

2000 BILL 18

Fourth Session, 24th Legislature, 49 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 18

**ALBERTA PERSONAL
INCOME TAX ACT**

THE PROVINCIAL TREASURER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 18

2000

ALBERTA PERSONAL INCOME TAX ACT

(Assented to , 2000)

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

Definitions

1(1) In this Act,

- (a) “agreeing province or territory” means a province or territory that has entered into an agreement with the Government of Canada under which the Government of Canada will collect taxes payable under that province’s or territory’s income tax statute and will make payments to that province or territory in respect of the taxes so collected;
- (b) “Alberta regulation” means the regulations made by the Lieutenant Governor in Council under this Act;
- (c) “business income in Alberta” means income for the taxation year from a business with a permanent establishment in Alberta as determined in accordance with section 2603 of the federal regulation;
- (d) “business income outside Alberta” means income for the taxation year from a business with a permanent establishment outside Alberta, but in Canada, as determined in accordance with section 2603 of the federal regulation;
- (e) “Canada Customs and Revenue Agency” means the Canada Customs and Revenue Agency established under the *Canada Customs and Revenue Agency Act* (Canada);

- (f) “Commissioner of Customs and Revenue” means the Commissioner of Customs and Revenue appointed under the *Canada Customs and Revenue Agency Act* (Canada);
- (g) “Court” means the Court of Queen’s Bench;
- (h) “federal Act” means the *Income Tax Act* (Canada);
- (i) “federal regulation” means the *Income Tax Regulations*, C.R.C., c. 945, made under the federal Act;
- (j) “income for the year” means
 - (i) in the case of an individual resident in Canada during only part of the taxation year in respect of whom section 114 of the federal Act applies, the aggregate of
 - (A) the individual’s income for the period or periods in the year referred to in paragraph 114(a) of the federal Act as determined in accordance with and for the purposes of the federal Act, and
 - (B) the individual’s income for the portion of that year that is not included in the period or periods referred to in paragraph (A), computed under paragraphs 115(1)(a), (b) and (c) of the federal Act as though that portion of the year were the whole taxation year,
 - (ii) in the case of an individual not resident in Canada at any time in the taxation year, the individual’s income for the year as computed under paragraphs 115(1)(a), (b) and (c) of the federal Act, and
 - (iii) in the case of any other individual, the individual’s income for the year as determined in accordance with and for the purposes of Part I of the federal Act;
- (k) “income tax statute” means, with reference to an agreeing province or territory, the law of that province or territory that imposes an income tax on individuals;
- (l) “individual” means a person other than a corporation and includes a trust or estate;
- (m) “Minister” means the Minister of National Revenue for Canada;

- (n) “old Act” means the *Alberta Income Tax Act* (RSA 1980 cA-31);
- (o) “permanent establishment” means a permanent establishment as defined in section 2600 of the federal regulation;
- (p) “prescribed” means
 - (i) with respect to a form, the information to be given on a form or the manner of filing a form, authorized by the Provincial Treasurer, or
 - (ii) in any other case, prescribed by an Alberta regulation;
- (q) “Receiver General” means the Receiver General of Canada;
- (r) “refundable tax credit” means a tax credit under Part 1, Division 4;
- (s) “specified percentage for the year” means the percentage specified in section 4;
- (t) “tax collection agreement” means a tax collection agreement between the Government of Canada and the Government of Alberta entered into under section 62 or continued under section 86;
- (u) “tax payable under this Act” means the tax payable as fixed by assessment or reassessment subject to variation on objection or on appeal, if any, in accordance with this Act;
- (v) “taxable income” means taxable income determined under section 5;
- (w) “taxation year”, in respect of an individual, means the period determined under the federal Act as the individual’s taxation year.

(2) Except to the extent that it is at variance with the definitions and interpretation provisions contained in this section, Part XVII of the federal Act applies for the purposes of this Act.

(3) In addition to any other variation under this Act, if a provision of the federal Act or the federal regulation applies for the purposes of this Act, the following applies:

- (a) if a reference is made in that provision to another provision of the federal Act or the federal regulation and the other provision does not apply for the purposes of this Act because a provision of this Act applies instead of it, the reference to the other provision is deemed to be a reference to the provision of this Act that applies instead of it;
- (b) if a reference is made in that provision to another provision of the federal Act or the federal regulation and the other provision does not apply for the purposes of this Act, that provision is to be read without reference to the other provision;
- (c) if a reference is made in that provision to another provision of the federal Act or the federal regulation and the other provision applies in a different manner for the purposes of the federal Act or the federal regulation than it does for the purposes of this Act, the reference is deemed to be a reference to the other provision as it applies for the purposes of this Act;
- (d) a reference in that provision to tax payable under Part I of the federal Act is to be read as a reference to tax payable under this Act;
- (e) a reference in that provision to tax otherwise payable is to be read as a reference to tax payable under this Act unless that provision otherwise provides;
- (f) if that provision contains a reference to tax under any of Parts I.1 to XIV of the federal Act, it is to be read
 - (i) without reference to tax under any of those Parts, and
 - (ii) without reference to any portion of that provision that applies only to or in respect of tax under any of those Parts;
- (g) if that provision contains a reference to any of Parts I.1 to XIV of the federal Act or to a provision in any of those Parts, it is to be read
 - (i) without reference to that Part or provision, as the case may be, and
 - (ii) without reference to any portion of it that applies only because of the application of any of those Parts or a provision in any of those Parts;

- (h) a reference in that provision to a provision of the federal regulation that applies for the purposes of this Act is to be read as a reference to the regulation as it applies for the purposes of this Act;
- (i) a reference in that provision
 - (i) to the Tax Court of Canada is to be read as a reference to the Court of Queen's Bench, and
 - (ii) to the Federal Court of Appeal is to be read as a reference to the Court of Appeal of Alberta;
- (j) a reference in that provision to the Minister or the Receiver General is to be read as a reference to the Provincial Treasurer.

(4) In any case of doubt, the provisions of this Act are to be applied and interpreted in a manner consistent with similar provisions of the federal Act.

(5) Section 257 of the federal Act applies for the purposes of this Act.

Application **2** Except provisions of this Act that state otherwise, this Act applies to the 2001 taxation year and subsequent taxation years.

PART 1

INCOME TAX

Division 1 Liability for Tax

Liability for tax **3(1)** An individual

- (a) who was resident in Alberta on the last day of a calendar year,
- (b) who was resident in a province other than Alberta or in a territory on the last day of a calendar year and had business income in Alberta in that calendar year, or
- (c) who, not being resident in Canada on the last day of a calendar year, had income for the year

must pay tax as required by this Act.

(2) No tax is payable under this Act by an individual for a period when that individual was exempt from tax because of subsection 149(1) of the federal Act.

Division 2 Computation of Tax

Specified percentage **4** The specified percentage for the 2001 taxation year and subsequent taxation years is 11%.

Taxable income **5** The taxable income of an individual for the purposes of computing tax payable under Part I of the federal Act is the individual's taxable income for the purposes of this Act.

