a seat in the next determination?; (2) What could be changed to ensure the territories do not lose a seat in the future?

This paper proposes two alternative models for seat entitlement rules and presents population and associated seat projections for the NT and ACT under the current and proposed alternative seat entitlement rules. Section 2 of the paper describes the process for calculating seat entitlements prescribed by current legislation, and models two alternative schemes in which the territories are not

subject to inferior representation in the House of Representatives. Population projections based on various scenarios for the three schemes (current and alternative models) are presented in Section 3, while brief conclusions form the final section of the paper.

2. Current and alternative seat entitlement calculations

2.1 Current scheme

The current method for seat entitlement calculations is specified in the *Commonwealth Electoral Act 1918* as amended and in force on 21 October 2016. The 2016 amendments mean that the calculations differ slightly from those described earlier by ABS (2005), Corr (2016), Payer and Taylor (2015) and Wilson, Beneforti and Barnes (2005).

The key elements of the process are summarised in the flow diagram in Figure 1. Seat entitlement calculations for each of the states are relatively straightforward. First, the quota is calculated. The quota is the population required for a jurisdiction to be assigned a seat in the House of Representatives. It is defined in the Electoral Act as the latest official population number for the six states combined, divided by twice the total number of senators for the six states ($2 \times 72 = 144$). The number of senators is defined by legislation. While it can change in theory, for practical purposes the number can be assumed to be fixed at 72.

The latest ERP of each state is divided by the quota to obtain the seat entitlement, shown in Figure 1 as $w.f.$ where w represents the whole number part of the seat entitlement and f the fractional part. The seat entitlement is rounded down if the fractional part f is less than or equal to 0.5, and rounded up if greater than 0.5. If any state (but not territory) has fewer than five seats, then the Australian Constitution requires the number of seats to be increased to five. In practice this now only applies to Tasmania (though long ago it was relevant also to other states).

The calculations are more complicated for the NT and ACT. The populations of the territories of the Cocos (Keeling) Islands and Christmas Island are included in the NT's population. (Strictly, the Electoral Act states that if the Cocos Islands and Christmas Island do not have sufficient population to be allocated a seat themselves they are to be included with the NT – but in practical terms they can always be regarded as part of the NT.) A similar provision applies to Norfolk Island whose ERP is included in the ACT's population until it is entitled to separate representation¹; Jervis Bay Territory is counted as part of the ACT. The provisional seat entitlements for the NT and ACT are then calculated by dividing their populations by the quota.

At this point the calculations for the territories can deviate from those of the states. If the fractional part f of the unrounded preliminary seat number for the NT or ACT is less than or equal to 0.5, then a check is made to determine whether the population of the territory is within a specified margin of error. This margin of error allowance was introduced to the Electoral Act in 2004 on the recommendation of the Joint Standing Committee on Electoral Matters (2003).

¹ This is the first seat determination in which Norfolk Island's population (most recently 1,756) has been included as part of the ACT due to recent changes in Norfolk Island's status. However, it did not materially affect the seat determination outcome.

