

## BILL 14

2002

### GAMING AND LIQUOR AMENDMENT ACT, 2002

(Assented to \_\_\_\_\_, 2002)

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

**Amends RSA 2000 cG-1**

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

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

**(a) by repealing clause (g) and substituting the following:**

(g) “facility licence” means a licence that authorizes a person to operate a facility where either or both of the following may be conducted:

- (i) gaming activities that are authorized by a gaming licence;
- (ii) provincial lotteries;

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

(j.1) “gaming terminal” means a computer, video device or machine that is used, or could be used, to play a lottery scheme as defined in the *Criminal Code* (Canada) where, on insertion of money or a token or on payment of any consideration a person may receive or be entitled to receive money, either directly from the computer, video device or machine or in another manner, but does not include such a computer, video device or machine when

used only for home entertainment and where there is no ability for any person to make money from its operation;

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

- (k) “gaming worker” means a person, other than a person specified in the regulations, who is paid to assist
  - (i) a gaming licensee in the conduct or management of a gaming activity, or
  - (ii) a facility licensee in the operation of a licensed facility;

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

- (aa) “sale” and “sell” include
  - (i) the barter of liquor, and
  - (ii) the storage, display, advertising and offering of liquor for the purpose of sale;

**(e) by repealing clause (hh).**

**3 Section 9 is amended**

**(a) in subsection (1) by striking out “5” and substituting “7”;**

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

**(1.1)** The Lieutenant Governor in Council may appoint any of the following as members of the board:

- (a) the person holding the position of Deputy Minister of the Department of Gaming;
- (b) the person holding the position of chief executive officer of the Commission;
- (c) if one person holds both the positions referred to in clauses (a) and (b), that person.

**4 Section 12 is amended by renumbering it as section 12(1) and adding the following after subsection (1):**

(2) The board has the powers, privileges and immunities of a commissioner under the *Public Inquiries Act* when conducting a hearing.

**5 Section 17 is amended**

(a) **in subsection (1) by striking out** “, to an employee or agent of the Commission or to any other person”;

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

(1.1) Where the board has delegated a function, power or duty to the chief executive officer, the board has no authority to give directions or instructions relating to that function, power or duty to any person other than the chief executive officer.

**6 Section 18 is amended by adding the following after subsection (1):**

(1.1) The Lieutenant Governor in Council may appoint as the chief executive officer of the Commission

- (a) the person holding the position of Deputy Minister of the Department of Gaming,
- (b) the person holding the position of Chair of the board, or
- (c) if one person holds both the positions referred to in clauses (a) and (b), that person.

**7 Section 23 is amended**

(a) **in subsection (1) by striking out** “All fees for licences” **and substituting** “All application fees, all fees for licences”;

(b) **in subsection (2) by striking out** “Provincial Treasurer” **and substituting** “Minister of Finance”.

**8 Section 24 is repealed.**

**9 Section 25 is amended by adding the following after subsection (3):**

(4) Money may be paid or transferred from the Lottery Fund only in accordance with an appropriation Act.

**10 Section 26 is repealed and the following is substituted:**

**Revenue from sale of liquor and provincial lotteries**

**26(1)** Revenue from liquor sold by or on behalf of the Commission and revenue received by the Commission from provincial lotteries, less any amounts paid for prizes and retailer commissions, must be deposited into the Commission's accounts.

(2) The Commission may pay from the revenue deposited into its accounts under subsection (1)

- (a) federal taxes and duties,
- (b) the amount the Commission pays for liquor,
- (c) an amount for deposits and charges relating to containers under the *Beverage Container Recycling Regulation* (AR 101/97),
- (d) the amounts required to be paid under the federal-provincial agreement respecting gaming and betting entered into on June 3, 1985, as amended or replaced from time to time,
- (e) the Commission's operating expenses, including the portion of the operating expenses of the Western Canada Lottery Corporation that is attributable to the Province of Alberta and expenses that result from business decisions by the Commission that require additional expenditures, and
- (f) any amounts determined by the Commission to be paid as commissions to gaming licensees at whose gaming activities the Commission conducts and manages provincial lotteries pursuant to section 43.

(3) After payment of the amounts referred to in subsection (2), the remaining revenue deposited into the Commission's accounts under subsection (1) must be transferred

- (a) to the General Revenue Fund as directed by the Minister of Finance if the revenue arose from the sale of liquor, or
- (b) to the Lottery Fund if the revenue arose from the conduct and management of provincial lotteries.