Amount of tax payable **6(1)** The tax payable under this Act for a taxation year by an individual who was resident in Alberta on the last day of the calendar year and had no business income outside Alberta in the taxation year is the amount determined by the formula

$$A \times B$$

where

A is the specified percentage for the year;

B is the taxable income of the individual.

(2) The tax payable under this Act for a taxation year by an individual who was resident in Alberta on the last day of the calendar year and had business income outside Alberta in the taxation year is the amount determined by the formula

$$A \times B \times \frac{(C-D)}{C}$$

where

A is the specified percentage for the year;

B is the taxable income of the individual;

C is the income for the year as determined under section 1(1)(j)(iii);

D is the business income outside Alberta.

(3) The tax payable under this Act for a taxation year by an individual who was resident in a province other than Alberta or in a territory on the last day of the calendar year and had business income in Alberta in the taxation year is the amount determined by the formula

$$A \times B \times \frac{C}{D}$$

where

A is the specified percentage for the year;

B is the taxable income of the individual;

C is the business income in Alberta;

D is the income for the year as determined under section 1(1)(j)(iii).

(4) The tax payable under this Act for a taxation year by an individual who

(a) was not resident in Alberta on the last day of the calendar year but was resident in Alberta throughout part of the calendar year, and

(b) was not resident in Canada on the last day of the calendar year

is the amount determined in accordance with the formula

$$A \times B \times \frac{(C-D)}{C}$$

where

A is the specified percentage for the year;

B is the taxable income of the individual;

C is the income for the year as determined under section 1(1)(j)(i);

D is the business income outside Alberta.

(5) The tax payable under this Act for a taxation year by an individual who was not resident in Canada at any time in the calendar year is the amount determined by the formula

$$A \times B \times \frac{C}{D}$$

where

- A is the specified percentage for the year;
- B is the taxable income of the individual;
- C is the total of the individual's income for the year earned in Alberta as determined under section 2602 of the federal regulation and the taxable capital gain from the disposition of taxable Alberta property as determined by an Alberta regulation;
- D is the income for the year as determined under section 1(1)(j)(ii).

Division 3 Tax Credits, Rebates and Other Deductions

Deductions **7** The amounts that may be deducted under this Division and Division 6 may be deducted only from the amount of tax payable under section 6, except that amounts under sections 21 and 23 may also be deducted from tax payable under section 47.

Personal credits **8(1)** For the purpose of computing the tax payable under this Act for a taxation year by an individual, there may be deducted the amount determined by the formula

$$A \times B$$

where

- A is the specified percentage for the year;
- B is the total of

Spousal credit (a) in the case of an individual who at any time in the year is a married person who supports the individual's spouse and is not living separate and apart from the spouse because of a breakdown of their marriage, an amount equal to the total of

- (i) \$11 620, and
- (ii) an amount determined by the formula

\$11 620 - C

where

C is the income of the individual's spouse for the year or, where the individual and the individual's spouse are living separate and apart at the end of the year because of a breakdown of their marriage, the spouse's income for the year while married and not so separated,

Equivalent to
spouse credit -
single status

- (b) in the case of an individual who does not claim a deduction for the year under clause (a) and who, at any time in the year,

- (i) is an unmarried person or a married person who neither supported nor lived with the married person's spouse and is not supported by the spouse, and

- (ii) whether alone or jointly with one or more other persons, maintains a self-contained domestic establishment (in which the individual lives) and actually supports in that establishment a person who, at that time, is

- (A) except in the case of a child of the individual, resident in Canada,

- (B) wholly dependent for support on the individual, or on the individual and the other person or persons, as the case may be,

- (C) related to the individual, and

- (D) except in the case of a parent or grandparent of the individual, either under 18 years of age or so dependent because of mental or physical infirmity,

an amount equal to the total of

- (iii) \$11 620, and

(iv) an amount determined by the formula

$\$11\,620 - D$

where

D is the income for the year of the dependent person,

Basic personal credit - single status

(c) except in the case of an individual entitled to a deduction under clause (a) or (b), \$11 620,

In-home care of relative credit

(d) in the case of an individual who, at any time in the year alone or jointly with one or more persons, maintains a self-contained domestic establishment that is the ordinary place of residence of the individual and of a particular person

(i) who has attained the age of 18 years before that time,

(ii) who

(A) is the individual's child or grandchild, or

(B) is resident in Canada and is the individual's parent, grandparent, brother, sister, aunt, uncle, nephew or niece, and

(iii) who

(A) in the case of the individual's parent or grandparent, has attained the age of 65 years before that time, or

(B) in the case of any of the relatives referred to in subclause (ii), is dependent on the individual because of that particular person's mental or physical infirmity,

the amount determined by the formula

$\$14\,047 - D.1$

where

D.1 is the greater of \$11 661 and the particular person's income for the year,

Dependant
credit

(e) for each dependant of the individual for the year who

(i) attained the age of 18 years before the end of the year, and

(ii) was dependent on the individual because of mental or physical infirmity,

the amount determined by the formula

$\$7231 - E$

where

E is the greater of \$4845 and the income for the year of the dependant, and

Infirm
dependant
credit

(f) in the case of an individual entitled to a deduction under clause (b) in respect of a person and who would also be entitled but for paragraph 118(4)(c) of the federal Act to a deduction under clause (d) or (e) in respect of the same person, the amount by which the amount that would be determined under clause (d) or (e) in respect of the person exceeds the amount determined under clause (b) in respect of the person.

(2) Subsections 118(4), (5) and (6) of the federal Act apply to subsection (1).

Age credit

9 For the purpose of computing the tax payable under this Act for a taxation year by an individual who, before the end of the year, has attained the age of 65 years, there may be deducted the amount determined by the formula

$A \times (\$3531 - B)$

where

A is the specified percentage for the year;

B is 15% of the amount, if any, by which the individual's income for the year would exceed \$26 284 if no amount were included in respect of a gain from a disposition of property to which section 79 of the federal Act applies in computing that income.

Pension credit **10(1)** For the purpose of computing the tax payable under this Act for a taxation year by an individual, there may be deducted the amount determined by the formula

$$A \times B$$

where

A is the specified percentage for the year;

B is the lesser of \$1000 and

(a) where the individual has attained the age of 65 years before the end of the year, the pension income received by the individual in the year, and

(b) where the individual has not attained the age of 65 years before the end of the year, the qualified pension income received by the individual in the year.

(2) Subsections 118(7) and (8) of the federal Act apply for the purposes of subsection (1).

Charitable and other gifts **11(1)** For the purpose of computing the tax payable under this Act for a taxation year by an individual, there may be deducted such amount as the individual claims not exceeding the amount determined by the formula

$$(A \times B) + [12.75\% \times (C - B)]$$

where

A is the specified percentage for the year;

B is the lesser of \$200 and the individual's total gifts for the year;

C is the individual's total gifts for the year.

(2) Section 118.1 of the federal Act applies for the purposes of this Act except that subsection (1) of this section applies instead of subsection 118.1(3) of the federal Act.

