

The Constituency Boundaries Act, 1993

being



Chapter C-27.1 of the *Statutes of Saskatchewan, 1993* (effective June 22, 1993) as amended by the *Statutes of Saskatchewan, 1996, c.E-6.01; 1997, c.31; 1998, c.P-30.11; 2005, c.L-11.2; and 2007, c.6.*

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

SHORT TITLE AND INTERPRETATION	
1	Short title
2	Interpretation
COMMISSION ESTABLISHMENT AND MEMBERSHIP	
3	Establishment of commission
4	Timing of establishment of commission
5	Appointments to commission
6	Deputy chairperson
7	Vacancy
8	Ineligible persons
9	Allowances and expenses
10	Not a Crown agent
FUNCTIONING OF COMMISSION	
11	Census information provided to commission
12	Report required
13	Constituency population quotient
14	Rules for fixing boundaries
15	Powers
16	Rules
17	Hearings
18	Requirements for presentations at hearings
19	Interim report
20	Hearings involving the interim report
21	Copies of interim report
22	Final report
ADOPTION OF FINAL REPORT	
23	Adoption of final report
REPEAL AND COMING INTO FORCE	
24	S.S. 1990-91, c.E-6.11 repealed
Editorial Appendix	
SCHEDULE	

CHAPTER C-27.1

An Act to Provide for the Division of Saskatchewan into Constituencies for the Election of Members of the Legislative Assembly

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Constituency Boundaries Act, 1993*.

Interpretation

2 In this Act:

- (a) “**census**” means a census conducted pursuant to the *Statistics Act* (Canada);
- (b) “**chairperson**” means the chairperson of a commission;
- (c) “**commission**” means a Constituency Boundaries Commission required to be established pursuant to section 3;
- (d) “**constituency population quotient**” means the constituency population quotient calculated pursuant to section 13;
- (e) “**dividing line**” means the line that:
 - (i) divides Saskatchewan into a northern area and southern area; and
 - (ii) is described in the Schedule to this Act;
- (f) “**leaders of the opposition**” means the Leader of the Opposition and the Leader of the Third Party, if any, as defined in *The Legislative Assembly and Executive Council Act, 2007*;
- (g) “**member**” means a member of a commission;
- (h) “**northern population**” means that part of the total population which is north of the dividing line as estimated by a commission;
- (i) “**recognized Member of the Legislative Assembly**” means a member of the Legislative Assembly who:
 - (i) is affiliated with a political party that is registered pursuant to *The Election Act, 1996* and had the endorsement of that registered political party with respect to the general election or by-election at which the member was elected to serve in the Legislative Assembly and was a candidate to whom clause 45(1)(a) of *The Election Act, 1996* applied; and
 - (ii) is not a member of a group of Members of the Legislative Assembly led by the President of the Executive Council or any leader of the opposition;

c. C-27.1

CONSTITUENCY BOUNDARIES, 1993

- (j) **“Speaker”** means the Speaker of the Legislative Assembly;
- (k) **“total population”** means the total population of Saskatchewan as determined pursuant to the census that a commission is established to consider.

1993, c.C-27.1, s.2; 1996, c.E-6.01, s.288; 2005, c.L-11.2, s.97; 2007, c.6, s.2.

COMMISSION ESTABLISHMENT AND MEMBERSHIP

Establishment of commission

3(1) The Lieutenant Governor in Council shall establish a Constituency Boundaries Commission in accordance with this Act for the census taken in 1991 and for each census taken every tenth year after 1991.

(2) The commission shall consider and report on readjustments of the representation of the population of Saskatchewan in the Legislative Assembly to be made based on the census.

1993, c.C-27.1, s.3; 1997, c.31, s.3.

Timing of establishment of commission

4(1) For the 1991 census, the Clerk of the Executive Council shall obtain a copy of that part of the census showing the total population from the Chief Statistician of Canada as soon as is practicable after this Act comes into force.

(2) The Lieutenant Governor in Council shall establish a commission within 30 days of receiving notice from the Clerk of the Executive Council that the clerk has obtained a copy of the census information mentioned in subsection (1).

(3) For each census taken every tenth year after the 1991 census, the Clerk of the Executive Council shall obtain a copy of that part of the census showing the total population from the Chief Statistician of Canada as soon as is practicable after the publication of the census.

