

1967 Bill 75

Fifth Session, 15th Legislature, 15 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 75

An Act to amend The Liquor Control Act, 1958

HONOURABLE MR. COLBOURNE

First Reading

Second Reading

Third Reading

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An Act to amend The Liquor Control Act, 1958

(Assented to _____, 1967)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Liquor Control Act, 1958* is hereby amended.

2. Section 2, subsection (1) is amended

(a) by striking out clause 15,

(b) by striking out clause 17 and by substituting the following:

17. "permit" means a written authority issued under this Act for the purchase and keeping or consumption or sale, as the case may be, of liquor pursuant to this Act and "permittee" means the person named as permittee in a subsisting permit;

3. Sections 5, 6 and 7 are struck out and the following sections are substituted:

5. (1) The members of the Board shall be appointed by the Lieutenant Governor in Council, who shall also designate one of the members to be chairman and another the deputy chairman of the Board.

(2) Each member of the Board shall hold office during the pleasure of the Lieutenant Governor in Council and shall devote his whole time and attention to the business of the Board, and shall follow no other occupation whatsoever.

(3) The salaries of the members of the Board shall be fixed by the Lieutenant Governor in Council.

6. (1) The Lieutenant Governor in Council may, from time to time, fill any vacancy occurring in the Board, but no vacancy on the Board impairs the right of the remaining member or members to act until the vacancy is filled.

(2) Where any member of the Board is absent from the Province or, in the opinion of the Lieutenant Governor in Council, is by reason of illness or any other cause incapable

Explanatory Notes

1. This Bill amends chapter 37 of the Statutes of Alberta, 1958.
2. The definition of "malt liquor" in section 2 (1) 15 is struck out as it is no longer used in the Act. Clause 17 presently reads:

17. "permit" means a written authority issued under this Act for the purchase and keeping or consumption, as the case may be, of liquor pursuant to this Act and where the context can apply, includes an identification permit, and "permittee" means the person named as permittee in a subsisting permit other than an identification permit;

3. The sections dealing with the membership of the Alberta Liquor Control Board are revised for clarification and to require that all members (and not just the chairman) devote their full time to Board duties.

of performing his duties, the Lieutenant Governor in Council may by order appoint a person to act in the place and stead of the absent or incapacitated member during such period as may be required.

(3) During the period for which he is appointed, the person appointed under subsection (2) may discharge the duties and has all the rights and powers of a member of the Board.

(4) Where there is at any time only one member on the Board, he shall be deemed to be the chairman thereof.

(5) When there is only one member on the Board, the Lieutenant Governor in Council may appoint an officer or employee of the Board to take the place of that member when the member is absent from Edmonton for any cause.

(6) The person appointed under subsection (5) shall, in the absence of the member of the Board, perform all the duties and have all the powers of the Board under this Act or the regulations.

7. Subject to section 6, two members of the Board constitute a quorum.

4. Section 10, subsection (1) is amended

- (a) as to clause 13 by striking out the word "prescribe" wherever it occurs and by substituting the word "determine",
- (b) as to clause 21
 - (i) by striking out the word "prescribe" and by substituting the word "determine",
 - (ii) by striking out the words ", or permits of any class",
- (c) as to clause 22 by adding after the word "regulations" the words "or for permits of any class",
- (d) as to clauses 23 and 24 by striking out the word "prescribe" and by substituting the word "determine",
- (e) as to clause 25 by adding after the words "*The Liquor Licensing Act* and", where they occur in the fifth and sixth lines thereof, the words "to determine",
- (f) by striking out clause 30 and by substituting the following:

30. to enquire into and investigate the desirability of approving for sale or otherwise of any product containing alcohol and that is capable of being consumed in liquid or solid form by any person, either dissolved or undissolved or diluted or undiluted, and to

4. Section 10 (1) 13, 21, 22, etc. presently read:

10. (1) The Board shall have the following powers:
.....
13. to prescribe the equipment and management of liquor stores and warehouses in which liquor is kept or sold, and to prescribe the books and records to be kept therein;
.....
21. to prescribe the form of records of purchase of liquor by the holders of licences, under this Act or The Liquor Licensing Act, or permits of any class, and the reports to be made thereon to the Board, and to provide for inspection of the records so kept;
22. to prescribe forms to be used for the purposes of this Act or of the regulations and the terms and conditions in permits and in licences issued under this Act or under The Liquor Licensing Act;
23. to prescribe the nature of the proof to be furnished, and the conditions to be observed in the issuing of duplicate permits in lieu of those lost or destroyed;
24. to prescribe the books of account to be kept by the Board showing the expenditures of the Board in the administration of this Act and in the purchase, sale and delivery of liquor hereunder, and the receipts of the Board from the sale of liquor in any liquor store or from the issue of any licences, under this Act or The Liquor Licensing Act, and the issue of permits and the collection of fees;
25. to prescribe, subject to this Act and The Liquor Licensing Act, and where not otherwise provided in this Act or that Act, the conditions, qualifications and procedure necessary for the obtaining of licences under this Act or The Liquor Licensing Act and the books and records to be kept and the returns to be made by operators of licensed premises and the premises of any class of licence in any _____ e for the inspection and supervision of licensed premises and to regulate and control the conditions under which liquor is to be sold or consumed in such premises;
30. to inquire into, and investigate, the sale of any product containing alcohol and that is capable of being consumed in liquid or solid form by any person, either dissolved or undissolved or diluted or undiluted, and for that purpose to hold hearings and make reports as to what, if any, measures should be taken to prohibit or control the sale of any such product;