Medical
expense credit

12(1) For the purpose of computing the tax payable under this Act for a taxation year by an individual, there may be deducted the amount determined by the formula

$$A \times (B - C) - D$$

where

- A is the specified percentage for the year;
- B is the total of the individual's medical expenses that are proven by filing receipts for the medical expenses with the Provincial Treasurer that were not included in determining an amount under this subsection for a preceding taxation year and that were paid by either the individual or the individual's legal representative,
- (a) where the individual died in the year, within any period of 24 months that includes the day of death, and
 - (b) in any other case, within any period of 12 months ending in the year as selected by the individual for the purposes of the federal Act;
- C is the lesser of \$1637 and 3% of the individual's income for the year;
- D is 32% of the total of all amounts each of which is the amount, if any, by which
- (a) the income for the year of a person (other than the individual and the individual's spouse) in respect of whom an amount is included in computing the individual's deduction under this section for the year exceeds
 - (b) \$11 620.

(2) Section 118.2 of the federal Act applies for the purposes of this Act except that subsection (1) of this section applies instead of subsection 118.2(1) of the federal Act.

Credit for
mental or
physical
impairment

13(1) This section applies where

- (a) an individual has a severe and prolonged mental or physical impairment,

- (b) the effects of the impairment are such that the individual's ability to perform a basic activity of daily living is markedly restricted,
- (c) in the case of
 - (i) a sight impairment, a medical doctor or an optometrist,
 - (ii) a hearing impairment, a medical doctor or an audiologist,
 - (iii) an impairment with respect to an individual's ability in feeding and dressing, or in walking, a medical doctor or an occupational therapist,
 - (iv) an impairment with respect to an individual's ability in perceiving, thinking and remembering, a medical doctor or a psychologist, and
 - (v) an impairment not referred to in any of subclauses (i) to (iv), a medical doctor

has certified in prescribed form that the impairment is a severe and prolonged mental or physical impairment the effects of which are such that the individual's ability to perform a basic activity of daily living is markedly restricted,

- (d) the individual has filed for a taxation year with the Provincial Treasurer the certificate described in clause (c), and
- (e) no amount in respect of remuneration for an attendant or care in a nursing home in respect of the individual is included in calculating a deduction under section 12 (otherwise than because of paragraph 118.2(2)(b.1) of the federal Act) for the year by the individual or by any other person.

(2) For the purposes of computing the tax payable under this Act for a taxation year by an individual, there may be deducted an amount determined by the formula

$$A \times \$4293$$

where

A is the specified percentage for the year.

(3) Section 118.3 of the federal Act applies for the purposes of this Act except that subsections (1) and (2) of this section apply instead of subsection 118.3(1) of the federal Act.

Nature of impairment **14** Section 118.4 of the federal Act applies for the purposes of this Act.

Tuition credit **15** Section 118.5 of the federal Act applies for the purposes of this Act, except that references to “the appropriate percentage for the year” are to be read as “the specified percentage for the year”.

Education credit **16(1)** For the purpose of computing the tax payable under this Act for a taxation year by an individual, there may be deducted an amount determined by the formula

$$A \times B$$

where

A is the specified percentage for the year;

B is the total of the products obtained when

(a) \$200 is multiplied by the number of months in the year during which the individual is enrolled in a qualifying educational program as a full-time student at a designated educational institution, and

(b) \$60 is multiplied by the number of months in the year (other than months described in clause (a)), each of which is a month during which the individual is enrolled at a designated educational institution in a specified educational program that provides that each student in the program spend not less than 12 hours in the month on courses in the program.

(2) Subsection (1) does not apply unless the enrolment is proven by filing with the Provincial Treasurer a certificate in the prescribed form issued by the designated educational institution and containing prescribed information and, in respect of a designated educational institution described in subparagraph (a)(ii) of the definition “designated educational institution” in subsection 118.6(1) of the federal Act, the individual is enrolled in the program to obtain skills for, or to improve the individual’s skills in, an occupation.

(3) Section 118.6 of the federal Act applies for the purposes of this Act except that subsections (1) and (2) of this section apply instead of subsection 118.6(2) of the federal Act.

Unused tuition and education credits **17** Section 118.61 of the federal Act applies for the purposes of this Act.

Interest on student loan credit **18** Section 118.62 of the federal Act applies for the purposes of this Act, except that references to “the appropriate percentage for the year” are to be read as “the specified percentage for the year”.

EI and CPP contributions credit **19** Section 118.7 of the federal Act applies for the purposes of this Act, except that the reference to “the appropriate percentage for the year” is to be read as “the specified percentage for the year”.

Transfer of tax credits **20(1)** Sections 118.8 and 118.81 of the federal Act apply for the purposes of this Act.

(2) Section 118.9 of the federal Act applies for the purposes of this Act.

Deduction for taxable dividends **21** Section 121 of the federal Act applies for the purposes of this Act except that the reference to “2/3” is to be read as a reference to “32%”.

Overseas employment tax credit **22** For the purposes of computing tax payable under this Act for a taxation year by an individual, there may be deducted an amount equal to 40% of the amount that the individual may deduct under section 122.3 of the federal Act for that taxation year.

Foreign tax credit **23(1)** An individual who was resident in Alberta on the last day of a calendar year and had income for the year that included income earned in a country other than Canada in respect of which non-business-income tax was paid by the individual to the government of a country other than Canada may deduct for that taxation year the amount, if any, equal to the lesser of

(a) the amount, if any, by which the non-business-income tax paid by the individual for the year to the government of the country other than Canada exceeds,

- (i) where section 127.5 of the federal Act does not apply to the individual for the taxation year, all amounts claimed by the individual as deductions from tax under that Act for the year under subsection 126(1) or 180.1(1.1) of that Act, or
- (ii) where section 127.5 of the federal Act applies to the individual for the year, the aggregate of
 - (A) the individual's special foreign tax credit for the year determined under section 127.54 of that Act, and
 - (B) the amount claimed by the individual as a deduction from tax under that Act for the year under subsection 180.1(1.1) of that Act

and

- (b) that proportion of the tax otherwise payable under this Act for that taxation year that
 - (i) the aggregate of the individual's incomes from sources in that country, excluding any portion of the incomes that was deductible by the individual for the year under subparagraph 110(1)(f)(i) of the federal Act or in respect of which an amount was deducted by the individual under section 110.6 of the federal Act
 - (A) for that year, if section 114 of the federal Act is not applicable, or
 - (B) if section 114 of the federal Act is applicable, for the period or periods in the year referred to in paragraph (a) of that section,
- on the assumption that
- (C) no businesses were carried on by the individual in that country,
 - (D) no amount was deducted under subsection 91(5) of the federal Act in computing the individual's income for the year, and
 - (E) if the individual deducted an amount under subsection 122.3(1) of the federal Act from the individual's tax otherwise payable under Part I

of the federal Act, the individual's income from employment in that country was not from a source in that country to the extent of the lesser of the amounts determined in respect of the individual's income under paragraphs 122.3(1)(c) and (d) of the federal Act for the year,

is of

(ii) the amount, if any, by which

- (A) if section 114 of the federal Act is not applicable to the individual in respect of the year, the aggregate of the individual's income for the year and the amounts, if any, included under subsection 110.4(2) of the federal Act in computing the individual's taxable income under that Act for the year, or
- (B) if section 114 of the federal Act is applicable to the individual in respect of the year, the individual's income under that Act for the period or periods in the year referred to in paragraph (a) of that section,

exceeds

- (C) the aggregate of all amounts each of which is an amount
 - (I) deducted by the individual under paragraph 111(1)(b) or section 110.6 of the federal Act, or
 - (II) deductible by the individual under paragraph 110(1)(d), (d.1), (d.2), (d.3), (f) or (j) of the federal Act

for the year or in respect of the period or periods referred to in paragraph (B), as the case may be.

