

# WHAT WE HEARD

## A public consultation report



Working towards meaningful  
recommendations for changes  
to the Nunavut Liquor Act

Photographs are courtesy of Esau Tatatoapik –Vice Chair Liquor Act Review Task Force, Arctic Bay.  
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**Nunavut Liquor Act Review Task Force**

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## Message from the Chair

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When my fellow Task Force members and I accepted Minister Peterson's invitation to sit on the Alcohol Task Force we were all very aware that we were about to embark on a very intense, and significant experience. Sixteen months later, and all Nunavut communities visited I can say that it was indeed a difficult but rewarding experience.

During the many months of consultation, as we crisscrossed the Territory, people spoke to us of their concern for the future of Nunavut. The majority of people stressed the need for liquor law reform that will lessen the harmful effects of irresponsible alcohol use on individuals, families, and communities. However, we heard no overwhelming public consensus on the legislative changes that need to be made to curb alcohol related harm. We listened to some people calling for complete prohibition throughout Nunavut, while others advocated much more liberalized laws. We also heard many other points of view between these two polar positions.

We were often reminded that in Nunavut alcohol is an acceptable part of social and celebratory events, and that the vast majority of residents are responsible drinkers. We were also informed that in some communities a number of people drink in ways that increase the risk of alcohol related harm to themselves and to others. People were united in saying that it is altering this irresponsible drinking behavior that should be the primary focus of any legislative changes, and government action.

Each member of the Task Force has, in some way, been moved by the personal experiences of those who spoke to the Task Force. We appreciate the interest and sincerity with which participants approached the consultations. We also appreciate the involvement of the many community front line workers and non-profit representatives who took time out of their very busy schedules to talk to the Task Force, and who shared with us their professional insights and expertise.

In addition there are many people, too numerous to name, who contributed to ensuring that the consultation process was a meaningful, transparent, and an open undertaking. Of special note are the many Hamlet representatives that helped to promote and coordinate the meetings throughout Nunavut. On behalf of the Task Force, I thank you all for your generous support.

Donna Adams  
Chair, Nunavut Liquor Task Force

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## FOREWORD

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In March, 2010, Finance Minister Keith Peterson announced the creation of an independent Task Force. The mandate of the Task Force is to provide to the Minister “*meaningful recommendations for changes to the Nunavut Liquor Act that will reflect the dynamic needs of Nunavummiut.*” In Particular, the Task Force is required to make recommendations on the following:

- The Liquor Licensing Board and its reporting requirements;
- The Liquor Commission and its reporting requirements;
- Licenses and permits;
- Cancellation and suspension of licenses;
- Plebiscite concerning licenses;
- Plebiscite concerning restriction or prohibition; and,
- Penalties for contravening the Act.

The Task Force was also asked to examine and report on suggestions and ways the Act “*...can be used as a vehicle to positively promote the responsible use of alcohol.*”

During the early stages of the consultation it quickly became apparent that many Nunavummiut wanted to raise issues related to alcohol that fell outside the mandate of the Task Force. In response Minister Peterson asked the Task Force to listen and to report on all the views and suggestions including those that fall beyond the Task Force mandate. The nine members of the task force were appointed from a cross section of Nunavut agencies:

Donna Adams (chair)	Qullit Nunavut Status of Women Council.
Esau Tatatoapik(vice chair)	Alcohol Education Committee
Dr. David Wilman	Nunavut Liquor Licensing Board
Miranda Atatahak	Youth Representative
Jack Anawak	Nunavut Tunngavik Inc.
John Ningark	MLA
Fred Schell	MLA (resigned on appointment to Cabinet)
Dr. Geraldine Osborne	GN: Dept. of Health (appt. May 2011)
Supt. Hilton Smee	RCMP (appt. Oct 2011)
Dr. Isaac Sobol	GN: Dept. of Health (res. May 2011)
Supt. Howard Eaton	RCMP (res. Oct 2011)



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The Task Force held meetings in every community in Nunavut. This report presents a summary of what we heard from Nunavummiut during the 16-month consultation process. In part one of this report we provide an overview of the consultation process, and a synopsis of the general comments made by participants. Part Two of the report focuses on specific issues raised by participants. It includes contextual details as described by the participants along with their views and suggestions for changes to the Liquor Act. The comments, views, and recommendations identified in this report are not necessarily those of the Task Force. No attempt has been made to reconcile divergent or opposing views in the presentation of this report.



Listening to the concerns and suggestions of a Hamlet Council and AEC

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# ENGAGING NUNAVUMMIUT

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From the beginning the Task Force was committed to engaging as many Nunavummiut in the review process as possible. The Task Force wanted to hear what people had to say about the *Nunavut Liquor Act*. In particular, the Task Force hoped to hear what effect alcohol has on individuals, their families, and their community, and to seek views on what needs to be done, through the *Act*, to better represent the views, needs, and aspirations of Nunavummiut. Task Force meetings were advertised and promoted through posters and radio advertisements in every community, in the media, on the Task Force web page, ([www.liquoractreview.com](http://www.liquoractreview.com)) through stakeholder email lists, and via direct personal, mail, and telephone contact. The good turnout in many communities was often a direct result of the excellent logistical and promotional support provided by the local hamlet staff and various community groups.

The Task Force held public meetings in every community and made a concerted effort to meet privately with as many interested community groups and individuals as possible. The Task Force met with Alcohol Education Committees, Hamlet Councils, church groups, youth groups, justice workers, teachers, social workers, health workers, legal representatives, licensees, RCMP, and other stakeholders who are in some way impacted by alcohol and the *Nunavut Liquor Act*. The Task Force also encouraged participation through the Task Force website, and Facebook, and also welcomed written submissions. A layman's summary of the *Act* and a discussion guide were prepared to assist in the consultation process. These are included in Appendix 1 of this report. The consultation guide identified 8 general themes and 67 questions to promote discussions. The Task Force provided these guides in every community and most consultation participants came with something specific to say. In community halls, schools, hamlet offices, churches, social clubs, and on the street, Task Force members heard from a wide segment of the population; almost 1000 people participated in the process. It is very evident that Nunavummiut have a lot to say about alcohol; nearly all public meetings went beyond the three hour allotted meeting time.

*"The GN is good at asking the questions but it's time to stop asking and to deal properly with the problems" (Public Meeting, Unrestricted Community)*

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Consultations began in Qikiqtarjuaq in October 2010. In this community the Task Force first heard the message that was later repeated in every other community - ***alcohol is a terrible problem and something must be done to address the harm it has caused and continues to cause.*** In every community there was a call for the new Act to focus on making things better and a strong message to government to recognize and immediately address the considerable harm caused by alcohol. The Task Force completed the public consultation in Chesterfield Inlet on March 7<sup>th</sup>, 2012.

During the year of public consultation, the members listened to many personal accounts of the harmful effects of alcohol. In restricted, prohibited, and unrestricted communities the stories were very similar. Elders stood up and expressed their fears for the future of the Inuit. Many believe that Inuit values are being forgotten because of the misuse of alcohol. Grandparents spoke about taking in young children who were often neglected, hungry, and frightened when their parents drank. Some said they were often frightened and intimidated themselves by their own drunken children and grandchildren. Adult children spoke about their parents' excessive drinking and its negative and long lasting effect on them. Husbands and wives spoke of the devastating effects of alcohol misuse on their marriages and families.

*"The Act is not the problem; people who drink too much are the problem" (Public Meeting, Restricted Community)*

In many communities school principals, teachers, and parents spoke of the difficulty in keeping young people interested in school when they had access to alcohol. Some teachers also spoke of children coming to school hungry and tired and not able to learn when alcohol is prevalent in the home. High school students throughout the Territory stated that alcohol was easy to get. Many young people admitted that family members tell them not to drink but they do anyway. Students in one community said they had their first drink courtesy of the local bootlegger. In discussions with high school students, the majority admitted to drinking as often as they can. Some clearly stated that getting drunk was not just part of the fun but the end goal. In one school, the Task Force asked 15 high school students to respond anonymously to a number of questions about alcohol. Over 60% of the students stated that they believe alcohol does not have any long-term health effects, and 25% believed that drinking while pregnant will not cause permanent harm to the baby. The results of this spontaneous survey are a greater awareness about the risks associated with irresponsible drinking.

In one community high school students spoke with conviction to the Task Force members about alcohol, its effects as a drug, and its impact on their families and community. In this community students and teachers had mirrored the local community plebiscite by holding a mock plebiscite. While the majority of voters in the community plebiscite voted for a restricted status, the majority of students voted for a prohibited status in their mock election.

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*"....drinking is no big deal, everyone drinks, even our leaders drink" (Student, Restricted Community)*

RCMP officers, justice workers, and lawyers provided statistics demonstrating the exceedingly high correlation between alcohol and crime. In every community bootlegging was identified as a major problem that is having a devastating effect on physical and mental health. Community members often stated that the RCMP was not doing enough to help alleviate the bootlegging problems in their community. At the same time there were many general comments made about the perceived complicity of the airlines, Post Office, cab companies, freight shippers, and in several instances, local AEC members, and community leaders in bootlegging operations. In response, RCMP officers frequently expressed their disappointment in not being able to secure effective and sustained community support in addressing bootlegging and other crimes involving alcohol. RCMP officers also spoke of their frustration in seeing normally responsible and law-abiding individuals committing crimes because they were under the influence of alcohol. Similar comments and concerns were also raised by justice workers who also spoke of the over-loaded court systems, the apparent ineffectiveness of deterrents, and the lack of effective sentencing options.

*"He's a good hard working guy but when he drinks he becomes mean, abusive, and does stupid things. Jail and fines are not a deterrent" (RCMP Officer, Restricted Community)*

Many health, addiction, and social workers agreed with these comments and added their concerns to this discussion. These community based professionals often spoke about a lack of local treatment facilities, and under-funded addiction programs. They also said that in their experience, too high a percentage of people who are sent for treatment revert to drinking once they come home. Along a similar note, some consultation participants spoke of their own addiction to alcohol and emphasized the support of employers, family, and local social and service groups as being critical to their recovery. They asked the Task Force members to consider the resourcing needs of local support groups in their final report.

Community health practitioners also pointed out the long term and irreversible health and safety impacts of alcohol on young mothers and children. Social workers provided disturbing statistics that indicate "nearly all" children in care have at least one parent or caregiver with a substance abuse problem, most often including alcohol. Health and social service workers also raised the issue of the high cost to the territorial health and social welfare systems as they attempt to deal with increasing numbers of chronic alcohol and drug related illnesses and accidents.

*"Alcohol is an addictive drug. We should recognize that it is becoming a problem of epidemic proportions and we need to deal with it" (Mayor, Unrestricted Community)*

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In nearly every community the issue of illegal drugs was also raised. People asked the Task Force to take the message back to government that the issues of alcohol and drugs are closely related. In some communities people suggested that the drug problem was becoming worse than the alcohol problem. Often residents said it is easier to get drugs than alcohol in their community, and though they despise the problems brought about by alcohol, they fear that drugs are bringing bigger problems to their community. Elders said they are at a loss when it comes to their children and grandchildren using drugs. In the past their own experiences and age have provided the insight and wisdom required to deal with problems. However, drugs are such a foreign experience for them that they feel a sense of helplessness and hopelessness in dealing with the problems.

*“Many young people are turning to drugs and alcohol. It hurts to see them staggering down the street in the morning” (Elder, Unrestricted Community)*

Throughout the Territory local government representatives also provided examples of how alcohol was impacting their community. Some spoke of large shipments of alcohol arriving in the community at one time and their community’s frustration in attempting to deal effectively with the adverse consequences. Some employers and supervisors raised issues related to worker absenteeism caused by alcohol abuse and its impact in the workplace.

Representatives of Alcohol Education Committees repeatedly told the Task Force that the current control systems were not working. Across the Territory AEC members commented on how difficult it was to achieve their mandate when they had no resources, no support, and no training. Several AEC members stated they often feel threatened and coerced into approving orders. The animosity directed to some AEC members has resulted in a number of people refusing to serve on the Committee. In some communities, the AEC is perceived as dysfunctional and exists for the sole purpose of approving alcohol orders. In a few communities, the Task Force was told that people that are suspected of bootlegging are actually serving as members of the Committee. AEC members and Hamlet representatives also raised concerns surrounding the plebiscites process. Similar concerns were also raised in public meetings where participants spoke of their confusion with the plebiscite questions as written and the overall perceived fairness of the process.

*“People who are trying to enforce laws and restrict alcohol are hated in the community. It is a very hard job” (AEC Member, Restricted Community)*

In almost every community the Task Force was reminded of the dichotomy of public opinions regarding alcohol use. Whereas the majority of participants acknowledged that alcohol was contributing to problems in their community, many people also stated that they enjoyed having a drink with friends, or having a glass of wine at dinner, or drinking a beer while watching a hockey game.

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These participants often mentioned that they are responsible drinkers who feel penalized by the current liquor laws and government practices. They frequently questioned the import permit processes and the rationale for the current warehousing and shipping protocols. Once in a while people would also suggest that the current permit systems discriminate against those who do not have credit cards, or against people who are unilingual or have limited literacy skills. On occasion, some participants raised concerns about the government's right and power to restrict an individual's access to alcohol. Nonetheless, many commentators spoke of the need to find an appropriate balance between the rights of individuals to enjoy a drink and the individual's obligations to the broader society.

*"I believe that stopping me from buying alcohol is against the Charter of Rights. I am being treated differently than people in other communities and in other parts of Canada." (Public Meeting, Restricted Community)*

Only four license holders (Rankin and Iqaluit) made submissions to the Task Force. Their representatives spoke of their good relationships with government inspection and licensing authorities. They also took the opportunity to respond to comments made during public meetings. They took particular offence with public comments that criticized bars for over-serving, and the public's view that there is insufficient monitoring and inspection of bars. The licensees expressed their frustration with being the scapegoat for many community problems of which they believe they have little or no control over. The Chief Liquor Inspector confirmed that on average each licensee gets three inspections per week. It was also noted that there are daily inspections for those establishments with a poor track record of complying with the Liquor Act, or the requirements of their licence.

The Task Force heard over and over again about alcohol misuse and an almost universal appeal to government to properly identify the causes, address the outstanding harms, and to take the steps required to minimize any future harms. However, it became very clear that there is no existing or emerging consensus on the "right" steps needed to address the problems, and consequently no clear public consensus on the recommendations to change the Act. At one end of the debate people are calling for prohibition to be adopted in every community in Nunavut. At the other end of the debate people are asking for liquor to be made available in every community from a local retail outlet.

*"The only way we can stop the problem is to stop all alcohol from coming into Nunavut "*  
*(Public Meeting, Prohibited Community)*

*"Alcohol is here to stay, prohibition does not work. We need to change the way people drink"*  
*(Public Meeting, Prohibited Community)*

Regardless of their position within the debate, many participants were able to present moving personal accounts coupled with thought provoking arguments and justifications for their particular

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views. Many participants supplemented their oral presentations with highlights of research work, including information on alcohol related statistic and examples of policy initiatives and harm reduction practices from other regions. A few groups provided written submissions to the Task Force identifying policy positions and recommendations of their respective members. These submitters included a church group, a community group, Qikiqtani Inuit Association, representatives of the Nunavut legal community, and the Nunavut Liquor Licensing Board.

To assist the Task Force in its work several territorial and federal ministries and crown corporations are providing the Task Force with ongoing access to experts and reference materials. These organizations include transportation, health, and justice departments, as well as representatives from the RCMP, and Canada Post. The Task Force is also benefiting from discussions with recognized experts from Nunavut and other jurisdictions including NWT, Yukon, Ontario, Saskatchewan, BC, Alaska, Greenland, and Washington State. Discussions are also ongoing with private transportation companies and representatives of the hospitality industry. This professional insight, knowledge, and advice will be taken into consideration by the Task Force when framing the recommendations.

Without a doubt the feedback from Nunavummiut during the consultations has significantly influenced the Task Force's work toward identifying how the Act should be changed to better reflect the views and aspirations of the people. The following chapters present a synopsis of what we heard from Nunavummiut. While it is not possible to present every individual comment and position we have attempted to capture a fair and complete representation of people's comments and views in terms of the over-riding themes and key messages, as well as principle areas of agreement and divergence. We have also highlighted policy suggestions and recommendation made during the consultation process.

The Task Force is also cognizant that many of the presenters were motivated by their strong personal or professional interest and that their views may not be reflective of all points of view within Nunavut. In some communities the Task Force was advised that alcohol was an extremely sensitive issue and some community members were very reticent or unable to voice their concerns in public. In some cases the Task Force was informed that this reluctance to speak out was a direct result of recent events in the community where alcohol had been a contributing factor to either an accident, suicide, or a crime. Conversely, on occasion the harm caused by these events often became the focal point for comments during the public and private meetings held by the Task Force.

It is also important to note that while many participants said they felt saddened, frustrated, or overwhelmed by the misuse of alcohol in Nunavut. A number of individuals and groups provided excellent examples of community initiatives targeted at reducing alcohol related harm. The examples provided to the Task Force often came with an acknowledgement that the level of success of these



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initiatives is commensurate with the level of community support and the nature and extent of collaboration across a number of community and government organizations.



We were told that Elders have an important role in helping their communities overcome alcohol problems.

### A LOOK BACK - A STARTING POINT

In every community people commented on the harm caused by excessive alcohol consumption and their frustration and anger in seeing the problem continue to grow throughout all segments of Nunavut society.

The Task Force mandate is to hold public consultations to listen to Nunavummiut views on the Liquor Act, nonetheless in many communities the Task Force members were often challenged by the public to explain the historical roots of alcohol in the Territory, and why alcohol has now become a significant problem, particularly among Inuit. While the Task Force members felt they did not have the expertise or mandate to answer these types of questions, consultation participants often provided their own views. Elders frequently stated that they believe today's misuse of alcohol has its roots in the 1950's. They point out that during the 1950's Inuit society underwent a dramatic shift as families were enticed by government into leaving the land and moving into permanent year-round settlements, and children were sent away to residential schools. Elders said that this change in lifestyle ultimately has led to a loss of traditional livelihoods, and from their perspectives, a loss of attachment to the cultural values of Inuit society. Many stated that this erosion of traditional Inuit lifestyles and values has fueled a

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sense of hopelessness, and lack of purpose especially among many young Inuit. Some believe that this loss of connection to Inuit ways has ultimately contributed to an increase in the misuse of alcohol.

*“Our grandparents didn’t drink alcohol; life was good. We survived on the land. We listened to our elders. They taught us survival skills. I was counseled by my elders. Today young people have too much drugs and alcohol. Trying to teach them about their culture is tough.” (Elder, Unrestricted Community)*

Some elders also stated that the people who initially brought alcohol into their community were workers from other parts of Canada. Many of these workers are remembered by the elders as people who came without families and who demonstrated a “party hard” mentality. Many elders said this was how they and their communities were introduced to alcohol. Some participants suggested that the current high occurrence of binge drinking is rooted in this party hard and drink to get drunken attitude. Others have suggested that it is the actual scarcity or inconsistent supply of alcohol that causes people to binge drink. One person gave the following analogy, *“A hunter will try and get as much as he can before the quota runs out. I see this same attitude with alcohol. Limiting alcohol drives many of the problems we see today”*.

On one occasion an elder noted that they had seen a picture of whalers drinking alcohol. They questioned why, when they were young, they had not heard any stories about problems with alcohol when the whalers were in their community. In a number of communities elders and others spoke of the once weekly sale of beer from the Hudson Bay store. They spoke about how the beer sales were restricted and controlled, and how they remember some people getting drunk on the weekends. They also noted that some people did try to get more alcohol than their weekly allotment. They recalled that the most common way to get more beer was simply to have an eligible non-drinking relative or friend purchase the beer. As one Elder said, *“People who want alcohol will always find ways to get it.”* However, in general elders said that they believe the problems related to alcohol in those days were not as pervasive and destructive as they are today.

On occasion someone would ask whether alcohol today was stronger than in the past. This was often in the context of questions and comments about the effects of alcohol on different ethnic groups and in particular the Inuit. *“There is no secret or shame to acknowledge that some people and ethnic groups cannot stand alcohol or that alcohol has a real bad effect on their organisms-especially on the brain-and consequently on their behaviour. The Inuit group is one of them as alcohol has never been part of the culture.” (Submission non-profit)* This belief that Inuit are more susceptible to the effects of alcohol than other ethnic groups was stated repeatedly by participants throughout the consultations. Some people said that they feel this is a very important point that needs to be openly discussed and understood. If it is true, that Inuit are more susceptible to alcohol than other groups they said they

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want to see this fact included in education campaigns and better reflected in alcohol treatment programs.

Other participants also offered reasons why excessive alcohol consumption has become a significant concern in Nunavut. The reasons given include a lack of personal responsibility, poor parenting, poor role models, and glorified and often contradictory media messages about alcohol, peer pressure, reaction to families and communities in crises, and a general lack of knowledge about alcohol and its health and social consequences, particularly among high risk groups.

*“The root cause of the problem must be looked at and addressed. The root cause of much of the alcohol abuse is pain: direct personal pain and intergenerational transmitted pain.” (Public Meeting, Restricted Community)*

Despite the fact that among participants there are differing points of view on the root causes of the current problems, there is agreement that the problem today is very complex. Most agreed that finding appropriate solutions will require an informed understanding of the problem, adequate resources to address the issues, and extensive cooperation and collaboration amongst the many stakeholders. Many participants pointed out that making changes to the Act is only one of the actions required to help stop harmful drinking outcomes. While the message from the people to their government is to take whatever steps are necessary to stop the harm, how this should be done, and the extent to which government should go in controlling the sale and supply of alcohol is a matter of much debate among Nunavummiut.