(4) For the purpose of determining the amounts to be transferred pursuant to subsection (3), the Commission must allocate its operating expenses on a reasonable basis

- (a) against revenue from the sale of liquor, or
- (b) against revenue from the conduct and management of provincial lotteries.

**11 Section 27 is repealed.**

**12 The following is added after section 37:**

**Minors in licensed facility**

**37.1(1)** No minor may enter or be in and no facility licensee may permit a minor to enter or be in the following licensed facilities:

- (a) a casino;
- (b) a racing entertainment centre.

(2) With respect to a licensed facility other than a casino or a racing entertainment centre, no minor may enter or be in the facility and no facility licensee may permit a minor to enter or be in the facility if the facility licence prohibits minors from entering or being in the facility.

(3) If a person who appears to be a minor enters a casino, a racing entertainment centre or another licensed facility whose facility licence prohibits minors from entering or being in the facility, the facility licensee must demand that the person who appears to be a minor produce proof of age.

(4) If a person makes a request for identification under subsection (3) and the person who appears to be a minor fails to produce identification that is satisfactory to the person making the request, the facility licensee must refuse the person entry or ask the person to leave.

**Duty to intoxicated person**

**37.2** No facility licensee may permit a person apparently intoxicated by liquor or a drug to take part in a gaming activity or provincial lottery that is conducted in the licensed facility.

**13 Section 39 is amended by repealing subsection (3) and substituting the following:**

(3) No gaming licensee or facility licensee may use a gaming worker to assist in the conduct or management of a gaming activity or provincial lottery unless the worker is registered as a gaming worker.

**14 Section 46 is amended by striking out “video lottery” wherever it occurs and substituting “gaming”.**

**15 Section 47(a) is amended by striking out “video lottery” and substituting “gaming”.**

**16 The following is added after section 51:**

**Separate business**

**51.1(1)** The board may not issue a retail liquor store licence to an applicant unless the business under which the activities authorized by the licence will be carried out is separate from any other business of the applicant.

(2) The board may, for the purposes of this section, make policies establishing criteria to be used to determine if one business is separate from another business.

(3) Despite subsection (1), the board may issue more than one retail liquor store licence to an applicant if the business under which the activities authorized by those licences will be carried out is separate from any other business of the applicant.

(4) Despite subsection (1), the board may issue a retail liquor store licence to an applicant if the business under which the activities authorized by the licence will be carried out is part of a business that operates a hotel.

**17 Section 69(1) is amended by repealing clause (a) and substituting the following:**

- (a) is contrary to any municipal bylaw or any Act or regulation of Alberta or Canada,

**18 Section 73(2) is amended by striking out “may add water or permit water to be added” and substituting “may add water or any other liquid or permit water or any other liquid to be added”.**

**19 The following is added after section 75:**

**Duty to intoxicated person**

**75.1** No liquor licensee may

- (a) sell or provide liquor in the licensed premises to a person apparently intoxicated by liquor or a drug,
- (b) permit a person apparently intoxicated by liquor or a drug to consume liquor in the licensed premises, or
- (c) permit a person apparently intoxicated by liquor or a drug to take part in a gaming activity or provincial lottery that is conducted in the licensed premises.

**20 Section 80 is repealed and the following is substituted:**

**Sales to licensee**

**80(1)** The Commission may impose a mark-up as determined by the Commission on liquor that it sells to liquor licensees.

(2) When the Commission sells liquor to liquor licensees, the price of liquor must be the same, at any one time, for all licensees holding the same class of licence.

(3) The Commission must not deliver liquor it has sold until the purchaser has paid for the liquor in the manner required by the board.

(4) In subsection (1), “mark-up” means the profit generated by the Commission on the sale of liquor.

**21 Section 91 is repealed and the following is substituted:**

**Suspension, cancellation, etc. by board**

**91(1)** The board may do any one or more of the things referred to in subsection (2) if the board is of the opinion that

- (a) a licensee or registrant has failed to comply with this Act, an order of the board or a condition imposed on a licence or registration;
- (b) a liquor licensee has failed to comply with stadium bylaws;
- (c) a licensee has failed with respect to licensed premises or a licensed facility to comply with the *Safety Codes Act*, orders under the *Public Health Act* or any municipal bylaw;
- (d) an owner of licensed premises or facilities or a manager of licensed premises or facilities or, if the licensee is a corporation, an employee or agent of the corporation who is in charge of the licensed premises or facilities has been charged with or convicted of an offence under this Act, the *Criminal Code* (Canada) or stadium bylaws;
- (e) if the licensee or registrant is a corporation, a shareholder, director, officer or employee of the corporation has been charged with or convicted of an offence under this Act or the *Criminal Code* (Canada);
- (f) a licensee or registrant has committed any act that is contrary to the public interest or that detracts from the integrity with which gaming activities or provincial lotteries are to be conducted in Alberta.