(2) For the purposes of subsection (1), the non-business-income tax paid by an individual to the government of a country other than Canada in respect of the individual's income for a year is the non-business-income tax that the individual paid to the government of that country as defined under subsection 126(7) of the federal Act for the purposes of that Act.

Political
contributions

24(1) In this section,

- (a) “registered candidate” means a person who is a registered candidate under the *Election Finances and Contributions Disclosure Act*;
- (b) “registered constituency association” means a registered constituency association under the *Election Finances and Contributions Disclosure Act*;
- (c) “registered party” means a political party that is a registered party under the *Election Finances and Contributions Disclosure Act*.

(2) In respect of the aggregate amount of contributions under the *Election Finances and Contributions Disclosure Act* contributed by an individual during a taxation year to a registered party, registered constituency association or registered candidate, that individual may deduct the lesser of the amount of tax payable and an amount equal to

- (a) in the case of a registered party, a registered constituency association or a registered candidate who is a candidate under the *Election Act*, for contributions made in respect of an election under the *Election Act*,
 - (i) 75% of the amount contributed if the aggregate amount of contributions by the individual does not exceed \$150,
 - (ii) \$112.50 plus 50% of the amount contributed in excess of \$150 if the aggregate amount of contributions by the individual exceeds \$150 but does not exceed \$825, or
 - (iii) the lesser of
 - (A) \$750, and
 - (B) \$450 plus 33 1/3% of the amount contributed in excess of \$825,if the aggregate amount of contributions by the individual exceeds \$825,

and

(b) in the case of a registered party that has nominated a candidate under the *Senatorial Selection Act* or a registered candidate who is a candidate under the *Senatorial Selection Act*, for contributions in respect of an election under the *Senatorial Selection Act*,

(i) 75% of the amount contributed if the aggregate amount of contributions by the individual does not exceed \$150,

(ii) \$112.50 plus 50% of the amount contributed in excess of \$150 if the aggregate amount of contributions by the individual exceeds \$150 but does not exceed \$825, or

(iii) the lesser of

(A) \$750, and

(B) \$450 plus 33 1/3% of the amount contributed in excess of \$825,

if the aggregate amount of contributions by the individual exceeds \$825.

(3) Payment of each amount that is included in the aggregate amount of contributions in respect of which a deduction is claimed under subsection (2) must be proved by filing with the Provincial Treasurer receipts signed on behalf of the registered party, registered constituency association or registered candidate, as the case may be.

(4) An individual is entitled to a deduction under subsection (2) in respect of the taxation year only if the individual files an application for the deduction in the prescribed form

(a) with the return for that taxation year, or

(b) within 90 days from the date of mailing of the notice of assessment or reassessment.

(5) If, as a result of an assessment or reassessment of tax payable for the taxation year, an individual has not claimed the maximum deduction under subsection (2) to which the individual is entitled, the individual may file a revised application for the deduction in the prescribed form within 90 days from the date of mailing of the notice of assessment or reassessment in respect of the individual for that taxation year, but not afterwards.

Royalty tax rebates

25(1) In this section,

- (a) “Alberta ACRI” is the product obtained when the attributed Canadian royalty income of an individual for a taxation year is multiplied by the proportion that the individual’s resource income earned in Alberta for the year as determined in accordance with Part XXVI of the federal regulation is of the individual’s total resource income for the year;
- (b) “Alberta basic tax rate” of an individual for a taxation year means
 - (i) in a taxation year when the individual’s tax payable under this Act is determined under section 48, the proportion that that tax payable is of the individual’s adjusted taxable income determined under section 127.52 of the federal Act for the year less the individual’s basic exemption determined under section 127.53 of the federal Act, expressed as a percentage, and
 - (ii) in any other case, the proportion that the individual’s tax payable under this Act for the year, after deducting only the individual’s personal credits under section 8 and no other credits or rebates under this Division, is of the individual’s taxable income for the year, expressed as a percentage;
- (c) “attributed Canadian royalty income” of an individual for a taxation year means the attributed Canadian royalty income calculated under section 20(1) of the *Alberta Corporate Tax Act* as though the individual were a corporation;
- (d) “resource income” means the amount of resource profits as defined in subsection 1204(1.1) of the federal regulation that is reasonably attributable to production from oil and gas wells or bituminous sands deposits, oil sands deposits or coal deposits or to any right, licence or privilege to explore for, drill for or recover petroleum or natural gas or to explore for, mine, quarry, remove, treat or process bituminous sands or oil sands or to win or work mines, seams or beds of coal;
- (e) “royalty tax rebate” means a rebate to which an individual is entitled under this section.

(2) If an individual disposes of property to a corporation in a transaction referred to in section 20(5) of the *Alberta Corporate Tax Act*, the individual may not use any of the attributed Canadian royalty income included by the corporation in the amount referred to in section 20(5)(a) of that Act in determining the individual's royalty tax rebate for the year of disposition or a subsequent taxation year.

(3) An individual is entitled, subject to this section, to a royalty tax rebate in respect of a taxation year in an amount equal to the lesser of

(a) the product obtained when the sum of

(i) the individual's Alberta ACRI carried forward from the immediately preceding taxation year, and

(ii) the individual's Alberta ACRI for the year

is multiplied by the individual's Alberta basic tax rate for the year, and

(b) the individual's tax otherwise payable under this Act for the year.

(4) For the purpose of computing the tax payable under this Act for a taxation year by an individual, there may be deducted the individual's royalty tax rebate for the year.

(5) Subject to subsection (6), if there is insufficient tax payable under section 6 by an individual for a taxation year (referred to as the carried forward year) to fully use the royalty tax rebate for the year as calculated under subsection (3), the Alberta ACRI carried forward to the immediately succeeding taxation year is the difference between

(a) the sum of the amounts referred to in subsection (3)(a)(i) and (ii) in respect of the carried forward year, and

(b) the royalty tax rebate for the carried forward year divided by the Alberta basic tax rate.

(6) An individual's Alberta ACRI carried forward from the 2000 to the 2001 taxation year is the product of the individual's attributed Canadian royalty income that has been carried forward at December 31, 2000 after the royalty tax rebate for that year, and the average of the proportion of the individual's resource income allocated to Alberta in each of the last 5 years.

