

Bill No. 36 of 1937.

A BILL TO AMEND THE DEPARTMENT OF TRADE  
AND INDUSTRY ACT.

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NOTE.

The amendment made by section 2 defines the expression "goods, wares and merchandise".

Section 3 repeals Parts I and II of the Act and provides in their place two new Parts. Part I relates to the constitution of the Department of Trade and Industry. Part II is a re-enactment of a similar provision formerly enacted by *The Industrial Standards Act*.

Section 4 repeals section 23a which assigned the administration of Part III of the Act to the Minister of Lands and Mines.

Section 5 empowers the Lieutenant Governor in Council to fix maximum and minimum prices applicable to the sale of any goods, wares or merchandise, or any product of agriculture or any product of the mine or any crude petroleum or derivative thereof, produced in Alberta, whether sold by wholesale, retail or otherwise; and empowers the Minister and his appointees to hold enquiries as to the circumstances under which any goods, wares or merchandise are manufactured, processed, supplied, distributed or sold, by retail, or as to the circumstances of any trade or industry.

The Lieutenant Governor in Council is empowered to require the delivery to the Minister of a copy of the invoice for all imported goods or any designated imported goods, by the person who imports the same.

R. ANDREW SMITH,  
*Legislative Counsel.*

*(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)*

# BILL

No. 36 of 1937.

An Act to amend The Department of Trade and Industry Act.

(Assented to \_\_\_\_\_, 1937.)

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

1. This Act may be cited as "*The Department of Trade and Industry Act Amendment Act, 1937.*"

2. *The Department of Trade and Industry Act*, being chapter 33 of the Statutes of Alberta, 1934, is hereby amended as to section 2 by adding at the end thereof the following:

"and the expression 'goods, wares and merchandise' includes every kind and description of goods and chattels which is dealt in, bought or sold, within the Province."

3. The said Act is further amended by striking out the whole of Part I and the whole of Part II and by substituting therefor the following:

## "PART I.

3.—(1) There shall be a department of the Public Service of the Province to be called The Department of Trade and Industry over which the member of the Executive Council appointed by the Lieutenant Governor in Council under the seal of the Province to discharge the functions of the Minister of Trade and Industry shall preside.

"(2) The Lieutenant Governor in Council may appoint a Deputy Minister and such other officers, clerks and servants as are requisite for the conduct of the business of the Department and may prescribe their respective duties and remuneration.

"(3) The Lieutenant Governor in Council may appoint suitable persons to act as agents of the Minister to carry out such duties as may be prescribed from time to time by the Minister, and in the carrying out of such duties the agents of the Minister shall have the same powers of summoning witnesses before them, requiring witnesses to give evidence on oath, and to produce documents and things as may be conferred upon Commissioners appointed pursuant to *The Public Inquiries Act*.

"4. It shall be the duty of the Minister to encourage the betterment of the conditions of all trades in the Province and the development of the natural resources of the Province, and for that purpose he is empowered,—

- "(a) to enquire into any condition for the time being prevalent in any trade;
- "(b) to make surveys from time to time of all or any natural resources of the Province and to formulate plans for their useful, economical and orderly development;
- "(c) to promote and attend conferences of representatives of the persons engaged in carrying on or employed in any trade for the purpose of discussing any matter;
- "(d) to collect, arrange and systematize such information as to the trades of the Province and as to the natural resources of the Province as he may from time to time deem proper;
- "(e) to assist with information and advise any person engaged in any trade or any association of any such persons in any manner calculated to the betterment of the trade and the public;
- "(f) generally to do all acts and things necessary or incidental to any of the matters hereinbefore set out.

"5. The Minister may, with the approval of the Lieutenant Governor in Council, by regulation prescribe standards of ethics, methods, practices and systems applicable to any trade carried on within the Province, or within any specified part or parts thereof, with the object of putting an end to competitive practices which are in their nature detrimental either to a trade or to any classes of persons engaged therein or to the public, and without derogating from the generality of the foregoing, may prescribe from time to time the minimum or maximum price respectively at which any goods, wares, merchandise or services may be sold within the Province, either by wholesale or retail, and prohibit the sale of any goods, wares or merchandise or any service at a price less than the minimum price fixed for the sale thereof or in excess of the maximum price fixed for the sale thereof.

"6. With the approval of the Lieutenant Governor in Council the Minister is hereby authorized,—

- "(a) to appoint a general Advisory Board, to be called the Trade and Commerce Advisory Board, for the purpose of advising him in all matters or things pertaining to every business, trade, industry or occupation carried on within the Province;
- "(b) to appoint a Secretary for the said Board, also to appoint administrators or investigators to the number he deems necessary, for the purpose of obtaining information and performing all other duties required for the carrying out of the intent of this Act or any regulations made thereunder;
- "(c) to appoint other boards or committees, if deemed advisable, and designate their duties;

“(d) to prescribe the remuneration for all boards, committees, secretaries, administrators and all others, as may be appointed, and to prescribe the terms and manner in which they shall discharge their duties.

“7. The Lieutenant Governor in Council may from time to time make such regulations and orders, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent.

“8.—(1) The Lieutenant Governor in Council may, upon the recommendation of the Minister, by order published in *The Alberta Gazette*,—

“(a) declare that from and after a date fixed by the order any regulations or any specified part of any regulations shall cease to have any force or effect;

“(b) suspend the operation of any regulations or any specified part or parts thereof, either for a fixed period or until further order; and

“(c) alter, vary, modify or amend the provisions of any regulations.