(4) The Lieutenant Governor in Council shall establish a commission within 30 days of receiving notice from the Clerk of the Executive Council that the clerk has obtained a copy of the census information mentioned in subsection (3).

(5) Notwithstanding subsections (2) and (4), the Lieutenant Governor in Council may extend the 30-day period prescribed in this section for establishing a commission for an additional 30 days.

1993, c.C-27.1, s.4; 1997, c.31, s.4.

Appointments to commission

5(1) Each commission is to consist of:

- (a) a chairperson; and
- (b) two residents of Saskatchewan.

- (2) The Lieutenant Governor in Council shall appoint as chairperson:
- (a) a judge of the Court of Appeal nominated by the Chief Justice of Saskatchewan;
 - (b) a judge of Her Majesty's Court of Queen's Bench for Saskatchewan nominated by the Chief Justice of Saskatchewan after consultation with the Chief Justice of Her Majesty's Court of Queen's Bench for Saskatchewan; or
 - (c) a resident of Saskatchewan nominated by the Chief Justice of Saskatchewan.
- (3) The Chief Justice of Saskatchewan shall make a nomination pursuant to subsection (2) when requested to do so by the Clerk of the Executive Council.
- (4) After consultation with the leaders of the opposition and any recognized Members of the Legislative Assembly, the Lieutenant Governor in Council shall appoint as the members mentioned in clause (1)(b) persons who:
- (a) are residents of Saskatchewan; and
 - (b) are not ineligible pursuant to section 8.

1993, c.C-27.1, s.5.

Deputy chairperson

- 6(1) A commission may appoint one of its members as deputy chairperson of the commission.
- (2) The deputy chairperson shall act as chairperson if:
- (a) the chairperson is absent or unable to act; or
 - (b) the office of chairperson is vacant.

1993, c.C-27.1, s.6.

Vacancy

- 7(1) A vacancy in the membership of a commission does not impair the right of the remaining members to act.
- (2) Subject to subsection (3), if a vacancy in the membership occurs, whether through inability to act, resignation or otherwise, the Lieutenant Governor in Council may fill the vacancy by appointing to the commission another person who:
- (a) is a resident of Saskatchewan; and
 - (b) is not ineligible pursuant to section 8.
- (3) The Lieutenant Governor in Council shall consult with the leaders of the opposition and any recognized Member of the Legislative Assembly before making an appointment pursuant to subsection (2).
- (4) The Lieutenant Governor in Council shall cause a notice of the appointment to be published in the Gazette as soon as is reasonably practicable after the appointment.

1993, c.C-27.1, s.7.

c. C-27.1

CONSTITUENCY BOUNDARIES, 1993

Ineligible persons

8 The following persons are ineligible to be appointed to a commission:

- (a) a member of the Senate;
- (b) a member of the House of Commons;
- (c) a member of the Assembly.

1993, c.C-27.1, s.8.

Allowances and expenses

9(1) Each member is entitled to an allowance that is to be fixed by the Lieutenant Governor in Council, unless the member receives a salary pursuant to:

- (a) the *Judges Act* (Canada); or
- (b) *The Provincial Court Act, 1998*.

(2) Each member is entitled to be reimbursed for reasonable living and travelling expenses that the member incurs while:

- (a) absent from the member's ordinary residence; and
- (b) in the course of fulfilling the member's duties as a member of the commission.

1993, c.C-27.1, s.9; 1998, c.P-30.11, s.69.

Not a Crown agent

10(1) A commission is not an agent of Her Majesty in right of Saskatchewan.

(2) No member is, in the member's capacity as a member of the commission, part of the public service of Saskatchewan.

1993, c.C-27.1, s.10.

FUNCTIONING OF COMMISSION

Census information provided to commission

11(1) Within 30 days of the appointment of a commission, the Clerk of the Executive Council shall provide the chairperson with a copy of that part of the census with respect to which the commission is established showing the total population.

(2) The Clerk of the Executive Council shall certify the copy of that part of the census provided to the chairperson pursuant to subsection (1).

1993, c.C-27.1, s.11.

Report required

12(1) On receipt of the certified copy of that part of the census showing the total population pursuant to section 11, a commission shall prepare, in accordance with this Act, an interim report and a final report containing the commission's recommendations respecting constituency boundaries.

