

LIQUOR ACT

R-021-2005

Registered with the Registrar of Regulations

2005-09-07

GJOA HAVEN LIQUOR PLEBISCITE REGULATIONS

Whereas the Minister has ordered, under sections 41 and 42 of the *Liquor Act*, that a plebiscite be held on October 25, 2005, and an advance poll on October 18, 2005, to determine the opinion of the qualified voters of Gjoa Haven with respect to the questions asked on the ballot under the annexed 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 *Gjoa Haven Liquor Plebiscite Regulations*.

1. In these regulations,

"community" means all that portion of Nunavut that lies within a radius of 20 kilometres of the building in the Hamlet of Gjoa Haven commonly known as the Hamlet Office; (*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 questions asked on the ballot.

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

EXPLANATION OF QUESTIONS

If 60% or more of the votes cast under Question 1 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in Gjoa Haven will be abolished, and the *Gjoa Haven Liquor Prohibition Regulations*, R.R.N.W.T. 1990, c.L-27, will be repealed. The system which will replace the current system will depend on the results of the second question.

If less than 60% of the votes cast under Question 1 are "Yes":

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

If 60% or more of the votes cast under Question 1 are "Yes" AND if the majority of votes cast under Question 2 are for a committee system:

1. A Gjoa Haven Alcohol Education Committee will be established by regulation.

2. A person will have to obtain the approval of the Gjoa Haven Alcohol Education Committee before consuming, possessing, purchasing or transporting liquor in the community or bringing liquor into the community.
3. The Gjoa Haven Alcohol Education Committee will have the power to decide the amount of liquor a person may possess or purchase in the community and the amount of liquor a person may bring into the community.
4. The Gjoa Haven Alcohol Education Committee will have the power to refuse an application to consume, possess, purchase or transport liquor in the community and the power to refuse an application to bring liquor into the community.

If 60% or more of the votes cast under Question 1 are "Yes" AND if the majority of votes cast under Question 2 are for an unrestricted system:

1. There will be no restrictions on the consumption, possession, purchase or transportation of liquor in Gjoa Haven, or the importation of liquor into Gjoa Haven, except the general liquor laws in force in Nunavut.

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

QUESTIONS

1. Are you in favour of ending the current system of liquor prohibition in Gjoa Haven?

Yes

No

2. If, as a result of this plebiscite, the current system of liquor prohibition will be ended, which system would you prefer it to be replaced by?

A committee system under paragraph 48(2)(d) of the *Liquor Act* and the establishment of a Gjoa Haven Alcohol Education Committee

An unrestricted system under paragraph 48(2)(a) of the *Liquor Act* with no restrictions on liquor, except for the general liquor laws that apply in Nunavut

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

6. The returning officer shall prepare a list of qualified voters 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 Questions set out in section 3 into Inuktitut, and shall ensure that the election officers are fluent in the language of the community.

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

- (a) located at the building in Gjoa Haven commonly known as the Community Hall; and**
- (b) kept open between the hours of 10 a.m. and 7 p.m. on October 18, 2005.**

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

10. (1) The 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 close of the advance poll, the deputy returning officer 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 building in Gjoa Haven commonly known as the Community Hall; and**
- (b) kept open between the hours of 10 a.m. and 7 p.m. on October 25, 2005.**

13. (1) Immediately after the close of the ordinary poll, the 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, the 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 to 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.