*“We know that the pressure for an easier access to liquor in Nunavut is very, very strong. We can only encourage your commission to put as a priority for the review of this Act at least two factors: the protection of all Nunavummiut starting with the most vulnerable-children and the health factor.” (Church Group Unrestricted Community)*

## SYNOPSIS OF COMMENTS

The following presents a summary sample of the comments made by consultation participants. It is the Task Force’s opinion that these comments, while not exhaustive provide a reasonable representation of the types of comments and concerns raised throughout Nunavut. In consideration of the open nature of the consultation process no attempt has been made to prioritize the comments, or to quantify the number of participants supporting a particular view or comment, nor has the veracity of the comments been tested in the preparation of this report. It is simply a summary of “What We Heard.”

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### a) Universal Comments

*The following provides a synopsis of those comments heard in every Nunavut community.*

- Alcohol abuse affects all communities;
- Alcohol is here to stay, it cannot be eradicated;
- Alcohol abuse is an intergenerational issue;
- Bootlegging must be stopped;
- Current alcohol control systems and processes do not minimize harm;
- Solutions should reflect Inuit values and approaches;
- Community involvement is essential in making decisions but there are problems with the plebiscite system;
- Drug and alcohol education is essential;
- The Nunavut Government makes significant revenues from the sale of liquor but puts insufficient resources into addressing alcohol related harm;
- Resources and interventions must properly reflect the size and scope of the problem;
- There are many people who are responsible drinkers; and,
- The new Act must focus not only on the future, but also on addressing the outstanding harm caused by alcohol misuse in our communities.

### b) Common Comments –Restricted Communities

*The following provides a synopsis of comments often heard in restricted communities.*

- The AEC has an essential role but it is often ineffective because it lacks support and resources, training for members, and its mandate is not well understood;
- The AEC is just involved in a rubber stamping the processing of liquor purchase orders; and,
- The current control and distribution systems including import permits are not working. They create more problems than they solve, and they contribute to the bootlegging environment.

### c) Common Comments –Prohibited Communities

*The following provides a synopsis of comments frequently heard in prohibited communities.*

- Liquor is available in all communities (all prohibited communities reported significant problems with the availability of liquor);
- The current systems support bootlegging;
- Enforcement actions are not strong enough to stop or deter bootlegging; and,
- Current fines and sanctions are ineffective. Fines are considered a cost of doing business for bootleggers.

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#### **d) Common Comments –Unrestricted Communities**

*The following provides a synopsis of comments heard in unrestricted communities.*

- Improve the policing and monitoring of licensees (over-serving, and public safety concerns);
- The current permit process does not reduce harm. It is ineffective and penalizes responsible drinkers treating us like children;
- The current sales and distribution system is costly and inefficient and does not deter binge drinking;
- It would be nice to be able to stop on the way home from work and pick up a bottle of wine or beer to have with dinner; and,
- The only group that benefits from the current sale and distribution system is the airline industry.

#### **e) Divergent philosophies –all communities**

*The following comments are provided to illustrate the polarization of views found in every community regardless of the community's liquor control status.*

- There should be no access to liquor in any Nunavut communities. There should be prohibition throughout Nunavut. Society has the right to take control and to stop individuals from drinking for the good of everyone in the community.
- Alcohol alone is not the problem- history shows that prohibition does not work. People have the inherent right to choose to drink or not to drink. Governments should not control the supply, sale, and distribution of alcohol.

#### **f) Common Comments – Local Government**

*The comments below are typical of the comments made by mayors, councillors, and hamlet administrative staff.*

- We feel powerless to address the problems associated with alcohol in our community;
- We do not have the resources or the local skills to address the many problems;
- Plebiscites are not working properly; and,
- AEC are not operating properly. There are numerous issues arising from membership, appointments, personality conflicts, personal agendas, discriminatory practices, and confusion over the extent of the AEC powers.

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#### **g) Common Comments – Community Health, Social Agencies, Legal Community / RCMP**

*The following provides an overview of the many comments made by workers who have firsthand experience dealing with alcohol related harms.*

- The effects of alcohol misuse is felt throughout the community;
- We know when there is a new shipment of liquor in the community. We immediately see the negative effects of excessive liquor consumption;
- There is a very high relationship between alcohol abuse and accidents, injury, violent crimes, incarceration, inappropriate sexual behavior, and suicides;
- Our justice system is overwhelmed and crippled by the number of alcohol related offences;
- The number of people suffering from illnesses and diseases directly or indirectly related to alcohol misuse continues to increase and puts additional pressure on our already stretched health and social services;
- There is extremely limited referral access to health professionals, treatment facilities, and programs for people appearing before the courts, or seeking assistance through welfare or hospital services;
- In our experience people sent to treatment programs outside Nunavut have a low rate of long term success;
- In general, people do not know or understand the long-term effects of alcohol misuse. Many people we see do not know how to drink responsibly; and,
- It is difficult to apprehend bootleggers or address abusers without the assistance and support of individuals, victims, community leadership, businesses, and the general public. In most communities people are very reluctant to identify bootleggers or those causing alcohol related harm.

#### **h) Common Comments – Volunteer Organizations, Schools, Community Clubs and Churches**

*The following illustrates the comments commonly heard from school personnel, and volunteer or community service agencies.*

- Community youth are at risk, especially from the influence of bootleggers;
- There is a need for more appropriate role modeling and educational programs; and,
- There is a lack of healthy alternatives for people (leisure time and activities) and a loss of connection to Inuit values.

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#### **i) Common Comments -Elders**

*The following comments were uniformly heard from Elders across the territory.*

- We are overwhelmed and feel helpless in dealing with the problems of drugs and alcohol;
- We are afraid of people who drink;
- In the past we had a greater role in addressing community problems. We still have important roles to play and we should be called upon to help;
- There is too much emphasis on protecting privacy and not enough attention given to allowing family members to identify problems, to intervene, and to deal with problems; and,
- More attention should be given to incorporating Inuit Values into the Liquor Act.

#### **j) Common Comments-High School Youth**

*The following represents the comments commonly stated by high school students.*

- The majority of youth drink. It's fun and there is nothing else to do;
- Some community leaders do not set a good example;
- It is easy for underage people to get alcohol; and,
- Many students are afraid of people drinking in their homes.

#### **k) Common Comments-Licensees and Social Club Representatives**

*The following characterizes the comments made by licensees and representatives of social clubs that offer alcohol for sale to their members.*

- Licensees are often erroneously blamed for community social problems;
- The majority of licensees are responsible business owners and community; members who work closely with authorities to prevent and manage problems;
- Many problems in the community occur after the bars are closed;
- Bootleggers significantly contribute to the after-hours problems;
- Improvements could be made to simplify and improve the efficiency of the licensee processes (ordering procedures and forms);
- European ban has “run its course” and should be revised (particularly for Scotch and European wines); and,
- Banquet and catering licenses should be reviewed and modernized.

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*"Our grandparents didn't drink alcohol; life was good. We survived on the land. We listened to our elders. They taught us survival skills. I was counselled by my elders. Today young people have too much drugs and alcohol. Trying to teach them about their culture is tough." (Elder, UC)*



## SUGGESTIONS FOR CHANGE

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At the start of every meeting the Task Force referred the participants to the *Consultation Discussion Guide* and the *Summary of the Act*. The Task Force members encouraged attendees to consider and comment on the questions raised in the Discussion Guide, and to bring forward their own questions, views, and suggestions for changes to the *Nunavut Liquor Act*. The following provides a summary overview of the comments, suggestions, and themes for legislative and public policy changes made by participants throughout Nunavut. In the presentation of this report the Task Force has not validated, prioritized, or attempted to justify the comments and suggestions contained in this section. This summary of the public consultations does not necessarily reflect the opinions of Task Force members. The Task Force will present its views and recommendations to the Minister in its final report of April 2012. The following content is intended only to illustrate “What We Heard” from participants in the consultation process.

### THE ACT

The current Nunavut Liquor Act was adopted from the GNWT at the time of division (1999). The Act was originally promulgated in NWT in 1988 (many sections of the Act date back several decades prior to 1988). Since division there have been some minor amendments to the Act, most notably the 2003 increase in penalties for bootlegging. A cross section of consultation participants raised questions about the government’s motivation and objectives for reviewing the *Act* at this time. Some participants stated that they are concerned that the government’s primary objective is simply to further liberalize the liquor laws. Others said they fear the Government’s intent is just the opposite. On rare occasions people did say that the Government should not be in the business of regulating alcohol and so there is no need for an *Act*. However, the majority of the participants support the view that alcohol is a special commodity and therefore its sale and distribution should be treated differently from other consumer products. In fact, underpinning the majority of comments and submissions is the conviction that Government should use its regulatory powers and resources to enforce and facilitate social responsibility.

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#### Summary of Suggestions

During public meetings there were not many comments made about the structure and wording of the *Act*. Those who did make comments spoke about the difficulty in understanding some of the wording in the current *Act*, and some expressed annoyance in having to look “...everywhere in the *Act*” for the information they were seeking. One commentator stated that in his opinion, “...*the Act is only for lawyers, no one else can understand it.*” Another said, “*Not everyone can read so not everyone is aware of the contents of the Liquor Act.*” People who regularly deal with the *Act* on a business or professional level had more to say about making improvements to the format and language of the *Act*. In their written submission the Nunavut Liquor Licensing Board (NLLB) provided the following drafting considerations:

- The *Act* and regulations must be overhauled to eliminate inconsistencies and contradictions and to ensure that the provisions are organized in a logical and coherent manner that will facilitate understanding and ease of use;
- At present the *Act* is written in a manner that implies that the most important issue in Nunavut is brewery permits, when in fact none of these has ever been issued; the *Act* should contain several discrete Parts relating to each of the following topics: the establishment of the Board and its mandate, licenses and applications, permits and applications, show cause hearings (including more detail about the relevant procedures and the authority of the Board), plebiscites, offence and penalties, and miscellaneous related provisions;
- A drafting style that is simpler and more direct, avoiding the overuse of cross-references and complex grammatical structures should be adopted;
- Each section of the *Act* should contain only one thought and marginal notes or headings should be applied only to sections and not to subsections of the *Act* in order to ensure that the content of each section constitutes, a “paragraph”; and,
- A lay-persons’ guide to the legislation should also be developed to assist the non-lawyer to understand the relationship between the *Act* and the regulations, the authority and responsibility of the Board, and what licensees and individuals are required to do or are prohibited from doing.

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- The NLLB suggestion to “ensure that the provisions are organized in a logical and coherent manner that will facilitate understanding and ease of use” was a common theme raised by those who did make comments on the language and structure of the Act. In their written submission the Qikiqtani Inuit Association (QIA) identified a need to simplify the Act.
- It would be beneficial for Nunavummiut to have a summary of the Liquor Act much in the same format as used for the purpose of the Liquor Act consultations. This information would be most accessible if they could be distributed through the Government Liaison Officers or the Community Liaison Officers. In addition there should be a clear understanding of contacts with the appropriate Government staff if community members wanted to voice their concerns or question related to issues arising from alcohol consumption.

The QIA also recommended that the *Nunavut Liquor Act* should have a clear set of objectives and principles:

- The Nunavut Liquor Act should have a clear set of objectives and principles much like in other jurisdictions. We feel that this particularly important given the heavy social ills facing Nunavut including exacerbated suicide rates, violence, sexual abuse, mental health issues, over representation in the prison system, etc.; and,
- The objectives and principles for the Act should be awareness and education on responsible alcohol consumption as well as education on the symptoms and potential consequences of alcohol abuse, addiction and fetal alcohol syndrome disorder.

Elections Nunavut also provided a comprehensive brief to the Task Force, which succinctly echoed many of the participants’ views about the Act.

- The Liquor Act is confusing and very hard for even a sophisticated reader to understand;
- It is badly drafted and organized;
- The overall tone of the Act is patronizing and out of date;

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- It was drafted in a way that seems to be deliberately misleading, e.g. in Part III “eligibility” and s. 71 are really about prohibiting liquor, nothing to do with eligibility for something; and,
- The Act is biased; policy is to promote more restrictions. e.g. Part III of the Act is designed to create a general prohibition against anyone consuming liquor. It then, as an exception, allows certain people the privilege of consuming liquor.

In meetings with Hamlet Councils, justice workers, and various other community groups the Task Force members were often told that the Act did not take into account Inuit values and Inuit ways of doing things. A community leader stated that they frequently feel their hands are tied in trying to deal effectively with issues, particularly those associated with alcohol and the law. He said *“The Act reflects western values and approaches to problems we need to change the Act to reflect Inuit ways. We need to recognize the problem not turn a blind eye.”* (Baffin Region) Another person explained that the “Inuit way” requires leaders to make decisions and laws for the overall wellbeing of the community not to protect the rights of an individual. Others have added that when there is a problem within the society. Inuit tradition compels leaders to recognize the real problem and deal with the issues quickly. *“Inuit will step in and resolve problems, but the white man always has privacy issues stopping them from dealing with the problem”*. They also point out that dealing with a problem involves more than applying punishment and securing retribution; they said it is about teaching and changing behavior.

Even though the general public rarely provided specific comments on the structure and objectives of the Act many people made indirect comments and broad references to the principles and objectives that they feel should underpin the Act and its regulations. In every community, people strongly suggested that any changes to the Act should focus on minimizing harm, protecting the most vulnerable, and encouraging responsible drinking behaviors.

- Inuit approaches and values are different than in the south. This should be reflected in the Act;
- The Act should be carefully worded and the laws should make sense to all Nunavummiut;
- There are too many rules and regulations, the laws should be simplified;
- The Act needs to be reader friendly in all official languages;

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- The Act should include a description of the objectives and principles guiding the Act and relevant regulations and policy decisions; and,
- There should be a simple guide accompanying the Act for the use of people outside the legal profession.

#### AVAILABILITY AND ACCESS TO ALCOHOL

*“Alcohol in itself is not a problem; it is when you think it’s the solution to your problems that it becomes a problem.”* (QIA representative, Iqaluit)

The discussion of alcohol availability and the fears that increased consumption could lead to additional problems were raised in every community. The public comments frequently focused on how far a community should go in restricting the availability and access to alcohol. Some people presented the view that stopping all alcohol from entering a community was the only way to protect a community from alcohol related harms. They reasoned that increased availability results in increased levels of drinking which results in increased health and social problems in the community. These presenters often stated that because of the unacceptable outcomes of alcohol abuse in the community, the wellbeing of the community should take precedence over an individual’s desire to have a drink. Many of the people holding this view also pointed out that they were very aware of how difficult it is to implement prohibition practices, but in their opinion it was a state worth striving for. They often made the case that with more dedicated support to stop bootleggers coupled with properly resourced education and community based treatment programs, prohibition approaches could be more successful. One elder, speaking of his frustration with the lack of progress in his prohibited community stated, *“The people who voted NO need to help enforce the rules and to help the community overcome alcohol problems”* However, one person requesting anonymity said that many community members, he included, felt morally compelled to vote to become a dry community but in actuality they are drinkers who will continue to drink. *“I voted No and I break the law and I drink in secret and I feel bad.”*

Others expressed skepticism stating that prohibition has not worked in Nunavut or in any other jurisdiction. In general skeptics on prohibition contend that those individuals who want alcohol will always find a way to get it. They make the case that by prohibiting alcohol or restricting access to alcohol, the laws and policies actually contribute to binge drinking, and to pushing drinking “underground” which then contributes to anti-social and criminal behaviors. One individual stated it this way, *“Since the time of Adam if you tell someone they can’t have something they want it; it’s human nature. And when they finally get it they want to have as much as possible. This is what causes the problems.”* Some people expressed concerns that a total ban on alcohol would push youth and

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alcohol addicted people towards drugs or more harmful substances such as sniffing glue or gasoline. In one community residents said that people who can't get alcohol are concocting home brews. They are concerned that these home brews contain substances that are very dangerous to the health of individuals.

Many people who spoke to the Task Force expressed a reluctant or resigned acceptance of alcohol in their community and offered some conditional support to the liberalizing of alcohol laws. These conditions often mirrored those identified by supporters of community prohibition such as, get rid of the bootleggers, educate people so that they can make responsible drinking choices, and help people to overcome alcohol addictions. Throughout these presentations to the Task Force individuals and groups highlighted a requirement for increased personal responsibility and a need to change Nunavut's drinking culture. Several participants suggested that Nunavut should emulate Greenland's current approach to alcohol control and distribution. Several individuals said that they had direct knowledge of the positive impacts of Greenland's liberalized liquor laws. One community representative stated, *"Twenty years ago I went to Greenland and I saw drunks everywhere. Now I go to Greenland and I see people can buy wine in the local store and I don't see drunks on the street."*

The belief that many communities may eventually change their status and become "wet" caused some participants to caution government against moving forward without some very clear policies and procedures in place. Some people emphasized the need for interim limits and controls as communities switch from one status to another. They suggested that, particularly in the case of prohibited communities becoming restricted or unrestricted, there should be an orderly staged-in process supported by strong public education campaigns and a well thought out and resourced community alcohol strategy. Some pointed out that a community alcohol strategy should include education campaigns, improved access to support, comprehensive community monitoring and effective enforcement policies and procedures.

On several occasions community residents raised concerns that some community leaders are violating their community's prohibition or alcohol restriction laws. They fear the behaviour of these leaders is sending the wrong message about community values, particularly to the youth. People frequently asked the Task Force how this situation could be addressed. In one community residents asked if it was possible to establish a "Code of Conduct" for leaders that will hold their leaders accountable and enable the community to remove violators from office. In many communities people spoke about the difficulty in reporting someone who is violating the community's liquor laws. They expressed apprehension in turning someone in because they feel there is no adequate and safe reporting process in place and they fear that as a whistle blower they will be seen as the "bad person".

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In prohibited communities frequent references were made about visitors and new workers bringing alcohol into a community. Some participants suggested that this was because the visitors or workers are unaware of the community status or that these groups are aware but believe the laws only apply to residents. Some residents recommended that more be done to educate non-residents about the community's alcohol status and community expectations. Others also recommended that more be done to control and seize the alcohol brought in by these groups and that the contractors be made more responsible for the actions of their employees.

Another problem frequently brought up by the public concerns people on medical travel status. There were numerous complaints about medical travelers who bring back excessive amounts of alcohol into the communities. Throughout Nunavut, people said they want to see government take immediate steps to put an end to this practice.

A similar concern was raised about people who fly to and from unrestricted communities with short-term scheduled stops in restricted or prohibited communities. People told the Task Force that sometimes these travelers pack large amounts of alcohol inside carry-on bags. During the stopover in a restricted or prohibited community the traveler will hand over the carryon bag full of alcohol products to someone waiting at the airport. Residents of these communities asked for help in stopping this illegal practice.

The Task Force repeatedly heard concerns about drinking on the land. Several people shared tragic stories of hunters and campers who were victims of alcohol-fueled incidents while out on the land. Others told stories of families being devastated by alcohol related skidoo and boating accidents. A few people speaking to this issue questioned whether or not there are existing laws and regulations banning drinking outside a hamlet's boundaries. Participants in several communities also asked whether or not there are laws stopping people from drinking while operating recreational vehicles outside a community. In several communities people said they would like to see laws established banning alcohol on the land, and while operating boats, all-terrain vehicles, and snowmobiles.

People living in restricted communities sometimes raised concerns about liquor orders and privacy issues. In particular, they complained that some people in their community tell others about who has received a liquor order. The people who receive the order are then harassed into selling or in some way sharing their order. Airline employees were often singled out as the source of information on liquor shipments. Those speaking to this issue usually asked if there were provisions in the Liquor Act to protect the privacy of those people receiving shipments of alcohol, and if there are none they would like to see something included in the Act. There were also others who shared a different perspective on privacy issues. These speakers have concerns about the lack of information currently being shared

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among agencies that are responsible for monitoring and controlling alcohol in communities. They would like to see more information being shared between AEC, RCMP, and the Liquor Commission. Some suggested that wording should be included on the liquor permit that states that a copy of the permit will be sent to the RCMP for their information.

#### Summary of Suggestions

- All communities in Nunavut should be given prohibited status;
- Prohibition does not work. Instead of prohibition government should institute better controls on how much alcohol is allowed in a community as well as implementing better education and information programs;
- Adopt Greenland's approach to alcohol control, sales, and distribution;
- Provide assistance and guidelines to communities that change their alcohol status;
- Require communities to have a comprehensive resources alcohol strategy in place especially following a change in status;
- Institute a code of conduct for Hamlet Councils and AEC members;
- Provide a confidential bootleggers reporting line;
- Improve the signage about alcohol restrictions in all Nunavut airports and Montreal, Ottawa, Yellowknife, Edmonton, and Winnipeg;
- Ensure outside employers inform their Nunavut workers about alcohol policies;
- Encourage companies to have a no tolerance policy for alcohol in prohibited communities;
- Make contractors legally and financially responsible for the action of their employees who break the Liquor Act;
- Increase RCMP powers to search luggage to look for alcohol and drugs;
- Make it mandatory for airlines to check luggage for alcohol and drugs;
- Institute bans on the use of alcohol when operating vehicles and boats anywhere in Nunavut;
- Protect the privacy of people who order alcohol; and,
- Copies of all permits will be sent to the RCMP.

#### Community Control and Plebiscites

Although the merits of prohibition and other forms of alcohol control is a matter of public debate, participants representing both sides of the issue voiced support for the right of the local community to make decisions on alcohol control and regulations. People also said they thought that the plebiscite approach is an acceptable method to engage the community and to facilitate community empowerment. However, in many communities people spoke of their dissatisfaction with the current



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plebiscite process. The majority of criticism was focused on perceptions about the fairness of the process and confusion from the wording of the question(s) on the ballot.

