

ELECTORAL BOUNDARIES COMMISSION ACT**CHAPTER 65**

Assented to July 20, 1989.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Interpretation

1. In this Act "commission" means the Electoral Boundaries Commission appointed under section 2.

Electoral Boundaries Commission

2. The Lieutenant Governor in Council shall, as required by this Act, appoint an Electoral Boundaries Commission consisting of

- (a) a judge or a retired judge of the Supreme Court or the Court of Appeal who is nominated by the Lieutenant Governor in Council,
- (b) a person who is not a member of the Legislative Assembly or an employee of the government and who is nominated by the Speaker of the Legislative Assembly, after consultation with the Premier and the Leader of the Official Opposition, and
- (c) the chief electoral officer appointed under the *Election Act*, one of whom the Lieutenant Governor in Council shall appoint as chairperson.

Function

3. The function of the commission is to make proposals to the Legislative Assembly as to the area, boundaries and names of the electoral districts of British Columbia.

Remuneration

4. (1) The commission member who is appointed under section 2 (b) may be paid the remuneration for his services on the commission in an amount prescribed by the Lieutenant Governor in Council.

(2) The commission members, while absent from their ordinary place of residence and in the course of their duties as commission members, shall be paid their reasonable travelling and living expenses at the rates the Lieutenant Governor in Council may prescribe.

Time of appointment

5. (1) The first commission shall be appointed during the first session of the Legislature following the second general election after this section comes into force.

(2) A new commission shall be appointed during the first session of the Legislature following every second general election following the appointment of the last commission.

Powers

6. The commission and each member of it has, for the purposes of this Act, all of the powers conferred on commissioners under Part 2 of the *Inquiry Act*.

Employees

7. The commission may employ or retain technical and other advisors and employees that it considers necessary, including a person to act as secretary to the commission, and, subject to the approval of the Lieutenant Governor in Council, may determine their conditions of employment and the remuneration and reimbursement for expenses to which they are entitled.

Appropriation

8. Money required to meet the remuneration and expenses of commission members and of the persons referred to in section 7 may be paid out of the consolidated revenue fund.

Determining boundaries

9. The commission shall, in determining the area to be included in and in fixing the boundaries of proposed electoral districts, be governed by the following principles:

- (a) that the principle of representation by population be achieved, recognizing the imperatives imposed by geographical and demographic realities, the legacy of our history and the need to balance the community interests of the people of the Province;
- (b) to achieve that principle, the commission be permitted to deviate from a common statistical Provincial electoral quota by no more than 25%, plus or minus;
- (c) the commission would be permitted to exceed the 25% deviation principle where it considers that very special circumstances exist.

Report to Speaker

10. (1) The commission, after considering any representations made to it, and within 12 months of the date on which the commission is appointed, shall submit to the Speaker of the Legislative Assembly a report, which shall delineate the names, areas and boundaries of the proposed electoral districts.

(2) On receipt of the report under subsection (1) the Speaker shall forthwith cause it to be made public and to be published in the Gazette.

(3) If the office of Speaker is vacant the report shall be submitted to the Clerk of the Legislative Assembly who shall comply with subsection (2).

Hearings

11. (1) The commission

- (a) may before its report is submitted to the Speaker or to the Clerk under section 10, and

(b) shall after its report has been made public, hold hearings at the places and times it considers appropriate to enable representations to be made by any person as to the area and boundaries of any proposed electoral district.

(2) The commission shall give reasonable public notice of the time and place and purpose of any public hearings to be held by it.

Amendment of report

12. (1) The commission may, after considering any further representations made to it, and within 6 months of the date it submits its report under section 10, submit to the Speaker any amendments to its report it considers advisable.

(2) The commission shall give reasonable public notice of the time and place of any public hearings to be held by it.

(3) After the commission has heard from all other persons, it shall give all current members of the Legislative Assembly an opportunity to make submissions to it.

(4) The amendments shall be made public and published in the same manner as the report under section 10.

(5) If the office of Speaker is vacant the report shall be submitted to the Clerk of the Legislative Assembly who shall comply with subsection (4).

Report to Legislative Assembly

13. (1) The report of the commission, together with any amendments to it, shall,

(a) if the Legislative Assembly is in session when the report is submitted, be forthwith laid before the Assembly, or

(b) if the Legislative Assembly is not then in session, be laid before the Assembly within 7 days after the commencement of the next ensuing session.

(2) If the report and amendments are completed when the Legislative Assembly is not in session, they shall be delivered to the Clerk of the Legislative Assembly.

New electoral districts

14. If the Legislative Assembly, by resolution, approves or approves with alterations the proposals of the commission, the government shall, at the same session, introduce a Bill to establish new electoral districts in accordance with the resolution.

Establishment of electoral boundaries

15. (1) If the Legislative Assembly is not in session, the Lieutenant Governor in Council is empowered, by regulation, to establish the names and the areas and boundaries of the electoral districts from which the 75 members of the Legislative Assembly are elected.

(2) The Lieutenant Governor in Council shall not enact a regulation under subsection (1) unless the Select Standing Committee of the Legislative Assembly on Labour, Justice and Intergovernmental Relations has made a unanimous report to the Legislative Assembly recommending the names and specifying the areas and boundaries of the electoral districts.

(3) To assist the Committee in preparing its report, the chief electoral officer and any public officers required by the chief electoral officer shall, on the request of the chairperson of the committee, assist the Committee in the manner requested by the chairperson.

(4) A report under subsection (2) shall be made by January 15, 1990.

(5) A report under subsection (2) shall be deemed to be made to the Legislative Assembly if it is submitted to the Clerk of the Assembly.

(6) The Lieutenant Governor in Council shall, not later than January 31, 1990 enact a regulation under subsection (1) in accordance with the report under subsection (2).

(7) A regulation under subsection (1) that does not comply with subsection (2) or (6) has no effect.

(8) A report under subsection (2) shall set out, with precision and clarity, the recommended names, areas and boundaries of the proposed electoral districts and the regulation under subsection (1) shall be prepared and enacted accordingly.

(9) The government shall, at the next ensuing session of the Legislative Assembly after the enactment of a regulation under subsection (1), introduce a Bill to establish the boundaries of the electoral districts, but only in accordance with the regulation under subsection (1).

(10) The Lieutenant Governor in Council shall not, before the Bill referred to in subsection (9) is enacted, amend or repeal a regulation under subsection (1), and any regulation that purports to do so has no effect.

(11) The electoral boundaries established under or in accordance with this section remain in effect until they are adjusted or changed under the other provisions of this Act.

Consequential Amendments

Constitution Act

16. Sections 18, 19 and 19.1 to 19.4 and Schedules 1, 2 and 3 of the *Constitution Act*, R.S.B.C. 1979, c. 62, are repealed and the following substituted:

Number of members

18. (1) The Legislative Assembly consists of 75 members elected in the manner provided for by the *Election Act*.

(2) A member represents the electoral district in which the member was elected.

Electoral districts

19. For returning members of the Legislative Assembly, there shall be 75 electoral districts, the names, areas and boundaries of which shall be determined in the manner provided for in the *Electoral Boundaries Commission Act*.

Election Act

17. Section 38 (4) of the *Election Act*, R.S.B.C. 1979, c. 103, is amended by striking out "except in one of the electoral districts mentioned in section 117 (10)".

18. Section 117 (10) is repealed.

Commencement

19. Sections 16 to 18 come into force on the day that a regulation under section 15 (1) of this Act comes into force.