(7) Despite subsection (5), an individual is not entitled to carry forward the individual's attributed Canadian royalty income for a taxation year under that subsection unless the individual either had a permanent establishment in Alberta at some time during that year or was resident in Alberta on the last day of that year.

(8) An individual is entitled to a royalty tax rebate in respect of the taxation year only if the individual files an application for the rebate in the prescribed form

- (a) with the individual's return for that taxation year, or
- (b) within 3 years after the end of the taxation year.

(9) If the date of mailing of a notice of assessment or reassessment in respect of an individual's taxation year is more than 33 months after the end of that taxation year, the individual may file an application for the royalty tax rebate in the prescribed form within 90 days from the date of mailing of the notice of assessment or reassessment in respect of the individual for that taxation year, but not afterwards.

Refund to
mutual fund
trust

26(1) In this section,

- (a) "Alberta rate" in respect of a taxation year means the rate, expressed as a percentage, calculated by multiplying the specified percentage for the year by $\frac{3}{4}$;
- (b) "capital gains redemptions" of a mutual fund trust for a taxation year means that proportion of
 - (i) the aggregate of
 - (A) the product obtained when 100 divided by the Alberta rate is multiplied by the trust's refundable capital gains tax on hand at the end of the year, and
 - (B) the amount, if any, by which the aggregate of the fair market value at the end of the year of all of the issued units of the trust and all amounts each of which is the amount of any debt owing by the trust, or of any other obligation of the trust to pay an amount, that was outstanding at that time exceeds the aggregate of the cost amounts to it at that time of all of its properties and the amount of any money of the trust on hand at that time,

that

- (ii) the aggregate of amounts paid by it in the year on the redemption of units of the trust,

is of

- (iii) the aggregate of the fair market value at the end of the year of all of the issued units of the trust and the amount determined under subclause (ii) in respect of the trust for the year;
- (c) “mutual fund trust” has the same meaning as in section 132 of the federal Act;
 - (d) “refundable capital gains tax on hand” of a mutual fund trust at the end of a taxation year means the amount, if any, by which
 - (i) the aggregate of amounts each of which is an amount in respect of that or any previous taxation year throughout which it was a mutual fund trust, equal to the lesser of the product obtained by multiplying its taxable income for the year by the specified percentage for the year and the product obtained by multiplying its taxed capital gains for the year by the specified percentage for the year

exceeds

- (ii) the aggregate of amounts each of which is an amount in respect of any previous taxation year throughout which it was a mutual fund trust, equal to its tax refund determined under subsection (3) for the year;
- (e) “taxed capital gains” has the same meaning as in section 132 of the federal Act.

(2) When an amount is to be refunded to a mutual fund trust in respect of a taxation year pursuant to section 132 of the federal Act, the Provincial Treasurer must, subject to subsection (4), at the time and in the manner provided in section 132 of the federal Act, refund to the mutual fund trust an amount, referred to in this section as its “capital gains refund” for the year, equal to the amount determined under subsection (3).

(3) The amount to be refunded to a mutual fund trust for a taxation year is equal to the lesser of

- (a) the product obtained by multiplying the trust's capital gains redemptions for the year by the Alberta rate, and
 - (b) the trust's refundable capital gains tax on hand at the end of the year.
- (4)** For the purpose of computing the capital gains refund under subsection (2) for a mutual fund trust in respect of a taxation year, when the mutual fund trust had business income outside Alberta in the taxation year, the refund is that proportion of the capital gains refund for the year, otherwise determined under subsection (2), that the trust's business income in Alberta in the taxation year is of its income for the year.

Minimum tax carry over

27 For the purpose of computing the tax payable under this Act for a taxation year by an individual, there may be deducted an amount equal to 40% of the amount that the individual may deduct under section 120.2 of the federal Act for that taxation year.

Division 4 Family Employment Tax Credit

Interpretation

- 28** In this Division,
- (a) "adjusted earned income" of an individual for a taxation year means the total of all amounts each of which is the earned income for the year of the individual or of the person who was the individual's cohabiting spouse at the end of the year;
 - (b) "adjusted income", "base taxation year", "cohabiting spouse", "eligible individual", "qualified dependant" and "return of income" have the same meanings as in section 122.6 of the federal Act;
 - (c) "earned income" of an individual for a taxation year has the same meaning as in subsection 63(3) of the federal Act;
 - (d) "overpayment" means an overpayment that an individual is deemed to have made under section 30.

Application of Division

29 This Division applies to overpayments deemed to have been made in January 2001 and later months.

Family
employment
tax credit

30(1) An individual is deemed to have made an overpayment in a month on account of the individual's liability under this Act for the base taxation year in relation to that month if

- (a) the individual has filed a return of income for the base taxation year, and
- (b) the individual was resident in Alberta at the beginning of the month and on the last day of the immediately preceding month.

(2) Subject to subsection (3), the amount that an individual is deemed to have overpaid in a month is determined by the formula

$$\frac{1}{12} (A - B)$$

where

A is the least of the following:

- (a) the product obtained when \$500 is multiplied by the number of qualified dependants in respect of whom the individual was an eligible individual at the beginning of the month;
- (b) 8% of the amount, if any, by which the individual's adjusted earned income for the base taxation year in relation to the month exceeds \$6500;
- (c) \$1000;

B is 4% of the amount, if any, by which the individual's adjusted income for the base taxation year in relation to the month exceeds \$25 000.

(3) If the total amount that an individual is deemed to have overpaid during a 12-month period from July of one year to June of the next year would be, except for this subsection, greater than \$0 and less than \$10, the total amount that the individual is deemed to have overpaid during that 12-month period is \$10.

Application of
federal Act

31 Subsections 122.61(3) and (3.1) and 122.62(1), (2), (4), (5), (6) and (7) of the federal Act apply in respect of an overpayment.

Cohabiting spouse

32(1) Despite section 30, if an individual has a cohabiting spouse at the end of a base taxation year, the individual is not deemed to have made an overpayment in respect of the base taxation year unless the cohabiting spouse has filed a return of income for the base taxation year.

(2) The Provincial Treasurer may waive the requirement for an individual's cohabiting spouse to file a return of income under subsection (1) if the individual has made an election under subsection 122.62(5) or (6) of the federal Act.

Payment of refund

33(1) The Provincial Treasurer may, based on considerations of administrative efficiency, specify that a refund of an overpayment that is deemed to arise in a month be made in that month or before or after that month occurs.

(2) A refund of an overpayment and costs relating to the refund are payable from the taxes, interest, penalties and other amounts collected under this Act.

Protection for refund

34(1) A refund of an overpayment

(a) subject to clause (b), may not be charged or given as security,

(b) may not be assigned except under a prescribed enactment,

(c) is exempt from

(i) writ proceedings as defined in the *Civil Enforcement Act*, and

(ii) distress proceedings authorized under the *Civil Enforcement Act* or any other law that is in force in Alberta,

and

(d) may not be retained by way of deduction or set-off except in respect of amounts that have been paid under section 30.

