

RSNL1990 CHAPTER E-4

ELECTORAL BOUNDARIES ACT

Amended:

1992 c56; 1993 c5; 1993 c57; 1995 c33; 2001 cN-3.1 s2; 2005 c52; 2006 c40 s21; 2015 c1

CHAPTER E-4**AN ACT RESPECTING AN ELECTORAL DISTRICTS BOUNDARIES COMMISSION TO REPORT UPON THE DELIMITATION OF THE PROVINCE INTO DISTRICTS FOR WHICH MEMBERS SHALL BE RETURNED TO THE HOUSE OF ASSEMBLY**

Short title

1. This Act may be cited as the *Electoral Boundaries Act*.

1973 No44 s1

Definitions

2. In this Act

- (a) "commission" means the Newfoundland and Labrador Electoral Districts Boundaries Commission continued by section 3;
- (b) "districts" mean districts for which members shall, by virtue of the *House of Assembly Act*, be returned to the House of Assembly;
- (c) "member" means member of the House of Assembly; and
- (d) "minister" means the minister appointed under the *Executive Council Act* to administer this Act.

1973 No44 s2; 2001 cN-3.1 s2; 2006 c40 s21

Commission established

3. (1) The Newfoundland and Labrador Electoral Districts Boundaries Commission is continued.

(2) The commission shall consist of 5 members, composed of a chairperson and 4 other members.

(3) The chairperson of the commission shall be appointed by the Chief Justice of Newfoundland and Labrador from among the judges of the Court of Appeal and the Trial Division, but where there is no judge able or free to act as chairperson, the Chief Justice shall appoint a chairperson from among those persons resident in the province whom he or she considers suitable.

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(4) The Chief Justice of Newfoundland and Labrador shall appoint the chairperson of the commission within 30 days after the receipt by him or her of a written request from the minister to make that appointment.

(5) The 4 members of the commission other than the chairperson shall be appointed by the speaker of the House of Assembly from among those persons resident in the province whom the speaker considers suitable.

(6) A reference in

(a) subsection (3) to the Chief Justice of Newfoundland and Labrador includes a reference to a person temporarily performing the duties of the Chief Justice; and

(b) subsection (5) to the speaker of the House of Assembly includes a reference to a person temporarily performing the duties of the speaker.

1973 No44 s4; 1986 c42 Sch B; 1993 c5 s1; 2001 cN-3.1 s2

Deputy chairperson

4. (1) The commission may appoint 1 of its members as deputy chairperson who shall, in the event of the absence or incapacity of the chairperson or where the office of chairperson is vacant, act as chairperson.

(2) At all meetings of the commission, 2 members of the commission constitute a quorum, and where, at a meeting of the commission, there is an equality of votes, the chairperson or person acting as chairperson has a deciding vote.

(3) A vacancy in the membership of the commission or in the office of chairperson does not impair the right of the remaining members to act, but where a vacancy occurs it shall be filled by appointment in the manner provided in section 3.

1973 No44 s5

Eligibility

5. A person is not eligible to be a member of the commission while he or she is a member of the House of Assembly or a member of the Senate or House of Commons of Canada.

1973 No44 s6

Time of appointment to commission

6. (1) Appointments of members of the commission shall be made as expeditiously as possible so as to enable the duties of the commission under this Act to continue to be performed as speedily as possible.

(1.1) For the purpose of the appointment of a commission in 2015, the speaker of the House of Assembly shall appoint the members of the commission not more than 5 days after the appointment of the chairperson under section 3.

(2) The appointments of members of the commission shall, immediately upon the completion of the commission's duties under sections 13 and 14 or at a later date, should the Lieutenant-Governor in Council direct by order, lapse and necessary appointments shall then be made to the commission in sufficient time to permit its carrying out its duties under this Act.

(3) Notwithstanding subsection (2), the appointments of the members of a commission in 2015 shall lapse after the expiration of 120 days after the appointment of the chairperson under section 3.

(4) Notwithstanding subsection (3), the Lieutenant-Governor in Council, may by order, extend the time period referred to in subsection (3) for one additional period of not more than 10 days.