- (i) prohibit its sale, or
- (ii) take such measures as may be necessary to control its sale;

5. Section 13, subsection (1) is amended by striking out the words “vice-chairman of the Board” and by substituting the words “deputy chairman or member of the Board or the comptroller”.

6. Section 23 is struck out and the following section is substituted:

23. Any building purchased or constructed by the Board under the authority of the Lieutenant Governor in Council may be remodelled, furnished and equipped at the discretion of the Board.

7. Section 27 is struck out and the following section is substituted:

27. (1) The Board may in its discretion and for any reason it deems sufficient grant or suspend any licence or permit and nothing in this Act shall be construed to compel the Board to issue any licence or permit.

(2) The Board may make such investigations and inquiries, through its own officers or inspectors or by such other means as it deems necessary, for the purpose of determining whether a licence or permit should be granted, suspended or cancelled, as the case may be.

(3) The Board may, after a hearing, in the manner prescribed by the regulations, cancel any licence or permit for any cause that it deems sufficient and all rights of the person named in the licence or permit by or under this Act shall be cancelled.

(4) Where the Board suspends a licence or permit without a hearing, the licensee or permittee

(a) shall forthwith be advised, in writing, of the reasons for the suspension, and

(b) shall, upon application therefor by him, be given a hearing by the Board

(i) at the earliest possible moment, and

(ii) not later than 30 days after the application for the hearing is received,

and in the manner prescribed by the regulations.

8. Section 37, subsection (2), clause (a) is amended by adding after the word “receives” the words “, unless otherwise prescribed,”.

9. Section 42 is amended by adding the following subsection:

5. Section 13 (1) presently reads:

13. (1) Every order for the purchase of liquor by the Board shall be authorized by the signature of the chairman or vice-chairman of the Board, and no such order is valid or binding unless so authorized.

6. Section 23 presently reads:

23. Any building purchased by the Board may be remodelled, furnished and equipped by the government or by the Board as the Lieutenant Governor in Council determines.

7. Section 27 presently reads:

27. (1) The Board may for any cause that it deems sufficient and with or without a hearing, suspend any licence or permit issued under this Act, in the manner prescribed by the regulations and all rights of the person named in the licence or permit conferred by or under this Act shall be suspended.

(2) A suspension of a licence or permit by the Board shall be for an indefinite period of time, unless the order of suspension otherwise provides, and the indeterminate suspension shall only be terminated by further order of the Board.

(3) The Board may, after a hearing, in the manner prescribed by the regulations, cancel any licence or permit issued under this Act for any cause that it deems sufficient and all rights of the person named in the licence or permit conferred by or under this Act shall be cancelled.

The new subsections (1) to (3) are copied from section 12 of The Liquor Licensing Act.

8. Section 37 (2) presently reads:

(2) A vendor shall not make delivery of any liquor sold pursuant to this section until he

- (a) receives the purchase price of the liquor in cash, and
- (b) receives, unless otherwise prescribed, a dated order in writing signed by the purchaser setting out the number of his permit, if any, and describing the kind and quantity of liquor ordered.

9. Self-explanatory.

(3) Notwithstanding subsection (1), a person who is not prohibited by law from having and consuming liquor may make, have and consume in his own residence homemade wine and beer

(a) not in excess of such maximum quantities, and

(b) under such terms and conditions

as may be prescribed by the Board.

10. The following heading and section are added after section 42:

Identification Cards

42a. (1) An individual of the full age of 21 years who is not prohibited by law from possessing or consuming liquor may make application to the Board and obtain therefrom an identification card in the prescribed form certifying that the applicant is of the full age of 21 years.

(2) An applicant shall submit with his application such proofs of identity and proofs of age as may be prescribed.

11. Section 43, subsection (1) is amended by striking out the words "identification permits" and by substituting the words "sacramental wine permits".

12. The heading "Individual Permits" and section 44 are struck out and the following heading and section are substituted:

Sacramental Wine Permits

44. (1) A person who owns and operates a business in Alberta which is devoted entirely to the retailing of church supplies may make application to the Board for a sacramental wine permit in the prescribed form and on payment of the prescribed fee and on compliance with this Act and the regulations, the Board may issue in accordance with this Act and the regulations a sacramental wine permit to the person making the application.