(2) Anything done in contravention of subsection (1) is void.

- Regulations **35** The Lieutenant Governor in Council may make regulations
- (a) specifying, with or without modifications, additional provisions of the federal Act that apply in respect of an overpayment;
 - (b) establishing rules to determine if an individual was resident in Alberta for the purposes of section 30(1)(b);
 - (c) prescribing enactments for the purposes of section 34(1)(b).

Division 5
Restrictions on Credits

Trusts **36** No deductions may be made under sections 8 to 10 in computing the tax payable under this Act for a taxation year by a trust.

Credits in year of bankruptcy **37** Despite sections 8 to 20, for the purpose of computing an individual's tax payable under this Act for a taxation year that ends in a calendar year in which the individual becomes bankrupt, the individual is allowed only

- (a) such of the deductions as the individual is entitled to under sections 10, 11, 12, 15, 16, 18 and 19 as can reasonably be considered wholly applicable to the taxation year, and
- (b) such part of the deductions as the individual is entitled to under sections 8, 9, 13 and 20 as can reasonably be considered applicable to the taxation year,

except that the total of the amounts so deductible for all taxation years of the individual in the calendar year under any of those provisions cannot exceed the amount that would have been deductible under that provision in respect of the calendar year if the individual had not become bankrupt.

Business income outside Alberta **38** Despite sections 8, 9, 11, 12, 13, 15, 16, 18 and 19, for the purposes of computing tax payable under this Act for a taxation year by an individual referred to in section 6(2), the amount that may be deducted under those provisions must not exceed the portion of such amount determined by the formula

$$A \times \frac{B - C}{B}$$

where

- A is the total of those credits under sections 8, 9, 11, 12, 13, 15, 16, 18 and 19 that the individual is entitled to claim;
- B is the individual's income for the year as determined in section 1(1)(j)(iii);
- C is the individual's business income outside Alberta.

Business
income in
Alberta

39 Despite sections 8, 9, 11, 12, 13, 15, 16, 18 and 19, for the purposes of computing tax payable under this Act for a taxation year by an individual referred to in section 6(3), the amount that may be deducted under those sections must not exceed the portion of such amount determined by the formula

$$A \times \frac{B}{C}$$

where

- A is the total of those credits under sections 8, 9, 11, 12, 13, 15, 16, 18 and 19 that the individual is entitled to claim;
- B is the individual's business income in Alberta;
- C is the individual's income for the year as determined in section 1(1)(j)(iii).

Part-year
residents

40(1) Despite sections 8 to 20, 38 and 39, where an individual is resident in Canada throughout part of a calendar year and throughout another part of the calendar year is non-resident, for the purpose of computing the individual's tax payable under this Act for the year,

- (a) the amount deductible for the year under each such provision in respect of the part of the year that is not included in the period or periods referred to in clause (b) is computed as though such part were the whole taxation year, and
- (b) the individual is allowed only

- (i) such of the deductions permitted under sections 10, 11, 12, 15, 16, 18 and 19 as can reasonably be considered wholly applicable, and
- (ii) such part of the deductions permitted under sections 8, 9, 13 and 20 as can reasonably be considered applicable

to the period or periods in the year throughout which the individual is resident in Canada, computed as though that period or those periods were the whole taxation year.

(2) Despite subsection (1), the amount deductible for the year by the individual under each provision referred to in subsection (1)(b) cannot exceed the amount that would have been deductible under that provision had the individual been resident in Canada throughout the year.

Tax payable
by non-
resident

41 Sections 8, 9, 10 and 12 of this Act, section 13 of this Act with respect to the application of subsections 118.3(2) and (3) of the federal Act and sections 15, 16 and 20 of this Act do not apply for the purpose of computing the tax payable under this Act for a taxation year by an individual who at no time in the year is resident in Canada unless all or substantially all of the individual's income for the year is included in computing the individual's taxable income earned in Canada for the year.

Division 6 General

Ordering of
credits

42 In computing an individual's tax payable under this Act, the following provisions must be applied in the following order:

sections 8, 9, 19, 10, 13, 17, 15, 16, 20(2), 20(1), 12, 11, 18 and 21.

Credits in
separate
returns

43 Where a separate return of income with respect to an individual is filed under subsection 70(2), 104(23) or 150(4) of the federal Act for a particular period and another return of income under this Act with respect to the individual is filed for a period ending in the calendar year in which the particular period ends, for the purpose of computing the tax payable under this Act by the individual in those returns, the total of all deductions claimed in all those returns under any of sections 10 to 19 of this Act and section 118.9 of the federal Act cannot exceed the total that could be deducted under those provisions for the year with respect to the

individual if no separate returns were filed under subsections 70(2), 104(23) and 150(4) of the federal Act.

Indexing

44(1) Each of

- (a) the amount of \$11 620 referred to in sections 8(1)(a), (b) and (c) and 12(1), the amount of \$1000 referred to in section 10 and the amounts expressed in dollars in section 16, and
- (b) the following, as adjusted under subsection (2):
 - (i) the amounts expressed in dollars in sections 8(1)(d) and (e), 9 and 13(2), and
 - (ii) the amount of \$1637 referred to in section 12(1),

are to be adjusted so that the amount to be used under those provisions for the taxation year is the total of

- (c) the amount that would, but for subsection (3), be the amount to be used under those provisions for the immediately preceding taxation year, and
- (d) the product obtained by multiplying
 - (i) the amount referred to in clause (c)

by

- (ii) the amount, adjusted in such manner as may be prescribed and rounded to the nearest one-thousandth or, where the result obtained is equidistant from 2 consecutive one-thousandths, to the higher one-thousandth, that is determined by the formula

$$\frac{A}{B} - 1$$

where

A is the Consumer Price Index for Alberta for the 12-month period that ended on the last September 30 before that year, and

B is the Consumer Price Index for Alberta for the 12-month period immediately preceding the period mentioned in the description of A.

(2) Each of the amounts expressed in dollars in clauses (d) and (e) of the description of B in section 8(1), the amount of \$1637 referred to in section 12(1) and the amounts expressed in dollars in sections 9 and 13(2) for a taxation year are to be adjusted so that the amount to be used under those provisions for the taxation year is the total of

(a) the amount that would, but for subsection (3), be the amount to be used under those provisions for the immediately preceding taxation year, and

(b) the product obtained by multiplying

(i) the amount referred to in clause (a)

by

(ii) the amount, adjusted in such manner as may be prescribed and rounded to the nearest one-thousandth, or, where the result obtained is equidistant from two consecutive one-thousandths, to the higher one-thousandth, that is determined by the formula

$$\frac{A}{B} - 1$$

where

A is the Canadian Consumer Price Index for the 12-month period that ended on the last September 30 before that year, and

B is the Canadian Consumer Price Index for the 12-month period immediately preceding the period mentioned in the description of A.