The process for initiating a petition and signer eligibility was frequently at the core of the fairness concerns. Some people feel that the current requirements allow for the plebiscite process to be “hijacked” by special interest groups or by outspoken individuals within a community. A common example given to illustrate this concern involved new comers who may have little knowledge or long term commitments to the community, but who are eligible to initiate or sign a petition. Representatives of Elections Nunavut suggested that the petition process is very disordered. In their experience, the signers of petitions often do not bother to vote, no one is named a spokesman, and petitions may be on several sheets of paper that do not have the petition statement on each page.

The specific wording of the plebiscite question was often brought up as a problem. People complained that they are confused by the question. Many people stated that they had voted the “wrong way” in a plebiscite because they did not understand what they were being asked. The Task Force was provided several examples of badly worded plebiscite questions. Nunavut Elections representatives said that there are several problems with the way the questions are drafted. They highlighted the fact that the questions are written to reflect the wording of the current liquor regulations rather than to ensure the public understands. Other problems arise from multiple choice questions, or questions that are layered, where one question is linked to another, or by not including all the legitimate choices available to the voter. In considering the impact of these questions, someone sagely pointed out that “Bad questions lead to false results”.

These people and others often spoke of a significant need to spend more time educating the community about the issues, and to increasing the efforts to fully explain the plebiscite question and the ramifications of the potential vote outcomes. Election Nunavut also pointed out that there is no requirement for advertisement of the content of the petition or ballot. If Elections Nunavut did not take initiative, providing large, plain language posters detailing the question, voters would be totally unprepared to make a choice on voting day.

Other issues raised included the prescribed three-year waiting period before a similar question can be asked again in a plebiscite. Some people feel that three years is not long enough for the community to benefit from the plebiscite outcome. Not unexpectedly those who admitted to being satisfied with their community’s current alcohol status showed the strongest support for an extension to the three-year term. Those who wished to see the community status changed usually expressed support for a shorter term. On occasion this discussion about the term often created a debate among participants

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about the timing of the plebiscite. Some people said that plebiscites are very costly and they suggest that plebiscites be held in conjunction with Hamlet elections. Others counter this suggestion by saying that plebiscites tend to be very controversial issue that can divide a community. They raise the fear that the plebiscite question will become the focal point of a Hamlet election. A speaker representing this view said, *“I think if the plebiscite is held at the same time as a municipal election we will end up with a stacked one issue counsel. Our community has many other issues that our leaders must work on.”*

Another issue raised repeatedly was the size of the majority needed for passage. Some people say they favour a simple vote majority while others feel that such an important issue requires a show of considerable community support. These people are not satisfied with the current special majority of 60% required for passing the vote. Several suggested that the special majority should be raised to 80% or higher. Similar to the issue related to the length of time between plebiscites, those who admitted to being satisfied with their community’s current alcohol status showed the strongest support for increasing the percentage of votes required to change the status of their community. Those who wish to see the community status changed usually expressed support for a simple majority.

Residents in some prohibited communities said they would like to see liquor plebiscites conducted at a regional or territorial level not at the community level. They say they are worried that decisions made in another community within their region may negatively impact their community. They fear that if a neighbouring community votes to become a “wet” community their community will see an increase in alcohol. They believe this will happen because of the increased regional availability of alcohol and the close travel and social connections between the communities.

In their submission to the Task Force, Elections Nunavut raised a number of questions about the rules and processes for petitions to close licensed premises.

- Why are the rules for these petitions not the same as for petitions on restrictions under s. 47.1?
- What happens if a petition is presented on another issue? How are the conflicts in such a case resolved?
- Section 46(1) means that if there is a cocktail licence and a canteen licence in a community, you cannot have a plebiscite to close the cocktail licence. Why is this?
- Why is the rule against repeat petitions to close licensed premises four years, when the rule on petitions to change a community's access to alcohol is only three years?
- The Task Force will seek answers to these questions and consider them when forming the recommendations to the Minister.

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### Summary of Suggestions

#### Oral submissions

- Get rid of the plebiscite process it does not work;
- There should just be one plebiscite for all of Nunavut. Plebiscites should be held regionally;
- Keep the plebiscite process but make some changes:
- Change the way the questions are asked so people understand;
- Make sure there is more discussion and information so people understand the meaning and consequences of the vote;
- Give the community resources to develop a strategy that properly supports the outcome of the vote;
- There should be a length of residency requirement before someone can vote;
- People who have been convicted of alcohol related crimes or disturbances should be made ineligible to vote;
- Plebiscites should be held only after ten years;
- Plebiscites should be held once each generation (15-20 years);
- The majority required to pass should be changed (suggestions ranged from 50% to 85%; and,
- There should be special eligibility requirements for people to start a petition (suggestions included age restrictions and longer residency requirements).

The submission from the NLLCB contains suggestions similar to those heard throughout Nunavut.

- The Board is of the view that restrictions and prohibitions haven't worked and so should be abandoned, but if they are not the following concerns relating to plebiscites should be addressed:
- Plebiscites should be governed by one set of rules;
- Communities need more options to vote on, with simple straightforward questions;
- All restricted communities should be governed by the same regulations;
- There should be a longer time between the petition and the vote;
- A larger number of signatures should be required on a petition and those who sign, as well as those who are eligible to vote, should have to have lived in the community for a longer period of time; and,
- The conditions determined in a plebiscite should be binding for a longer time, at least five and possibly 10 years.

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From their unique vantage point, Elections Nunavut made several suggestions about the Plebiscite process. These suggestions also reflected the belief among many participants that the plebiscite process requires both administrative and procedural overhaul.

- Questions for liquor plebiscites should be selected from a standardized list of ballot questions.
- In all petitions requesting a plebiscite under the Liquor Act, the petition must specify which of the prescribed ballot questions is being requested.
- Elections Nunavut is of the view that all process and administrative issues related to plebiscites should be consistent in Nunavut. How the plebiscite is run should be consistent with other similar plebiscite and electoral processes. Consistency should be promoted in the following areas:
  - Voter qualifications
  - Plebiscite officers
  - Majority threshold
  - The Order for plebiscite is often given only 6 weeks prior to the vote date this should be lengthened
  - The Liquor Act lacks detail on the conduct of plebiscites. It simply says that voting on liquor plebiscites will be conducted according to the Local Authorities Elections Act with any adaptations that may be necessary. Because the current rules have no details, the administration of liquor plebiscites is patched together on a case-by-case basis. It relies for consistency on the good will, memory, and longevity of those officials involved in conducting them.
- At the close of their submission Elections Nunavut summarized the problems in the administration of liquor plebiscites and offered the following suggestions:
  - There is a need for:
    - Someone to be responsible for ensuring the clarity of the questions;
    - Clarification of the process of petitioning the Minister;
    - Neutral information created in plain language to describe the various actions and events under the Act. For example, how the plebiscite is conducted, and an explanation of how Alcohol Education Committees are established and an outline of their roles and responsibilities;
    - Clearer responsibility for public and media communications;
    - Revising regulation precedent to clarify responsibilities; and,
    - Clarification of relationship among the Local Authorities Elections Act, the Plebiscites Act, and the Liquor Act

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#### Alcohol Bans

Communities said they do take advantage of the provisions in the Act to implement a temporary ban on alcohol. According to several community leaders instituting bans during the Christmas period, during special community occasion, or during the July ice break-up has proven to be very positive for their community. These leaders report that while the bans are in place the community records a decrease in alcohol related accidents, mischief, and crime. Representatives of the RCMP and justice committees confirmed that their workload decreases during these periods. Several participants at various public meetings also spoke in support of the special bans and they called on the government to simplify the process and increase the options available for implementing local bans. Some participants explained that there are events that significantly impact the community without any warning and which they believe merit some form of alcohol ban. People reasoned that it is impossible in some of these unanticipated circumstances to follow the legislated process and give appropriate notice to the Minister. Given examples of these situations usually included suicides, fatal accidents, or the death of a community leader. *“My mother died from alcohol. On the day of her funeral lots of people were drinking. I think this is wrong. When someone dies alcohol should be banned for the day” (Participant Restricted Community).*

Elections Nunavut raised concerns about the closing of licensed premises while the polls are open during a local option plebiscite or local, territorial, or federal elections. According to representatives of Election Nunavut, this prohibition is not only out of date and patronizing but it is also very problematic, given the very extensive opportunities to vote. They provided the following examples to highlight their concerns:

- If there is an election anywhere in Nunavut, all licensed premises must halt sales of liquor. For example, a by-election in Hudson Bay would require a Nunavut-wide shut-down of licensed premises.
- Not all municipal elections are held on the same day in Nunavut. The City of Iqaluit has a different election day from the hamlets. This means that all licensed premises in Iqaluit must halt sales of liquor when a hamlet election is being held and vice versa.
- The phrase “while the polls are open” is vague, given the various voting opportunities under the NEA. It clearly applies to the day of the advance vote but might also apply to any day that voting may take place in the office of the returning officer. Voting in the office of the returning officer takes place from the 14th day before Election Day to the 4th day before Election Day.

#### Summary of Suggestions

- Continue to allow the community to implement special community bans;

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- Consider instituting 24hour bans in certain circumstances, without Ministerial approval; and,
- Repeal Nunavut Elections Act, s. 246 which states, “Any person who, while the polls are open on election day, sells, gives, offers or provides liquor at licensed premises or other public place, in a constituency where an election is being held, is guilty of an offence.”

#### Alcohol Education Committees

A significant majority of AEC members said that the term Alcohol Education Committee is a misnomer. One member, summing up the feelings of her committee said, *“We do not educate, we are simply a rubber stamp. We simply approve or deny orders, nothing else. We have no training, support, or resources to educate.”*

Without exception AEC members across Nunavut spoke of the difficulties they face in striving to meet the committee’s alcohol education and control mandates. Most members feel that they are significantly hindered in performing their duties by inadequate training, unclear guidelines, and a general lack of community and government support. Not having access to simple office equipment such as a fax machine, or an appropriate meeting or workspace is a concern that was raised time and time again by committee members across the Territory.

In some communities AEC members said the lack of appropriate training means that members frequently have a poor understanding of the Territorial Liquor Act and the actual extent of the AEC’s powers and duties. In some instances members admitted that they themselves have a limited understanding of the short and long-term physical effects of alcohol abuse. Some also said they do not have the background required to properly recognize and counter alcohol abuse. Providing further explanation about this, and similar comments, one member said that their committee has difficulty in agreeing on what constitutes safe drinking standards, and setting ordering limits. *“No one has provided us with the proper education on alcohol so how can we make good decisions and be expected to educate others?”* Adding to this discussion other members also pointed out that in their opinion the absence of a clear understanding about liquor regulations, and the roles played by various agencies, makes it difficult for committee members to set appropriate community and individual alcohol limits. In several instances members said they have to rely on the guidance and involvement of non-elected members such as the local RCMP member, the Hamlet SAO, or community health workers to carry out the committee’s work. On occasions, members said they are confused about who makes the rules, and questioned whether it is the Mayor and Council or the GN. Across the Territory, members also said that they need more technical and professional help to address local problems.

Some AEC members told stories about being personally threatened by residents because of decisions made by their committee. Still others spoke about continued pestering and questioning at their home,

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on the street, or at their place of work following an AEC decision meeting. Others said they sometimes feel coerced into approving orders by powerful people in the community, and in some cases their own family members. Many AEC members said they often feel harassed and intimidated which sometimes creates very stressful situations for the committee members. Some members concluded that this high level of stress, along with the volunteer nature of the work, produces an environment where residents are reluctant to run in AEC elections. Members also believe this stressful environment is a common reason why people resign before the end of their term. The Task Force was told that in some communities the situation for AEC members is so unpleasant that there are not enough elected members available to hold a meeting. This lack of elected members has on occasion resulted in AEC members or Hamlet representatives unofficially “appointing” non-elected members to the Committee. Some participants strongly suggested an ordering ban against persons who harass or intimidate AEC members resulting from the discharge of their responsibilities. Most felt that the Act should provide the authority to AEC to implement such a policy. Others felt that such a ban should also extend to the whole household of the abusive person.

In a number of meetings, members of the public said they were suspicious of the motives of a sitting AEC member. In some instances people accused AEC members of seeking an appointment to the committee with the single intent of supporting the activities of local bootleggers. *“The bootleggers run for the AEC because (as members) they can control who gets the alcohol, and they can force people who have no booze to buy the booze from members of their family.”* Other speakers provided a counter viewpoint. In their opinion some people become AEC members so they can make the community more open to alcohol. Explaining this view a participant said, *“They (AEC) will allow anyone to order large quantities of alcohol. We voted to be a restricted community but there is so much alcohol ordered and available in our community; it makes me sad we are no different than Rankin and Iqaluit.”*

Across the Territory, discussions concerning the performance of AEC elicited responses that ranged from public feelings of disappointment, frustration, anger and suspicion, to public expressions of respect and thanks. While some communities describe their AEC as dysfunctional, other communities are praising the efforts and accomplishments of their local AEC. In the communities where residents are satisfied with the performance of their AEC, it was common for the Task Force to hear AEC members described as responsible and dedicated leaders who are committed to upholding community values.

Regardless of how people view the performance of their local AEC, Nunavummiut are united in believing that AECs continue to have a very important role in supporting community well-being. In fact, many people suggested to the Task Force that an Alcohol Education Committee should be established in every Nunavut community, regardless of the community alcohol status. This suggestion was nearly

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always accompanied with a request to ensure that in the future AECs are properly resourced, the controversies concerning membership and governance issues are addressed, and Committee mandates are clearly defined. Others also suggested that the approval process for ordering alcohol in restricted communities should be separated from the AEC mandate.

The weaknesses, inconsistencies, and discrepancies of the AEC's legal powers and operating procedures were highlighted in the Elections Nunavut submission. Concerns were raised about the role of the committees in issuing interdiction orders, and the lack of consistency in many areas between committees *"Every committee seems to be different with its own unique rules."*

### Summary of Suggestions

- There should be an alcohol education committee in every community and coordination should be provided centrally to support their work and be effective;
- Training and ongoing support should be given to AEC members;
- AEC members should go through a screening and eligibility process before they are put on the ballot;
- The AEC committee should include professionals (suggested RCMP, Social Worker, Justice Worker, Health workers) as ex-officio members;
- AEC members should receive an honorarium;
- The AEC committee should lead the development and implementation of the community's alcohol strategy;
- Alcohol Education Committees should be renamed. The current name is misleading and misrepresentative. These committees should be called an Alcohol Control Committees.
- Approval of liquor orders should not be part of the AEC mandate;
- People who harass AEC members should be banned from ordering alcohol; and,
- Consideration should be given to banning all members of a household for a householder's liquor infractions or the harassment of AEC member(s).

## ALCOHOL SALES AND DISTRIBUTION

The consultation revealed that while there continues to be strong support for community and government controls on the availability of alcohol, many people are critical of the current government policies and practices. With few exceptions the criticism fell into one of two areas: 1) the permitting system; and, 2) the transportation and warehousing of alcohol. People commonly described the permitting process as cumbersome, inefficient, ineffective, confusing, prejudicial, misdirected, costly,



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and easy to subvert. The rationale for the transportation and warehousing of alcohol was often described as ludicrous, and the operational practices as problematic, foolish, and expensive.

Many people share the view that the permit system is not effective in controlling the amount of alcohol an individual can bring into a community. At the community level common complaints included: over-ordering and the ability for buyers to order from multiple sources with one permit; the ease with which known problem drinkers can be approved for a permit; the general lack of checks and balances in the system such as permits without expiry dates or serial numbers; and the use of the permit system by bootleggers. At an individual level the criticism usually concerned the ordering processes. These concerns included the requirement for a credit card and access to a fax machine, the qualifications, and actions of people issuing permits in a community, the automatic wait period, the fairness of the approval process, and the difficulty in getting timely help to deal with inquiries about the application and processing of orders. Representatives of Alcohol Education Committees frequently expressed their disappointment and frustration with the permit system. They feel that in many situations the current permit system is ineffective in helping to control the amount of alcohol coming into a community and in supporting the AEC's efforts to ensure that only responsible drinkers are permitted to order alcohol.

Time and time again people asked why, if they live in a community with a liquor warehouse, they are forced to order from another community. The rationale that this creates a delay in the delivery of the order and therefore inhibits impulse buying was often described by commentators as absurd. Many people suggested that this practice actually results in more sales of illegal alcohol. Throughout Nunavut, people expressed their belief that the airline industry, through their freight charges, and the bootleggers are the only groups benefiting from this practice. While most people expressed resentment at the additional freight costs, some usually offered tacit support for continuing some form of control as protection against impulse buying and binge drinking. Others viewed the delays caused by the shipping policy as totally ineffective at controlling impulse buying since bootleggers always have a steady supply of alcohol. Similarly, people pointed out that in their opinion, the "on-again off again" availability of alcohol is a major contributor to binge drinking.

A number of participants stated that they supported the ban on European liquor when it was introduced. Now they say they feel that the "*ban has run its course*" and the ban should be lifted.

### Summary of Suggestions

Oral Submissions –Community Meetings

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- Get rid of the import permit system;
- People can re-use permits over and over again. There should be a better control and verification process in place ;
- Separate the ordering system from the approving process. Put in one system for ordering and another to verify that the person can buy alcohol;
- Import permits allow people to order as much alcohol as they want - there should be a better screening process in place;
- Institute a better verification and monitoring system that stops excessive alcohol shipments coming into the community;
- The person issuing permits in our community does not care about control. They get paid by the permit. There should be training for people who issue permits, and they should be held accountable for the permits they issue;
- If a person orders in Iqaluit then fill the order in Iqaluit not Rankin;
- Stop bootleggers from using the permit system by keeping better records of who is ordering and when they order;
- When people pick up their alcohol they must turn in the permit and it must match the order. This will stop using the permits multiple times;
- Make sure everyone understands the criteria and restrictions for permits. If someone abuses the permit system they lose their ordering privileges;
- Allow people to purchase liquor from a location in their community. A wait time could be instituted; and,
- The permit system should deal with beer and wine differently than hard alcohol. Hard liquor is a big problem. Make it more attractive to buy beer or wine.

### Written Submissions

The NLLCB offered the following suggestions:

- The permitting process that results in a difference in costs because of transportation and transfer of permit fees from one community to another is inequitable;
- Quantities of liquor being brought in under permit “for personal use” are such that bootlegging must be occurring and limits on importation on the basis of quantity and timing should be introduced;
- A verification process is required to prevent the same order from being faxed to more than one supplier and to confirm an individual’s right to receive and possess the alcohol he or she has purchased;

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- Government employees should be hired to issue permits in each of the regions because it would be more cost effective and would provide government employment in the communities; and,
- Alternatively, abolition of liquor importation and replacement of it with a controlled system of liquor acquisition direct from liquor warehouses (as described under the heading liquor transportation between Iqaluit and Rankin Inlet), should be given serious consideration.

Peter J Harte, Barrister and Solicitor (Nunavut) provided the following recommendations:

- A requirement that a record of all liquor orders be maintained for inspection by the RCMP which inspection may take place without a search warrant. (NOTE: this is intended to ensure that there is no privacy interest in liquor permits so that police can examine them without the necessity of a search warrant.
- A requirement that any liquor being shipped into Nunavut be accompanied by the permit on the outside of any shipping packaging and that the receiver tenders an original copy of the same permit in order to take delivery of the shipment. The shipper must keep the copy of the document tendered to take delivery of the shipment.
- An offences section that makes it an offence to knowingly ship/import alcohol into Nunavut except in accordance with the Act (including for the shippers) and which makes it an offence to serve liquor to someone who is intoxicated.

## LICENSING

### Classes of Licences

The Task Force did not hear any comments from the general public about classes of licenses. Those involved in the industry, such as the Nunavut Liquor Licensing Board and licensees raised a number of concerns. These concerns tended to focus on bureaucratic complexities, improving services, and the use of special occasion permits.

### Summary of Suggestions

The Liquor Licensing Board made the following points regarding the classes of licenses:

- *The existing classes of licences are confusing and inadequate. Classifications should be streamlined into four broad categories: one that permits drinking without food, one that permits drinking with a meal, one that allows drinking on the premises only by persons who are*

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*members of a club or other organization, and one that allows drinking on premises in remote areas;*

- *The use of Special Occasion permits to end-run licensing requirements should be prohibited;*
- *No Special Occasion permits should be issued in a community that does not have a liquor inspector or peace officer available to inspect them;*
- *The Act should define what a “Special Occasion” is and what it is not; and,*
- *Only the Liquor Licensing Board should be authorized to approve a permit for special occasions that lasts more than one day.*

In general licensees agreed with the Nunavut Liquor Licensing Board that the existing classes of licences are confusing. In addition, licensees had the following comments to make on this matter:

- There should be a separate licence for Banquets instead of the present approach of issuing a banquet permit under the Dining Room licence class;
- Where a licensee has demonstrated a good compliance with the requirements of their licence, then licence should be renewed for a period of 2 or 3 years instead of the current practice of yearly renewals;
- Licence renewals should be staggered so they don’t occur at the same time every year in order to facilitate the work of the various inspectors required for licence renewals;
- Presently only non-profit groups can get a permit for catering bar service. In the case of large events, licensees should be allowed to offer catering bar service. Smaller events should still be catered by non-profit organizations; and,
- Licensees with a Cocktail Lounge licence should be allowed to use their facility outside of their license hours for other purposes such as meetings or breakfast services, etc.

### Over-serving

In those communities where there are liquor licences, the Task Force was frequently told of issues with over-serving. The Liquor Licensing Board agreed that over-serving is a problem. They stated that the most common infraction that the Board has had addressed in show cause hearings is over-serving or serving alcohol to people who are already intoxicated. Licensees stated that they are aware that some establishments don’t abide by the rules; however, they felt that most licensees are making great efforts to improve in this area. For example, the Frobisher Inn advised the Task Force that they great pride in their track record. On the date they appeared at the Task Force they had gone 13 months without a single infraction. That licensee is diligent about staff training and has implemented policies to address situation that could result in over-serving, such as eliminating “shooter rounds” and closing down during a blizzard. Both the licensees and the Nunavut Liquor Licensing Board recommended that the new Act should specifically require that all staff of licensed establishments have server training.

