

LIQUOR ACT

R-015-2011

Enregistré auprès du registraire des règlements

2011-09-09

GJOA HAVEN LIQUOR PLEBISCITE REGULATIONS

Whereas the Minister has ordered, under section 41 and subsections 42(1) and 48(1) of the *Liquor Act*, that a plebiscite be held on September 19, 2011, and an advance poll on September 12, 2011, to determine the opinion of the qualified voters of Gjoa Haven 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 attached *Gjoa Haven Liquor Plebiscite Regulations*.

1. In these regulations,

"community" means all that portion of Nunavut that lies within a radius of 20 kilometres from the Gjoa Haven Hamlet Office;

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

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 QUESTION

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

1. The current system of liquor prohibition in Gjoa Haven will be abolished and the *Gjoa Haven Liquor Prohibition Regulations*, R.R.N.W.T. 1990, c. L-27, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada), will be repealed.

2. A Gjoa Haven Alcohol Education Committee will be established by regulation under paragraph 48(2)(d) of the *Liquor Act*.

3. A person will have to obtain the approval of the Gjoa Haven Alcohol Education Committee before possessing, purchasing or transporting liquor in the community or before bringing liquor into the community.

4. The Gjoa Haven Alcohol Education Committee will have the power to refuse an application to possess, purchase or transport liquor in the community and the power to refuse an application to bring liquor into the community.

5. The Gjoa Haven Alcohol Education Committee will have the power to decide the amount of liquor a person may possess, purchase or transport in the community and the amount of liquor a person may bring into the community.

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

The current system of liquor prohibition in Gjoa Haven will continue.

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

QUESTION

Are you in favour of ending the current system of liquor prohibition in Gjoa Haven and establishing an Alcohol Education Committee? The Gjoa Haven Alcohol Education Committee would decide

- (a) who may possess, purchase or transport liquor in Gjoa Haven;
- (b) who may import liquor into Gjoa Haven; and
- (c) the amount of liquor that a person may possess, purchase or transport in or import into Gjoa Haven?

YES

NO

5. The returning officer shall appoint any deputy returning officer and poll clerk required for the plebiscite.

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

(2) 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 and the Explanation of Questions set out in section 3 into the Inuit Language and may arrange for an interpreter 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 Community Hall in Gjoa Haven; and
- (b) kept open between the hours of 10 a.m. and 7 p.m. on September 12, 2011.

(2) A qualified voter who has reason to believe that he or she will be unable to vote on the ordinary polling day may vote at the advance poll.

10. (1) Every deputy returning officer 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 advance poll closes, 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 ordinary poll closes.

12. The polling station for the ordinary poll must be

- (a) located at the Community Hall in Gjoa Haven; and
- (b) kept open between the hours of 10 a.m. and 7 p.m. on September 19, 2011.

13. (1) Immediately after the ordinary poll closes, the deputy returning officer(s) 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 of the ordinary poll closing, the returning officer shall

- (a) prepare a report of the results of the plebiscite attested to by the signature(s) of the deputy returning officer(s) 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.