

1993 BILL 12

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First Session, 23rd Legislature, 42 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 12

LIQUOR CONTROL AMENDMENT ACT, 1993

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MR. JACQUES

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 12  
Mr. Jacques

## BILL 12

1993

### LIQUOR CONTROL AMENDMENT ACT, 1993

(Assented to \_\_\_\_\_, 1993)

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

1 *The Liquor Control Act is amended by this Act.*

2 *Section 1(1)(j) is repealed and the following is substituted:*

- (j) “manufacturer” or “liquor manufacturer” means a person who operates or intends to operate in Alberta
  - (i) a brewery or distillery licensed under an Act of Canada,
  - (ii) a winery that complies with the laws of Canada,
  - (iii) a warehouse for liquor that the person manufactures outside Alberta, or
  - (iv) any other liquor manufacturing or warehousing facility satisfactory to the Board;

3 *Section 5.1(2) is amended by striking out “and” at the end of clause (a) and adding the following after clause (a):*

- (a.1) delegate to persons engaged under section 10.1 any of his powers or duties respecting warehousing, including the power to subdelegate, and

4 *The following is added after section 10:*

## Explanatory Notes

**1** Amends chapter L-17 of the Revised Statutes of Alberta 1980.

**2** Section 1(1)(j) presently reads:

*1(1) In this Act,*

*(j) "manufacturer" means a person who, in Alberta, intends to operate or operates*

*(i) a brewery that he is licensed to operate under an Act of Canada,*

*(ii) a winery that complies with the laws of Canada, or*

*(iii) a distillery or other facility for manufacturing liquor that he is licensed to operate under an Act of Canada;*

**3** Section 5.1(2) presently reads:

*(2) The chief executive officer may, in writing,*

*(a) delegate to an employee of the Corporation any of his powers or duties, including the power to subdelegate, and*

*(b) designate an employee of the Corporation to act in his place and assume his powers and duties during his absence.*

**4** Services of advisors, etc.

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advisors, etc.

**10.1(1)** The Corporation may enter into agreements to engage the services of any person to provide, for or on behalf of the Corporation, services that enable the Corporation to carry on its business and operations and to carry out anything the Corporation has the right, power or duty to do.

**(2)** The Corporation may delegate any of its rights, powers or duties to a person engaged under subsection (1) and may authorize that person to subdelegate those rights, powers or duties.

5 *Section 13(1) is amended*

*(a) in clause (m)*

*(i) by striking out “shall” and substituting “may”;*

*(ii) by striking out “, duty-free stores and warehouses” and substituting “and duty-free stores”;*

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

**(m.1)** may determine or may delegate to the Corporation the power to determine the places in which warehouses are to be established in Alberta and the location of the warehouses in those places;

6 *Section 13.1 is amended*

*(a) by renumbering it as section 13.1(1);*

*(b) in subsection (1)(e), (g) and (h) by striking out “shall” and substituting “may”;*

*(c) by adding the following after subsection (1):*

**(2)** The Corporation is not required to establish, maintain or operate liquor stores and, as soon as reasonably possible, the Corporation shall cease to operate and maintain liquor stores and cease to use or occupy any premises for the purpose of operating or maintaining a liquor store.

**(3)** If the Corporation is a party to a lease with respect to premises on which the Corporation operates a liquor store and the lease provides for terminating the lease, discontinuing the use of the leased premises, discontinuing the occupation of the leased premises, parting with

**5** Section 13(1)(m) presently reads:

*13(1) The Board*

- (m) shall determine the places in which liquor stores, agency stores, duty-free stores and warehouses are to be established in Alberta, and the location of them in those places;*

**6** Section 13.1(e), (g) and (h) presently read:

*13.1 The Corporation*

- (e) shall provide for the establishment, maintenance and operation of liquor stores and warehouses and for the control and keeping of liquor in and the conveyance of liquor to and from those stores and warehouses;*
- (g) shall control the providing of liquor to and the sale of liquor at liquor stores, agency stores and duty-free stores;*
- (h) shall determine the kinds of liquor to be kept for sale at liquor stores, agency stores and duty-free stores;*

possession of the leased premises, or release from performing any of the terms, covenants or conditions of the lease pursuant to an Act of the Legislature, the Corporation shall

- (a) terminate the lease, cease to use or occupy the leased premises or sublet, assign or grant a concession or licence for any interest in the leased premises for any reasonable use,
- (b) part with possession of the leased premises, and
- (c) be released from performing the terms, covenants and conditions under the lease with respect to those premises.

(4) No person other than the Corporation shall use or advertise the name "Alberta Liquor Store" in respect of any business or undertaking.

*7 Section 23 is amended by adding the following after subsection (1):*

(1.1) Notwithstanding subsection (1), the 1994 fiscal year is the period from January 5, 1994 to March 31, 1994, and thereafter the fiscal year is the period commencing on April 1 in one year and ending on March 31 in the next year.