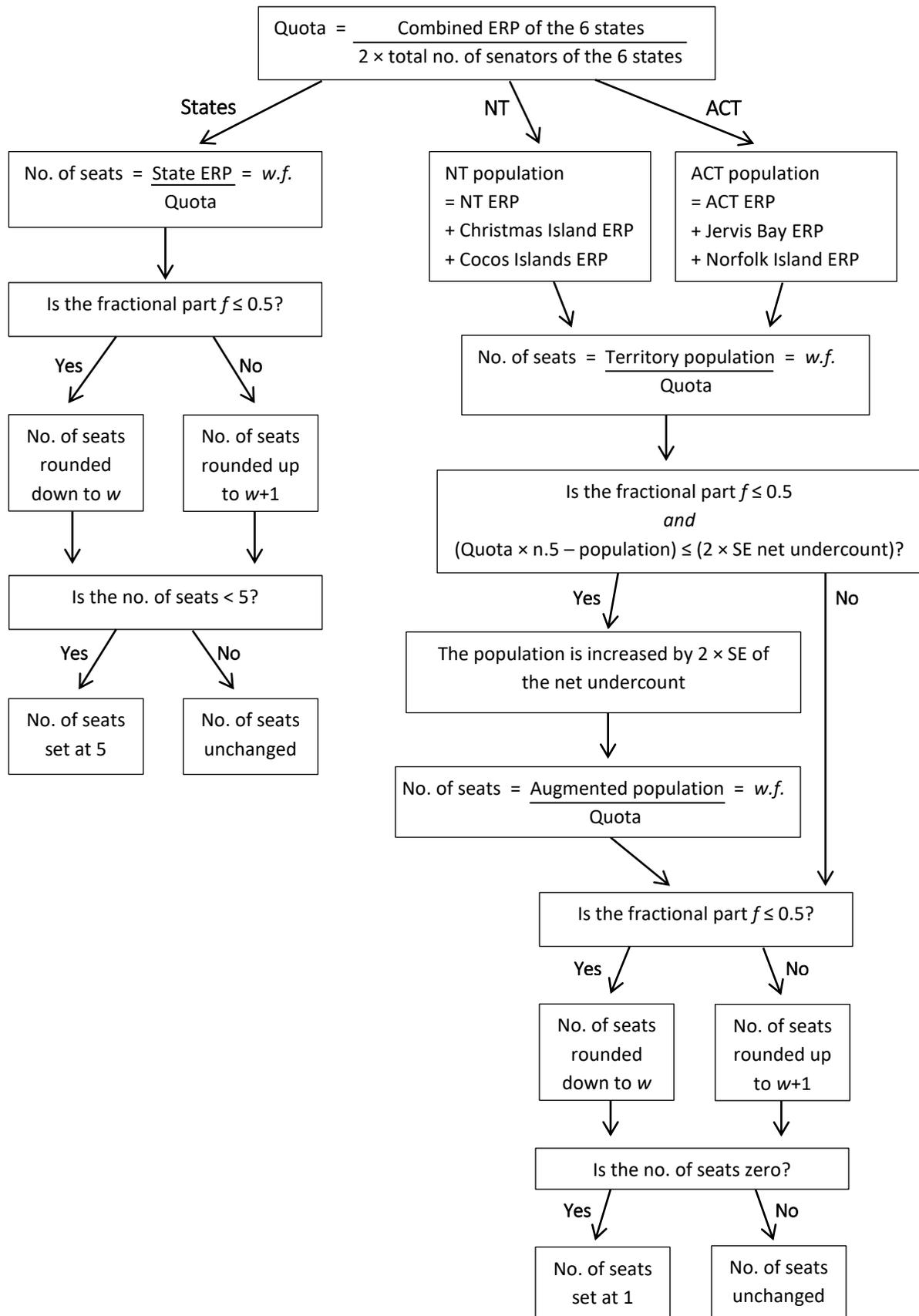


Figure 1: Summary of the current House of Representatives seat determination calculations

Source: Based on Commonwealth Electoral Act 1918. Notes: $w.f.$ = whole number.fraction; SE = Standard Error.

The increase in population required to obtain an entitlement with exactly a 0.5 fraction is then calculated. For example, if the whole number part of the seat entitlement is 2, then this ‘threshold’ population is $2.5 \times$ quota. If the increase required to reach this threshold population is less than or equal to twice the standard error (SE) of the net undercount estimated from the last census, then the official population of the territory is taken to be its original population *plus* twice the SE of the net undercount. The seat entitlement calculation is re-calculated using this augmented population. The same rounding process as for the states is then applied. Finally, a check is made to ensure that each territory has a minimum of one seat.

Table 1 presents key statistics from the 2017 seat determination. The most recent official population numbers at the time of the determination were the 31 December 2016 ERPs published by the ABS in *Australian Demographic Statistics* on 27 June 2017 (ABS 2017). Using these data, the quota was calculated as $23,729,561 / 144 = 164,788.6181$. Three jurisdictions experienced changes in their number of seat entitlements. Victoria gained a seat while South Australia lost one.

