

**LIQUOR ACT**

R-002-2019

Registered with the Registrar of Regulations

2019-01-30

**KUGAARUK LIQUOR PLEBISCITE REGULATIONS**

Whereas the Minister has ordered, under sections 41 and 42 of the *Liquor Act*, that a plebiscite be held on February 25, 2019, and an advance poll on February 18, 2019, to determine the opinion of the qualified voters of Kugaaruk with respect to the question asked on the ballot under these regulations;

The Commissioner of Nunavut, on the recommendation of the Minister, under section 54 of the *Liquor Act* and every enabling power, makes the annexed *Kugaaruk Liquor Plebiscite Regulations*.

**1. In these regulations,**

**"community" means all that portion of Nunavut that lies within a radius of 25 km of the Hamlet Office in the Hamlet of Kugaaruk; (*collectivité*)**

**"returning officer" means the returning officer appointed by the Minister under paragraph 42(1)(a) of the *Liquor Act*. (*directeur du scrutin*)**

**2. A plebiscite shall be held in the community to determine the opinion of the qualified voters of the community with respect to the question asked on the ballot.**

**3. The explanation of the question on the ballot for the plebiscite is as follows:**

EXPLANATION OF THE QUESTION

If 60% or more of the votes cast are "YES":

**1.** The current system of liquor prohibition in the Hamlet of Kugaaruk will be abolished, and the *Pelly Bay Liquor Prohibition Regulations*, R.R.N.W.T. 1990,c.L-41, will be repealed.

**2.** A system that prohibits spirits and restricts quantities of beer and wine will be established in the Hamlet of Kugaaruk. This system would

- (a) prohibit the possession, purchase or import of spirits; and
- (b) limit the amount of beer and wine that a person can purchase or import every 7 days to
  - (i) four litres of wine, and
  - (ii) nine litres of beer.

**3.** This restriction on quantities of beer and wine will apply to all purchases and imports, including orders and personal imports.

**4.** Other than this prohibition on spirits and restriction on quantities of beer and wine, there will be no other restrictions on liquor in the Hamlet of Kugaaruk, except for the general liquor laws that apply in Nunavut.

**5.** This prohibition on spirits and restriction on quantities of beer and wine will also apply fully to the old D.E.W. Line station site in Kugaaruk.

If less than 60% of the votes cast are "YES":

The current prohibition system that prohibits the purchase, sale, transport and possession of liquor in the Hamlet of Kugaaruk will continue.

**4. The form of the ballot for the plebiscite is as follows:**

QUESTION

Are you in favour of replacing the current prohibition system in Kugaaruk with a system that restricts quantities of beer and wine and prohibits spirits? In addition to the general liquor laws of Nunavut, this system would

- (a) prohibit the possession, purchase or import of spirits in the community; and
- (b) limit the amount of beer and wine that a person can purchase in or import into the community every seven days to
  - (i) four litres of wine, and
  - (ii) nine litres of beer.

YES

NO

**5. The returning officer shall appoint deputy returning officers and poll clerks required for the plebiscite.**

**6. (1) The returning officer shall prepare a list of qualified voters eligible to vote at the plebiscite.**

**(2) Subject to subsection 69(2) of the *Local Authorities Elections Act*, the list of qualified voters must be used to determine who is eligible to vote at the plebiscite.**

**7. The returning officer shall**

- (a) notify the qualified voters of the community of the purpose of the plebiscite, and the location, date and time of the ordinary poll and the advance poll; and
- (b) provide a poll for the purpose of receiving the votes of the qualified voters.

**8. The returning officer shall arrange for the translation of the ballot set out in section 4 and the explanation of the question set out in section 3 into the Inuit Language and shall arrange for persons fluent in the languages of the community to be present at each poll to assist any qualified voters who require assistance.**

**9. (1) The polling station for the advance poll must be**

- (a) located at the Hamlet Council chambers in Kugaaruk; and
- (b) kept open between the hours of 10 a.m. and 7 p.m. on February 18, 2019.

**(2) Any qualified voter may vote at the advance poll.**

**10. (1) The deputy returning officers shall take all reasonable measures to ensure that persons who vote at the advance poll do not vote again at the ordinary poll.**

**(2) No person who votes at the advance poll shall vote again at the ordinary poll.**

**11. After the close of the advance poll, the deputy returning officer appointed for the advance poll shall**

- (a) advise the returning officer of the names of the persons who voted at the advance poll; and
- (b) seal the ballot box and ensure that it is kept in a place of secure custody until the closing of the ordinary poll.

**12. The polling station for the ordinary poll must be**

- (a) located at the Community Hall in Kugaaruk; and
- (b) kept open between the hours of 10 a.m. and 7 p.m. on February 25, 2019.

**13. (1) Immediately after the close of the ordinary poll, a deputy returning officer shall count the ballots from the advance and ordinary polls and give to the returning officer the ballots and the results of the count.**

**(2) On receipt of the ballots and the results of the count, the returning officer shall announce the results of the plebiscite.**

**(3) Within two days after the close of the ordinary poll, the returning officer shall**

- (a) prepare a report of the results of the plebiscite attested to by the signatures of the deputy returning officer mentioned in subsection (1), a poll clerk and two witnesses;**
- (b) place the report and ballots in an envelope and seal the envelope; and**
- (c) send the sealed envelope by registered mail to the Minister or the Minister's delegate, as directed by the Minister.**

**14. (1) Except as otherwise provided in these regulations, the provisions of the *Local Authorities Elections Act* respecting elections apply to the plebiscite with such modifications as the circumstances require.**

**(2) The returning officer may waive any provision of the *Local Authorities Elections Act* that cannot be complied with because there is insufficient time for compliance.**