(2) If subsection (1) applies, the board may, by order, with respect to a licensee or registrant, do any one or more of the following, with or without a hearing:

- (a) issue a warning;



- (b) impose conditions on the licence or registration or rescind or amend existing conditions on the licence or registration;
- (c) impose a fine of not more than \$200 000 and refuse to issue or reinstate a licence or a registration until the fine is paid;
- (d) subject to this section, suspend or cancel the licence or registration;
- (e) in a case where a person referred to in subsection (1)(d) or (e) has been charged but not convicted of an offence referred to in that clause or in a case to which subsection (1)(f) applies, begin an investigation of the matter and suspend the licence or registration pending completion of the investigation.

**(3)** A licence or registration may not be cancelled

- (a) where a person referred to in subsection (1)(d) or (e)
  - (i) has been charged but not convicted, until after the Commission has completed an investigation of the matter, or
  - (ii) has been convicted, until after the conviction becomes final,

or

- (b) in a case to which subsection (1)(f) applies, until after the Commission has completed an investigation of the matter.

**22 The following is added after section 91:**

**Order directing the use of proceeds or freezing property**

**91.1(1)** The board may make an order as provided in subsection (2) if the board believes on reasonable grounds that it is advisable to make an order to ensure that a gaming licensee or former gaming licensee uses the revenue from gaming activities in accordance with this Act, the *Criminal Code* (Canada) and the conditions imposed on the gaming licence.

**(2)** If subsection (1) applies, the board may, by order, with or without a hearing, do any one or more of the following:

- (a) direct a gaming licensee or former gaming licensee to use the revenue from a gaming activity for a charitable or religious object or purpose chosen by the licensee or former licensee and approved by the board, or chosen by the board in accordance with subsection (6);
- (b) direct a person who has on deposit or under its control or in its safekeeping any money or other property of a gaming licensee or former gaming licensee to hold the money or other property;
- (c) direct a gaming licensee or former gaming licensee to refrain from dealing with or withdrawing its money or other property from any person who has the money or other property on deposit or under its control or in its safekeeping.

**(3)** An order made under subsection (2) does not take effect until it is served on the person to whom it is directed.

**(4)** An order made under subsection (2) that is directed to a financial institution applies only to the office, branch or agency of the financial institution named in the order.

**(5)** A person to whom an order under subsection (2) is directed who is in doubt as to

- (a) the application of the order to any money or other property, or
- (b) a claim being made to that person by any person not named in the order

may apply to the board for direction as to the disposition of the money, other property or claim.

**(6)** If a person to whom an order under subsection (2)(a) is directed refuses or fails to choose a charitable or religious object or purpose that is approved by the board, the board may choose one.

**(7)** A person to whom an order under subsection (2)(b) is directed must hold the money or other property in trust for the beneficial owner until the board revokes or varies the order.

**(8)** The board may revoke or vary an order made under this section and may require the person whose money or other

property is subject to the order to file with the board security in a form and an amount acceptable to the board.

**23 Section 92(1) is repealed and the following is substituted:**

**Sanction if licensee becomes ineligible**

**92(1)** The board may do any one or more of the things referred to in subsection (2) if, after a licence is issued or a person is registered, the licensee or registrant becomes ineligible to hold a licence or to be registered because of either the licensee's or registrant's own actions or the actions of an employee or associate of the licensee or registrant.

**24 Section 93 is amended by striking out “an order under section 91 or 92” and substituting “an order under section 91, 91.1(2) or 92”.**

**25 Section 94 is amended**

- (a) in subsection (1)(a) by striking out “an order under section 91 or 92” and substituting “an order under section 91, 91.1(2) or 92”;**
- (b) in subsection (3) by striking out “video lottery” and substituting “gaming”;**
- (c) in subsection (6) by striking out “30” and substituting “60”.**

**26 Section 97 is amended by repealing subsection (1) and substituting the following:**

**Notices**

**97(1)** Notice of any decision or board order made under section 38(3), 61(3), 91, 91.1 or 92 or of any decision or order made under the regulations that imposes conditions on a registration must be given to the licensee or registrant as follows:

- (a) by registered mail to the last address of the licensee or registrant as shown in the Commission's records;**

- (b) by personal delivery to the licensee or registrant or an agent of the licensee or registrant;
- (c) by telecopier to the fax number of the licensee or registrant if
  - (i) the licensee or registrant has provided that fax number to the Commission for the purpose of receiving notices under this Act, and
  - (ii) the Commission receives confirmation that the notice was sent to that fax number;
- (d) by any other electronic means if
  - (i) the licensee or registrant has consented to receive notices under this Act in that manner, and
  - (ii) the licensee or registrant acknowledges receipt of the notice.