(5) Where a commission appointed for the purpose of preparing a report in 2015 does not report as required by this Act, the failure to report shall not in any way affect the requirement for a general election under an Act of the province, and a general election shall be held in accordance with that legislation.

(6) Where a commission appointed for the purpose of preparing a report in 2015 lapses without the commission having submitted a report in the time frame required under subsection (3), a commission shall be appointed in the calendar year 2016, and all references in this Act to a requirement of or a consideration by a commission appointed for the purpose of preparing a report in 2015 shall apply, with the necessary changes, to the commission appointed in 2016.

1973 No44 s7; 2015 c1 s1

Notice of appointments to be published

7. The minister shall immediately publish notice of appointments to the commission made under this Act in the *Gazette*.

1973 No44 s8

Responsibility

8. The commission shall be responsible to the minister.

1973 No44 s9

Remuneration of commission

9. Subject to section 57 and the other provisions of the *Judges Act* (Canada), the Lieutenant-Governor in Council may authorize the payment of remuneration and expenses to the members of the commission.

1973 No44 s10

Staff

10. (1) Subject to the approval of the Lieutenant-Governor in Council, the commission may establish posts for and appoint officers and technical and professional and other employees as it considers necessary, and fix their remuneration and expenses and terms of service and prescribe their duties and functions.

(2) Subject to the approval of the Lieutenant-Governor in Council, the commission may temporarily employ technical and professional and other employees as it considers necessary and, with the like approval, fix the remuneration of and prescribe the expenses that may be incurred by those assistants in carrying out their official duties.

(3) A person employed in the administration of this Act shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her employment and shall not communicate any of those matters to another person except

(a) for purposes of the administration of this Act; or

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(b) in the other circumstances that the commission may prescribe.

1973 No44 s11

Status of commission and its staff

11. A member of the commission or a person employed by the commission does not become, by reason of that employment only, an officer of the Crown.

1973 No44 s12

Payment

12. Payments required to be made by the Crown in carrying out the provisions of this Act shall be paid by the Minister of Finance, on the request of the minister, out of the Consolidated Revenue Fund of the province.

1973 No44 s13

Redistribution and population quotient

13. (1) In the calendar year 2015 the commission shall divide the province into 40 proposed one-member districts.

(2) In the calendar year beginning in 2026, and every 10 calendar years after that, the commission shall, as soon as is convenient after March 31, divide the province into 40 proposed one-member districts.

(3) The commission shall determine a quotient for each proposed district by dividing the total population of the province by the number 39.

(4) Notwithstanding subsection (3), for the purpose of the commission's report in 2015, the commission shall determine a quotient for each proposed district by dividing the total population of the province by the number 36.

(5) For the purpose of establishing the quotient under subsection (3), the population of the province shall be taken as in the latest census figures available under the *Statistics Act* (Canada) on March 31 of the calendar year in which the quotient is being established, irrespective of when those census figures were actually taken.

(6) For the purpose of establishing the quotient under subsection (4), the population of the province shall be taken as in the latest census figures available under the *Statistics Act* (Canada) when the quotient is being established, irrespective of when those census figures were actually taken.

(7) For the purpose of the commission's report in 2015, the total population of the province shall, for the purpose of subsection (4), be considered not to include that portion of the total population living within the area of the province comprising Labrador.

(8) For the purpose of subsection (3), the total population of the province shall be considered not to include that portion of the total population living within the area of the province comprising the district proposed by the commission under subsection 15(4).

2015 c1 s2

Reports

14. (1) In 2015, and in 2026 and every 10 calendar years after that, the commission shall prepare a report to the minister setting out their recommendations concerning

- (a) the division of the province into the number of one-member districts determined under section 13;
- (b) the description of the boundaries of each district; and
- (c) the name to be given to each district and the name shall incorporate the historical and geographical factors that the commission considers appropriate.