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The licensees also recognized in their presentation that it is very important for all licensees to be aware of the concerns of the community they serve and to take concrete steps in addressing these issues. From that perspective, the licensees stated that they would welcome an annual meeting with all the key community stakeholders to identify the issues of concern and to agree on concrete steps to address these issues. They recommended that such a meeting should be attended by representatives of the Liquor Inspectors, the RCMP, the City of Hamlet, social or addiction workers, health care providers, etc.

#### Summary of Suggestions

- *Mandatory server training;*
- *Increased sanctions for premises that repeatedly over-serve; and,*
- *Institute an annual general meeting of key community representatives and licensees.*

#### Licensed Hours

Some participants in the consultation told the Task Force that they felt bars should be open earlier and close later as a mean to address bootlegging. Licensees however did not agree. They stated that the present hours offer a good service to the general public. They are aware that some of their patrons head for the bootleggers after the closing of the bars, however, in their opinion, that would still happen regardless of how late the bars close.

#### Summary of Suggestions

- *Extend the hours bars are open;*
- *Reduce the hours bars are open; and,*
- *Maintain current hours of operation.*

The Nunavut Liquor Licensing Board raised the following issues with the Task Force with respect to the licensed hours:

- *Applicants for a licence or renewal of a licence should be required to indicate proposed licensed hours on the application; and,*
- *The “Policy for Tolerance,” which permits licensees to close early or open late on 20 occasions throughout the year without prior approval from the Board, should be integrated into the legislation.*

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#### Licence Fees

Again there was very little public comment on fees for licences. In one community meeting a person suggested that fees from licences could be used toward public education and awareness campaigns or local youth programs. Another person noted that groups such as the Canadian Legion do support youth programs through their alcohol sales.

#### Summary of Suggestions

- *Use fees from licences to support awareness, education and youth programs.*
- *The Nunavut Liquor Licensing Board provided the Task Force with the following recommendations with regards to licensing fees:*
- *Licence fees should be significantly increased and set in relation to the profits generated from the licence; and,*
- *Licensees should be required to provide financial statements with their licence renewal application with a view to setting fees in relation to profits and so that the public is aware of the profits obtained from the sale of liquor.*

#### Hearings

The only party to comment on Show Cause Hearings was the Nunavut Liquor Licensing Board.

#### Summary of Suggestions

- *Licence holders make very large profits on the sale of liquor in Nunavut and maximum penalties under the Act available after a show cause hearing should be substantially increased;*
- *Applicants should bear the cost of public hearings held for the purpose of considering their applications; and,*
- *Licence fees and fines should be deposited in earmarked funds dedicated to the provision of treatment and treatment facilities related to alcohol abuse.*

#### Liquor Stores

One of the most polarizing issues heard by the Task Force concerned the operation of liquor stores. Some people said that they vehemently oppose the idea of establishing liquor stores in any Nunavut community while others strongly encourage the government to consider opening liquor stores. Of special note for the Task Force members is the realization that the members heard no uniformity of opinion about liquor stores across any segment of the population or amongst any stakeholder groups. It was apparent that people's opinions tended to reflect their own interests, and experiences. For example, some elders, church members, community leaders, and residents spoke out in favour of opening liquor stores while others, representing the same constituencies, said liquor stores should not

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be opened. The Task Force also noted that people who spoke out in support of improved community access to alcohol did not always lend support to the opening of liquor stores.

The opponents of liquor stores often began their submission by highlighting the difficulties many communities face in combating alcohol related problems and their concern that a liquor store will only exacerbate the current problems. In their submissions opponents reasoned that opening a liquor store will inevitably lead to an increase in the availability of alcohol within the community. They fear this increase in exposure to alcohol will eventually lead to an increase in irresponsible drinking behaviours and consequently the community will experience an increase in alcohol related health and safety problems.

During the consultation meetings, the closing of the Iqaluit liquor store in 1976 was often provided as a warning of why Nunavummiut should oppose liquor stores. Speakers often reminded audiences that the Territorial Commissioner, Stuart Hodgson, closed the store in response to a public outcry. They recall that at the time residents were very concerned about the increasing levels of public drunkenness and alcohol fueled crimes in the community. It was reported that in 1976 people believed there was a strong connection between the operations of the local liquor store and an increase in criminal behaviour. Today, people opposing the opening of liquor stores warn that if liquor stores are established in Nunavut communities the problem behaviours evident in 1976 will re-occur.

Some residents of prohibited and restricted communities said they are particularly anxious about the possibility of liquor stores opening in other communities particularly, Iqaluit, Rankin, and Cambridge Bay. Several speakers told the Task Force that they are worried that easier access to alcohol in these unrestricted communities will result in travelers bringing more alcohol into their own communities and this will further undermine their attempts to properly control alcohol. They also said they are worried that liquor stores will become a constant target for burglary. One presenter stated, *"If you bring a liquor store here you will have to defend it like Fort Knox."*

In many communities the number of people speaking against the opening of liquor stores appeared to be matched by the number of people speaking in favor of the opening of liquor stores. Those supporting the opening of liquor stores, like the opponents of liquor stores, also expressed their distress over the growing alcohol problems in their community. None-the-less, many proponents of liquor stores pointed out that for some people and communities the problems associated with alcohol will continue regardless of whether or not liquor stores are operating. People holding this view often made the case that those people who want alcohol will always find ways to get it. Proponents of liquor stores often suggested that providing a legal, well regulated, and controlled access to alcohol will not

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lead to an increase in community problems. In fact, some reason alcohol related problems will eventually diminish.

While opponents of liquor stores pointed to the Iqaluit experience, those supporting liquor stores often drew attention to community bootlegging operations. They suggest that the lack of a community liquor store is contributing to bootlegging and consequently a drinking environment that encourages binge drinking, and criminal behaviour. They put forward the view that liquor stores will allow people to obtain alcohol legally, at a reasonable price, and on a regular schedule. This, they believe, will cut down on the binge drinking, and will seriously impact the operations of the local bootleggers. Supporters of liquor stores often stated that people buying alcohol from bootleggers are paying considerable more for their alcohol which in turn puts additional stress on family budgets and consequently family relationships. The Task Force was also presented with a counter argument to these claims. Opponents said that they believe making alcohol more accessible and affordable will not decrease the total amount of money people spend on alcohol. They say that families will still suffer, and bootleggers will still prosper when the liquor store is closed.

Supporters of liquor stores frequently stated that the majority of people who drink are responsible drinkers, and responsible drinkers are being penalized for the irresponsible or criminal behavior of a few. They suggest that in Nunavut irresponsible drinking is often practiced by youth and transient workers with party hard mentalities. Many also said that they hold the view that for some binge drinking is often a direct result of an alcohol addiction and an addict's fear that there will be a shortage of future supply.

The Task Force heard that controlling the amount of alcohol available in a community at any given time is a common concern. Community leaders, residents, health and social workers, and RCMP members frequently said that they notice a dramatic increase in public disturbances and crime when large shipments of alcohol arrive in the community. The Task Force was often told that this situation is a direct result of irresponsible airfreight practices. According to some, airlines intentionally backlog the alcohol shipments for several weeks resulting in very large shipments arriving at one time. Identifying this as a concern, supporters of liquor stores sometimes argue that a liquor store will provide better control over the amount of alcohol circulating in the community at one time. It is noted that airline representatives acknowledge that freight may be delayed for several reasons, most notably because of weather or to accommodate priority freight such as food shipments or medical supplies. Airline representatives are adamant that alcohol is treated in the same way as any other non-priority freight item.



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Many of the people who described themselves as responsible drinkers said that they would like to see the drinking culture in Nunavut change to reflect a more “European style”. They usually described the European approach as one where the emphasis is on food and wine and positive social interaction, not on getting drunk. They explained that in their view the more relaxed European approach to drinking helps to demystify the allure of the “forbidden fruit”. They point out that in Europe alcohol is sold in retail stores in almost every community with few restrictions. They suggest that the European attitudes of moderation and the wide commercial availability of wine and beer in Europe have not increased alcohol problems. Some presenters highlighted the Greenland experience and made the case that statistics show the European approach results in fewer alcoholics per capita. Nonetheless, other participants openly challenged these findings and say statistics actually prove the opposite.

#### Summary of Suggestions

- *Do not open liquor stores;*
- *Open liquor stores;*
- *In un-restricted communities;*
- *In restricted communities;*
- *Sell only beer and wine;*
- *Provide consumers with ID cards that can monitor the amount purchased;*
- *Keep liquor stores closed on Sundays;*
- *Put in a mandatory 24 hour wait on liquor store purchases;*
- *Get rid of the outside ordering. People can only order from a Nunavut liquor store;*
- *Allow the Coop or Northern Stores to sell alcohol once a week; and,*
- *Monitor and control the amount of alcohol arriving in a community at one time by allowing the AEC or RCMP to hold the shipment.*

## LICENSING AUTHORITIES

### Nunavut Liquor Licensing Board

The general public did not comment specifically on the composition or operation of the Nunavut Liquor Licensing Board. However, the Task Force heard from a number of participants on various issues related to the licensing authority. These issues are presented below.

#### Approved Equipment

The Liquor Licensing Board made the following recommendations with relations to the equipment used by license operators:

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- *Measuring devices and other equipment are supposed to be approved by the Board, but this does not happen; types of measuring devices should be approved and information about the approved devices should be provided; and,*
- *A single measure of liquor should be standardized so that it is the same in each licensed establishment.*

#### NLLB Members

The Task Force heard the following recommendations from the Nunavut Liquor Licensing Board regarding the membership of the Board:

- *The current legislation does not ensure continuity or sustainability of Board membership, so unless some members are reappointed the corporate memory disappears;*
- *There should always be a quorum of three members of the Board appointed from Iqaluit since the vast majority of licensees are located in Iqaluit and show cause hearings are most likely to occur there;*
- *There should also be efforts made to ensure that there is representation from each of the regions, from both Inuit and non-Inuit and to achieve gender balance; and,*
- *For optimal operation of the Board, membership should not be allowed to drop below six members.*

#### Prescribed Forms

Both the Liquor Licensing Board and the licensees had comments regarding the forms associated with the operation of the Board. The Board made the following recommendations:

- *Application forms need to be changed to require licensed hours to be set out on the form and where an application to renew includes a requested change of hours, an explanation in support of the change should also be required;*
- *The prescribed forms in the regulations are obsolete and complete revision is required; they do not require all the necessary information to be provided to enable the Board to make an appropriate decision, while some information requested in the prescribed forms is irrelevant, and they can be difficult for applicants to understand; revised forms should clearly relate to the information that is required in the Act; and,*
- *No substantive requirements should be contained only in the form; the form should be a reflection of the requirements already contained in the Act and the regulations.*

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The licensees also recommended that the Liquor Licensing Board should update their web page. In their opinion, the Board's web page should include a copy of all the forms as well as a guide on how to fill out the forms.

#### Expenditures of Board

All expenditures of the Board must be paid out of moneys appropriated by the Legislative Assembly for that purpose. The Task Force was informed that at the present time, the Liquor Act and the Financial Administration Act requires that the Board's Expenditures be audited by a qualified auditor. In addition, the Internal Audit Branch of the Department of Finance also performs an annual review of the Board's expenditures. The two parties that addressed this issue with the Task Force agreed that it was onerous to have two separate audits on such a small operation. The Department of Justice recommended that consideration be given to including the repeal of the audited financial statement requirements for the Liquor Licensing Board contained in section 9 of the *Liquor Act* along with a consequential amendment to the *Financial Administration Act*. On the other hand, the Board felt that considering that the Financial Administration Act already mandates an independent audit, that it was superfluous to have the Internal Audit Branch of the Department of Finance do a separate audit of the accounts of Nunavut's Liquor Licensing Board.

#### CHANGING THE DRINKING CULTURE

Throughout the Territory the Task Force meetings invariably began with participants commenting on Nunavut's current relationship with alcohol and a common plea to change the Territory's drinking culture. Nunavummiut, from all walks of life, said they want to see the government work toward changing harmful attitudes to alcohol, and to stopping the behaviours that put individuals and society at risk. In many presentations people said that they recognize the problems and issues contributing to harmful drinking are complex. The Task Force also heard a clear public acknowledgment that changing the drinking culture will require more than government action. Community leaders identified a need for greater community empowerment in addressing local circumstances and in changing attitudes to alcohol. People spoke about the need for a shared vision and close collaboration among many stakeholders. In some communities the Task Force was provided with working examples of collaboration between the AEC, community groups, RCMP, local businesses, and others intent on taking action to stop the harm caused by irresponsible drinking.

On occasion employers, supervisors, and workers spoke of the economic and social costs of alcohol abuse and its impact in the workplace. They mentioned the costs of lost productivity due to high rates

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of absenteeism. They pointed out what they perceive as inequities in workloads as other workers try to compensate for missing employees, or for work that has been poorly performed. In some communities people expressed concern that increased economic opportunities, such as the opening of new mines, will bring more alcohol into their communities along with a “party” attitude. They fear that more money in the community coupled with more migrant workers will put even more pressure on vulnerable populations and the community’s resources.

In discussions concerning the drinking culture, the Task Force members were repeatedly advised that people are not expecting any quick fixes to such a multifaceted problem. Some people noted the intergenerational nature of the problems and said in their opinion it will take longer than one generation to make significant changes to the current drinking attitudes in the Territory. Many frontline workers said they believe changing the Act will help in some situations but they do not expect the changes will address or resolve many of the deep seated causes of today’s alcohol problems. People representing diverse groups agreed that positive changes will be difficult to achieve if other societal issues are not addressed. Examples of these other issues included inadequate housing, the lack of employment and meaningful education opportunities, and the loss of cultural identity. In light of the complex nature of the issues, participants called on the government to broaden the scope of the legislative review and urged the Task Force to consider in their recommendations how legislation could support collaborative efforts, improve treatment options, and increase the public awareness about the risks of alcohol.

### Vulnerable Populations

In many forums people asked the government to place a greater emphasis on programs and support for those people who are most susceptible to harm from alcohol abuse. Youth, children, pregnant women, addicts, and elders, were consistently identified as belonging to vulnerable populations.

#### Youth

In every community people expressed a growing concern for the young people of their community. The Task Force was repeatedly told that increasing numbers of youth are being harmed by alcohol. Some people said this harm is often self-inflicted, a result of youth drinking irresponsibly. Many people suggested that this harmful drinking occurs because youth have limited knowledge about the long-term effects of alcohol, *“They feel invincible and do not see the connection between alcohol and disease”* (Youth worker). Some people said they believe it’s normal for youth to experiment with alcohol but they voiced their concern that local youth drink to get drunk because they believe that binge drinking is “normal” behavior. One youth commented, *“Look around everyone drinks and gets drunk here, what’s the big deal?”* A youth

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worker provided another perspective. *“Youth feel the weight of social issues but they lack the historical context for understanding why things are the way they are. They have the misconception that their problems are inherent; they do not know the roots of the problem. Once they know the why they feel empowered and are encouraged to make positive choice.”*

A Mayor said his biggest fear for the future of Nunavut was the loss of the younger generation. He said it is the lack of positive alternatives and future opportunities that lead to a general feeling of hopelessness and drinking as a means of escape. This view was expressed by many others who also reiterated the need for positive role models, a need for early intervention, education, and recreation programs targeting the young.

In some communities parents were strongly criticized for not controlling the drinking of their children and for not being appropriate role models. Some parents were accused of signing liquor orders on behalf of their underage children. In defense of parents one participant said that it was impossible to control the youth when there was so much drinking occurring in the community. A grandmother said *“I have tried many times to stop my grandchildren from drinking but the local bootlegger encourages them to drink and they would rather listen to her than to me”*.

The justice system was also criticized for not imposing proper measures to curb youth drinking and for not establishing meaningful consequences for unacceptable behavior. The Task Force was told that on occasions the courts will impose a fine or sanction on a youth offender, but if the sentence is not fulfilled there is no follow-up and no substantive penalties for ignoring any courts orders.

Educators said there is a definite negative association between academic performance and drinking in the home. They pointed out that when there is alcohol abuse occurring in the home parents and guardians are less involved and supportive of their children’s education. They also said they notice a high correlation between an increase in children coming to school hungry and tired and an increase in alcohol availability in the community. Frequently people spoke of children who are scared to go home when family members are drinking. In many communities people noted that children often do not know what to do in these circumstances and said there is no safe place identified for children to go to get help.

Changing the legal drinking age was mentioned occasionally. It was not a pivotal issue in any public community meeting. When the issue was raised there appeared to be very little support for increasing the age to 21. Some people did say that increasing the age will be a useful step in controlling adolescent drinking. However others said they do not feel a change in the legal age will produce any positive change in the drinking behavior of youth. When the Task Force asked youth to comment on the drinking age, not unexpectedly, the majority said the age should not be raised.

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Some youth said they would like to see the legal age dropped to 18 years. One or two adults agreed with the youth saying the drinking age should be 18 years. *“If people are old enough to vote or serve in the military, then they are old enough to make decisions about drinking”* The majority of participants said they believe implementing effective education programs and establishing better deterrents will do more to promote responsible drinking by youth than changing the legal drinking age. Many speakers also acknowledged that while improved education and stronger deterrents are required these types of interventions will be up against the power and influence of popular media, advertising campaigns, and peer pressure.

Some people pointed out that while the law attempts to restrict young people from buying alcohol, underage drinkers are supplied by bootleggers, friends, and even parents. An educator reasoned that if the age was dropped to 18 years it would allow some high school students to purchase alcohol and in turn this will make alcohol more accessible to the student’s peer group as well as younger students. Several educators told the Task Force that student drinking was already a significant concern in their schools. Educators spoke of the serious consequences of irresponsible drinking including poor academic performance, and a loss of interest in school. In some situations teachers and parents spoke of the tragic physical, emotional, and criminal consequences of unsupervised teen parties on their children, students, and the broader community.

One or two people also noted that while it is illegal for people under 19 to buy alcohol it is not illegal for people under 19 to consume alcohol in the home. Some people stated that the legal drinking age should have no exceptions and no one under the legal drinking age should be allowed to drink under any circumstances. They said that they believe supplying alcohol to children sets a very bad example and will promote future alcohol consumption. In response, some parents said they allow their children to drink wine on special occasions. These parents suggested that by allowing their children to drink at home they are helping to demystify alcohol and they are helping their children to establish responsible drinking habits as they grow older. Speaking on this issue, a justice worker said that introducing laws to stop parents giving their children alcohol will be impossible to monitor and police. They pointed out that there are processes in place to protect children if alcohol use is endangering the child’s welfare.

### Elders

Many people raised concerns about alcohol and elder abuse. Elders in nearly every community spoke about being scared of people who drink. *“Sometimes I am frightened to open my door and sometimes I am frightened to walk down the street because people are drunk.”* (Elder Cambridge Bay) Often abusers were identified as family members who become physically and emotionally cruel when they drink. Many elders said they feel they have no way to deal with the abuse and

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have to suffer in silence. Elders told stories of family members taking their money and cashing their old age security cheques to buy alcohol. They asked the Task Force to find ways to stop people buying alcohol with money taken from them.

Still other people raised concerns about elders who abuse alcohol. Some community and health workers said that elders are very vulnerable and put their health at significant risk when they drink. These risks include misdiagnosis of symptoms and underlying medical conditions, as well as risks associated with the harmful effects of mixing medicine and alcohol. Many elders reported that they had been drinking all their lives. Some admitted that when they started drinking they did not realize it was harmful to their long-term health. They often spoke of the difficulty in trying to overcome their addiction and how much sadness drinking has brought into their lives and the lives of their children.

#### Pregnant Women

During the consultation, women often asked the Task Force if there is any way for the law to prevent pregnant women from drinking alcohol. Participants usually placed pregnant women who drink in one of three categories. 1) Those that are ignorant of the fact that alcohol can hurt the fetus; 2) Those that do not believe the fetus can be hurt by alcohol; and 3) Those that do not care. Regardless of the category identified, people made impassioned pleas to the Task Force to stop all pregnant women from drinking. Many said they do not understand why the government cannot stop pregnant women from drinking. *“They are hurting the child. The government can stop people from hurting children why can it not stop people hurting babies?”*

#### Alcohol Addiction and Treatment

Every public consultation meeting included participants describing the negative effects of alcohol abuse on themselves, their families, and their communities. Without question, properly addressing alcohol abuse is on the minds of a significant number of Nunavummiut. The majority of consultation participants spoke of alcoholism as a disease that requires intervention and treatment. On occasion, participants called on their community to remove the stigma associated with alcoholism, and to encourage abusers to seek the help they need. Some speakers said that they wanted to see more open debate and discussion about alcohol abuse in their community and to discuss how the community can take action to help reduce the number of addicts. This discussion was particularly poignant for some participants residing in dry communities. One commentator explained *“I am from a dry community, and because it is dry people pretend we have no alcoholics among us. This is wrong.”*

People continually called on the government to implement more effective treatment programs including more local and traditional treatment options, and improved support for alcoholics who are

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trying to overcome their addictions. The current practice of sending patients outside the Territory for treatment invoked considerable dissatisfaction and skepticism from individuals, particularly front line workers. In many forums the government was highly criticized for failing to provide adequate support following a patient's return to his or her community. Some elders and other participants expressed frustration at not being allowed to work cooperatively with health care providers to support people with alcohol addiction. On the other hand, health care providers stated that the need for privacy made it difficult to involve others in the treatment of addictions.