(2) A sacramental wine permit authorizes the permittee, under the supervision of the Board, to import, purchase from the Board, warehouse and sell such wines as the Board may approve for sacramental purposes.

(3) The sale of such approved wines shall be restricted to

(a) the authorities of a church or religious body, and

(b) to a priest, clergyman or minister

for use in the performance of the religious ceremonies or sacraments of the faith to which such persons belong.

13. Section 47 is struck out and the following section is substituted:

10. A new section dealing with identification cards replaces references to identification permits in sections 43 and 44.

11. Section 43 (1) presently reads:

43. (1) There shall be two classes of permits under this Act, that is, identification permits and special permits.

12. The present section 44 deals with identification permits now covered by the new section 42a.

13. Section 47 is revised to substitute references to identification cards for references to identification permits.

47. (1) Notwithstanding anything in this Act, the Board, in its discretion,

- (a) may cancel an existing permit or identification card, or
- (b) may refuse or direct an official authorized to issue permits or identification cards to refuse to issue a permit or identification card to any person.

(2) No official directed to refuse to issue a permit or identification card to a person shall issue a permit or identification card to that person.

14. Section 62 is amended by striking out subsection (2) and by substituting the following:

(2) A brewer's licence authorizes the licensee

- (a) to sell beer manufactured by the licensee to the Board and deliver the beer to the Board at any place in Alberta when and as authorized by the Board to do so, and
- (b) subject to the laws of Canada, this Act and the regulations, to export from Alberta beer manufactured by the licensee.

15. Section 72a is amended by adding the following subsection after subsection (1):

(1a) No brewer, distiller or wine maker shall directly or indirectly employ or engage any person to act as its agent or representative unless that person is registered with the Board as a representative of that brewer, distiller or wine maker.

16. Section 73 is struck out and the following section is substituted:

73. (1) Except as provided by this Act or *The Liquor Licensing Act* or the regulations under this Act or that Act, no person shall, by himself, his clerk, servant or agent,

- (a) expose liquor for sale, or
- (b) keep liquor for sale, or
- (c) directly or indirectly or upon any pretence or device sell or offer to sell liquor.

(2) No person shall, by himself, his clerk, servant or agent, give liquor to any person in consideration of the purchase or transfer of any property.

17. Section 78, subsection (1) is amended by adding the word "or" at the end of clause (d) and by adding the following clause after clause (d):

- (e) homemade wine and beer made and used under subsection (3) of section 42,

14. Section 62 (2) is revised to add clause (b).

15. Section 72a (1) reads:

72a. (1) No person shall directly or indirectly hold himself out or act as an agent or representative of a brewer, distiller or wine maker unless he is registered with the Board as a representative of that brewer, distiller or wine maker.

16. Section 73 is reworded for clarification.

17. Section 78 (1) (d) reads:

78. (1) Except in the case of

.....
(d) liquor had or kept under clause (c), (d) or (e) of subsection (1) of section 42,
no liquor shall be had or kept by any person unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained had, while containing that liquor, been sealed by such seal or other means as may be prescribed.

18. Section 85, subsection (1) is amended by striking out the words “, identification permit”.

19. Section 90 is amended by striking out subsection (2) and by substituting the following:

(2) Clause (e) of subsection (1) does not apply to an advertisement respecting liquor on a distillery, winery or brewery.

20. Section 95, subsection (1) is amended by striking out the words “under the provisions of an Act of Canada”.

21. Section 123 is struck out and the following section is substituted:

123. In a prosecution under this Act or *The Liquor Licensing Act* the justice trying the case may, in the absence of proof to the contrary, infer that a liquid, preparation or mixture is intoxicating from the fact that a witness describes it as being intoxicating or describes it by a name which is commonly applied to an intoxicating liquor.

22. This Act comes into force on the day upon which it is assented to.

18. A reference to identification permits is removed.

19. Section 90 (1) (e) prohibits liquor advertising. Subsection (2) presently reads:

(2) Clause (e) of subsection (1) does not apply to an advertisement respecting beer on a brewery or premises where beer may be lawfully stored or kept by a brewer under this Act

(a) if such advertisement has first been permitted in writing by the Board, and

(b) if it is exhibited or displayed subject to the directions of the Board.

20. Section 95 (1) presently reads:

95. (1) No interdicted person and no person to whom the sale of intoxicating liquor is prohibited under the provisions of an Act of Canada shall enter, be in or remain upon the premises of a liquor store or the premises of a beverage room licensee or lounge licensee under The Liquor Licensing Act but nothing in this section applies to a part of a train licensed under section 77 of The Liquor Licensing Act.

21. Section 123 presently reads:

123. The justice trying a case in the absence of proof to the contrary may infer that liquor is intoxicating from the fact that a witness describes it as intoxicating or describes it by a name which is commonly applied to an intoxicating liquor.