- (2) In fixing the boundaries of proposed constituencies, a commission shall:
- (a) divide the area of Saskatchewan north of the dividing line into two constituencies; and
 - (b) divide the area of Saskatchewan south of the dividing line into 56 constituencies.
- (3) In a commission's interim report and final report, the commission's recommendations respecting constituency boundaries shall include:
- (a) boundary descriptions for each proposed constituency; and
 - (b) the proposed name of each proposed constituency.

1993, c.C-27.1, s.12.

Constituency population quotient

13(1) In preparing its report respecting proposed constituencies south of the dividing line, a commission shall establish a constituency population quotient in accordance with subsection (2).

(2) The constituency population quotient is to be calculated in accordance with the following formula:

$$\text{CPQ} = \frac{\text{TP} - \text{NP}}{56}$$

where:

CPQ is the constituency population quotient;

TP is the total population; and

NP is the northern population.

1993, c.C-27.1, s.13.

Rules for fixing boundaries

14(1) Subject to subsections (2) and (3), in determining the area to be included in a proposed constituency south of the dividing line and in fixing the boundaries of that constituency, a commission shall ensure that the population of each proposed constituency is, as nearly as possible, equal to the constituency population quotient.

(2) A commission may depart from the requirements of subsection (1) where, in its opinion, it is necessary to do so because of:

- (a) special geographic considerations, including:
 - (i) sparsity, density or relative rates of growth of population in various regions south of the dividing line;
 - (ii) accessibility to the regions mentioned in subclause (i); or
 - (iii) the size and shape of the regions described in subclause (i);

c. C-27.1

CONSTITUENCY BOUNDARIES, 1993

- (b) a special community of interests or diversity of interests of persons residing in regions south of the dividing line; or
 - (c) physical features of regions south of the dividing line.
- (3) A commission shall ensure that the population of each constituency south of the dividing line remains within 5%, either more or less, of the constituency population quotient.
- (4) A commission shall fix as the boundaries of the constituencies north of the dividing line those boundaries that are prescribed in *The Representation Act, 1989* for the constituencies of Athabasca and Cumberland.

1993, c.C-27.1, s.14; 1997, c.31, s.5.

Powers

15(1) For the purpose of preparing the report required pursuant to section 12, a commission and each member of the commission have the powers of commissioners pursuant to *The Public Inquiries Act*.

- (2) A commission may:
- (a) employ any technical advisers and other staff, including a secretary to the commission, that the commission considers necessary;
 - (b) subject to the approval of the Lieutenant Governor in Council, set the salaries, rates of reimbursing the expenses and conditions of employment of any technical advisers and staff it employs; and
 - (c) do any other things that it considers necessary to fulfil its duties under this Act.
- (3) A commission may request that the Chief Electoral Officer appointed pursuant to *The Election Act, 1996* provide any information possessed by his or her office and any other assistance that the commission considers necessary, and the Chief Electoral Officer shall comply with any reasonable request.

1993, c.C-27.1, s.15; 1996, c.E-6.01, s.288.

Rules

- 16(1) A commission may make rules to regulate its proceedings and conduct its business.
- (2) In its rules made pursuant to subsection (1), a commission may provide that one or more of its members may conduct an inquiry or hearing.

1993, c.C-27.1, s.16.

Hearings

- 17(1) A commission may hold hearings at the times and places that it considers appropriate to conduct its business.
- (2) A commission shall notify Saskatchewan residents of the time and place of each of its hearings by advertising in a newspaper having general circulation in that part of Saskatchewan where the hearing will be held at least 30 days before the hearing.

(3) A commission shall include the following in the advertisement required pursuant to subsection (2):

- (a) a map or drawing in a form and with the detail satisfactory to the commission that shows:
 - (i) the constituencies proposed by the commission;
 - (ii) the name and population of each proposed constituency; and
- (b) a schedule in a form and with the detail satisfactory to the commission showing the boundaries of each proposed constituency.

1993, c.C-27.1, s.17.

Requirements for presentations at hearings

18(1) Every person who wishes to make a presentation to the commission at a hearing pursuant to section 17 or 20 shall notify the secretary to the commission in writing of the following:

- (a) the name and address of the person making the presentation;
- (b) a concise summary of the presentation;
- (c) the political, financial or other interest of the person making the presentation.