In some discussions some participants argued that people must take a greater personal responsibility in overcoming their addictions. Some participants said that they believe spending more money on programs will not help some individuals. They said they are frustrated with people who have been sent outside for treatment many times and consider this practice a waste of government money. On many occasions people declared that they are "reformed alcoholics" and took the consultation opportunity to pay tribute to their addiction workers, family, church, and employers for providing much needed professional, financial, and emotional support. Several of these speakers said that while they understand the need for personal responsibility, they believe it is not sufficient to overcome their problems, and emphasized that alcohol is a disease. They said that while they are dedicated to overcoming their addiction, this is only achievable with the support and understanding of their family, employer, and community.

#### Alcohol and Gambling

Concern was raised regarding the lack of constraints surrounding drinking and gambling in licensed establishments. Pull ticket games like Nevada are very popular with many patrons. While the proceeds of these sales are used to support community activities there is concern that significant amounts of money are being spent by people whose reasoning may be diminished because they are intoxicated. *"When individuals are somewhat impaired after a few drinks, the possibility of a big win is an attraction to the tickets, and it is not uncommon to see clearly intoxicated individuals standing at the ticket counter pulling tickets until they have no money left to buy more. Small winnings are typically put back into another drink and/or more tickets."*

#### Alcohol Advertising and Promotion

A front line professional, working in an unrestricted community, came to the Task Force meeting armed with numerous national and international reports and studies concerning the use and abuse of alcohol. She highlighted what experts now consider safe consumption limits for different groups, and stated that she feared most people in Nunavut do not know what these limits are. She and others spoke of the overly positive portrayal of alcohol in the media. In particular, they pointed out the susceptibility of vulnerable populations to the glamorization of alcohol use. People concerned about



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media advertising frequently said there is a dire need for alcohol advertising to be regulated and curtailed in a manner similar to those controlling tobacco advertising.

In one unrestricted community a person raised the issue of drinking and fund raising events. The person was questioning the need of sponsors to advertise and promote the sale of alcohol. An audience member responded that alcohol sales at public fund raising events are profitable and help to support “good work” in the community. In further discussions, most people said that using alcohol to raise charitable funds was not of critical concern. However, most people said that they are more concerned about public safety and ensuring proper controls are in place during the event.

### Using Government Revenues from Alcohol to Curb Harm

Across the Territory there is a broad held belief that government collects significant revenues from taxes and commissions on the sale of alcohol. With this understanding, people repeatedly said they would like to see government revenues from alcohol used to fund treatment centres, and education programs. In meetings with government finance officials the Task Force was told that government does not make any significant revenues from alcohol sales and distribution, and they pointed out that there is no territorial sales tax on alcohol. According to the officials, alcohol sales generate very little revenue for the GN. In addition, officials took the opportunity to inform the Task Force that the government spends a very significant amount of money on alcohol related health and justice issues.

### Summary of Suggestions

#### Drinking Culture

- *Make beer and wine a more a more affordable choice than hard liquor;*
- *Drinking age:*
- *Leave the drinking age at 19;*
- *Change to 21;*
- *Change to 18;*
- *Make no exemptions so that children cannot drink in the home even with parent supervision; and,*
- *Help employers establish work place policy and guidelines to reduce alcohol-related harm in the workplace and in the broader community.*

#### Vulnerable Populations

- *Strengthen education and information programs targeted to young people. Including more content in school curriculums;*

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- *Provide more funds to alcohol education programs;*
- *Make it mandatory for teachers to report signs of alcohol abuse in the home and abuse by students;*
- *Establish a children's help line or some way that children can get help quickly;*
- *Complete a community inventory of "safe place" people, especially children, can go when there is abusive drinking occurring in the home;*
- *Make it difficult to use old age security to buy alcohol; and,*
- *Make it mandatory to report pregnant women who drink so they can get the help and information needed to stop them drinking.*

#### Alcohol Addiction and Treatment

- *Improve the coordination in identifying and treating alcoholics;*
- *Establish treatment facilities in each of the regions;*
- *License people to drink- people with addictions or who commit crimes when they drink should not be able to get a license;*
- *Provide assistance to employers to establish alcohol education and support programs; and,*
- *Provide incentives to employers to address the problems of alcohol in the workplace.*

#### Alcohol and Gambling

- *Drinking and gambling do not mix. Pull tickets should be considered a form of gambling and it should be illegal to purchase them in licensed establishments.*

#### Alcohol Advertising and Promotion

- *Institute regular education campaigns that are sensitive to Inuit culture, languages, and experiences;*
- *Improve the circulation of information about what is a "safe" consumption level;*
- *Set guidelines for the type of liquor advertising in Nunavut;*
- *Alcohol should have warning labels;*
- *Establish a set of guidelines for public safety and security at events where alcohol is sold; and,*
- *Make tabling a public safety plan a mandatory part of the license and make sure there are inspections.*

#### Using Government Revenues

- *Money the government makes from the sale of alcohol should be used to address alcohol related problems;*

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- *The GN should be providing drug and alcohol treatment in the communities. This should not be related to government liquor revenues; and,*
- *Nunavut should be making the money on liquor sales not the other provinces and territories.*

#### OFFENCES, SANCTIONS, AND ENFORCEMENT

The Task Force heard many mixed messages about the appropriateness of penalties and sanctions. At one end of the spectrum there are people who think the current punishments should be reduced. At the other end some people think they are not severe enough. Even so, the Task Force did hear some forms of agreement amongst these two polar positions. For example, many feel that criminalizing addicts is counter-productive. There are many advocating for more court ordered treatment options instead of fines and prison for people who are dependent on drugs and alcohol. Similarly, many participants said that they did not want to see youth, especially first time offenders, criminalized for some alcohol related offences.

Many people felt that the penalties for bootlegging were ridiculously low, stating that a 60 ounce bottle of vodka sells for a minimum of \$500 in many communities. Some participants told the Task Force that bootleggers will often increase the cost of alcohol or increase sales to cover the legal costs or fines. Many participants felt that the penalties for bootlegging, especially for those “commercial” bootleggers, should be commensurate with the damage they cause to families and individuals. “Those people (commercial bootleggers) are destroying people’s lives, families, and whole communities for their own profit. They should be made to pay a price as high as the pain for which they are responsible.” People strongly encouraged the Task Force to investigate and recommend alternative sentencing options.

The extent to which punishment is administered and enforced came up time and time again. Most participants believe there are serious flaws in the judicial process. Many people found fault with the amount of time it takes between being charged with an offence and sentencing. Several provided examples of the additional problems this can create for the accused perpetrator, the victim(s), and the broader community. Some pointed out that delaying justice was not an Inuit approach. They spoke of the need to deal quickly with problems to the satisfaction of everyone involved. While most acknowledged the inherent difficulties of conducting court across a geographically challenging region they said they strongly favour changes to the current process.

The inability of some offenders to meet the fines, terms, and conditions of their sentencing was also brought up. Sometimes it was discussed with the understanding that offenders may not have the

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financial resources to pay their fines. There was considerable empathy expressed for offenders facing this situation. Sometimes it was raised with the belief that the offender chooses not to pay the fine or complete the conditions of the sentencing. In general there was little empathy and support given to people choosing to ignore their penalties. Some people said that youth offenders have a reputation for ignoring court-sanctioned penalties. They would like to see more done to guarantee that offenders meet all the conditions of their sentencing through appropriate monitoring, enforcement, and if necessary the imposing of additional sanctions.

Representatives of Elections Nunavut provide another perspective on offences. In their submission, they note that restriction regulations are often inconsistent with the community restrictions. To illustrate this point they provide the following example:

- *In Pond Inlet s. 3 of the regulations says that you need approval of the “Health and Social Services Committee” (AEC) to import and order liquor, but it is an offence under s. 7 to possess, to import, to make beer or wine, to purchase or to sell liquor without approval of the committee.*
- *In Baker Lake, you need permission to purchase or possess alcohol, yet it is an offence to consume without approval. There is no mention of getting approval to consume, but it is an offence not to get it.*

In their brief, Nunavut Elections suggest that in some situations the approach identified for controlling alcohol in a given community is unenforceable and, in some cases, fails to encapsulate standards of natural justice.

### Summary of Suggestions

- *There should be stronger penalties for those people who do not pay fines;*
- *Youth who ignore court ordered sanctions need to be held accountable; more follow-up should be done;*
- *Many people cannot pay fines there should be other options such as community work;*
- *Increase fines and penalties for bootlegging;*
- *People who have addictions should not be treated as criminals;*
- *Give more power to the community to deal immediately with minor crimes and infractions that are related to alcohol;*
- *Give more power to the RCMP to inspect, and search people or premises suspected in breaking alcohol laws;*
- *It should be an offence to drink anywhere in Nunavut while operating a recreational vehicle or a boat;*
- *Penalties should be much higher for people who sell or try to sell alcohol to children;*

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- *Make it a crime to serve alcohol to pregnant women;*
- *Make it a crime if shippers do not ask for permits;*
- *Make it mandatory for airlines to search luggage for alcohol and report amounts;*
- *Provision should be made for civil forfeiture of proceeds of crime; and,*
- *Alcohol that is seized should be sold, not thrown away, and the revenues should be used to support local education and treatment programs.*

### Bootlegging and Illegal Importation of Alcohol

Stopping bootlegging was one of the most galvanizing issues across Nunavut. Angry and frustrated residents in every community gave many accounts of the harmful impacts of bootlegging operations. Participants universally portrayed bootleggers as the scourge of their community. They accused bootleggers of over-selling, openly promoting alcohol consumption through direct sales calls, and enticing minors and others to drink with no regard for the welfare of the individual or the community. In some communities the bootlegging operations were described as well established businesses involving several people making a profitable living from the illegal sale of alcohol. In other communities people said that bootlegging was more an informal network or spontaneous venture. A common example given of the informal bootlegging involves people buying alcohol legally, and then selling some of the bottles to offset the cost of their own alcohol purchases or to make some extra cash to supplement other sources of income.

Representatives from the Liquor Commission and the RCMP characterize the economic impact of bootlegging as significant. As an illustration of the severity of the situation, the Liquor Commission provided the Task Force with reports illustrating the total liquor orders for 24 Nunavut residents. These individuals were selected because the amount of alcohol they purchase significantly exceeds what could possibly be consumed by one individual. In one case, over a period of 14 months, an individual purchased 2,778 liters of hard liquor and 1,080 bottle or cans of beer. During the same period, this individual's wife purchased 1,335 liters of hard liquor and 684 bottles or cans of beer. The sum total of the alcohol purchased by this couple during a period of 14 months totaled \$13,740. During an overlapping period of 17 months, another couple from the same community ordered \$9,205 of hard liquor and beer. A third individual purchased 126 litres (72 bottles of 1.75 litres) of hard liquor and 120 cans of beer in one month. In most communities, the bootlegged price for a 1.75 litre bottle of Vodka sells for approximately \$500. This individual could have made approximately \$36,000 on the bootlegged sale of the hard liquor alone.

Participants described several ways bootleggers use the current permit system to obtain alcohol legally. They told the Task Force that bootleggers usurp the permit system by submitting a single

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permit multiple times. Senior representatives of the Liquor Commission advised members of the Task Force that they are aware of people attempting to use permits multiple times. *“Once we issue the import permit the customer has free rein with the permit to order from where they want, they are numbered but with an endless list of suppliers from the south it would be hard to catch people reusing it.”* Commission representatives said they are currently working with suppliers and other agencies to implement measures to curb this practice. For example, the Liquor Commission told the Task Force that it has reached an agreement with the Liquor Control Board of Ontario to route all orders through one outlet thus increasing the chances of identifying permit numbers that are used multiple times. The Nunavut Liquor Commission also advised the Task Force that it has asked the airlines to obtain the copy of the permit from the person picking up the delivery. It is hoped that this action will further interfere with the multiple use of permits.

The Task Force was told that another tactic of bootleggers is to pay eligible permit holders to order alcohol on their behalf. This circumvents the community’s control on restricting how much alcohol one person can acquire at any given time. This practice is of particular concern to several Alcohol Education Committees. Several members of the committees said they are aware that this is a common practice but from their perspective it is very difficult to monitor and control.

People also said that some bootleggers receive regular shipments of alcohol from contacts outside the Territory. The Task Force members were advised that in some situations these shipments are sent through the post office, the sealift, or via air cargo without a permit and without the shipper being made aware of the true contents of the package. Some participants went further and accused some shippers and their employees of supporting bootlegging by implementing shipping policies that show indifference to a community’s values and liquor status. Examples of this perceived indifference included airlines not checking luggage and freight for alcohol, and for not requesting the required permits. Participants in dry communities frequently questioned why the airlines are not checking luggage and freight for alcohol. People also raised similar questions about the Canada Post and the Sealift Operators. The Task Force has been told that based on anecdotal evidence, officials estimate that for every 2 litres of alcohol purchased from the Liquor Commission, another litres comes in illegally either on the sealift or from abuse of the permit system. The Task Force has been told that this practice of importing liquor on the sealift without the appropriate permit is not limited to bootleggers. Many Nunavummiut choose to acquire liquor through this process. One person pointed out that they have never been asked for a permit, *“When I call the only thing the company wants is my Visa number.”*

Community members frequently raised concerns about the inability of the RCMP to apprehend bootleggers. *“Everyone in town knows who the bootleggers are. Why can’t the RCMP just stop them?”*

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Attending RCMP members were often challenged to explain why the police cannot stop bootlegging. Some RCMP officers took the opportunity to provide information on the law, and to describe what actions they are legally allowed to take. One member commented that there is “*no duty to report*” in the current liquor act. This means that people are not obliged to cooperate with the RCMP, and the RCMP must therefore be sensitive to the protection of privacy and individual rights. Officers also explained what type of evidence is required to successfully pursue charges against bootleggers. It was often pointed out that the lack of informants and witnesses willing to appear in court is a critical barrier in the prosecution of bootleggers. At more than one meeting participants alleged that this was because residents are afraid of turning in the bootlegger. In one community a speaker berated their fellow residents for not helping the RCMP to put a stop to the local bootleg operations. “*You should not be afraid, you should be ashamed. The bootleggers are hurting our grand-children.*”

The Task Force did hear from community leaders and groups that have risen to the challenge. In one community the RCMP and Hamlet Council instituted voluntary random screening procedures at the local airport. In another community the AEC, RCMP, and Hamlet Council have joined forces to identify and implement strategies to stop bootlegging operations. Kivalliq Air is now requiring the scanning inspection of baggage on flights between Winnipeg and Sanikiluaq.

Submissions to the Task Force revealed a widely held dissatisfaction with the sanctions and penalties given to bootleggers. It was pointed out that bootlegging is a very profitable business and the levels of fines are not a disincentive in light of the profits that can be made. One person made an impassioned plea to significantly increase fines and prison terms. He spoke of the misery brought into the community by the unconscionable actions of bootleggers. Many others supported his view to “*...make sure the bootlegger feels the pain.*”

### Summary of Suggestions

- *There needs to be a mobilization of groups against bootleggers (CH);*
- *The process for obtaining import permits should be altered so that bootleggers can't bring large quantities of liquor into Nunavut legally;*
- *Penalties for bootlegging should be revised upward significantly to act as a deterrent and not just a cost of doing business; and,*
- *Make it easier for people to report bootleggers without fear of retribution.*

*“Alcohol has hurt everyone in my community. I don't know what to do about it. The only happy people are the rich bootleggers.” (Public Meeting, Prohibited Community)*

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**APPENDIX 1 - CONSULTATION DOCUMENT**

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## FOREWORD

This consultation discussion guide raises numerous issues related to alcohol consumption in Nunavut and the current *Nunavut Liquor Act*. The discussion guide is intended to increase awareness about alcohol related issues in Nunavut and encourage broad public debate during the *Nunavut Liquor Act* Review consultation process.

The Liquor Act Review Task Force encourages Nunavummiut to consider the issues and questions raised in this document. Your feedback is crucial to identifying the type of changes that should be considered in revising the *Act* to better meet the needs of Nunavut society.

The Task Force welcomes your views on the questions raised in this document as well as and any other alcohol related issues you may wish to bring to the Team's attention.

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## 1) THE ACT

*The Nunavut Liquor Act and its regulations are intended to promote social responsibility in the sale and consumption of alcohol. The liquor licensing and permitting system and enforcement actions are intended to ensure that the Act is consistent with Nunavummiut expectations for the control of alcohol. These expectations include removing or reducing harm to individuals, families and communities while minimizing costs to the government and the taxpayer.*

### a) Key Issues: Understanding the Act and Regulations

Several jurisdictions have identified the need to have clearly stated objectives or principles underpinning their liquor legislation. They state that the lack of clarity about the objectives of liquor legislation has contributed to uncertainty in the development and implementation of liquor policy, and in interpreting liquor laws. These jurisdictions point out that often people have different understandings of the intent or application of liquor laws. For example: some people believe that the liquor laws are intended to regulate overall alcohol consumption; some people believe that liquor legislation is intended to influence the way people view alcohol; others believe that liquor laws are simply intended to define and enforce the environment and context in which drinking may take place. The Nunavut *Liquor Act* does not identify a clear set of objectives and principles. Examples of objectives and principles in other jurisdictions include:

- Promotion of public health;
- Promotion of public safety;
- Prevention of crime & disorder;
- Prevention of public nuisance;
- Protection of children from harm;
- Promotion of social responsibility;
- Swift and effective enforcement for violations of the Act;
- Support the economic viability of the hospitality sector; and,
- Fair treatment of all stakeholders.

### YOUR VIEWS ON UNDERSTANDING THE ACT

- 1. What principles or objectives, if any, do you feel should be identified to guide and support Nunavut's liquor licensing legislation?**
- 2. Is the Act easily understood by the general public? If not, how can the format and language of the Act be changed to make it more easily understood, and what can be done to make the information more accessible?**
- 3. Do you have any other suggestions about changing or simplifying the structure of the Act?**

## 2) LICENSING AUTHORITIES: ROLES AND RESPONSIBILITIES

*The following agencies and organizations play an important role in regulating and monitoring the sale and consumption of alcohol in Nunavut.*

### **Nunavut Liquor Licensing Board (NLLB)**

*The Nunavut Liquor Licensing Board deals with liquor licensing issues. The Board considers applications for liquor licences and special permits. The Board holds public hearings and determines the appropriate sanctions for breaches to the Nunavut Liquor Act.*

### **Nunavut Liquor Commission (NLC)**

*The Nunavut Liquor Commission is responsible for the purchase, warehousing, sale, and distribution of all alcohol products in Nunavut.*

### **Liquor Enforcement and Inspections Division (LEID)**

*The Liquor Enforcement and Inspections Division is responsible for the enforcement of the Liquor Act and its regulations. Liquor Inspectors appointed by the Minister of Finance carry out inspections on licensed liquor establishments and special occasion events involving alcohol. The Division is responsible for the implementation of the Nunavut Liquor Licensing Board's decisions and directives.*

### **Alcohol Education Committee (AEC)**

*An Alcohol Education Committee is a group of locally elected members, created by regulation to give community members a legal or official way to educate their community on how to prevent alcohol abuse and also control alcohol in their community.*

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### **a) Key Issues: Licensing Authorities**

The current powers and authority of each of the agencies described above are outlined in the Act. There are many different examples of independent, quasi-judicial bodies and government agencies involved in the administration and enforcement of liquor laws and policies. A best practice review suggests that successful agencies have the following characteristics:

- A clear definition of the body's purpose, mandate, and desired outcomes;
- Well defined and understood principles underpinning policy and decision making;



- Relevant powers, roles and responsibilities that are clearly in line with and supportive of achieving the mandate;
- Transparent and accountable system of controls to ensure compliance; and
- Members are knowledgeable and qualified:
  - demonstrate courtesy, fair, and ethical treatment to all stakeholders;
  - provide consistency in decision making and reporting;
  - are accessible; and,
  - have good communication skills and use communication tools appropriately.

### **YOUR VIEWS ON LICENSING AUTHORITIES**

- 4. Do you have any concerns about the current mandate, roles, and responsibilities of any of these groups?***
- 5. Are there any areas where you would like to see the powers, responsibilities, and roles of any of these agencies increased or strengthened?***
- 6. Do you believe that the Act provides each of these groups with the authority they need to do their work? If not, what amendments to the Act do you think are required to better fulfill their mandates?***
- 7. What, if anything, do you think should be limited or removed from their mandate?***

### 3) LICENCES

*The Liquor Licensing Board has the power to issue liquor licences. A liquor licence allows an eligible person to purchase, sell, possess, and use alcohol. The Act identifies who is eligible and who is ineligible to obtain a licence. When issuing a licence, the Board will identify and include in the licence certain terms and conditions such as tobacco control, hours of operation, and the quantity and types of alcohol that can be sold. The licensee must comply with these terms and conditions.*

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#### a) Key Issue: Classes of Licence

Currently the Act provides for 12 different classes of licences, though not all classes of licences are in use. The classification system is intended to provide standards and control over who, where, and how alcohol can be sold. Each class specifically identifies who can sell the alcohol, where alcohol can be sold, to whom, and any special conditions that might apply. In determining the class of licence the Liquor Board will consider such factors as the primary purpose of the premises or venue, how the alcohol is to be sold, the type of alcohol to be sold, the variety and type of food available, and the type of entertainment offered.

The classification of licences is intended, in part, to simplify and assist in the monitoring and enforcement of the Act and its regulations. Some jurisdictions have chosen to consolidate categories of licences to reduce costs to government and to licensees, and to provide greater flexibility for a wider variety of venues. In many cases, jurisdictions are revamping licence classifications based on whether or not a type of venue is considered high risk or low risk. High risk venues are those that normally require more inspections and greater regulatory control. Some jurisdictions have amended classes of licences because in some cases the distinctions between categories are not clear. For example: is the venue a pub with a restaurant, or a restaurant serving drinks?