“(2) Every order made under this section shall take effect as and from the date fixed in the order for that purpose.

“9.—(1) This Act shall apply to every trade, business, industry or occupation carried on within the Province.

“(2) The Lieutenant Governor in Council may, on the recommendation of the Minister, classify any trade, business, industry or occupation carried on within the Province and prescribe regulations applicable to the same.

“10. Every order made pursuant to this Act shall be published in *The Alberta Gazette* and shall take effect upon the date of publication or upon such later date as may be specified in the order as the date upon which the same shall take effect, and upon taking effect every such order shall have the same force and effect as if the same had been enacted as a part of this Act.

“11. In case a complaint is made to the Minister that any person carrying on any trade, industry, business or occupation in the Province, has offered for sale or sold any goods, wares or merchandise, or any services at a price which is below the fair competitive price thereof, the Minister may cause such enquiry to be made in respect of such person as he deems sufficient and if he is satisfied thereby of the truth of the complaint he may in his discretion suspend or cancel for such period as he thinks proper any licence which such person holds under *The Licensing of Trades and Businesses Act, 1937*.

“12. Every person who knowingly contravenes any of the provisions of this Act or of any order in council, order of the Minister or regulation made pursuant thereto, shall be guilty of an offence, and shall in addition to any other penalty, be liable on summary conviction therefore to a penalty, in the case of a natural person of not more than fifty dollars and costs, and in default of payment to imprisonment for a term of not more than sixty days, and in the case of a body corporate to a penalty of not more than two hundred dollars and costs.

**“13.** Every person who is engaged in any trade, business or industry in the Province shall, whenever required so to do by the Minister, furnish to the Minister in such form and manner as he may prescribe, such information as the Minister may require as to such trade, business or industry, and any information so furnished shall be verified by the statutory declaration of some person who has knowledge of the facts to which such information relates.

“PART II.

**“14.—(1)** The Lieutenant Governor in Council may from time to time make regulations,—

“(a) prescribing standard specifications as to the nature, contents and quality of any commodity which is used in industry or which is merchandise or of any grade or class thereof, and the manner in which and the occasions upon which such specifications shall be made known by any person dealing in such commodity, either to the public generally or to any specified class of persons or any specified persons;

“(b) prescribing penalties for the contravention of any regulation made under this section which penalties shall not be more than a fine of two hundred dollars and costs and in default of payment to imprisonment for a term of not more than sixty days.

“(2) Every regulation made under this section shall be published in *The Alberta Gazette* and shall take effect as and from the date of publication or any later date specified in the order for that purpose, and shall have the same force and effect as if the same had been enacted as a part of this Act.”

**4.** The said Act is further amended as to section 23a by striking out the same.

**5.** The said Act is further amended by striking out sections 29 and 30 thereof and by substituting therefor the following:

**“29.—(1)** The Minister may whenever he deems it necessary, inquire into the circumstances relating to the production, manufacture, processing, supply, distribution or sale by wholesale or retail, or in any other manner of any goods, wares or merchandise, or into any circumstances relating to any trade or industry.

“(2) The Minister may appoint such persons as he deems proper to make any such inquiry on his behalf, and any persons so appointed shall report to the Minister as to any inquiry so made.

“(3) The Lieutenant Governor in Council may upon the recommendation of the Minister made after the making of any such inquiry by order prescribe and fix,—

- “(a) the maximum or minimum price or both at which any goods, wares or merchandise shall be purchased or sold by wholesale or by retail or in any other manner;
- “(b) the maximum or minimum price or both at which any product of agriculture or of the forest, or of the mine or any crude petroleum or any derivative thereof, produced in Alberta, shall be purchased or sold;
- “(c) the maximum or minimum price or both to be charged for services rendered or work done in any trade; and
- “(d) areas of the Province to which the order shall apply and in so doing may fix different maximum and minimum prices for different areas.

“(4) In fixing and prescribing prices pursuant to this section the Minister shall not be under any duty to take into account any plant, equipment or other investment of any kind which in his opinion is not for the time being reasonably required for the purpose of the particular trade or industry under review, or the capital represented by any such plant or equipment, and in case account is taken of any such plant, equipment, investment or capital, the Minister may allow a return thereon at such rate as he deems proper.

“(5) In order that there may be available full and accurate and sufficient information for the purpose of determining any minimum or maximum price pursuant to this section, the Lieutenant Governor in Council may from time to time by order require that every person who imports any goods, wares or merchandise into the Province specified in the order, shall on and after a day fixed by the order, immediately upon the receipt by him in the Province of any such goods, wares and merchandise, transmit to the Minister a true and correct copy of every invoice relating thereto.

“(6) Every person who sells any goods in contravention of any order under this Part, or who makes default in delivering to the Minister any copy of any invoice which he is required by any order in council made pursuant to subsection (4) to deliver, shall be guilty of an offence and liable upon summary conviction to a penalty of not more than five hundred dollars and costs, and in default of payment to imprisonment for a term of not more than ninety days.

“(7) Where any person is empowered in this Act to hold any inquiry, every such person shall for the purpose of any such inquiry have all the powers which are or may be conferred by *The Public Inquiries Act* upon a commissioner appointed pursuant to that Act.”

**6.** This Act shall come into force on the day upon which it is assented to.

No. 36.

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THIRD SESSION  
**EIGHTH LEGISLATURE**  
1 GEORGE VI  
1937

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**BILL**  
An Act to amend The Department of  
Trade and Industry Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. DR. CROSS.

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EDMONTON:  
A. Shnitka, King's Printer  
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