

1998 BILL 15

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Second Session, 24th Legislature, 47 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 15

**GAMING AND LIQUOR AMENDMENT ACT, 1998**

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MRS. LAING

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 15

1998

### GAMING AND LIQUOR AMENDMENT ACT, 1998

(Assented to \_\_\_\_\_, 1998)

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

Amends SA  
1996 cG-0.5

**1 The *Gaming and Liquor Act* is amended by this Act.**

**2 Section 1(1) is amended**

**(a) by adding the following after clause (c):**

(c.1) “chief executive officer” means the chief executive officer appointed under this Act;

**(b) by repealing clause (aa) and substituting the following:**

(aa) “sell” includes barter, keep for sale, expose for sale, display for sale, offer for sale and advertise for sale;

**(c) by repealing clause (hh) and substituting the following:**

(hh) “video lottery terminal” means

(i) a computer,

(ii) a video device, or

(iii) a slot machine within the meaning of subsection 198(3) of the *Criminal Code* (Canada)

that is used to play, or is designed to play, a game, scheme or plan referred to in paragraphs 206(1)(a) to (g) of the *Criminal Code* (Canada).

## Explanatory Notes

**1** Amends chapter G-0.5 of the Statutes of Alberta, 1996.

**2** Adds definition for chief executive officer. Section 1(1)(aa) and (hh) presently read:

*1(1) In this Act,*

*(aa) “sale” and “sell” include the barter of liquor;*

*(hh) “video lottery terminal” means a computer, a video device or a slot machine within the meaning of section 198(3) of the Criminal Code (Canada) that is used to play a game, scheme or plan referred to in section 206(1)(a) to (g) of the Criminal Code (Canada).*

**3 The following is added after section 6:**

Policies,  
principles,  
standards and  
criteria

**6.1(1)** The Minister may by order make policies, principles, standards and criteria that must be taken into account by the Commission and the board in carrying out their powers and duties under this Act.

**(2)** The *Regulations Act* does not apply to policies, principles, standards and criteria made under subsection (1).

**4 Section 9 is repealed.**

**5 Section 10(4) is repealed.**

**6 Section 18 is amended by renumbering it as section 18(2) and by adding the following before subsection (2):**

Responsibil-  
ities of c.e.o.

**18(1)** The Lieutenant Governor in Council may appoint a chief executive officer of the Commission for a term specified in the appointment.

**7 Section 19 is amended by striking out “Chair” wherever it occurs and substituting “chief executive officer”.**

**3** Authorizes Minister to create standards to guide the Commission and the board.

**4** Section 9 presently reads:

*9 The Chair is the chief executive officer of the Commission.*

**5** Section 10(4) presently reads:

*(4) Despite subsection (3), an acting Chair does not have the functions, powers and duties of the chief executive officer.*

**6** Section 18 presently reads:

*18 The chief executive officer is responsible for*

*(a) the administration of the Commission;*

*(b) ensuring that the policies of the board are implemented;*

*(c) advising and informing the board on the operation and affairs of the Commission;*

*(d) performing the duties and exercising the powers assigned to the Commission or to the chief executive officer by any enactment or by the board.*

**7** Section 19 presently reads:

*19(1) The Minister may designate an employee of the Commission to be acting chief executive officer when the Chair is unable to act or the office of the Chair is vacant.*

*(2) The Chair may designate an employee of the Commission to be acting chief executive officer when the Chair is absent.*

*(3) An acting chief executive officer has all of the functions, powers and duties of the chief executive officer, unless the designation provides otherwise.*

Conduct on  
licensed  
premises

**8 Section 66(1) is repealed and the following is substituted:**

**66(1)** No liquor licensee or employee or agent of a liquor licensee shall permit any activity in the licensed premises that, in the board's opinion,

- (a) contravenes the *Criminal Code* (Canada), the *Excise Tax Act* (Canada), the *Food and Drugs Act* (Canada), the *Narcotic Control Act* (Canada), the *Young Offenders Act* (Canada), a federal Act specified in the regulations, this Act or the regulations under this Act,
- (b) is detrimental to the orderly operation of the premises,
- (c) may be injurious to the health or safety of people in the premises, or
- (d) is prohibited under the licence.

**9 Section 107 is amended by adding “, gaming supplies or video lottery terminals” after “liquor and containers”.**

**10 Section 126(1) is amended by repealing clauses (n) and (o) and substituting the following:**

- (n) respecting agreements, activities and relationships between any 2 or more of the following:
  - (i) liquor suppliers, affiliates of liquor suppliers and their respective officers, directors, employees and representatives;
  - (ii) liquor agencies, affiliates of liquor agencies and their respective officers, directors, employees and representatives;
  - (iii) liquor licensees, affiliates of liquor licensees and their respective officers, directors and employees;
  - (iv) the board, the Commission and its employees and agents and persons who provide services for or on behalf of the Commission;

**8** Section 66(1) presently reads:

*66(1) No liquor licensee or employee or agent of a liquor licensee may permit any activity in the licensed premises that*

- (a) is unlawful,*
- (b) is detrimental to the orderly operation of the premises,*
- (c) may be injurious to the health or safety of people in the premises, or*
- (d) is prohibited under the licence or by the regulations.*

**9** Section 107 presently reads:

*107 When a conviction under this Act becomes final, any liquor and containers in respect of which the offence was committed that were seized are, as part of the penalty for the conviction, forfeited to the Crown.*

**10** Combines enabling authority to regulate relationships among liquor suppliers, licensees, agencies and their affiliates and the board and Commission. Adds enabling authority to prohibit relationships that contravene regulations under clause (n). Section 126(1)(n) and (o) presently read:

*126(1) The Lieutenant Governor in Council may make regulations*

- (n) respecting relationships and activities between
  - (i) liquor suppliers, their officers, directors and employees and liquor agencies and representatives that are required to be registered under Part 3, and*
  - (ii) liquor licensees and their businesses and property, and the board, the Commission and its employees or agents;**
- (o) respecting relationships and activities between
  - (i) liquor licensees and their officers, directors and employees, and**

(n.1) defining “affiliates” for the purposes of clause (n);

(o) specifying that agreements made in contravention of a regulation under clause (n) are void;

*(ii) the board, the Commission, its employees and persons who provide services for or on behalf of the Commission;*