The ACT also gained a seat due to the margin of error allowance for its ERP. The preliminary unrounded number of seats for the ACT was calculated as 2.4793 (column B). Because the fractional part f was less than 0.5 it was necessary to determine whether the ACT’s population was within the permitted margin of error to get above 2.5. Twice the SE of net undercount from the ABS 2016 Census for the ACT was 10,694 (column C), while the additional population required to increase the seat entitlement to 2.5 was $2.5 \times 164,788.6181 - 408,562 = 3410$ (column D). Therefore, the population of the ACT was increased by twice the SE of the undercount to obtain an augmented population (column E) and the entitlement calculation was repeated (column F).

Table 1: State and territory seat determinations, 2017

Jurisdiction	Population (A)	Population/ quota (B)	2 × SE net undercount (C)	w.5 quota – population (D)	Augmented population (E)	Aug. popn/ quota (F)	Seats (G)
NSW	7,797,791	47.3200					47
Vic.	6,244,227	37.8923					38
Qld	4,883,739	29.6364					30
SA	1,716,966	10.4192					10
WA	2,567,788	15.5823					16
Tas.	519,050	3.1498					*5
NT	247,512	1.5020					2
ACT	408,562	2.4793	10,694	3,410	419,256	2.5442	3
Total	–	–	–	–	–	–	151

Source: Based on Australian Electoral Commission (2017). Note: *5 seat minimum applied.

Under the current legislation the NT and ACT have two and three seats, respectively, by very small margins. If they were to drop to one and two seats, then the population being represented by each member of parliament in the territories would be far higher than that of any of the states. There are a number of alternative ways in which the number of seats could be calculated for the territories which would prevent them from being disadvantaged in this way. We propose two alternative seat entitlement schemes, the special quota scheme and the fixed quota scheme, discussed below.

2.2 Special quota scheme

Because the Australian Constitution provides for a minimum of five seats in any state, Tasmania receives two more seats than it would be assigned simply on the basis of its population size. The *effective* quota for Tasmania is therefore substantially lower than the actual quota and in the 2017 determination was $519,050 \text{ ERP} / 5 \text{ seats} = 103,810$. Under our proposed special quota scheme the effective Tasmanian quota would be applied to the NT and ACT, the argument being that if a state is entitled to minimum representation due to small population size, then these two territories should be afforded the same treatment.

The process for the NT and ACT might be amended to something like this:

- The number of seats which would be allocated to each territory under the regular quota is calculated.
- If the minimum 5 seat provision is applied to any state, then the effective quota for that state – which could be termed the *special quota* – is calculated. If the minimum 5 seat provision applies to more than one state then the lowest effective quota is deemed the special quota (though in practice this is unlikely).
- If (i) a territory would be allocated fewer than 5 seats by dividing its population by the quota and (ii) the minimum 5 seat provision is applied to any state, then the seat entitlement for that territory is calculated by dividing its population by the special quota.
- The number of seats calculated in this way for any territory is capped at 5.

The rounding up or down of fractional parts of the seat entitlement remains the same as in the current process, as does the provision of a margin of error based on the SE of the net undercount from the last census.

Had this alternative system been in place in the 2017 determination, then the outcome would have been as shown in Table 2: the NT would have achieved two seats comfortably, while the ACT would have been allocated four seats. The NT's entitlement of 2.3843 would not have put it within the margin of error to be rounded up to 3.

Table 2: 2017 seat determinations for the NT and ACT under the special quota system

Territory	Population	Population/special quota	Seats
NT	247,512	2.3843	2
ACT	408,562	3.9357	4

Source: Authors' calculations.

2.3 Fixed quota scheme

Another alternative scheme would be to keep the current seat entitlement calculation rules but with one exception: the current method of calculating the quota based on the states' latest populations would be replaced by a fixed number. This might be, for example, 150,000 people per seat. The argument behind this approach is that each member of the House of Representatives can only effectively serve a certain number of constituents. Therefore, as Australia's population increases, so will the number of seats in the House of Representatives. Given the constitutional requirement that the total number of seats for the six states be twice the number of senators, the number of senators

would also have to increase. This method also has the advantage of being very simple. The seat entitlements which would have been calculated in the 2017 determination with a quota of 150,000 are shown in Table 3. The NT would comfortably have been assigned two seats, while the ACT would have been allocated three seats. The total number of seats in the House of Representatives would be 165 under this scheme.