**27 The following is added after section 97:**

#### **Part 4.1 Additional Powers of Commission**

##### **Appointment of receiver and manager**

**97.1(1)** The Commission may apply to the Court of Queen's Bench for the appointment of a receiver and manager of the property of a facility licensee

- (a) if
  - (i) the Commission has reasonable grounds to believe that the board is about to make, or
  - (ii) the board has made
    - a decision suspending or cancelling the facility licence,
    - or
- (b) if the facility licence will be or has been suspended or cancelled by operation of this Act or the regulations.

**(2)** In determining whether to appoint a receiver and manager under this section, the Court must consider at least the following:

- (a) that it is in the public interest to ensure that gaming activities in Alberta be conducted lawfully and with integrity;
- (b) the best interests of charities that depend on revenue from gaming activities;
- (c) the best interests of employees who work in the licensed facility;
- (d) the best interests of creditors and persons whose property is in the possession or under the control of the facility licensee;
- (e) whether the appointment of a receiver and manager will be an effective means of ensuring the continued management and operation of the licensed facility;
- (f) the probable cost of the receivership in relation to the probable benefits to be derived by the appointment of a receiver and manager;
- (g) whether the appointment of a receiver and manager will cause undue hardship or prejudice to the facility licensee or another person.

**(3)** An application under this section may be made *ex parte* if the Court considers it proper to do so in the circumstances.

**(4)** If an application under this section is made *ex parte*, the Court may make an order appointing a receiver and manager for a period not exceeding 15 days.

**(5)** A receiver and manager appointed under this section is the receiver and manager of only that part of the property of the facility licensee that is part of or necessary or incidental to the operation of the licensed facility and that is

- (a) owned or leased by the facility licensee or otherwise under the control of the licensee, or
- (b) held by the facility licensee on behalf of or in trust for any other person.

**(6)** Subject to the directions of the Court, the receiver and manager

- (a) has the authority to manage and operate the licensed facility, and
- (b) must exercise any powers that are necessary or incidental to the management and operation of the licensed facility.

**Powers of receiver and manager**

**97.2(1)** A receiver and manager appointed under section 97.1 is vested with all the powers

- (a) in the case of a facility licensee that is an individual or partnership, of the individual or partners in respect of the management and operation of the licensed facility, and
- (b) in the case of a facility licensee that is a corporation, of the shareholders and directors of the corporation in respect of the management and operation of the licensed facility.

**(2)** On an order being made under section 97.1 appointing a receiver and manager,

- (a) in the case of a facility licensee that is an individual or partnership, the individual or partners must not exercise any powers in respect of the management and operation of the licensed facility, and
- (b) in the case of a facility licensee that is a corporation, the shareholders and directors of the corporation must not exercise any powers in respect of the management and operation of the licensed facility.

**Duties of receiver and manger**

**97.3(1)** A receiver and manager appointed under section 97.1 must

- (a) act honestly and in good faith,
- (b) take custody and control of the property of the facility licensee referred to in section 97.1(5),
- (c) deal with the property of the facility licensee in a commercially reasonable manner, and

(d) keep detailed records of transactions carried out by the receiver and manager relating to the management and operation of the licensed facility.

(2) The records kept pursuant to subsection (1)(d) must be available for inspection during ordinary business hours

(a) in the case of a facility licensee that is an individual or partnership, by the individual or partners, and

(b) in the case of a facility licensee that is a corporation, by the shareholders and directors of the corporation.

#### **Court order**

**97.4** The Court, in making an order under section 97.1, may provide for any matter or thing relating to the management and operation of the licensed facility during the appointment of the receiver and manager.

#### **Term of office**

**97.5** A receiver and manager appointed under section 97.1 remains in office until removed from office by the Court or until

(a) a new facility licence is issued, or

(b) if the facility licence was suspended, the licence is reinstated.

#### **Fees**

**97.6** The fees payable to a receiver and manager for services, expenses and disbursements in connection with the discharge of the duties of the receiver and manager

(a) must be fixed by the Court from time to time, and

(b) must be paid out of the assets or income of the licensed facility.

#### **Directions from Court**

**97.7(1)** A receiver and manager appointed under section 97.1 and any interested person may apply to the Court of Queen's Bench for directions or for an order relating to any matter arising with respect to the carrying out of the duties of the receiver and manager.