*8 Section 25 is amended by renumbering it as section 25(1) and by adding the following after subsection (1):*

(2) Subsection (1) does not apply to a person engaged under section 10.1.

*9 Section 26 is amended by renumbering it as section 26(1) and by adding the following after subsection (1):*

(2) Subsection (1) does not apply to a person engaged under section 10.1.

*10 Section 29 is amended*

**7** Section 23 presently reads:

*23(1) The 1985 fiscal year is the period from January 1, 1985 to the first Tuesday of 1986 and thereafter the fiscal year is the period from the Wednesday next following the first Tuesday of the calendar year to the first Tuesday of the next following calendar year.*

*(2) After the end of a fiscal year the Corporation shall prepare a balance sheet and statements of the results of its operations.*

**8** Section 25 presently reads:

*25 No action or proceedings shall be taken against the Corporation, Board or Appeal Council or any person carrying out the powers or duties of the Corporation, Board or Council for anything done or omitted to be done in or arising out of the exercise of the powers or the performance of the duties under this Act and the regulations.*

**9** Section 26 presently reads:

*26 Subject to sections 49 and 57, every action, order, ruling or decision of the Corporation or Board or the person carrying out the powers or duties of the Corporation or Board is final and shall not be questioned, reviewed or restrained by any proceeding in the nature of an application for judicial review or otherwise in any court.*

**10** Section 29 presently reads:

(a) in subsection (1) by adding “or warehousing” before “facility”;

(b) in subsection (2)

(i) by striking out “this Act and the regulations,” and substituting “the terms and conditions of the licence and to this Act and the regulations, to do one or more of the following:”;

(ii) by adding the following after clause (a):

(a.1) to warehouse at the licensed premises,

(a.2) to distribute from the licensed premises,

11 Section 58 is amended

(a) in clause (p) by striking out “section 62 does” and substituting “sections 62, 79(2) and (4), 80(1) and (2) and 84(1) do”;

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

(q.1) respecting the sale of liquor by the Corporation to licensees and permittees;

12 Section 71(2) is amended

(a) in clause (a) by striking out “the premises in which the liquor was manufactured” and substituting “its licensed premises”;

(b) by striking out “warehouse or depot established” and substituting “warehouse or depot authorized”.

13 Section 80(1) and (2) are amended by striking out “No employee” and substituting “Except as expressly provided for in the regulations, no employee”.



*29(1) The Board may, on receiving from a liquor manufacturer an application in the form and payment of the fee prescribed in the regulations and on being satisfied that the applicant and the brewery, winery, distillery or other liquor manufacturing facility described in the application comply with this Act and the regulations and with the laws of Canada, where applicable, issue to the applicant a manufacturers licence.*

*(2) A licence issued under this section authorizes the licensee, subject to this Act and the regulations,*

*(a) to manufacture at the licensed premises,*

*(b) to sell to the Corporation or any other person authorized by the Board, and*

*(c) subject to the laws of Canada, to export from Alberta*

*the category, class, variety, brand or kind of liquor described in the licence.*

**11** Section 58(p) presently reads:

*58 The Lieutenant Governor in Council may make regulations*

*(p) respecting circumstances under which section 62 does not apply;*

**12** Section 71(2) presently reads:

*(2) A common carrier or other person may, in accordance with this Act and the regulations, convey*

*(a) liquor, when lawfully sold by a manufacturer, from the premises in which the liquor was manufactured, and*

*(b) liquor to or from premises where the liquor may be lawfully kept and sold,*

*to a liquor store, agency store, duty-free store, warehouse or depot established by the Board or to any other place where the liquor may lawfully be kept under this Act or the regulations.*

**13** Section 80 presently reads:

*80(1) No employee or agent of an operator of an agency or duty-free store or of the Corporation, and no operator of an agency or duty-free store or member of the Board or Appeal Council shall have a financial interest in or be directly or indirectly engaged in any other business or undertaking dealing in liquor.*

*14 Section 82(1) is amended by adding “or as otherwise provided for under this Act” after “described in section 69”.*

(a) *whether as owner, part owner, partner, member of a syndicate, shareholder, employee or agent, and*

(b) *whether for his own benefit or in a fiduciary capacity for some other person.*

(2) *No employee or agent of an operator of an agency or duty-free store or of the Corporation, and no operator of an agency or duty-free store or member of the Board shall solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from a person having sold, selling or offering liquor for sale to the Corporation pursuant to this Act.*

(3) *No person selling or offering for sale to or purchasing liquor from the Corporation shall either directly or indirectly*

(a) *offer to pay a commission, profit or remuneration,*

(b) *make a gift, or*

(c) *make a loan,*

*to a member of the Board or the Appeal Council or an employee or agent of the Corporation, employee or agent of an operator of an agency or duty-free store or an operator of an agency or duty-free store or to anyone on behalf of an operator, member, employee or agent.*

**14** Section 82(1) presently reads:

*82(1) No person shall possess liquor unless it is liquor made, purchased or imported as described in section 69.*