Table 3: 2017 seat determinations with a fixed quota of 150,000

Jurisdiction	Population	Population/quota	Seats
NSW	7,797,791	51.9853	52
Vic.	6,244,227	41.6282	42
Qld	4,883,739	32.5583	33
SA	1,716,966	11.4464	11
WA	2,567,788	17.1186	17
Tas.	519,050	3.4603	*5
NT	247,512	1.6501	2
ACT	408,562	2.7237	3
Total		—	165

Source: Authors' calculations. Note: *5 seat minimum applied.

3. Projections

How might the NT's and ACT's seat entitlements change in the future under the current legislation and alternative calculation schemes described above? To provide answers, population projections were produced for the states and territories from 2016 to 2051. Calculations of seat entitlements for the NT and ACT were then made for every projection year (2021, 2026, ... , 2051) under the current, special quota and fixed quota schemes.

3.1 Projection methods, data and scenarios

Projections were prepared using the Regional Population Projection Program (RePPP) (Wilson 2017b). This Excel/VBA program incorporates a multi-regional type cohort-component model which outputs projections by sex and five-year age group for every fifth year into the future. Most input data were sourced from the ABS website, primarily from ABS.Stat (<http://stat.data.abs.gov.au/>). These included preliminary rebased 30 June 2016 ERPs, total fertility rates (TFRs) and age-specific fertility rates, state and territory life expectancies at birth, interstate migration flows, and overseas migration flows.

National mortality rate projections were created using Ediev's (2008) extrapolative method based on data extracted from the Human Mortality Database (2017). Jurisdiction-specific mortality assumptions were created by scaling national mortality projections according to recent life expectancy at birth values. For all three scenarios the average TFRs of 2011–2016 were assumed to remain constant. The populations of the small territories of Christmas Island, the Cocos Islands, Jervis Bay and Norfolk Island were assumed to remain constant at their 2016 ERPs. The SEs of net undercount from the 2016 Census for the NT and ACT were also assumed to remain constant.

Three scenarios with differing migration assumptions were produced:

1. **Current Trajectory** scenario, in which the net interstate migration (NIM) values of 2011–2016 for the NT and ACT were held constant; for the states an annual average of the last 20 years of NIM was assumed (but adjusted to ensure NIM summed to zero across all jurisdictions). Net overseas migration (NOM) values from 2011–2016 were held constant for all jurisdictions. Projections under this scenario demonstrate the population outcomes if the demographic ‘settings’ of the 2011–2016 period for the NT and ACT were to remain unchanged.
2. **Low Migration** scenario, in which NIM and NOM for the NT and ACT were held constant at the 10th percentile of their distributions over the last 20 years. Assumptions for the states were the same as in the Current Trajectory scenario (with adjustments made to obtain zero NIM when summed across all jurisdictions). Projections from this scenario show the result of long-run highly negative net migration outcomes for the two territories.
3. **High Migration** scenario, in which NIM and NOM for the NT and ACT were held constant at the 90th percentile of their past distributions. Again, assumptions for the states were the same as in the Current Trajectory scenario (except for adjusted NIM values). This scenario’s projections reveal the outcome of consistently high net migration gains for the two territories.

Assumptions for the scenarios are given in the Appendix (Table 4). Projections from the three scenarios do not cover the range of all possible demographic outcomes, of course. Migration for individual five-year projection intervals may fall outside the High–Low range, and fertility and mortality are both likely to deviate somewhat from the assumptions used. However, past analyses have shown that migration is the greatest source of uncertainty about future population for both the NT and ACT (Wilson 2012), and the High–Low ranges considered here cover a wide range of plausible outcomes for the two territories.