(2) A person who wishes to make a presentation shall provide the written notice required pursuant to subsection (1) at least 15 days before the date of the hearing.

1993, c.C-27.1, s.18.

Interim report

19(1) A commission shall prepare an interim report within three months after the date the commission was established.

(2) Notwithstanding subsection (1), the Lieutenant Governor in Council may extend the time to prepare an interim report at the request of a commission for an additional period not exceeding three months.

(3) As soon as is practicable after completing the interim report required by this section, a commission shall:

- (a) file with the Clerk of the Executive Council a copy of the report, certified by the chairperson; and
- (b) publish in the Gazette and one or more newspapers having general circulation in all or any part of Saskatchewan a notice stating that:
 - (i) a copy of the interim report has been filed with the Clerk of the Executive Council and the date of the filing; and
 - (ii) public hearings will be held by the commission to allow presentations with respect to the interim report and the locations and dates of those hearings.

1993, c.C-27.1, s.19.

Hearings involving the interim report

20(1) A commission may hold hearings at the times and places it considers appropriate to allow presentations with respect to its interim report prepared pursuant to section 19.

(2) In addition to the notice required by clause 19(3)(b), a commission shall notify Saskatchewan residents of the time and place of each of its hearings by advertising in a newspaper having general circulation in that part of Saskatchewan where the hearing will be held at least 30 days before the hearing.

1993, c.C-27.1, s.20.

Copies of interim report

21 The Clerk of the Executive Council shall:

(a) make a copy of an interim report filed pursuant to clause 19(3)(a) available for public inspection during the normal business hours of the Clerk's office for at least 10 days after the date of filing; and

(b) provide a copy without charge to every member of the Legislative Assembly and to each person who was a candidate nominated at the last general election who requests a copy.

1993, c.C-27.1, s.21.

Final report

22(1) After hearing and considering the presentations made to it at the hearings conducted pursuant to section 20, a commission shall prepare a final report.

(2) A commission shall prepare the final report within six months after the date it was established.

(3) Notwithstanding subsection (2), the Lieutenant Governor in Council may extend the time to prepare a final report at the request of a commission for an additional period not exceeding three months.

(4) As soon as is practicable after completing the final report, a commission shall submit the final report to the Speaker.

(5) If the Legislative Assembly is in session when the report is submitted to the Speaker, the Speaker shall lay the report before the Legislative Assembly within 15 days of the day on which the Speaker received the report.

(6) If the Legislative Assembly is not in session when the report is submitted to the Speaker, the Speaker shall submit the report to the Clerk of the Legislative Assembly within 15 days of the day on which the Speaker received the report.

(7) When the Clerk of the Legislative Assembly receives a report pursuant to subsection (6), the Clerk shall, as soon as possible:

(a) cause a copy of the report to be delivered to each member of the Legislative Assembly; and

(b) make the report available for public inspection during normal business hours of the Clerk of the Legislative Assembly.

(8) If the Speaker submits a report to the clerk of the Legislative Assembly pursuant to subsection (6), the Speaker is deemed to have laid the report before the Legislative Assembly.

1993, c.C-27.1, s.22.

ADOPTION OF FINAL REPORT

Adoption of final report

23(1) If the Legislative Assembly, by resolution, approves or approves with alterations the proposals of the commission as set out in its final report, the member of the Executive Council to whom for the time being the administration of *The Legislative Assembly and Executive Council Act, 2007* is assigned shall at the same session introduce a Bill to establish new constituencies for the election of members of the Legislative Assembly in accordance with the resolution.

(2) The Bill required pursuant to subsection (1) shall provide that:

- (a) it is to come into force on proclamation; and
- (b) if it is enacted, the proclamation shall be issued before the next general election of members of the Legislative Assembly.

1993, c.C-27.1, s.23; 2005, c.L-11.2, s.97; 2007, c.6, s.2.

REPEAL AND COMING INTO FORCE

S.S. 1990-91, c.E-6.11 repealed

24 *The Electoral Boundaries Commission Act, 1991* is repealed.

1993, c.C-27.1, s.24.

Editorial Appendix

NOTE: The *Statutes of Saskatchewan, 1997*, chapter 31, section 6 provides for transitional application of this Act as follows:

Transitional

6(1) In this section, “**census**” means a census conducted pursuant to the *Statistics Act* (Canada) after the 1991 census and on or before the date *The Constituency Boundaries Amendment Act, 1997* is assented to.