#### **YOUR VIEWS ON LICENCES**

- 8. Is the current classification working or does it require changes?**
- 9. Should there be any changes to the definition and/or criteria for each class?**
- 10. Do the current classes of licenses properly accommodate new or emerging venues?**
- 11. Should specific types of license carry specific (limiting) conditions?**

## b) Key Issue: Licence Eligibility

Section 24 of the *Act* identifies who is not entitled to a licence, or a renewal, or transfer<sup>1</sup> of a licence. Those not permitted to have licences include:

- A person who is not the true owner of the business;
- A person convicted of an offence under the laws of Nunavut or Canada;
- A person disqualified for previous breaches of the *Act* or regulations; and,
- A person who is a Liquor Agent or vendor.

In addition, Section 25 of the *Act* states that persons who have an agreement with manufacturers to sell alcohol, or has an interest in the manufacture of alcohol cannot be permitted to have a licence.

Many liquor licensing agencies, including the NLLB as of April 1, 2010, now require a responsible server's course as part of the eligibility requirements. In some jurisdictions people with un-discharged bankruptcies are ineligible. Others require a prior continual residency requirement. Some areas have a Code of Conduct that Licensees must adhere to, while other areas require licensees to demonstrate prior experience managing licensed premises. In some instances these types of requirements are contained in legislation, while in others they are simply guidelines established by the licensing authority or others. In Nunavut, the Board has issued a number of directives designed to clarify its interpretation of the *Act* & Regulations, and to give licence holders and enforcement staff some indication of how NLLB interprets the law.

### YOUR VIEWS ON LICENCE ELIGIBILITY

- 12. Do you think there should be any changes to who is entitled or not entitled to receive a licence (section 24 and 25)?**
- 13. With respect to the granting of licences should there be more or fewer eligibility criteria?**
- 14. Do you have any suggestions on additional potential guidelines the NLLB should consider in judging if a person is eligible for a licence?**

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<sup>1</sup> It is recognized that it is very difficult to transfer a licence. Most frequently, instead of transferring a licence, the existing licence is cancelled and a new one is issued.

### c) Key Issue - Licence Terms and Conditions

Each licence comes with terms and conditions that must be followed. In Nunavut these conditions include compliance with tobacco control regulations and municipal by-laws, and the setting of operating hours within the hours of 10AM until 2AM, including provisions for mandatory closing, e.g. Election Day.

In some jurisdictions there are ongoing debates about the terms and conditions imposed on licences. For example: conditions concerning opening hours are forefront in many of these debates. Some people oppose any move to expand hours, and in some cases would like to see them reduced. Others, particularly in the tourism and hospitality industry, would like to see greater flexibility in setting operating hours. In some areas, community impact statements are required for certain classes of licences before they are approved. The onus is on the applicant to show proper consultation with the local government and stakeholders.

#### **YOUR VIEWS ON LICENCE TERMS AND CONDITIONS**

- 15. Do you think that the current terms and conditions of licences are sufficient?***
- 16. Do you believe that they are overly prescriptive or restrictive?***
- 17. Who do you think should have a say in setting the terms and conditions of a particular licence?***
- 18. What terms and conditions would you like to see attached to licences?***
- 19. Do you think there should be quotas on the number of licences issued?***
- 20. Do you think there should be any changes to licence fees?***
- 21. Do you think there should be any changes to the opening or closing hours of licensed premises?***

## d) Key Issue: Permits

A liquor permit allows the permit holder to purchase, possess, and use alcohol. The permit holder must comply with the terms and conditions of the permit or risk having the permit cancelled. Liquor import permits, wine permits, and special permits can be issued following submission of an application and payment of the fee.

### YOUR VIEWS ON PERMITS

- 22. In what ways do you think the current system of permitting is working well?***
- 23. What do you see as the weaknesses of the current permitting system?***
- 24. What changes would you like to see with respect to Special Occasion Permits?***
- 25. What changes would you like to see with respect to Import Permits?***
- 26. Do you think the current eligibility requirement for permits is sufficient, or should the criteria be changed?***

## e) Key Issue - Suspension or Cancellation of Licences and Permits

Inspectors make regular inspections of existing licensed premises. Inspectors have the right to immediately suspend the operation of licensed premises for 48 hours, if they believe something is occurring that is not allowed by the Act and is a serious threat to public safety. The process the inspector must follow is outlined in the Act. This process includes writing a report to the Board detailing the reasons for the suspension. The Board will then determine what should happen to the licence and if any sanctions should be applied such as a fine or continued suspension.

Prior to taking action, the Board is required to have a public hearing. The licence holder is invited to attend the hearing to show just cause why the licence should not be cancelled or suspended. The Act specifies the conditions under which a licence may be cancelled and the punitive actions the Board may take following the hearing. These sanctions include: cancelling or suspending the licence; disqualifying the person or premises from holding a licence; and, imposing fines or special conditions. A licence holder can appeal a decision of the Board to the Nunavut Court of Justice, if the licence holder believes the Board has made a mistake or exceeded its authority.

In some jurisdictions, if it appears a licensee has broken a regulation, inspectors are given the latitude to work with the licensee to address the infractions and encourage compliance. In some instances when a licensee voluntarily admits to the violation, the inspector or a government official can impose sanctions based on a prescribed set of criteria and penalties. In some cases, if in the opinion of the inspection's branch, enforcement is required a hearing is set before an adjudicator. The decision of the adjudicator can be appealed to the courts. In other jurisdictions, hearings may be conducted in person, via conference call, written submissions, or a combination of these. These types of approaches tend to reduce costs to government agencies, and reduce wait times.

### **YOUR VIEWS ON CANCELLATION OR SUSPENSION OF LICENCES AND PERMITS**

- 27. Under what circumstances licences should be cancelled or suspended?***
- 28. Do you have any comments on how Show-Cause Hearings should be handled?***
- 29. Do you have any comments or concerns on the role of the Enforcement and Inspections Division and/or the role of the NLLB in cancelling or suspending licences?***

## 4) ENFORCEMENT

*The Liquor Enforcement and inspections Division is responsible for the enforcement of the Liquor Act and its regulations. Liquor inspectors check licensed premises to ensure that the terms and conditions of the licence are being met. Enforcement action is taken when there is a serious or repeated contravention of the Act. Infractions are reported to the Liquor Licensing Board and the Board, through a Show Cause Hearing, determines if the Act has been contravened. When required, the Board assigns the penalties or sanctions allowed under the Liquor Act. The process the inspector and the Liquor Board must follow is set out in the Act. Inspectors do have the power to immediately suspend the operation of a licensed premise for 48 hours if they believe there is a risk to public safety. RCMP officers have the power to act as liquor inspectors.*

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### a) Key Issue: Authority, Roles, and Responsibilities

In some jurisdictions the enforcement division and liquor inspectors have been granted broader powers to deal with common infractions. These jurisdictions have implemented procedures and policies whereby a peace officers, by-law officers, or liquor inspectors can issue a summary offence ticket, or “spot fines” for certain offences such as health infractions, overcrowding, serving minors or intoxicated people, underage drinking, intoxication in a public place, or having open alcoholic beverages in a vehicle.

### YOUR VIEWS ON ENFORCEMENT

- 30. Should the authority of the liquor inspectors be expanded, and if yes, in what ways?**
- 31. Should enforcement be strengthened, and if so how can liquor inspectors, the RCMP, the courts, AEC, and others be assisted in enforcement actions? What additional powers, if any, should these organizations be given?**

## 5) PLEBISCITES

*The Act recognizes that communities may have differing views on whether or not alcohol should be consumed, possessed, purchased, distributed, or transported within their community. The Act provides communities with the power to prohibit, restrict, or allow alcohol in their community. A liquor plebiscite takes place when the Minister responsible for the Liquor Act gives his/her consent to a petition signed by 20 or more eligible voters in a community. The Act prescribes the duties and roles of those involved in the plebiscite, and the processes that must be followed. The Act requires sixty percent of the qualified voters to support the plebiscite question for it to pass. If the plebiscite question does not have 60% support, then no further plebiscite asking the same or similar question can be held for three years. The Act makes provisions for two kinds of plebiscites:*

- 1) Plebiscites concerning the closing of licensed premises or changing the hours of operation; and,*
- 2) Plebiscites concerning restrictions or prohibitions.*

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### a) Key Issue: Local Control

Across Canada plebiscites are held on a variety of issues, however there are differences in who can call a plebiscite, the issues allowed to be determined by plebiscite, the percentages required for approval, and whether or not a plebiscite is binding on government. Discussions around the use of plebiscites often focus on the administrative burden, costs, timeliness, and the numbers required for approval contrasted against the need for broad public participation, and a meaningful voice in matters of importance to the community.

### YOUR VIEWS ON PLEBISCITES

- 32. Do you think the current plebiscite process properly supports community involvement?**
- 33. What changes, if any do you recommend to the plebiscite process?**
- 34. Can you suggest other approaches that will support reasonable community control over the sale and consumption of alcohol?**



## 6) PROTECTING THE MOST VULNERABLE

*Throughout the Act there are references, provisions, and sanctions related to the sale, supply and consumption of alcohol involving children or youth, younger than 19. These provisions and sanctions have been included to protect children and youth from the potential misuse of alcohol. There are other vulnerable community members including the elderly, pregnant women, and people suffering from chronic drug and alcohol abuse.*

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### a) Key Issue: Protecting Children and Youth

Alcohol is considered the most widely used drug amongst young people. Problems related to alcohol abuse include crime, accidents, suicides, homicides, teen pregnancies and school dropout. In Nunavut the “drinking age” is nineteen. (In other Canadian jurisdictions the drinking age is 18.) Normally youth under nineteen are not allowed in licensed premises unless they are providing entertainment. Youth who are younger than 19 may drink at home under the supervision of a parent or guardian. The Act also makes it illegal for the principle caregiver, or head of the family to go to licensed premises and knowingly leave a child under 8 unattended by a competent person (sec 101).

#### YOUR VIEWS ON PROTECTING CHILDREN AND YOUTH

- 35. Do you agree with the current restrictions and exceptions concerning minors in licensed premises or in areas where alcohol is served?**
- 36. Should minors be allowed in licensed premises and under what circumstances?**
- 37. Should youth under the legal drinking age be allowed to drink at home under parental supervision?**
- 38. Would you like to see the drinking age changed?**
- 39. Do you have any concerns or suggestions for ensuring children are not neglected in favour of drinking?**

## **b) Key Issue: Elder Abuse**

While the Act recognizes the need to protect children and youth from alcohol abuse there are no existing regulations concerning the protection of Elders. Many people are raising concerns about Elders who are being abused, physically, psychologically, and financially by family members with drug or alcohol problems.

### **YOUR VIEWS ON PROTECTING ELDERS**

- 40. Should the Liquor Act contain regulations concerning the protection of Elders?***
- 41. Do you have any suggestions on how Elders should be protected from people with alcohol and drug?***

### **c) Key Issue: Public Education**

The Nunavut Liquor Commission is a member of the National Jurisdiction Social Responsibility Association. The Commission, the Department of Health and Social Services, and the RCMP sponsor a number of initiatives to promote responsible use of alcohol. These initiatives include poster campaigns and programs such as MADD<sup>2</sup>, and Server Training<sup>3</sup>. Alcohol Education Committees (AEC) provides community based programs to educate people about preventing and addressing alcohol abuse. The AECs rely on fund raising to pay for their operations and programs. In some jurisdictions liquor revenues are earmarked for education and support programs. Some jurisdictions are also using alcohol tax revenues to fund drug and alcohol awareness as part of the regular public school curriculum.

#### **YOUR VIEWS ON PUBLIC EDUCATION PROGRAMS**

- 42. Should some of the revenues from alcohol sales be directed to drug and alcohol education programs?***
- 43. Should AEC receive a portion of liquor revenues to fund their operations and programs?***
- 44. Should server training be mandatory for all people who serve or sell alcohol?***
- 45. Should drug and alcohol awareness programs be incorporated into the Nunavut school curriculum, and to what extent?***
- 46. Who do you feel should take the lead in raising awareness about drug and alcohol abuse?***

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<sup>2</sup> MADD-Mothers Against Drunk Drivers <http://www.madd.ca/>

<sup>3</sup> Server training is provided for servers and sellers of alcohol to help prevent intoxication, drunk driving and underage drinking

## **d) Key Issue: Drug and Alcohol Treatment**

Today, alcoholism is considered a chronic illness; however many people with alcoholism go untreated. This situation contributes significantly to problems in the home, workplace, and in the broader community. Many jurisdictions have implemented treatment and support programs that are funded by tax revenues from alcohol sales.

### **YOUR VIEWS ON FUNDING DRUG AND ALCOHOL TREATMENT**

- 47. Should revenues from alcohol sales be used to fund alcohol treatment and support programs?*
- 48. What do you feel should be done to treat alcoholism in your community?*

## e) Key Issue: Pregnant Women

There is considerable debate over women drinking while pregnant. For health professionals and others it is about negative outcomes such as fetal alcohol effects. For law makers it is often a matter of considering the rights of women against society's interest in protecting the most vulnerable. It is also about considering whether positive or negative outcomes will come about from making drinking a criminal offence. Under Canada's current laws it is not possible to protect the fetus from harm. The Criminal Code of Canada states "*A child becomes a human being when it has completely proceeded, in a living state, from the body of its mother*"<sup>4</sup> This means that the fetus has no rights and therefore no right to protection.

Some US jurisdictions are proceeding with laws to charge women with child neglect if "... *an unborn child, or was subject to prenatal exposure to abusive use of alcohol or any controlled drug or substance not lawfully prescribed by a practitioner*"<sup>5</sup> Other States are taking a non-punitive approach such as ensuring pregnant women are considered as priority candidates for drug and alcohol treatment. In Canada the Supreme Court has ruled that "...the courts cannot force a pregnant woman to undergo treatment to prevent harm to her fetus"<sup>6</sup> (Oct 1997)

### **YOUR VIEWS ON DRINKING LAWS AND PREGNANT WOMEN**

**49. *Should the Act deal with pregnant women who consume alcohol. If yes what should those provisions include?***

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<sup>4</sup> Part VIII of Canada Criminal Code: Section 223(1).

<sup>5</sup> <http://legis.state.sd.us/sessions/2007/bills/HB1107p.htm>

<sup>6</sup> <http://www.faslink.org/Childbirth%20By%20Choice%20Trust.htm>

## 7) ALCOHOL SALES AND DISTRIBUTION

*The Nunavut Liquor Commission is responsible for the, purchase, warehousing, sale and distribution of alcohol products in Nunavut. From its warehouses in Iqaluit and Rankin, the Commission stores and ships alcohol throughout the territory to licensees and to individual permit holders. The Commission is also responsible for issuing liquor import permits. These import permits allow the permit holder to bring in alcohol products from other provinces and territories. Alcohol cannot be brought in, sold, or consumed in prohibited communities.*

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### a) Key Issue: Liquor Stores

The *Liquor Act* allows the Minister to establish liquor stores and also appoint Agents to sell liquor; however there are no public retail liquor stores in Nunavut. In 1976, following numerous public complaints, the Commissioner closed the Iqaluit liquor store. Today, a resident of Iqaluit must obtain a permit and order from the warehouse in Rankin. A Rankin resident must obtain a permit and order from the warehouse in Iqaluit. Many people choose to purchase alcohol from retail outlets outside of Nunavut. This situation creates additional costs for the consumer, while Nunavut does not benefit from any tax revenues from the purchase and sale of the product.

### YOUR VIEWS ON LIQUOR STORES

- 50. Should liquor stores be open to the general public in Nunavut?**
- 51. The Iqaluit liquor store was closed because of public concerns of binge drinking and alcohol related public nuisance incidents. Do you have any comments or suggestions on the operation of liquor stores?**
- 52. Do you have any suggestions on how liquor should be sold in Nunavut?**

## **b) Key Issue: Bootlegging**

The term “bootlegging” refers to the illegal production, transportation, sale, and distribution of alcohol. The *Liquor Act* makes it illegal for anyone to sell or distribute alcohol that has not been appointed by the Minister to act as a Liquor Agent, or does not hold a valid liquor licence granted by the Liquor Licensing Board. The *Act* prescribes the punishment for illegally selling alcohol. Penalties include fines for individuals from \$5,000 to \$20,000 and/or imprisonment for up to two years. The *Act* also allows the police to search for and seize alcohol, vehicles, and other assets used in bootlegging activities. However, under the current permit system, any alcohol an individual obtains through a permit is not considered unlawful alcohol. Alcohol becomes unlawful when it is sold by an individual or Corporation that is not appointed as an Agent by the Minister, or does not have a valid liquor licence. Bootleggers are known to contribute to social harm in communities by charging exorbitant prices for alcohol, tampering with the quality of the products, and selling alcohol to individuals regardless of the person’s age or mental and physical condition.

### **YOUR VIEWS ON BOOTLEGGING**

- 53. Is bootlegging a problem in your community?***
- 54. What are the challenges to stopping bootlegging in your community, and how can these challenges be overcome?***
- 55. Do you think the police and community leaders have enough support and the right tools to stop bootlegging?***
- 56. Do you think that the current penalties for bootlegging are sufficient to put a stop to bootlegging activities?***
- 57. In an effort to combat bootlegging should the Liquor Commission have the ability to share information with the RCMP on unusual buying patterns of individuals?***
- 58. Should the Act be strengthened to deal with the problems of bootlegging, and in what areas?***

## 8) OFFENCES AND PUNISHMENT

*The final section of the Act deals with the offences and punishment for those who violate the Act, and its regulations. There are numerous offences identified throughout the Act including selling alcohol without a licence, underage drinking, illegally transporting alcohol, and supplying alcohol to people in prohibited communities, people banned from drinking or people who are intoxicated. Punishment can range from a warning, to imprisonment depending on the severity, and the circumstances surrounding the commitment of the offence. The maximum penalty for an individual is a \$20,000 fine and/or two years in prison. The maximum penalty for a Corporation is \$50,000. The Act also identifies areas where a person or corporation can be found personally liable for violations to the Act. In addition, the Act makes provisions for the forfeiture of vehicles or articles seized in relation to the commitment of an offence.*

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### a) Key Issue: Penalties

Penalties and sanctions are normally imposed to punish unacceptable behavior, and to send a message to others that the behavior is unacceptable. In some instances penalties are used to further minimize the harm that may come to individuals, families and communities. In these situations sanctions can include compulsory participation in alcohol education or health programs and/or community service or restitution to those harmed by the commitment of the offence.

There are also a growing number of jurisdictions that are putting more effort into identifying and seizing assets or wealth gained through criminal activity such as boot-legging or the illegal manufacturing of drugs and alcohol products.

### YOUR VIEWS ON PENALTIES AND SANCTIONS

**59. Are there any circumstances where you think the penalties are too strict or not strict enough?**

**60. Should the Act be amended to create new offences and if so what should these be?**

**61. Should the Act be amended to remove some of these offences?**

**62. Do you have any suggestions on the type of sanctions or approaches that could be used to minimize harm?**



## Key Issue: Minors (under 19)

A minor who consumes alcohol in contravention of the *Act* can be fined up to \$500 dollars or made to do community work. Failure to pay the fine or complete the community work can result in seven days in prison. A person who sells alcohol to a minor can face a fine up to \$20,000 or be imprisoned for up to one year. In Nunavut the “drinking age” is nineteen, in jurisdictions outside of Canada the drinking age ranges for 18 to 21.