(2) Not more than 120 days after the appointment of a chairperson for the purpose of the commission's report in 2015, and before the end of the calendar year 2026 and before the end of every 10 calendar years after that, the commission shall submit the report referred to in subsection (1) to the minister, who shall

- (a) submit a copy immediately to the Lieutenant-Governor in Council; and
- (b) lay a copy before the Legislature within 10 days after the report is submitted to the Lieutenant-Governor in Council.

2015 c1 s3

Rules to guide commission

15. (1) In proposing a division of the province into districts and in preparing their report, the commission shall ensure that the division of the province into districts and the description of the boundaries give primacy to the principle that the vote of every elector in the province shall have a weight equal to that of every other elector.

(2) Notwithstanding subsection (1), where the commission considers it necessary to do so, they may depart from the quotient established under section 13 but not to a greater extent than 10% more or 10% less of the quotient.

(3) Notwithstanding subsections (1) and (2), the commission may recommend the creation of a district with a population that departs from the quotient established under section 13 by 25% more or 25% less of the quotient, where they conclude that the departure is warranted by special geographic considerations, including,

- (a) the community of interests of the residents of those communities of the province that are not connected by road; or
- (b) the accessibility of a region or its size or shape.

(3.1) Notwithstanding subsections (1) to (3), for the purpose of the commission's report in 2015, the commission may recommend the creation of not more than 2 districts on the island portion of the province with a population that departs from the quotient established under section 13 and the deviation permitted under subsection (3) where that departure, in the opinion of the commission, is warranted on the basis of those considerations referred to in subsection (3).

(4) Notwithstanding subsections (1) and (2), with respect to Labrador, the commission shall give appropriate weight to the circumstance that persons of aboriginal descent form the majority of those who reside in the portion of Labrador that lies generally north of Lake Melville, and shall give appropriate weight to the geographic considerations of that area and the community of interests of the residents of those communities north of Lake Melville, a majority of whose inhabitants are aboriginal, with the intention that those communities constitute a district.

(5) For the purpose of the preparation of their report and the division of the province into districts, the commission shall assume that the proportion of electors to the general population is constant throughout the province.

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(6) Notwithstanding the other provisions of this section, for the purpose of the commission's report in 2015, the commission shall divide the Labrador portion of the province into 4 proposed districts, including the district referred to in subsection (4), and shall, in describing the boundaries of those districts, consider their historical boundaries.

1993 c57 s3; 2005 c52 s3; 2015 c1 s4

Powers of commission

16. In the performance of its duties under this Act the commission, and each member of the commission, is vested with all the powers that are or may be conferred on a commissioner under the *Public Inquiries Act, 2006* and the commission is considered to be an "investigating body" for the purposes of the *Public Investigations Evidence Act*.

1973 No44 s17; 2015 c1 s5

Departmental assistance

17. All departments of the government of the province shall make available their services and facilities to the commission for the purpose of enabling the commission to discharge its duties under this Act.

1973 No44 s18

Rules of procedure

18. The commission may make rules for regulating its proceedings and for the conduct of its business.

1973 No44 s19

Commission sittings

19. (1) The commission may, in the performance of its duties under this Act, sit at the times and places in the province that it considers necessary, except that before completing its report under section 14 it shall hold at least 1 sitting in the island portion of the province and at least 1 sitting in Labrador for the hearing of representations by interested persons.

(2) Reasonable notice of the time and place fixed by the commission for sittings to be held by them for the hearing of representations from interested persons shall be given by advertisement published in at least 1 newspaper of general circulation in the province, but the notice shall be given at least 10 days before the commencement of sittings.

(3) With respect to the mandatory sittings in the island portion of the province and in Labrador referred to in subsection (1), there shall be included in the advertisement referred to in subsection (2) a map or drawing prepared by the commission showing the proposed division of the province into districts and indicating the name proposed to be given to each district, together with a schedule setting out the proposed boundaries of each district, which map or drawing and schedule shall be in a form and contain the detail that, in the opinion of the commission, will be reasonably sufficient for the purposes for which those sittings are to be held.

1973 No44 s20; 1993 c57 s4

Rep. by 1995 c33 s6

20. [Rep. by 1995 c33 s6]

1995 c33 s6

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