(2) Notwithstanding *The Constituency Boundaries Act, 1993*:

- (a) the Clerk of the Executive Council is not required to obtain a copy of that part of a census showing the total population of Saskatchewan or to provide notice of the census information to the Lieutenant Governor in Council; and
- (b) the Lieutenant Governor in Council is not required to establish a Constituency Boundaries Commission pursuant to that Act for a census.

1997, c.31, s.6.

SCHEDULE

The dividing line is described as follows:

Commencing at the point of intersection of the east boundary of Saskatchewan with the north boundary of Township 54, Range 30; thence west along the north boundaries of Township 54, Ranges 30 and 31 to the second Meridian; thence west along the south boundaries of Township 55, Ranges 1 to 7 inclusive; thence north along the east boundary of Township 55, Range 8, to the right bank of the Saskatchewan River; thence along the right bank of the Saskatchewan River in Township 55, Ranges 8 and 9, Township 54, Ranges 9 and 10 to the Full Supply Level line of Tobin Lake; thence westerly along the northerly Full Supply Level line of Tobin Lake to the east boundary of Range 12; thence north along the east boundary of Township 54, Range 12; thence west along the north boundary of Township 54, Range 12, to the east boundary of Township 55, Range 12; thence north along the east boundary of Township 55, Range 12; thence west along the north boundaries of Township 55, Ranges 12 to 21 inclusive; thence north along the east boundaries of Townships 56 and 57, Range 22; thence west along the north boundaries of Township 57, Ranges 22 to 26 inclusive and fractional Range 27 to the third Meridian; thence north along the third Meridian from the north boundary of Township 57 to the north boundary of Township 61; thence west along the north boundary of Prince Albert National Park; thence south along the west boundary of Prince Albert National Park to the north boundary of Township 60, Range 6; thence west along the north boundaries of Township 60, Ranges 6 to 13 inclusive; thence north along the east boundaries of Townships 61 to 64 inclusive, Range 14; thence west along the north boundaries of Township 64, Ranges 14 to 16 inclusive; thence north along the east boundary of Township 65, Range 17; thence west along the north boundary of Township 65, Range 17 and the north boundary of Section 36, Township 65, Range 18; thence south along the east boundaries of sections 35, 26, 23, 14, 11 and 2; thence west along the south boundaries of Sections 2 and 3, Township 65, Range 18; thence south along the east boundaries of Sections 33, 28, 21, 16 and 9; thence west along the north boundaries of Sections 4, 5 and 6, Township 64, Range 18, and Sections 1, 2 and 3, Township 64, Range 19; thence south along the east boundaries of Section 4, Township 64, Range 19 and Section 33, Township 63, Range 19; thence west along the south boundaries of Sections 33, 32 and 31, Township 63, Range 19, Sections 36, 35, 34, 33, 32 and 31, Township 63, Range 20, Sections 36, 35, 34, 33 and 32, Township 63, Range 21; thence north along the east boundary of Section 31; thence west along the north boundary of Section 31, Township 63, Range 21, the north boundaries of Township 63, Ranges 22 and 23, and the north boundaries of Sections 36 and 35, Township 63, Range 24; thence north along the east boundary of Section 3; thence west along the north boundaries of Sections 3, 4 and 5; thence north along the east boundary of Section 7; thence west along the north boundary of Section 7, Township 64, Range 24; thence north along the east boundaries of Sections 13 and 24; thence west along the north boundaries of Sections 24, 23, 22, 21, 20 and 19, Township 64, Range 25; thence north along the east boundary of Township 64, Range 26; thence west along the north boundaries of Sections 36, 35, 34 and 33, Township 64, Range 26; thence north along the east boundary of Section 4; thence west along the north boundary of Section 4; thence north along the east boundary of Section 8; thence west along the north boundary of the west half of Section 8; thence north along the east boundary of the west half of Section 17; thence west along the north boundary of Section 17; thence north along the east boundary of Section 19; thence west along the north boundary of Section 19; Township 65, Range 26; thence north along the east boundary of the south half of Section 25; thence west along the north boundaries of the south halves of Sections 25, 26 and 27, Township 65, Range 27 to the west boundary of Saskatchewan.