### YOUR VIEWS ON UNDERAGE DRINKING

- 63. Do you think the current penalties and sanctions for underage drinking are adequate?***
- 64. What penalties or sanctions would you like to see in place to deter minors from the unlawful consumption of alcohol?***

## 9) QUESTION SUMMARY

### 1. The Act

1. *What principles or objectives, if any, do you feel should be identified to guide and support Nunavut's liquor licensing legislation?*
2. *Is the Act easily understood by the general public? If not, how can the format and language of the Act be changed to make it more easily understood, and what can be done to make the information more accessible?*
3. *Do you have any other suggestions about changing or simplifying the structure of the Act?*

### 2. Licensing Authorities

4. *Do you have any concerns about the current mandate, roles, and responsibilities of any of these groups?*
5. *Are there any areas where you would like to see the powers, responsibilities, and roles of any of these agencies increased or strengthened?*
6. *Do you believe that the Act provides each of these groups with the authority they need to do their work? If not, what amendments to the Act do you think are required to better fulfill their mandates?*
7. *What, if anything, do you think should be limited or removed from their mandate?*

### 3. Licences

8. *Is the current classification is working or does it require changes?*
9. *Should there be any changes to the definition and/or criteria for each class?*
10. *Do the current classes of licences properly accommodate new or emerging venues?*
11. *Should specific types of licence carry specific (limiting) conditions?*
12. *Do you think there should be any changes to who is t entitled or not entitled to receive a licence (section 24 and 25)*
13. *With respect to the granting of licences should there be more or fewer eligibility criteria?*
14. *Do you have any suggestions on additional potential guidelines the NLLB should consider in judging if a person is eligible for a licence?*
15. *Do you think that the current terms and conditions of licences are sufficient?*
16. *Do you believe that they are overly prescriptive or restrictive?*
17. *Who do you think should have a say in setting the terms and conditions of a particular licence?*
18. *What terms and conditions would you like to see attached to licences?*
19. *Do you think there should be quotas on the number of licences issued?*
20. *Do you think there should be any changes to licence fees?*

21. *Do you think there should be any changes to the opening or closing hours of licensed premises?*
22. *In what ways do you think the current system of permitting is working well?*
23. *What do you see as the weaknesses of the current permitting system?*
24. *What changes would you like to see with respect to Special Occasion Permits?*
25. *What changes would you like to see with respect to Import Permits?*
26. *Do you think the current eligibility requirement for permits is sufficient or should the criteria be changed?*
27. *Under what circumstances licences should be cancelled or suspended?*
28. *Do you have any comments on how Show-Cause Hearings should be handled?*
29. *Do you have any comments or concerns on the role of the Enforcement and Inspections Division and/or the role of the NLLB in cancelling or suspending licences?*

#### **4. Enforcement**

30. *Should the authority of the liquor inspectors be expanded, and if yes, in what ways?*
31. *Should enforcement be strengthened, and if so how can liquor inspectors, the RCMP, the courts, AEC, and others be assisted in enforcement actions? What additional powers, if any, should these organizations be given?*

#### **5. Plebiscites**

32. *Do you think the current plebiscite process properly supports community involvement?*
33. *What changes, if any do you recommend to the plebiscite process?*
34. *Can you suggest other approaches that will support reasonable community control over the sale and consumption of alcohol?*

#### **6. Protecting the Vulnerable**

35. *Do you agree with the current restrictions and exceptions concerning minors in licensed premises, or in areas where alcohol is served?*
36. *Should minors be allowed in licensed premises, and under what circumstances?*
37. *Do you think youth under the legal drinking age should be allowed to drink at home under parental supervision?*
38. *Would you like to see the drinking age changed?*
39. *Do you have any concerns or suggestions for ensuring children are not neglected in favour of drinking?*
40. *Should the Liquor Act contain regulations concerning the protection of Elders?*
41. *Do you have any suggestions on how Elders should be protected from people with alcohol and drug problems?*
42. *Should some of the revenues from alcohol sales be directed to drug and alcohol education programs?*
43. *Should AEC receive a portion of liquor revenues to fund their operations and programs?*

44. *Should server training be mandatory for all people who serve or sell alcohol?*
45. *Should drug and alcohol awareness programs be incorporated into the Nunavut school curriculum, and to what extent?*
46. *Who do you feel should take the lead in raising awareness about drug and alcohol abuse?*
47. *Should revenues from alcohol sales be used to fund alcohol treatment and support programs?*
48. *What do you feel should be done to treat alcoholism in your community?*
49. *Should the Act deal with pregnant women who consume alcohol. If yes what should those provisions include?*

## **7. Alcohol Sales and Distribution**

50. *Should liquor stores be open to the general public in Nunavut?*
51. *The Iqaluit liquor store was closed because of public concerns of binge drinking and alcohol related public nuisance incidents. Do you have any comments or suggestions on the operation of liquor stores?*
52. *Do you have any suggestions on how liquor should be sold in Nunavut?*
53. *Is bootlegging a problem in your community?*
54. *What are the challenges to stopping bootlegging in your community, and how can these challenges be overcome?*
55. *Do you think the police and community leaders have enough support and the right tools to stop bootlegging?*
56. *Do you think that the current penalties for bootlegging are sufficient to put a stop to bootlegging activities?*
57. *In an effort to combat bootlegging, should the Liquor Commission have the ability to share information with the RCMP on unusual buying patterns of individuals?*
58. *Should the Act be strengthened to deal with the problems of bootlegging, and in what areas?*

## **Offences and Punishment**

59. *Are there any circumstances where you think the penalties are too strict or not strict enough?*
60. *Should the Act be amended to create new criminal offences and if so what should these be?*
61. *Should the Act be amended to create new offences and if so what should these be?*
62. *Should the Act be amended to remove some of these offences?*
63. *Do you think the current penalties and sanctions for underage drinking are adequate?*
64. *What penalties or sanctions would you like to see in place to deter minors from the unlawful consumption of alcohol?*

**WHAT WE HEARD REPORT**  
**Nunavut Liquor Act Review Task Force**

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**APPENDIX II – SUMMARY OF THE NUNAVUT *LIQUOR ACT***

**WHAT WE HEARD REPORT**  
**Nunavut Liquor Act Review Task Force**

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# Foreword

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Alcohol problems are not unique to Nunavut. For thousands of years, and across many cultures, people have recognized that alcohol consumption can bring both benefits and harm to their society.

On the benefit side, many people say that responsible alcohol consumption can include the enhancement of leisure time experiences with family and friends. Some societies state that the benefits of alcohol consumption include increases in tax revenues, growth in business profits, and more local jobs.

On the harm side there is broad agreement that misuse of alcohol can destroy individuals, families, and communities. There is also a common recognition that dealing with alcohol related problems places a tremendous burden on communities and public institutions as they struggle to curb criminal activity, address health and social problems, and resolve community conflict.

It is evident that the dual nature of alcohol presents a set of special challenges to Nunavut just as it does to other societies. In Nunavut, our government helps to address alcohol related issues through program interventions (e.g. health and educational programs, and awareness campaigns) and regulations that are laid out in the *Nunavut Liquor Act*. The *Act* strives to establish an acceptable balance between the right of people to make personal choices about alcohol consumption, and the need to protect our society from harm caused by alcohol consumption. As others have realized, it is a very difficult balance to achieve. The legislation has limits; it cannot address or fix all the problems associated with the misuse of alcohol. Nunavummiut attitudes, education, parenting, public and private sectors, and other community actions all have a part to play in reducing the harm caused by misuse of alcohol in our communities.

The current *Nunavut Liquor Act* was adopted from the GNWT at the time of division (1999). The purpose of the *Liquor Act* Review (2010) is to assist the GN in identifying what is working, and what should be changed within the current *Act*. In order for any changes to be adopted and successfully implemented, the changes must be acceptable to the public at large. Therefore, broad and meaningful public and stakeholder engagement is an essential part of the review process.

It is the hope of the Task Force that many Nunavummiut will participate in the consultation process. This document is intended to support the consultations by providing some information on the *Act*. It is not a legal document; for details, exact language and interpretation of the law please refer to the *Act* and regulations. In an

effort to promote public discussion and debate, the document also provides a preliminary introduction to some of the alcohol related issues previously identified by Nunavummiut.

In addition to the public consultations, the Task Force will also analyze developments in other jurisdictions and consider other relevant research prior to presenting its findings to the Minister of Finance. We will seek out innovative and culturally relevant solutions to further inform and advance the proposals from the public consultation.

My fellow Task Force members and I look forward to meeting with you and receiving your input.

Sincerely

Donna Adams  
Chair

# Introduction

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## Consultation Aims and Objectives

The *Nunavut Liquor Act* requires changes to ensure that it is consistent with current practices, and to continue to meet the needs of Nunavummiut today. This consultation document is intended to encourage discussion and public debate about the possible changes to the *Nunavut Liquor Act*. It recognizes that:

- Everyone has a role to play in the safe distribution and consumption of alcohol;
- The *Nunavut Liquor Act* is an important tool in the safe and legal control, distribution and consumption of alcohol and in ensuring that misuse of alcohol does not contribute to harm in Nunavut communities;
- There is a need to develop legislation that is responsible and reflects the values of Nunavummiut; and,
- There is a need for legislation that is balanced, progressive, and easily understood.

## Consultation & Engagement

Broad public and stakeholder participation is required to ensure that any changes to the *Act* reflect the values of Nunavummiut, and that these changes will be acceptable to, and supported by the general public. We encourage and appreciate your participation!

### *What can I comment on?*

Comments are welcome on any aspect of the *Liquor Act*. We would like to hear:

- What in the *Act* is of concern to you?
- What could be done better?
- What are you satisfied with?
- Any proposals or recommendations that you feel will contribute to the responsible sale and consumption of alcohol.

### *How can I get involved?*

There are several ways to get involved:

- Attend open houses and community meetings;
- Participate in community radio shows, on-line discussions and stakeholder surveys;
- Represent an interest group at a stakeholder meeting;

- Read articles, and news reports, and share your views with family, friends, and others; and,
- Write a letter, e-mail, and phone or fax comments to the Task Force, or contact a Task Force Member.

### ***Where can I get more information?***

- Check in on the Task Force website;
- Register to receive Task Force e-mails, newsletters, and bulletins;
- Watch for public announcements in your community; and,
- Contact the Task Force's office at 867-975-6808.

### ***What will happen to my comments or responses?***

The Task Force will present to the Minister of Finance a summary of the responses following the consultation. Personal information or information normally considered as "confidential" will not be made public.

### ***Contact Information***

The Minister's Task Force on *Nunavut Liquor Act* Review  
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Website: [www.liquoractreview.com](http://www.liquoractreview.com)

# Overview

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## ***The Nunavut Liquor Act***

The *Nunavut Liquor Act*<sup>1</sup> (*the Act*) controls and governs: who can consume, purchase, and sell alcohol; how and where it can be manufactured, bought, stored, transported and sold; and the roles and responsibilities of those involved in making and enforcing liquor laws and policies in Nunavut.

The *Act* allows the government to make regulations. Regulations are principles, special rules, or laws intended to influence the way people or organizations behave. Regulations provide specific information about what is allowed, not allowed, or exempted by the *Act*. It is everyone's responsibility to comply with these laws.

Regulations also include sanctions that can be imposed if the rules or laws are not followed. These sanctions include fines, loss of licenses, community work, or imprisonment. Regulations have been made pursuant to the *Act* and cover a variety of issues.

The *Act* attempts to address a number of alcohol related issues to ensure the responsible sale, service and consumption of alcohol. These include:

- Public safety and security;
- Protection of minors;
- Disorderly conduct, and crime;
- Community wellbeing;
- Over service and intoxication;
- Prevention and deterrence of alcohol abuse; and,
- Promotion of social responsibility.

## **Background**

The current *Act* was adopted by the GN at the time of division in 1999. In 2001, the Nunavut Liquor Licensing Board provided recommendations to government about potential changes to the *Nunavut Liquor Act*. In 2003, Nunavut Tunngavik Incorporated (NTI) presented a paper to the Standing Committee on Government Operations and Services outlining NTI's views on possible changes to the *Act*. Over the years other groups have also suggested possible changes to Liquor Regulations. However, until now there has not been any major public review of the *Act*.

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<sup>1</sup> A copy of the *Act* can be found on the Government of Nunavut website:  
<http://www.justice.gov.nu.ca/apps/authoring/dsppage.aspx?page=current+consolidations+of+acts+and+regulations&letter=I>

In 2003, the Legislative Assembly passed Bill 37. This Bill established stricter penalties for those individuals who sell alcohol to minors, who sell alcohol unlawfully, and who sell alcohol to a person who is prohibited by the courts from possessing alcohol.<sup>2</sup> In 2006, Bill 7 was passed. This Bill included a number of amendments intended to harmonize the *Liquor Act* with the current practice in Nunavut. These amendments included provisions clarifying the sale and delivery of alcohol, the issuing of liquor import permits, and the appointment of employees.<sup>3</sup> When the Legislature passed these Bills, there was a general understanding that a wide review of the *Liquor Act* would be undertaken at a later date.

## Current Review

In April of 2010, the Honorable Keith Peterson, Minister of Finance, announced a public review of the *Nunavut Liquor Act*. The reasons for the review include:

- There has not been a comprehensive review of the *Act* since its adoption in 1999 from the GNWT;
- The Government's Tamapta commitment (2009) to initiate an immediate review of the *Nunavut Liquor Act*<sup>4</sup>;
- The Government's commitment to ensure that the public have an open and inclusive forum to discuss their views and offer suggestions on possible changes to the *Act*; and,
- The need to ensure that the provisions of the *Act* are consistent with the values of Nunavummiut, and the promotion of responsible alcohol consumption throughout Nunavut.

The Minister has appointed an independent Task Force to undertake the public consultations and examine and report on suggestions they receive for the responsible use of alcohol. He expects the Task Force to provide him with meaningful recommendations for changes to the *Act* "*that will reflect the dynamic needs of Nunavummiut*".<sup>5</sup>

## Scope of the Review

The review will consider all aspects of the *Act*. People will be encouraged to discuss and make recommendations on how the harm caused by alcohol consumption can be reasonably reduced without placing unreasonable restrictions on others. Subjects covered under the *Act* include:

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<sup>2</sup> Source: [www.assembly.nu.ca/english/debates/1st\\_assembly/6th\\_session/Hansard\\_20031031.pdf](http://www.assembly.nu.ca/english/debates/1st_assembly/6th_session/Hansard_20031031.pdf)

<sup>3</sup> Source [www.assembly.nu.ca/english/debates/2nd\\_assembly/3rd\\_session/Hansard\\_20060613.pdf](http://www.assembly.nu.ca/english/debates/2nd_assembly/3rd_session/Hansard_20060613.pdf)

<sup>4</sup> Source: Tamapta. [http://www.gov.nu.ca/tamapta/Tamapta%20Action%20Plan\\_eng.pdf](http://www.gov.nu.ca/tamapta/Tamapta%20Action%20Plan_eng.pdf)

<sup>5</sup> Minister's Task Force Terms of Reference

- Nunavut Liquor Licensing Board
- Nunavut Liquor Commission
- Liquor Revenues
- Licenses and Permits
- Cancellation and Suspension of Licenses
- Community Options
- Liquor Stores
- Eligibility to Possess and Consume Liquor
- Unlawful manufacturing, sales, distribution, and consumption of alcohol
- Licensed Premises
- Interdiction (banning)
- Search, Seizure and Forfeiture
- Arrests, Offences and Punishment

## The Approach

The Task Force met in April 2010, to discuss its mandate and to outline its work. The Task Force will visit all 25 Nunavut communities over the next year. The Task Force will also meet with residents, and key stakeholders including government departments, licensees, community groups, and Inuit organizations. It will also undertake a thorough review and analysis of regulations, policies and approaches in other jurisdictions to identify exemplary practices.

## Timeframe

The Minister and the Task Force are committed to ensuring that as many opportunities as reasonably possible are made available for Nunavummiut to express their views and concerns about the liquor laws in Nunavut. For this reason it is anticipated that the review may take up to two years to complete.

## Community Consultation

The Task Force will visit every community in Nunavut during the next twelve months. Community meeting schedules will be posted in public places such as the local post office, stores, and Hamlet offices. In addition there will be public announcements in the newspaper and on local radio stations.

# Meet the Task Force

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Name	Affiliation	Home Community
Donna Adams Chair	Nunavut Qullit Status of Women Council	Rankin Inlet
Esau Tatatoapik	Chairperson, Alcohol Education Committee	Arctic Bay
Miranda Atatahak	Youth Ambassador	Kugluktuk
Supt. Howard Eaton	RCMP	Iqaluit
Paul Kaludjak	NTI President	Iqaluit
John Ningark	MLA, Akulliq	Kugaaruk
Elizabeth Quinangnaq	Chairperson, Alcohol Education Committee	Baker Lake
Fred Schell	MLA, South Baffin	Cape Dorset
Dr. Isaac Sobol	Chief Medical Officer of Health	Iqaluit
Dr. David Wilman	Chairperson, Nunavut Liquor Licensing Board	Iqaluit

Task Force members may be contacted through the Task Force Office:

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Website: [www.liquoractreview.com](http://www.liquoractreview.com)



# A Summary of the Nunavut *Liquor Act:*

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## **IMPORTANT**

*This document is presented as a courtesy guide to the Act. It is not a legal document. If you have a specific question concerning the Act or liquor laws in Nunavut please contact the Nunavut Liquor Management Division of the Department of Finance or the Nunavut Liquor Licensing Board.*

**Note:** Throughout this document the terms alcohol and liquor are used interchangeable. Within this document both terms refer to all beverages containing alcohol.

# Liquor Licensing, Distribution,

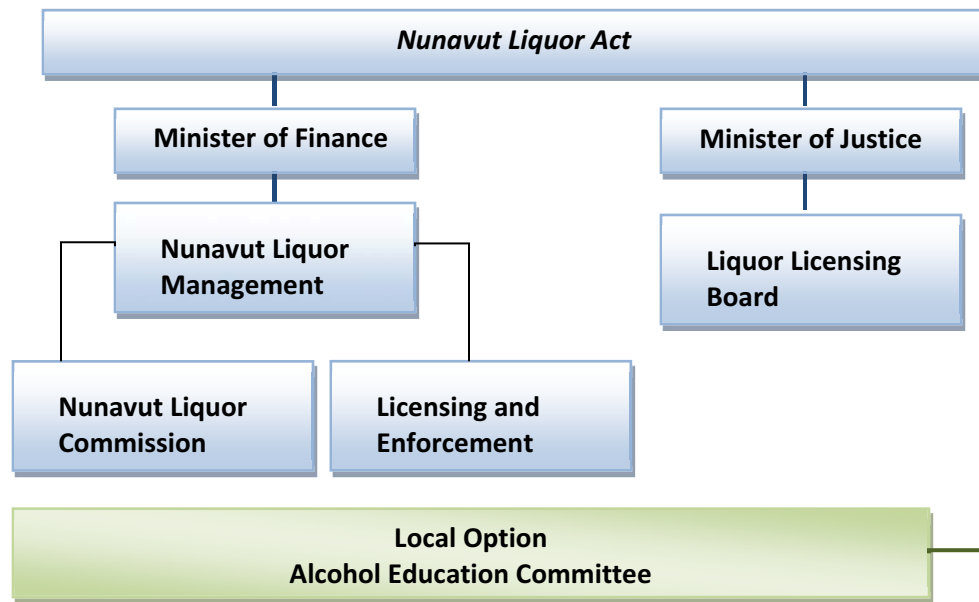
## Licensing Objectives

The *Act* contains a comprehensive liquor licensing system that regulates who, what, when, where, and how alcohol can be handled, distributed, purchased, sold, and consumed. There are several reasons why governments place special control on the sale and distribution of alcohol products. These may include:

- The overarching requirement to protect individuals and communities from harm caused by misuse of alcohol;
- To support responsible and safe use of alcohol through the licensing and permitting processes;
- To protect the most vulnerable in society;
- To promote public health; and
- To prevent crime and public nuisance

## Liquor Licensing System

In Nunavut there are two departments of government responsible for regulating and monitoring the sale, distribution and consumption of alcohol. The following figure illustrates how the Nunavut liquor system is governed.



# Nunavut Liquor Licensing Board

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The Nunavut Liquor Licensing Board (NLLB) is appointed by the Minister of Justice but operates as an arm's length board from government. Its employees are members of the Nunavut Public Service. *The Act* defines how Board members are appointed to the Board, and how they must conduct themselves to ensure fair, and just treatment in their dealings with others. The *Act* also lays out certain processes the Board must follow in carrying out its duties and responsibilities.

The *Act* gives the authority to the Board to control:

- the way license holders behave;
- how licensed premises are managed and equipped; and,
- how alcohol may be sold or consumed in licensed premises.

The Board's duties and responsibilities include:

- 1) Granting of licenses; (sec. 13)
- 2) Conducting public hearings and plebiscites; (sec 28)
- 3) Issuing special occasion permits; (sec 15)
- 4) Issuing brewery permits; (sec 16)
- 5) Suspension or cancellation of licenses; (sec 35)
- 6) Supervising enforcement activities; and, (sec 20)
- 7) Providing advice to the Minister. (sec 6.(3))

## 1. Granting of Licenses

The sale of alcohol requires a license. The Board has the power to issue liquor licenses. The *Act* and regulations set specific rules regarding each class of license and each individual license is issued with rules specific to the licensed establishment. The *Act* identifies who is eligible and who is ineligible to obtain a license. When issuing a license the Board will identify and include in the license, certain terms and conditions such as tobacco control, hours of operation, and the quantity of alcohol that can be sold. The licensee must comply with these terms and conditions.

## 2. Classes of Licenses

There are several different classes of licenses, and each one has its own terms and conditions. These classes of licenses include: aircraft; brew pub; canteen; club; cocktail; dining room; cultural and sports facility; guest room; off-premise; private recreational facilities; ship license; and special

license to commercial corporations. Licenses may be transferred with the consent of the Board but at no time can a license or permit be sold. Licenses remain the property of the NLLB at all times.

The *Act* allows licensed premises to have two different classes of licenses as long as no other licenses have been issued in the same community. The Minister has the power to identify more classes of licenses if required.

<b>Classes of Licenses (section 43)</b>			
<b>Premises</b>	<b>Sale and Consumption of alcohol</b>	<b>Privilege Ranking<sup>6</sup></b>	<b>Plebiscite Required</b>
cocktail lounge	to eligible customers	1	Yes
dining room	to eligible customers	2	Yes
brew pub	beer manufactured under the authority of the brewery permit to eligible purchasers –on the premises, to the Commission, exports	3	Yes
guest room	to registered guests of a tourist establishment	4	No
aircraft	to passengers while in transit	5	No
canteen	military and quasi-military messes and in the canteen facilities of fire halls	5	No
club	by the license holder to members and guests only	5	No
cultural and sports facility	to eligible attendees in theatres and sports arenas	5	No
off-premises	sale of beer in licensed premises to persons for consumption off the premises	5	No
private recreational facility	by the license holder for consumption by members and guests	5	No
ship	to passengers while in transit	5	No
isolated area	alcohol or beer only to a commercial corporation	5	No

### **3. Conducting Public Hearings**

There are several circumstances when the *Act* states the Board must conduct public hearings. Before issuing a new license the Board must hold a public hearing. If the license is a first license in a particular class then the

<sup>6</sup> The *Act* ranks licenses in terms of the privileges associated with each class of license. Ranking in this chart goes from 1-5 with 1 having the most privileges.

Board must hold a plebiscite, a vote by secret ballot, in the community where the license has been requested. Following a plebiscite, the Board may issue other licences that are of the same class, or of a class with less privilege without a plebiscite.

A license renewal does not need to go through a public hearing. The Board must also hold public hearings when considering if a license or permit should be suspended or cancelled for failing to comply with the *Act* or the terms of the license. In some cases the Board may choose to hold a public meeting in the community most affected by the outcome of the hearing. The process for public hearings is outlined in the *Act* and includes requirements concerning the timing and publication of the notice of application. A public hearing is not required for a guest room license if the guest room is located more than 40 km from a settlement or municipality. If a person has an objection to a license they must file their objection in writing to the Board at least ten days before the public hearing.

