

LIQUOR ACT

R-033-2015

Registered with the Registrar of Regulations

2015-11-17

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 December 14, 2015, and an advance poll on December 7, 2015, 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 annexed *Gjoa Haven Liquor Plebiscite Regulations*.

1. In these regulations,

"community" means all that portion of Nunavut that lies within 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 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of Gjoa Haven will be abolished, and the *Gjoa Haven Liquor Prohibition Regulations*, R.R.N.W.T. 1990,c.L-27, will be repealed.
2. The Gjoa Haven Alcohol Education Committee will be established by regulation.
3. A person will have to obtain the approval of the Gjoa Haven Alcohol Education Committee before consuming, possessing, purchasing, transporting or importing liquor in the community.
4. The Gjoa Haven Alcohol Education Committee will have the power to decide the amount of liquor that a person may possess, purchase, transport or import in the community.
5. A person will have to obtain the approval of the Gjoa Haven Alcohol Education Committee before applying for a wine permit in the community and the Gjoa Haven Alcohol Education Committee may decide amount of wine that a person may apply to make. A wine permit authorizes the permit holder to make wine in his or her residence for consumption in his or her residence.
6. A person will have to obtain the approval of the Gjoa Haven Alcohol Education Committee before brewing beer for personal or family consumption in the community and the Gjoa Haven Alcohol Education Committee may decide the amount of beer that a person may brew.
7. The Gjoa Haven Alcohol Education Committee will have the power to withdraw a person's eligibility to consume, possess, purchase, transport or import liquor in the community, or to make wine or brew beer in the community, even if the person has previously obtained approval from the Gjoa Haven Alcohol Education Committee.

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 Gjoa Haven 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 Gjoa Haven with a committee system and establishing a Gjoa Haven Alcohol Education Committee? The Gjoa Haven Alcohol Education Committee would have the power to decide

- (a) who may consume, possess, purchase or transport liquor in the community;
- (b) who may import liquor into the community;
- (c) the amount of liquor that a person may possess, purchase, transport or import in the community;
- (d) who may apply for a wine permit in the community and the amount of wine that a person may apply to make; and
- (e) who may brew beer for personal or family consumption in the community and the amount of beer that a person may brew.

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 Gjoa Haven Community Hall in Gjoa Haven; and**
- (b) **kept open between the hours of 10 a.m. and 7 p.m. on December 7, 2015.**

(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 Gjoa Haven Community Hall in Gjoa Haven; and**
 - (b) **kept open between the hours of 10 a.m. and 7 p.m. on December 14, 2015.**

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.**