3.2 Projection results

The projected populations of the NT and ACT according to the three scenarios are shown in Figure 2. Given the wide range of historical NIM and NOM values for these two territories, it is not surprising to see substantially different results from the High Migration and Low Migration assumptions.

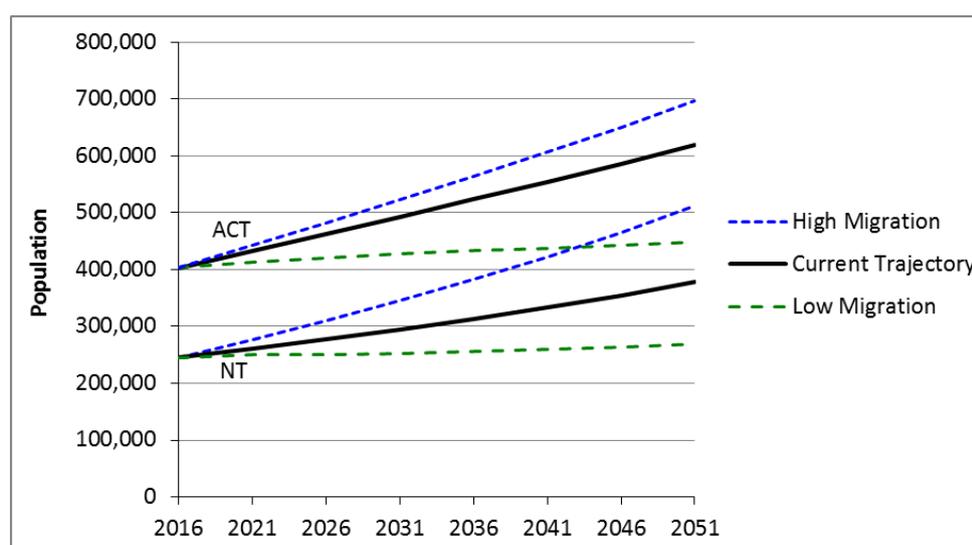


Figure 2: Population projections for the NT and ACT, 2016–2051

Source: Authors’ projections. Note: The ACT’s Current Trajectory projection is closer to its High Migration projection because NOM over 2011–2016 was towards the higher end its distribution for the last 20 years.

