

1972 Bill 26

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 26

The Beverage Container Amendment Act, 1972

MR. ASHTON

First Reading

Second Reading

Third Reading

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1972

THE BEVERAGE CONTAINER AMENDMENT ACT, 1972

(Assented to _____, 1972)

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

1. The Beverage Container Act is hereby amended.

2. Section 1 is amended

(a) by striking out clause (a) and by substituting the following:

(a) "beverage" means

*(i) carbonated or uncarbonated soft drinks,
and*

(ii) liquor;

(b) by adding the following clause after clause (b):

*(b1) "liquor" has the same meaning that it has in
The Liquor Control Act;*

*(c) by renumbering section 1 as subsection (1) and by
adding the following subsection:*

(2) For the purposes of this Act and the regulations, The Alberta Liquor Control Board shall be deemed to be the manufacturer of liquor, except for beer manufactured in Alberta.

3. Section 2 is amended by adding the following subsections after subsection (1):

(1.1) Subject to subsection (1.2) the owner of an automatic vending machine for the sale of beverages in containers shall be deemed to be the retailer for the purposes of this Act and the regulations.

(1.2) Notwithstanding subsection (1), where the owner of an automatic vending machine for the sale of beverages in containers has leased, rented or otherwise hired out the machine to another person, that other person shall be deemed to be the retailer for the purposes of this Act and the regulations.

Explanatory Notes

1. This Bill will amend chapter 10 of the Statutes of Alberta, 1971.

2. The amendment will extend the application of the Act to containers of alcohol and make The Alberta Liquor Control Board liable as if it were a manufacturer of liquor, except for beer manufactured in Alberta.

3. Section 2 presently reads:

2. (1) A retailer, or person on his behalf, shall accept an empty container presented by any person

(a) where it is in reasonably identifiable condition,

(b) where it was purchased on or after January 1, 1972 for consumption or use off the premises on which it was purchased, and

(c) where it is a container of a beverage sold by the retailer and shall pay the person a refund of not less than an amount prescribed by the regulations for each empty container presented.

(2) An empty container presented to a retailer or a person on his behalf, shall be deemed to have been purchased on or after January 1, 1972 for consumption or use off the premises on which it was purchased unless the retailer produces evidence to the contrary.

(3) Upon the request of a retailer or a person on his behalf, a manufacturer or a person on his behalf shall collect from the retailer the empty containers formerly containing the beverage manufactured by him and dispose of them in accordance with the regulations.

(4) The manufacturer shall reimburse the retailer for each refund paid by the retailer in accordance with subsection (1).

4. *The following section is added after section 2:*

2.1 (1) In this section

- (a) “universal depot” means a depot established in accordance with the regulations by a retailer or a manufacturer or both of them, or any other person on his or their behalf, for the collection and disposal of all types of containers;
- (b) “depot operator” means the person responsible for the operation of a universal depot.

(2) Where a universal depot is established, the depot operator shall accept an empty container presented by any person where it is in reasonably identifiable condition and shall pay the person a refund of not less than an amount prescribed by the regulations for each empty container presented.

(3) Upon the written request of a depot operator, a manufacturer shall attend a universal depot for the purpose of inspecting and verifying the number of containers, the beverage in which was manufactured by him.

(4) After

- (a) a manufacturer has made an inspection pursuant to subsection (3), or
- (b) 10 days from the date of the request under subsection (3),

whichever is the earlier, the depot operator may request the manufacturer, with respect to the container the beverage in which was manufactured by the manufacturer

- (c) to reimburse the depot operator for each refund paid by the depot operator in accordance with subsection (2), and
- (d) to pay an additional sum of not less than one cent for each container in respect of which a refund was made pursuant to subsection (2).

5. *Section 5 is struck out and the following section is substituted:*

5. The Lieutenant Governor in Council may make regulations:

- (a) exempting
 - (i) any beverage, container or any class or type of beverage or container, or
 - (ii) the sale of any beverage, container or class or type of beverage or container,from all or any of the provisions of this Act or all or part of the regulations, for a period of time or completely, with or without conditions attached to the exemption;

4. The new section 2.1 will permit and encourage the establishment of depots which will collect all types of containers.

5. Section 5 presently reads:

5. The Lieutenant Governor in Council may make regulations
- (a) exempting any beverage or container or the sale thereof, from all or any of the provisions of this Act, and prescribing conditions for the exemption,
 - (b) limiting the number of empty containers that a retailer or a person on his behalf is required to accept from any one person in any one day,
 - (c) governing the disposal of empty containers,
 - (d) prescribing the refund payable by retailers under section 2, and
 - (e) concerning such other matters as are necessary for the proper administration of this Act.

- (b) limiting the number of empty containers that a retailer or person on his behalf is required to accept
 - (i) at the retailer's place of business, or
 - (ii) at a depot,from any one person in any one day;
- (c) governing the disposal of empty containers;
- (d) prescribing the refund payable by retailers under section 2 and section 2.1;
- (e) requiring the establishment and governing the operation of depots and universal depots established by
 - (i) retailers, and
 - (ii) manufacturers,or either of them or any person on his or their behalf, for the acceptance of empty containers, including regulations
 - (iii) that the depot and universal depot be approved by the Minister before it is established,
 - (iv) specifying the conditions upon which an approval will be given,
 - (v) governing the general operation and administration of the depot and universal depot including hours that they must remain open to receive empty containers,
 - (vi) concerning the location of a depot or a universal depot, and
 - (vii) governing the persons who may operate a depot and universal depot and the manner in which they are to be operated;
- (f) defining the words "consumption or use off the premises on which it was purchased" for the purposes of this Act and regulations;
- (g) authorizing the Minister to prohibit the sale from any beverage vending machine of beverages and beverage containers where there are no facilities for the payment of refunds pursuant to section 2;
- (h) concerning such other matters as are necessary for the administration of this Act.

6. This Act comes into force on a date or dates to be fixed by Proclamation.