(2) On an application under subsection (1), the Court may give direction, declare the rights of parties before the Court and make any further order it considers necessary.

**Revocation of appointment**

**97.8** The Court may at any time revoke an appointment made under section 97.1 and appoint another receiver and manager.

**Expenses constitute a debt to Commission**

**97.9** If the Commission expends money in respect of the appointment under this Act of a receiver and manager, the amount expended

- (a) is a debt owing by the facility licensee to the Commission, and
- (b) may be recovered by the Commission in the same manner as any other debt owing to the Commission.

**Act not to apply**

**97.91** Part 8 of the *Business Corporations Act* does not apply in respect of a receiver and manager appointed under section 97.1.

**28 Section 101 is repealed and the following is substituted:**

**Liquor samples**

**101** A liquor licensee or a registrant must, when required by the Commission, provide the Commission with samples of liquor that the licensee or registrant is selling or intends to sell.

**29 Section 103 is repealed and the following is substituted:**

**Inspection of premises and facilities**

**103(1)** To ensure compliance with this Act, an inspector may enter and inspect, at any reasonable time,

- (a) licensed premises and licensed facilities;
- (b) unlicensed premises and unlicensed facilities where gaming activities have been, are or will be conducted;
- (c) premises with respect to which a liquor licence has expired or been suspended or cancelled;
- (d) a facility with respect to which a facility licence has expired or been suspended or cancelled;



- (e) the offices of a common carrier doing business in Alberta that may contain records and documents relating to liquor stored or transported in Alberta.
- (2) An inspector may enter and inspect, at any reasonable time, premises or facilities described in an application for a licence to determine if the premises or facilities meet the requirements of this Act.
- (3) When acting under the authority of this section, an inspector must carry identification in the form established by the board and present it on request to the owner or occupant of the premises or facility being inspected.
- (4) In carrying out an inspection relating to liquor, a liquor licence or licensed premises, an inspector may
- (a) take reasonable samples of liquor from the licensee or any person in the licensed premises,
  - (b) inspect, audit, examine and make copies of any records, documents, books of account and receipts relating to liquor, a liquor licence or licensed premises, or may temporarily remove any of them for those purposes,
  - (c) interview the licensee or agents of the licensee with regard to any of the records, documents, books of account and receipts,
  - (d) interview and request identification from any person who appears to be a minor who is found in the licensed premises, or a person who appears to be a minor who is found outside the licensed premises if the inspector has reasonable grounds to believe that the person is contravening or has contravened this Act,
  - (e) interview and request identification from any person who appears to be intoxicated in licensed premises or who is found in the licensed premises after the sale and consumption of liquor have been required to cease under the regulations, or a person who is found outside the licensed premises if the inspector has reasonable grounds to believe that the person is contravening or has contravened this Act, and

- (f) seize identification from any person interviewed in accordance with this subsection if the inspector has reasonable grounds to believe that the identification is false or has been altered.
- (5) In carrying out an inspection relating to a gaming activity, provincial lottery or gaming or facility licence, an inspector may
- (a) take reasonable samples of gaming supplies from the licensee or any person in the licensed facility,
  - (b) inspect, audit, examine and make copies of any records, documents, books of account and receipts relating to a gaming activity, a provincial lottery, a gaming or facility licence or gaming supplies, or may temporarily remove any of them for those purposes,
  - (c) interview the licensee or agents of the licensee with regard to any of the records, documents, books of account and receipts,
  - (d) interview and request identification from any person who appears to be a minor who is found in the licensed facility, or a person who appears to be a minor who is found outside the licensed facility if the inspector has reasonable grounds to believe that the person is contravening or has contravened this Act, and
  - (e) seize identification from any person interviewed in accordance with this subsection if the inspector has reasonable grounds to believe that the identification is false or has been altered.
- (6) When an inspector removes records, documents, books of account and receipts under this section, the inspector must
- (a) give a receipt for them to the person from whom they were taken, and
  - (b) within a reasonable time, return them to that person.

**30 Section 104 is repealed and the following is substituted:**

**Duty to assist inspector**

**104** A licensee, a registrant, an applicant for a licence or registration and a common carrier and their officers, employees and agents must, on the request of an inspector, the Commission or an employee of the Commission,

- (a) assist the inspector in carrying out an inspection under section 103, and
- (b) provide the inspector with records, documents, books of account and receipts and provide a place where they may be inspected, audited, examined or copied.