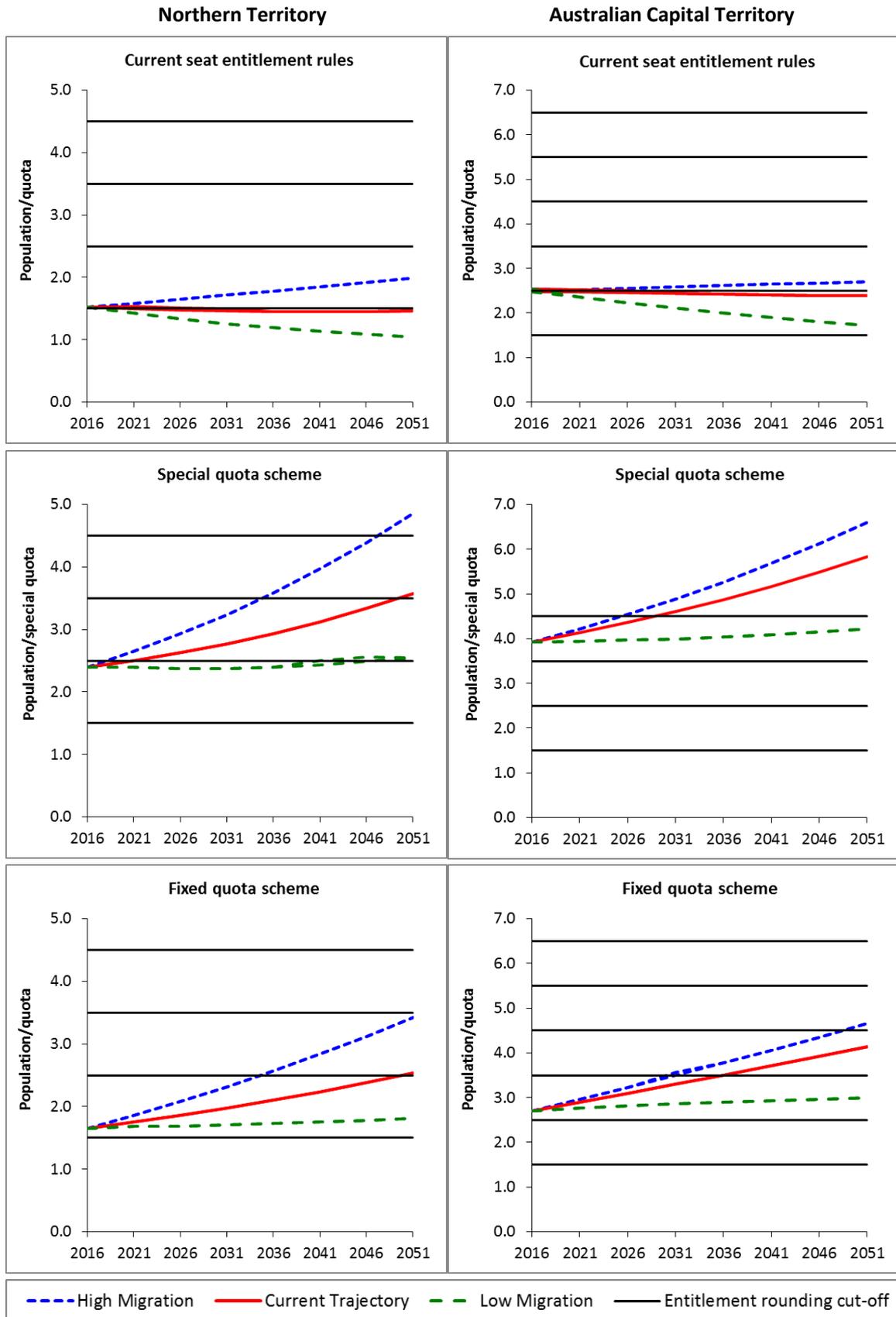


Figure 3: Unrounded seat entitlements for the NT and ACT, 2016–2051, according to three seat calculation schemes and three demographic scenarios

Source: Authors' calculations.

Figure 3 illustrates the unrounded seat entitlements calculated for the NT and ACT if seat determinations were made on 30 June of the projection years 2021, 2026, ... , 2051. The detailed calculations behind these graphs are contained in the Excel workbook accompanying this paper. Under the current seat entitlement rules, each territory only keeps the number of seats assigned at the 2017 determination under the High Migration scenario. This is because population growth amongst the six states results in the quota increasing over time, reaching about 260,000 by 2051. Under the Current Trajectory scenario both territories lose a seat in the 2030s but, as the graphs show, they remain very close to losing a seat for the entire preceding period. If the Low Migration scenario was to eventuate, both territories would probably lose a seat as early as the next determination.

Under the special quota scheme, the quota is determined by the size of Tasmania's population. The seat projections are therefore less robust because of uncertainty about the future of Tasmania's population. In our projections Tasmania experiences only a modest amount of population growth until the early 2030s (to about 540,000), followed by gradual decline. As a consequence, the special quota never exceeds 108,000. Under the 'worst case' scenario of Low Migration the NT increases from two to three seats in the 2040s and the ACT retains four seats through to 2051. Under the High Migration scenario both territories increase to five seats: the NT at the end of the projection horizon, and the ACT early on (noting that the special quota scheme provides a maximum of five seats). Even if the slightly more optimistic ABS 2012-based Series B projections for Tasmania were used instead (ABS 2013), the 'worst case' Low Migration scenario would keep the NT on two seats, and the ACT on four throughout the projection horizon.

Under the fixed quota scheme the seat projections are determined solely by each jurisdiction's future population. Under the Low Migration scenario, both the NT and ACT remain on two and three seats, respectively, for the whole projection horizon. Under the High Migration scenario the NT will have gained one seat and the ACT two by mid-century.