#### **4. Special Occasion Permits**

The Board has the responsibility for issuing Special Occasion Permits. This permit allows the permit holder to purchase, possess, and use alcohol (subject to the *Act* and regulations). There are two kinds of Special Occasion Permit:

- Ordinary Permit - this permit does not allow for sales of liquor; and,
- Resale Permit - this permit allows for the sale of alcohol at social functions.

These permits are issued across the territory in alcohol restricted and non-restricted communities to allow for the consumption of alcohol at social functions and special events.

#### **5. Brewery Permit**

It is unlawful for anyone to manufacture beer for commercial purposes without a brewery permit. The Board has the power to issue or deny a brewery permit. A brewery permit allows the permit holder to manufacture beer on the premises, sell beer to the Commission, and export beer from Nunavut. While the *Act* contains regulations for breweries there are none in Nunavut at this time.

#### **6. Suspension or Cancellation of Licenses**

The Board may suspend or cancel a license. The *Act* identifies the conditions under which a license may be canceled and the punitive actions the Board may take. These include: cancelling or suspending the license; disqualifying the person or premises from holding a license; and, imposing fines or special conditions. If a license holder believes the Board has made

a mistake in law or exceeded its authority, the license holder can appeal a decision of the Board to the Nunavut Court of Justice.

## **7. Show Cause Hearings**

Prior to suspending or cancelling a license the Board must hold a Show Cause Hearing. This hearing provides an opportunity for the licensee to convince the Board that a suspension or cancellation of their license is not warranted. The *Act* specifies the process that must be followed for the pre-hearing and hearing procedures. In some situations the licensee may wish to avoid a lengthy hearing by agreeing with enforcement counsel about some or all of the facts relating to the alleged infractions leading to the potential cancellation or suspension of the license.

## **8. Penalties**

In Show Cause Hearing for licence cancellations the Board has the power to dismiss the matter, or the Board may:

- a) cancel the licence;
- b) disqualify any person from holding a licence;
- c) disqualify any premises from being eligible as licensed premises;
- d) suspend the licence for a period not exceeding 12 months;
- e) impose conditions on the licence holder that the circumstances require; and,
- f) impose a fine on the licence holder not exceeding \$5,000, and suspend the licence until the fine is paid in full [see ss. 36(1) of the Act].

In Show Cause Hearing for license suspensions the Board has the power to dismiss the matter or the Board may:

- a) suspend the licence for a period not exceeding 12 months;
- b) impose conditions on the licence holder that the circumstances require; and,
- c) impose a fine on the licence holder not exceeding \$5,000, and suspend the licence until the fine is paid in full [see ss. 36(2) of the Act].

## **9. Mandatory Penalties**

In some situations the Act requires that the Board cancel a license. These situations include where a licensee persistently fails:

- to comply with the Act;
- to carry out the orders of the Board or the Fire Marshal;
- to keep the licensed premises in a clean and sanitary condition in accordance with the Public Health Act; and,

- to comply with any municipal by-law affecting the licensed premises;

## **10. Providing Advice to the Minister**

The Board is also expected to provide the Minister with advice on matters of policy, legislation, and administration relating to the sale and distribution of alcohol.

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# Nunavut Liquor Commission

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*Section 56: The Nunavut Liquor Commission is responsible for the purchase, warehousing, sale, and distribution of all liquor products in Nunavut.*

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The Commission's head office is located in Rankin Inlet. The Minister of Finance is responsible for the Commission, and its employees are members of the Nunavut Public Service. All the monies received from the sale of alcohol are deposited into a special Government of Nunavut account. The expenses of the Commission are paid out of this account. The Commission must also table an annual report. The Commission's duties and responsibilities include:

- 1) Retailing and warehousing of alcohol; (sec. 62) and,
- 2) Issuing liquor permits (sec. 75).

In communities that have an Alcohol Education Committee the Commission works closely with the Committee, and follows a prescribed process for approving liquor orders. There are some differences in the process depending upon the community.

## **1. Retailing and Warehousing of Liquor**

While the *Act* allows the Minister to establish liquor stores in Nunavut, there are no public retail stores. The Commission stores and ships alcohol orders to licensees and to eligible individuals from one of two warehouses located in Rankin Inlet and Iqaluit. In communities with Alcohol Education Committees, the Commission follows a set process for filling alcohol orders.

## **2. Issuing Liquor Permits**

The Commission is responsible for issuing liquor permits. A liquor permit allows the permit holder to purchase, possess, and use alcohol. The permit holder must comply with the terms and conditions of the permit or risk having the permit cancelled. Liquor import permits, wine permits, and special permits can be issued following submission of an application and payment of the fee. Applications for brewery permits are treated differently. The Liquor Licensing Board has the power to issue a brewery permit but first must hold community consultations to determine how the community feels about the issuance of a brewery permit.



### ***a) Liquor Import Permits***

A person who has a permit, received after submitting an application and the prescribed fee, may import alcohol from legitimate sales agencies in other provinces and territories. The import permit prescribes the terms and conditions of the license. The approval process for liquor import permits depends on the community. The Commission oversees four permit agent offices. They are located in Rankin Inlet, Kugluktuk, Cambridge Bay, and Iqaluit. These Permit Agent Offices collect applications and fees and issue liquor import permits.

As long as a person is eligible to buy alcohol in Nunavut, they may personally import without a permit up to 1,140 ml of spirits, or wine and twelve 355 ml containers of beer. This alcohol must be purchased outside of Nunavut from a legitimate source. This is the amount that can be personally carried in your luggage without having a permit. If you live in a community with an AEC, you still require AEC permission to import these amounts of alcohol. No amount of alcohol can be imported into a prohibited community.

### ***b) Wine Permits***

A wine permit allows a person to make wine. In some communities the Alcohol Education Committee can determine who may apply for a wine permit, and the amount of wine that a person may apply to make.

### ***c) Special Permits***

A special permit allows the purchase and use of alcohol for medicinal, scientific, or other special permits. A permit is not required for the normal consumption of wine during a religious service. The permit holder must keep careful records about the use and distribution of the alcohol.

# The Liquor Enforcement and Inspections Division

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***Section 53: The Liquor Enforcement and Inspections Division is responsible for the enforcement of the Liquor Act and its regulations. Liquor Inspectors appointed by the Minister of Finance carry out inspections on licensed liquor establishments and special occasion events involving alcohol. The Division is responsible for the implementation of the Nunavut Liquor Licensing Board's decisions and directives***

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The Liquor Enforcement and Inspections Division is responsible to ensure that licensees comply with the *Nunavut Liquor Act* and regulations, and the terms and conditions of licenses and permits. The goal of the division is to remove or minimize public safety risks, and to protect community standards. These risks include service to minors or people under the influence of drugs or alcohol. The division attempts to remove these types of risks through the promotion of voluntary compliance and education, such as server training.

Inspectors make regular inspections of existing licensed premises. Enforcement action is taken when there is a serious contravention or repeated contraventions of the *Act*, its regulations, and/or with the terms and conditions of a license. The process the inspector must follow is outlined in the *Act*. This process includes writing a report to the Board detailing the reasons for the suspension. The Board then determines what should happen to the license, and if any sanctions should be applied such as a fine or continued suspension. Inspectors have the right to immediately suspend the operation of licensed premises for 48 hours if they believe something is occurring that is not allowed by the *Act*, and is a serious threat to public safety.

Inspectors can be authorized by the Board for investigations that it considers expedient for the due exercise of its powers to search premises and to retrieve evidence. However, unless there is an immediate danger to human life or safety, or there is a risk of evidence being destroyed, the Inspector must first obtain a warrant from a justice of the peace. RCMP officers are ex-officio which means they have the power to act a liquor inspector.

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# The Alcohol Education Committees

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***Section 50: An Alcohol Education Committee (AEC) is a community based group created by regulation under the Liquor Act. The members are elected at the same time Hamlet Councilors are elected. The Committee's mandate is to educate their community on how to prevent alcohol abuse. In general AEC control and approve how much alcohol an individual can bring into the community.***

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The Act identifies the following programs that the AEC's can provide. They are:

- Organize programs to educate persons in the use of alcohol for the prevention of the abuse of alcohol;
- Establish a counselling service for persons who abuse alcohol; and,
- Promote programs for the prevention of the abuse of alcohol.

According to the Act, the AEC's have the power to withdraw the eligibility for a person to consume, possess, purchase, or transport alcohol in the community for up to one year. The Act identifies two types of circumstances when the committees may exercise this power:

- 1) When the Committee believes that the person's excessive drinking reduces their estate, injure his or her health, or upset the peace and happiness of the family or community; or,
- 2) When the person has sold or given alcohol to a person who was already ineligible to have alcohol.

Before making a decision the Committee must hold a hearing and give the person a chance to say why their eligibility to consume or possess alcohol should not be taken away. The decision of the Committee may be appealed to a justice, who then is required to hold a hearing to confirm or set aside the Committee's decision.

The following thirteen communities have regulations empowering AECs

Arctic Bay	Baker Lake	Kugluktuk
Chesterfield Inlet	Cape Dorset	Clyde River
Hall Beach	Igloolik	Pond Inlet
Qikiqtarjuaq	Resolute Bay	Repulse Bay
Whale Cove		

While the AECs<sup>7</sup> in these communities share some common administrative rules, there are some areas where the rules differ between communities. Examples of such areas include the approval or rejection of liquor permits, and the prescribed penalties that a court may order. It should also be noted that while the Act allows for AECs to be given the powers and responsibilities outlined in this section, the AECs are actually empowered via their specific community regulations, and only have the responsibilities outlined in their specific regulation.

*Note: Cambridge Bay has an Alcohol Control Committee (ACC). The Committee approves who is allowed to bring alcohol into the community based on information provided by the RCMP, or on incidents reported within the community*

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<sup>7</sup> The Alcohol Education Committee Reference Guide provides an excellent overview of the Committees' responsibilities and roles.

# Local Options

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*Section 41-51: The Act recognizes that communities may have differing views on whether or not alcohol should be consumed possessed purchased distributed or transported in their community.*

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## Plebiscites

The *Act* provides communities with the power to prohibit, restrict, or allow alcohol in their community. The *Act* states that the Liquor Licensing Board may not issue any license in any settlement, municipality or area, without first holding a plebiscite (secret vote). Once a plebiscite has been held and a license issued in a particular class, then the Board may consider issuing another license in the same class without a plebiscite, but a public hearing must be held.

There are certain types of classes that do not require a plebiscite if the applicant has met the requirements set out in the *Act* and regulations. These classes include aircraft, canteen, club, cultural and sports facility, private recreational facilities, and ship licenses.

The *Act* prescribes how plebiscites are to be conducted. It identifies when a plebiscite should be called, the duties of the Minister, the powers of the returning officer, the timing of the plebiscite, the framing of the question, and how a plebiscite is paid for. The *Act* makes provisions for:

- 1) Plebiscites concerning the closing of licensed premises or changing the hours of operation; and,
- 2) Plebiscites concerning restrictions or prohibitions.

### *a) Plebiscites Concerning Licenses, and Hours of Operation*

The Minister may order this plebiscite when 20% of eligible voters petition the Minister to close licensed premises, or to change its hours of operation. The *Act* allows for the protection of some existing licenses such as cocktail licenses, dining room licenses, brew pub licenses and guest room licenses. If these establishments have been in operation for less than four years, a plebiscite cannot be called to consider cancelling their license.

The *Act* also states that in order for a license to be issued, or the hours of operation changed, at least 60% of the qualified voters must be in favour of the license approval or changes to the hours. If less than 60% of the voters are in favour of the Board issuing a license, then no further plebiscite asking the same or similar question can be held for three years.

## b) Plebiscites Concerning Restrictions or Prohibitions

The Minister may order a plebiscite when 20 qualified voters petition the Minister to hold a plebiscite to determine whether the consumption, possession, sale, or transportation of alcohol should be restricted or prohibited in the community. Communities may vote on becoming a community where alcohol is:

- **Unrestricted**- alcohol is allowed in compliance with general alcohol laws of Nunavut;
- **Prohibited** - no alcohol is allowed;
- **Restricted Quantities** - alcohol is allowed but with restrictions on the quantity; or,
- **Restricted with an AEC**- the local AEC determines how alcohol is controlled and consumed in their community.

The Act states that 60% of the qualified voters must agree in order for a change in the liquor system to take effect.

## Community Liquor Systems

The following map highlights the liquor system currently in place for Nunavut communities



Prohibited	Arviat, Coral Harbour, Kimmirut, Pangnirtung, Kugaaruk, Gjoa Haven, Sanikiluaq
Restricted with an AEC	Arctic Bay, Baker Lake, Cape Dorset, Cambridge Bay, Chesterfield Inlet, Clyde River, Hall Beach, Igloolik, Kugluktuk, Pond Inlet, Qikiqtarjuaq, Repulse Bay, Resolute Bay, Whale Cove,
Unrestricted	Cambridge Bay, Iqaluit <sup>8</sup> , Grise Fiord, Rankin Inlet, Taloyoak, Bathurst Inlet.

### *a) Treatment of Alcohol in Restricted or Prohibited Communities*

In restricted or prohibited areas wine may be possessed by the religious leader and consumed by the congregation if it is used for sacramental purposes. Alcohol may also be used for medicinal purposes if it is part of a normal practice and administered by a health professional or someone designated by the health professional.

### *b) Transportation of Alcohol in Restricted or Prohibited Communities*

Alcohol may be transported through restricted and prohibited communities but it must not be consumed or disposed of in these communities.

## **Special Prohibitions**

Settlement or municipal councils can pass a resolution to temporarily prohibit alcohol during special occasions. The councils may pass up to three special prohibition resolutions a year. Each prohibition can be for up to 14 days. After passing a resolution, the Minister must be notified, in writing, of the prohibition. If a settlement or municipal council has already passed three resolutions but wishes to have another special prohibition occasion then they can request the Minister to declare the area prohibited for up to 14 days.

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<sup>8</sup> In 1976 the Iqaluit liquor store was closed. This closure was not brought about by a change in the law but by a special restriction placed under the authority of the Commissioner's office.

# Liquor Stores

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***Section 62-70: The Minister has the power to establish liquor stores. The Minister can designate employees as liquor vendors, or the Minister can appoint a person to act as a liquor agent with the authority to sell alcohol in certain communities.***

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The *Act* specifies how an Agent is appointed or removed as a liquor vendor. No one under the age of 19 can be a liquor agent. The Agent must comply at all times to Nunavut liquor laws and policies such as not selling alcohol to a person who is intoxicated.

When a person or licensee cannot get the required alcohol from a liquor store in Nunavut, then the *Act* allows for the importation of alcohol from a regulated liquor agency in other provinces and territories. The purchaser must have a Nunavut liquor license or special permit.

The *Act* also identifies specific circumstances in which the transportation of alcohol is allowed, and how alcohol from a liquor store may be delivered. For example, the *Act* does allow for the transportation of alcohol by taxi as long as it's in the possession of a paying passenger or being delivered by a taxi authorized as a common carrier for deliveries. The *Act* states that when transporting alcohol, it must not be opened or consumed under any circumstances.

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# Eligibility

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*Sec 71-106: In Nunavut alcohol can only be sold by authorized vendors or government liquor agents. The Act makes it unlawful for anyone else to sell alcohol. The Act also makes it an offence to buy alcohol from someone who is not a legitimate vendor. In addition the Act specifies who is ineligible to purchase or consume alcohol.*

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The Act specifies that the following persons are not eligible to consume, possess purchase, sell, transport, or import alcohol:

- A person under 19 years of age;
- An interdicted person; and,
- A person under the apparent influence of alcohol or drugs.

The Act also specifies the punishment for anyone who breaks these rules.

In addition, a person whose eligibility has been withdrawn by an Alcohol Education Committee cannot purchase or possess alcohol where they normally reside.

A person can receive alcohol as a gift as long as the person giving the gift and the person receiving the gift are eligible to possess and consume alcohol.

There are substances other than beverages that contain alcohol. These substances can be purchased as long as they are not sold or used as a beverage. It is possible to be convicted of illegally selling or buying alcohol if unreasonable quantities of the substance are sold or purchased.

## **Youth Under 19 (minor)**

It is against the law for a person under 19 years of age to purchase, sell, possess, or consume alcohol. There are however some exceptions. These exceptions include allowing a minor under the supervision of a parent or legal guardian to drink at home or at a private family celebration. It also allows for consumption of alcohol for medicinal purposes, or sacramental wine consumed as a member of a religious congregation.

A license holder can ask someone to prove they are over 19, and eligible to buy or consume alcohol. If the person does not provide the proof then the licensee can ask the person to leave the premises.

A youth under 19 can provide entertainment in a licensed establishment.

## **Interdicted Person**

An interdicted person is someone who is prohibited by a court order from purchasing or consuming alcohol. An order of interdiction is given following a hearing when a justice is satisfied that excessive drinking is causing harm to the person or their family. The order can be in place for up to three years. The order can be put aside if the person can demonstrate a change in behavior for at least six months, or if a judge feels the order was not justified. It can also be put aside at any time by the justice who made the order. A person who breaks the conditions of the order can face a fine up to \$100 dollars, or be assigned community work. If the person does not pay the fine or complete the community work they could face up to seven days in prison.

An interdicted person cannot enter licensed premises except for a dining room or dining lounge. It is against the law to sell or give alcohol to an interdicted person unless given by a physician or a dentist for medicinal purposes, or for sacramental purposes.

## **Intoxication**

According to the *Act* an intoxicated person is someone who is under the influence of drugs or alcohol. A person who is intoxicated is not eligible to purchase alcohol. If a licensee sells alcohol to an intoxicated person the licensee could be found liable if that person, or others are injured, or property is damaged as a result of the intoxication.

The *Act* makes it an offence for anyone to be intoxicated in a public place. If a peace officer believes the person is a danger to himself or herself, or a public nuisance, then the peace officer can apprehend the person for up to 24 hours. However the intoxicated person cannot be charged unless the Minister of Justice gives permission.

# Search and Seizure

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***Section 107-110: The Act prescribes the rules governing the way law enforcement may search, and investigate contraventions of the Act, and under what circumstances law enforcement may arrest, and, seize or confiscate assets and property.***

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A peace officer or special by-law officer has the power to search people or residences if he or she believes that alcohol is being unlawfully kept or sold. The officer does not need a search warrant to search a car or person, but does need a warrant issued by a justice of the peace to search a residence or building. The officer has the authority to seize any unlawful alcohol and any evidence of unlawful behavior such as records or books.

If a person wants to get back any alcohol or evidence seized they must apply for an order of restoration within 30 days of the seizure. A hearing will then be held and a justice will decide whether to restore the property immediately, or to hold the property until any legal proceedings are concluded.

If a person does not request the return of the alcohol or other material seized, or the person is found guilty of an offence, then the seized property is forfeited to the Government of Nunavut

The Act also allows for a peace officer to stop, search, and seize a vehicle if the officer believes an offence under the Act is being committed. A seized vehicle can be kept up to three months, or longer if legal proceedings are under way. Under the Act “vehicle” has a very broad definition and includes snowmobiles, boats, canoes, and airplanes.

A person can apply to have the vehicle returned. A judge must hold a hearing within seven days of the application to have the vehicle returned. In determining whether to return the vehicle, the judge will consider the facts and the seriousness of the allegations. The judge will also consider whether or not the loss of the vehicle is causing undue hardship. The judge may impose certain conditions on the release of the vehicle such as a surety bond. If a person is found guilty of an offence under the Act, the vehicle can be taken and disposed of by the Government of Nunavut.

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# Offence and Punishment

*Section 114-127: The Act specifies the type and terms of punishment or sanctions for those individuals or corporations who are found guilty of committing an offence. The Act identifies the scope of the liability of employers and corporations. It also describes some of the procedures for prosecuting new and repeat offenders.*

<b>Selling to Minors or Interdicted Persons</b>				
A person or corporation who sells alcohol illegally or provides alcohol to a minor or an interdicted person can be fined or imprisoned. In addition, a person found guilty may also be prohibited from purchasing alcohol from a liquor store				
<b>Individual</b>	<b>Fine</b>		<b>Imprisonment</b>	<b>Prohibition</b>
First Offence	Not less than \$5000  Not more than \$10,000	and or	Not exceeding one year	Not exceeding six months
Subsequent Offences	Not less than \$10,000  Not more than \$20,000	and or	Not exceeding two years	Not exceeding one year
<b>Corporation</b>	<b>Fine</b>			
First Offence	Not less than \$10,000  Not more than \$20,000			
Subsequent Offences	Not less than \$20,000  Not more than \$50,000			

### Selling To An Intoxicated Person

Any licensee found guilty of selling or supplying alcohol to an intoxicated person can be fined or imprisoned

Individual	Fine	Imprisonment
	Not exceeding \$5000	and Not exceeding one year or
Corporation	Fine	
	Not exceeding \$5000	

### Underage Drinking

A minor who consumes alcohol in contravention of the Act can be fined, imprisoned or made to do community work

Individual	Fine	Community Work	Imprisonment
	Not exceeding \$500	As ordered by the justice	If fine is not paid or community work not completed  Not exceeding seven days

### Transporting Alcohol

The Act also allows a justice to prohibit a taxi driver from operating a taxi if he or she is convicted of transporting, supplying or selling alcohol illegally.

First Offence	Second Offence	Third offence
One year prohibition	One year prohibition	Permanent prohibition

### General Offences

In some situations the Act does not prescribe a specific punishment for offences. In these cases the penalties below apply.

Individual	Fine	Imprisonment
	Not less than \$500 not exceeding \$5000	and/or Term not exceeding 30 days
Corporation	Fine	
	Not less than \$10,000 Not exceeding \$20,000	