**31 Section 106 is amended by striking out “video lottery” wherever it occurs and substituting “gaming”.**

**32 Section 107(1)(a) is amended by striking out “on or near” and substituting “in or near”.**

**33 Section 108 is amended by striking out “or in a place” and substituting “or in any place”.**

**34 Section 116 is amended**

- (a) by adding “37.1, 37.2, 39,” after “36,”;
- (b) by adding “75.1,” after “75”.

**35 The following is added after section 128:**

**Board decision to be final**

**128.1** A decision of the board under this Act is final.

**36 Section 129(1) is amended**

- (a) in clause (g)
  - (i) by adding the following after subclause (i):
    - (i.1) persons who provide gaming workers to gaming licensees,

(ii) in subclause (ii) by striking out “video lottery” and substituting “gaming”;

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

(z) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

**37 This Act comes into force on Proclamation.**

### **Explanatory Notes**

**1** Amends chapter G-1 of the Revised Statutes of Alberta 2000.

**2** Section 1(1)(g), (k), (aa) and (hh) presently read:

*1(1) In this Act,*

(g) “facility licence” means a licence that authorizes a person to operate a facility for gaming activities that are authorized by a gaming licence;

(k) “gaming worker” means a person who is paid to assist a gaming licensee in the conduct or management of a gaming activity, other than

(i) a person who is paid to sell raffle or pull tickets, or

(ii) a person specified in the regulations;

(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** Section 9(1) and (2) presently read:

*9(1) The board of the Commission consists of not more than 5 members appointed by the Lieutenant Governor in Council for a term specified in their appointment.*

*(2) The Lieutenant Governor in Council must designate a member as Chair of the board.*

**4** Section 12 presently reads:

*12 The board is responsible for*

*(a) ensuring that the powers and duties of the Commission are appropriately carried out;*

*(b) establishing the policies of the Commission;*

*(c) conducting hearings and making decisions respecting licences and registrations;*

*(d) any functions assigned to it under any enactment.*

**5** Section 17(1) presently reads:

*17(1) The board may in writing delegate any of its functions, powers or duties to the chief executive officer, to an employee or agent of the Commission or to any other person.*

**6** Section 18(1) presently reads:

*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 23 presently reads:

*23(1) All fees for licences and registrations provided by the Commission and all fines imposed by the board on licensees and registrants are payable to the Commission and must be deposited into the Commission's accounts.*

*(2) The fees and fines referred to in subsection (1), less amounts for refunds, are to be transferred to the General Revenue Fund as directed by the Provincial Treasurer.*

**8** Section 24 presently reads:

*24(1) Revenue from liquor sold by or on behalf of the Commission must be deposited into the Commission's accounts.*

*(2) The Commission may pay from the revenue*

- (a) *federal taxes and duties on the liquor,*
- (b) *the amount the Commission pays for the liquor, and*
- (c) *an amount for deposits and charges relating to containers under the Beverage Container Recycling Regulation (AR 101/97).*

(3) *The revenue, less the amounts referred to in subsection (2), is to be transferred to the General Revenue Fund as directed by the Provincial Treasurer.*

**9** Section 25 presently reads:

*25(1) The Lottery Fund established under the Interprovincial Lottery Act, RSA 1980 cI-8, is continued.*

(2) *The Lottery Fund is administered by the Commission.*

(3) *The income of the Fund accrues to and forms part of the Fund.*

**10** Section 26 presently reads:

*26(1) The revenue received by the Commission from provincial lotteries under agreements with retailers or the governments of the provinces and territories who are participating in the provincial lotteries, less amounts paid for prizes, must be deposited into the Commission's accounts.*

(2) *The Commission may pay from the revenue*

- (a) *retailers' commissions,*
- (b) *federal taxes, and*
- (c) *amounts required to be paid under the federal-provincial agreement respecting gaming and betting entered into on June 3, 1985, as amended or replaced from time to time.*

(3) *The revenue, less the amounts referred to in subsection (2), is to be transferred to the Lottery Fund.*

**11** Section 27 presently reads:

*27 Money may be paid or transferred from the Lottery Fund only in accordance with an appropriation Act.*

**12** New sections to deal with minors in licensed facilities and the facility licensee's duty to an intoxicated person.