(3) Where an amount referred to in this section, when adjusted as provided in this section, is not a multiple of one dollar, it must be rounded to the nearest multiple of one dollar or, where it is equidistant from 2 such consecutive multiples, to the higher multiple.

(4) In this section, the Consumer Price Index for Alberta for any 12-month period is the result arrived at by

- (a) aggregating the Consumer Price Index for Alberta, as published by Statistics Canada under the authority of the *Statistics Act* (Canada), adjusted in such manner as may be prescribed, for each month in that period,
 - (b) dividing the aggregate obtained under clause (a) by 12, and
 - (c) rounding the result obtained under clause (b) to the nearest one-thousandth or, where the result obtained is equidistant from 2 consecutive one-thousandths, to the higher one-thousandth.
- (5)** In this section, the Canadian Consumer Price Index for any 12-month period is the result arrived at by
- (a) aggregating the Canadian Consumer Price Index, as published by Statistics Canada under the authority of the *Statistics Act* (Canada), adjusted in such manner as may be prescribed, for each month in that period,
 - (b) dividing the aggregate obtained under clause (a) by 12, and
 - (c) rounding the result obtained under clause (b) to the nearest one-thousandth or, where the result obtained is equidistant from 2 consecutive one-thousandths, to the higher one-thousandth.
- (6)** This section, except subsections (2) and (5), applies to the 2002 taxation year and subsequent taxation years.
- (7)** This section, except subsections (1) and (4), applies to the 2001 taxation year.

Bankrupt individuals

45 Subsection 128(2) of the federal Act applies for the purposes of this Act.

CPP/QPP disability benefits for previous years

46(1) There must be added in computing an individual's tax payable under this Act for a particular taxation year the total of all amounts each of which is the amount, if any, by which

- (a) the amount that would have been the tax payable under this Act by the individual for a preceding taxation year if that portion of any amount not included in computing the individual's income for the particular year because of subsection 56(8) of the federal Act and that relates to the preceding year had been included in computing the individual's income for the preceding year

exceeds

(b) the tax payable under this Act by the individual for the preceding year.

(2) For the purposes of the 2001 taxation year, subsection (1)(b) is to be read as follows:

(b) the tax payable under the old Act by the individual for the 2000 taxation year.

Division 7 Other Taxes Payable

Tax on split
income

47(1) This section applies only if the proposal to enact, with or without amendments, section 120.4 of the federal Act as contained in the Ways and Means Motion tabled in the House of Commons on September 15, 1999 is enacted by the Parliament of Canada.

(2) There must be added to a specified individual's tax payable under this Act for a taxation year an amount that is determined by multiplying the individual's split income for that year by the specified percentage.

(3) Section 120.4 of the federal Act applies for the purposes of this Act except that subsection (2) of this section applies instead of the proposed subsection 120.4(2) of the federal Act.

Minimum tax

48 If an individual is required to pay tax under section 127.5 of the federal Act in respect of a taxation year, the amount of tax that the individual is required to pay under this Act in respect of that taxation year is the greater of

(a) the tax payable under section 6 less any applicable deductions the individual is entitled to under Division 3, and

(b) 40% of the tax payable under section 127.5 of the federal Act.

PART 2

RETURNS, ASSESSMENTS AND APPEALS

Application of Part	<p>49(1) In addition to applying to the 2001 taxation year and subsequent taxation years, this Part applies to matters under the old Act.</p> <p>(2) In this Part, “this Act” includes the old Act.</p>
Returns	<p>50 Section 150 of the federal Act applies for the purposes of this Act.</p>
Estimates, assessment and payment of tax	<p>51(1) Sections 150.1, 151, 152 and 153 of the federal Act apply for the purposes of this Act.</p> <p>(2) Even if the normal reassessment period as defined in subsection 152(3.1) of the federal Act for an individual in respect of a taxation year has elapsed, if the tax payable under Part I of the federal Act by the individual for the year is reassessed, the Provincial Treasurer must reassess or make additional assessments or assess tax, interest, penalties or other amounts under this Act, as the circumstances require, and determine the amount of the refundable tax credit, if any, to which the individual is entitled for the year.</p> <p>(3) If the Provincial Treasurer is entitled under this Act to reassess or make an additional assessment or assess tax, interest, penalties or other amounts, the Provincial Treasurer may also determine the entitlement to and the amount, if any, of refundable tax credits as the circumstances require, and any limitations on that reassessment, additional assessment or assessment apply to the determination.</p>
Computation of amount payable	<p>52(1) Subsections 70(2) and 104(2), paragraph 104(23)(e) and sections 155, 156, 156.1, 158, 159, 160, 160.1, 160.2, 160.3 and 161, except subsection (4), of the federal Act apply for the purposes of this Act.</p> <p>(2) In the application of section 155 of the federal Act, the amount estimated under paragraph 155(1)(a) of the federal Act by the individual is determined as if the tax payable under the federal Act were computed under the definition of “tax otherwise payable under this Part” in subsection 120(4) of the federal Act.</p> <p>(3) In the application of section 156 of the federal Act, the amount estimated under paragraph 156(1)(a) of the federal Act by the</p>

individual is determined as if the tax payable under the federal Act were computed under the definition of “tax otherwise payable under this Part” in subsection 120(4) of the federal Act.

(4) If because of section 156.1 of the federal Act an individual is not required to pay instalments, the requirements for payment by instalments under this Act are not applicable, and the individual must pay, on or before April 30 in the year following the particular taxation year, the individual’s tax as estimated under this Act for that taxation year.

(5) In applying subsection 160.1(1) of the federal Act, “refund” includes a refund that arises because of a provision of this Act

- (a) that allows an individual to deduct an amount from the tax payable under this Act, or
- (b) that deems an amount to have been paid by an individual as or on account of the tax payable under this Act by the individual.

Penalties **53** Sections 162, 163 and 163.1 of the federal Act apply for the purposes of this Act.

Refunds **54(1)** Section 164 of the federal Act applies for the purposes of this Act.

(2) If a tax collection agreement is in effect and because of a decision referred to in subsection 164(4.1) of the federal Act a repayment of tax, interest or penalties under the federal Act for a taxation year is made to an individual or any security accepted under the federal Act for the tax, interest or penalties is surrendered to the individual, subsection 164(4.1) of the federal Act applies to any overpayment of tax, interest or penalties under this Act for the year that arises because of the decision.

Objections to assessments **55** Section 165 of the federal Act applies for the purposes of this Act.

Extension of time **56** Sections 166.1 and 166.2 of the federal Act apply for the purposes of this Act.

Right of
appeal

57(1) An individual who has served a notice of objection to an assessment under this Act may appeal to the Court to have the assessment vacated or varied after

- (a) the Provincial Treasurer has confirmed the assessment or reassessed, or
- (b) 90 days has elapsed after the service of the notice of objection and the Provincial Treasurer has not notified the individual that the Provincial Treasurer has vacated or confirmed the assessment or reassessed.

(2) No appeal under this section may be commenced after the expiration of 90 days from the day notice that the Provincial Treasurer has confirmed the assessment or reassessed has been mailed to the individual in accordance with section 165 of the federal Act.