4. Conclusion

We believe there is a case to re-examine the legislation on representation in the Commonwealth House of Representatives, focusing particularly on the NT and ACT. Not only are there precedents for this, with revisions made previously to the legislation, it is also permitted under the Constitution. Section 122 of the Australian Constitution states:

The Parliament may make laws for the government of any territory ... and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.

Under the current Electoral Act both the NT and ACT are at risk of losing a seat in the House of Representatives if current population trends continue. If this were to occur, then the population represented by each of their members of parliament would be greater than in any of the states. Preventing future seat losses in the two territories will require much higher net migration than experienced in recent years (or very low population growth in the six states). The alternative special quota and fixed quota seat entitlement schemes proposed in this paper would prevent the territories

from losing seats. Even under the Low Migration scenario, neither the NT nor the ACT lose seats under these two schemes; under the High Migration scenario both will gain seats.

The straightforward nature of the fixed quota scheme would potentially make for simpler and clearer legislation. Alternatively, the special quota scheme would place the NT and ACT at least on a par with Tasmania, in that they would be subject to the same effective special quota. The two schemes could even be combined using a standard quota of 150,000 together with the special quota applied to the NT and ACT.

Of course, there are other seat entitlement schemes which could be considered. One would be to provide a minimum of two seats each for the NT and ACT, a proposal made to the Joint Standing Committee on Electoral Matters Inquiry in 2003 but not recommended by the Committee. Alternatively, the two territories could be subject to the same minimum number of seats which apply to the states (5 seats), but that might be seen as being too generous to the NT.

With no change to the current rules the NT and ACT could well lose a seat each – possibly at the next determination. Importantly, should the NT be reduced to just one seat it would then be by far the most poorly represented jurisdiction in the House of Representatives, with about a quarter of a million people to one member of parliament for an electorate covering 1.4 million square kilometres. On that basis alone, there is sufficient weight to consider alternative approaches, including those proposed here.

Key messages

- There is a case for the Parliament of Australia to re-examine the way seat entitlements are calculated.
- In the recent 2017 determination of House of Representatives seats the NT and ACT were allocated two and three seats, respectively. However, they avoided being assigned just one and two seats, respectively, by the narrowest of margins.
- Had the NT and ACT lost seats at the 2017 determination, the two territories would have had a much larger number of people per elected member than any of the Australian states. However, projections in this paper demonstrate that under the current seat entitlement rules, the NT and ACT are at risk of losing a seat each at the next determination.
- This paper proposes two alternative ways in which seat entitlements could be calculated for the NT and ACT which would prevent them from being disadvantaged. Under these proposed schemes, the NT and ACT would be very unlikely to lose any seats at the next determination and therefore would not be disadvantaged in their representation in respect to the states.

Acknowledgments

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Appendix

Table 4: Summary of projection assumptions used in the three projection scenarios

Jurisdiction	TFR	e ₀ in 2046–51 (males; females)	NIM per annum	NOM per annum
Current Trajectory				
NSW	1.88	88.0; 89.9	-17,429	66,781
Vic.	1.77	88.7; 90.1	2,977	58,514
Qld	1.94	87.8; 89.4	19,428	29,881
SA	1.85	87.9; 89.7	-3,089	10,649
WA	1.90	88.1; 90.4	1,582	29,436
Tas.	1.97	86.3; 88.0	-763	1,176
NT	2.06	82.8; 83.5	-2,375	2,233
ACT	1.77	88.9; 90.7	-331	2,354
Low Migration				
NSW			-16,806	66,781
Vic.			3,088	58,514
Qld			20,148	29,881
SA	<i>As above</i>	<i>As above</i>	-2,978	10,649
WA			1,641	29,436
Tas.			-736	1,176
NT			-2,795	482
ACT			-1,561	-159
High Migration				
NSW			-19,099	66,781
Vic.			2,717	58,514
Qld			17,730	29,881
SA	<i>As above</i>	<i>As above</i>	-3,385	10,649
WA			1,444	29,436
Tas.			-836	1,176
NT			728	2,111
ACT			701	3,090