**13** Section 39(3) presently reads:

*(3) No gaming licensee may use a gaming worker to assist in the conduct or management of a gaming activity unless the worker is registered as a gaming worker.*

**14** Section 46 presently reads:

*46(1) No person may make, sell, advertise or distribute a video lottery terminal unless the terminal is approved by the Commission and the person is registered to deal in video lottery terminals.*

*(2) No person may possess a video lottery terminal unless the terminal is approved by the Commission and*

*(a) the person operates an establishment in which the video lottery terminal is used and the use of the video lottery terminal in the person's establishment is authorized by the Commission, or*

*(b) the person is registered to deal in video lottery terminals or is an employee or agent of a person who is registered to deal in video lottery terminals.*

**15** Section 47(a) presently reads:

*47 No action or proceeding may be instituted or continued against the Crown or a Minister of the Crown, the Commission, the board or its members, the chief executive officer, inspectors or employees of the Commission based on any claim or cause of action, whether arising before or after the enactment of this section, for compensation, for loss or damages including exemplary damages or for injunctive or declaratory relief, whether based on contract, property, tort, equity, restitution, expropriation or otherwise, for*

*(a) the removal of video lottery terminals from establishments,*

**16** Separate business.

**17** Section 69(1)(a) presently reads:

*69(1) No liquor licensee or employee or agent of a liquor licensee may permit any activity in the licensed premises that*

*(a) is unlawful,*

**18** Section 73(2) presently reads:

*(2) No liquor licensee or employee or agent of a liquor licensee may add water or permit water to be added to any liquor sold or given to*

*a customer so as to reduce the percentage of alcohol by volume without the knowledge and consent of the customer.*

**19** Duty to intoxicated person.

**20** Section 80 presently reads:

*80(1) When the Commission sells liquor to liquor licensees, the price of liquor must be the same, at any one time, for all licensees holding the same class of licence.*

*(2) The Commission must not deliver liquor it has sold until the purchaser has paid for the liquor in the manner required by the board.*

**21** Section 91 presently reads:

*91(1) The board may do any one or more of the things referred to in subsection (2) if the board is of the opinion that*

- (a) a licensee or registrant has failed to comply with this Act, an order of the board or a condition imposed on a licence or registration;*
- (b) a liquor licensee has failed to comply with stadium bylaws;*
- (c) a licensee has failed with respect to licensed premises or a licensed facility to comply with the Safety Codes Act, orders under the Public Health Act or any municipal bylaw;*
- (d) an owner of licensed premises or facilities or a manager of licensed premises or facilities or, if the licensee is a corporation, an employee or agent of the corporation who is in charge of the licensed premises or facilities has been convicted of an offence under this Act or stadium bylaws;*
- (e) if the licensee or registrant is a corporation, a shareholder, director, officer or employee of the corporation has been convicted of an offence under this Act.*

*(2) If subsection (1) applies, the board may, by order, with respect to a licensee or registrant, do any one or more of the following, with or without a hearing:*



- (a) *issue a warning;*
- (b) *impose conditions on the licence or registration or rescind or amend existing conditions on the licence or registration;*
- (c) *impose a fine of not more than \$100 000 and refuse to renew a licence of a licensee or to renew the registration of a registrant until the fine is paid;*
- (d) *suspend or cancel the licence or registration.*

*(3) A licence or registration may not be cancelled or suspended on the grounds referred to in subsection (1)(d) or (e) until the conviction becomes final.*

**22** Order directing the use of proceeds or freezing property.

**23** Section 92(1) presently reads:

*92(1) The board may do any one or more of the things referred to in subsection (2) if, after a licence is issued or a person is registered, the licensee or registrant becomes ineligible for a licence because of either the licensee's or registrant's own actions or those of*

- (a) an owner or lessee of the licensed premises or facilities,*
- (b) a manager of the licensed premises or facilities or, if the licensee is a corporation, an employee or agent of the corporation who is in charge of licensed premises or facilities, or*
- (c) if the licensee or registrant is a corporation, a shareholder, director, officer or employee of the corporation.*

**24** Section 93 presently reads:

*93 When the board makes an order under section 91 or 92, the board must give the licensee or registrant*

- (a) a copy of the order,*
- (b) a written summary of the reasons and information on which the order is based, and*

(c) *information about an application for a hearing if the order was made without a hearing.*

**25** Section 94(1), (3) and (6) presently read:

*94(1) A licensee or registrant may apply to the board for a hearing if the board has, without a hearing in respect of that licensee or registrant,*

(a) *made an order under section 91 or 92,*

(b) *imposed conditions on the licence under section 38(3) or 61(3), or*

(c) *imposed conditions on the registration under the regulations.*

*(3) A person whose liquor, containers, video lottery terminals or gaming supplies have been seized under section 95 or 106 may apply to the board for a hearing.*

*(6) Within 30 days after receiving an application, the board must conduct a hearing and give the applicant an opportunity to make representations to the board.*

**26** Section 97(1) presently reads:

*97(1) Notice of any decision or board order made under section 38(3), 61(3), 91 or 92 or any decision or order under the regulations that imposes conditions on a registration must be given to the licensee or registrant*

(a) *by sending it by registered mail to the last address of the licensee or registrant as shown in the Commission's records, or*

(b) *by giving it personally to the licensee or registrant or an agent of the licensee or registrant.*

**27** New sections to enable the Commission to apply to have a receiver and manager appointed.

**28** Section 101 presently reads:

*101 A liquor licensee must, when required by the Commission, provide the Commission with samples of liquor that the licensee is selling or intends to sell.*

**29** Section 103 presently reads:

*103(1) To ensure compliance with this Act, an inspector may enter and inspect, at any reasonable time,*

- (a) licensed premises or facilities,*
  - (b) premises with respect to which a liquor licence has been suspended or cancelled,*
  - (c) a facility with respect to which a facility licence has been suspended or cancelled, or*
  - (d) the offices of a common carrier doing business in Alberta that may contain records and documents relating to liquor stored or transported in Alberta.*
- (2) An inspector may enter and inspect, at any reasonable time, premises or facilities described in an application for a licence to determine if the premises or facilities meet the requirements of this Act.*
- (3) When acting under the authority of this section, an inspector must carry identification in the form established by the board and present it on request to the owner or occupant of the premises being inspected.*
- (4) In carrying out an inspection, an inspector*
- (a) may, in an inspection relating to liquor,*

- (i) *take reasonable samples of liquor for testing and analysis,*
- (ii) *inspect, examine and make copies of records and documents relating to liquor or a licence or temporarily remove any of them to make copies, and*
- (iii) *interview and request identification from people in the licensed premises who appear to be minors,*

*and*

(b) *may, in an inspection relating to gaming activities,*

- (i) *take reasonable samples of gaming supplies,*
- (ii) *inspect, examine and make copies of records and documents relating to gaming activities and gaming supplies or temporarily remove any of them to make copies, and*
- (iii) *interview and request identification from people in the licensed facility who appear to be minors.*

(5) *When an inspector removes records and documents under subsection (4), the inspector must*

- (a) *give to the person from whom they were taken a receipt for them, and*
- (b) *within a reasonable time, return them to that person.*

**30** Section 104 presently reads:

*104 A licensee, an applicant for a licence and a common carrier and their officers, employees and agents must, on the request of an inspector,*

- (a) *assist the inspector in carrying out an inspection under section 103, and*
- (b) *provide the inspector with records and documents and provide a place where they may be examined.*

**31** Section 106 presently reads:

*106(1) An inspector who, while carrying out an inspection under section 103, finds any liquor, video lottery terminals or gaming supplies that the inspector believes on reasonable and probable grounds are unlawfully acquired or kept or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence or registration may immediately seize and remove the liquor and the containers in which it is held or the video lottery terminals or gaming supplies.*

*(2) When an inspector seizes liquor and containers, video lottery terminals or gaming supplies, the inspector must*

- (a) give a notice to the person from whom the liquor and containers or the terminals or gaming supplies were seized that sets out the reasons for the seizure and notifies the person of the right to a hearing before the board, and*
- (b) deliver the liquor and containers or the terminals or gaming supplies to the Commission.*

**32** Section 107(1)(a) presently reads:

*107(1) A peace officer who on reasonable and probable grounds believes*

- (a) that liquor is on or near a vehicle and is being kept unlawfully or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence, and*

**33** Section 108 presently reads:

*108 If a peace officer finds liquor on any premises or in a place and the peace officer believes on reasonable and probable grounds that there is no apparent owner of the liquor, the peace officer may immediately seize and remove the liquor and containers, and the liquor and containers are forfeited to the Crown.*

**34** Section 116 presently reads:

*116 A person who contravenes section 36, 40, 41, 45, 46, 50, 64, 65(1), 66, 68, 69, 70, 71, 72, 73, 74, 75, 77, 79, 81, 84, 86(2), 87, 89, 90, 99, 100, 101 or 115(1) or a section in the regulations the*

*contravention of which is designated by the regulations to be an offence is guilty of an offence.*

**35** Privative clause.

**36** Section 129(1)(g) presently reads:

*129(1) The Lieutenant Governor in Council may make regulations*

- (g) establishing classes of registration in respect of
  - (i) gaming workers,*
  - (ii) people who deal in video lottery terminals or gaming supplies, and*
  - (iii) liquor agents, representatives and others who are required to be registered under Part 3;**

**37** Coming into force.

Explanatory Notes