(3) An appeal from an assessment under this Act lies only in respect of the determination of

- (a) an individual's residence for the purposes of this Act,
- (b) the amount of an individual's business income in Alberta,
- (c) the amount of an individual's business income outside Alberta,
- (d) the amount of the individual's income determined under section 1(1)(j)(i) and (ii),
- (e) Alberta taxable property for the purposes of section 6(5),
- (f) the amount of tax payable by an individual for a taxation year prior to 2001 based on the tax payable under the federal Act for that year, or
- (g) the amount of a tax credit, rebate or deduction under Part 1, Division 3, in respect of the 2001 taxation year or a subsequent taxation year to which an individual is entitled.

(4) An appeal lies in respect of the determination of an overpayment for the purposes of section 30.

(5) An appeal to the Court is commenced by serving on the Provincial Treasurer a notice of appeal in duplicate in prescribed form and by filing a copy of the notice of appeal with the clerk of the Court of the judicial district in which the individual resides.

(6) A notice of appeal must be served on the Provincial Treasurer by sending it by registered mail.

(7) The individual appealing must set out in the notice of appeal a statement of the allegations of fact, the statutory provisions and the reasons that the individual intends to submit in support of the appeal.

(8) The individual appealing must pay to the clerk of the Court a fee of \$15 on the filing of the copy of the notice of appeal.

Reply to notice
of appeal

58(1) The Provincial Treasurer must, within 60 days from the day the notice of appeal is received, or within any further time that the Court may either before or after the expiration of that time allow, serve on the appellant and file in the Court a reply to the notice of appeal admitting or denying the facts alleged and setting out a statement of the further allegations of fact and of the statutory provisions and reasons that the Provincial Treasurer intends to rely on.

(2) The Court may, in its discretion, strike out a notice of appeal or any part of the notice of appeal for failure to comply with section 57(7) and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out.

(3) The Court may, in its discretion,

(a) strike out any part of a reply for failure to comply with this section or permit the amendment of a reply, or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

(4) If a notice of appeal is struck out for failure to comply with section 57(7) and a new notice of appeal is not filed as and when permitted by the Court, the Court may, in its discretion, dismiss the appeal.

(5) If a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the Court within the time ordered, the Court may, in its discretion, dispose of the appeal ex parte or after a hearing, on the basis that the allegations of fact contained in the notice of appeal are true.

- Appeal a Court action **59(1)** On the filing of the material referred to in sections 57 and 58, the matter is deemed to be an action in the Court and, unless the Court otherwise orders, ready for hearing.
- (2)** Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in a manner and on any terms the Court may direct.
- (3)** Subsection 171(1) of the federal Act applies for the purposes of this Act.
- (4)** The Court may order payment or repayment of tax, interest and penalties or costs by the individual or the Provincial Treasurer.
- Application to Court **60** Sections 166, 167, 179 and 179.1 of the federal Act apply for the purposes of this Act.
- Procedure on appeal **61(1)** Except as provided in an Alberta regulation, the practice and procedure of the Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter deemed to be an action under section 59.
- (2)** Every judgment given and order made in every action referred to in subsection (1) may be enforced in the same manner and by the similar process as a judgment given or order made in an action commenced in the Court.

PART 3

COLLECTION OF TAX

- Tax collection agreement **62(1)** The Provincial Treasurer, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Alberta, enter into a tax collection agreement with the Government of Canada under which the Government of Canada will collect taxes, penalties, fines and interest and other amounts payable under this Act and the old Act on behalf of the Government of Alberta and will make payments to the Government of Alberta in respect of the amounts so collected, in accordance with the terms and conditions of the tax collection agreement.
- (2)** If a tax collection agreement is in effect, the Receiver General, on behalf of the Provincial Treasurer, may exercise the powers and perform the duties of the Provincial Treasurer under this Act in relation to the remittance of any amount as or on account of tax

payable under this Act, and may exercise any discretion that the Provincial Treasurer has under this Act in relation to the remittance.

(3) If a tax collection agreement is in effect, the Minister, on behalf of the Provincial Treasurer, may exercise the powers and perform the duties of the Provincial Treasurer under this Act except under sections 33 and 66, and may exercise any discretion that the Provincial Treasurer has under this Act, including the discretion to refuse to permit the production in judicial or other proceedings in Alberta of any document that, in the opinion of the Minister, it is not in the interests of public policy to produce.

(4) If a tax collection agreement is in effect, the Commissioner of Customs and Revenue may

(a) exercise the powers and perform the duties of the Minister and exercise any discretion that the Minister has under subsection (3), and

(b) designate officers of the Canada Customs and Revenue Agency to carry out functions, duties and powers that are similar to those exercised by them on the Commissioner's behalf under the federal Act.

Application of
payments by
Minister

63(1) A tax collection agreement may provide that where a payment is received by the Minister on account of tax payable by an individual for a taxation year under this Act, the federal Act or an income tax statute of another agreeing province or territory, or under any 2 or more such Acts or statutes, the payment so received may be applied by the Minister towards the tax payable by the individual under any such Act or statute in a manner that may be specified in the agreement, even though the individual directed that the payment be applied in any other manner or made no direction as to its application.

(2) A payment or part of a payment applied by the Minister in accordance with a tax collection agreement towards the tax payable by an individual for a taxation year under this Act or the old Act

(a) relieves the individual of liability to pay that tax to the extent of the payment or the part of the payment so applied, and

(b) is deemed to have been applied in accordance with a direction made by the individual.

Remissions
not
recoverable

64 If a tax collection agreement is in effect and an amount is remitted to the Minister under subsection 153(1) of the federal Act as it applies for the purposes of this Act on account of the tax of an individual who is resident on the last day of the taxation year in another agreeing province or territory,

- (a) no action lies for recovery of that amount by that individual, and
- (b) the amount may not be applied in discharge of any liability of that individual under this Act.

Tax paid to
other province
or territory

65(1) If a tax collection agreement is in effect, an individual resident in Alberta on the last day of the taxation year is not required to remit any amount on account of tax payable under this Act for the taxation year to the extent of the amount deducted or withheld on account of the individual's tax for that year under the income tax statute of another agreeing province or territory.

(2) When the total amount deducted or withheld on account of tax payable under this Act and under the income tax statute of another agreeing province or territory by an individual resident in Alberta on the last day of the taxation year to whom subsection (1) applies exceeds the tax payable by the individual under this Act for that year, section 54 applies in respect of that individual as though the excess were an overpayment under this Act.

Non-agreeing
provinces or
territories

66(1) In this section,

- (a) "adjusting payment" means a payment, calculated in accordance with this section, made by or on the direction of the Government of Alberta to a non-agreeing province or territory;
- (b) "amount deducted or withheld" does not include any refund made in respect of that amount;
- (c) "non-agreeing province or territory" means a province or territory that is not an agreeing province or territory.

(2) If, in respect of a taxation year, a non-agreeing province or territory is authorized to make a payment to the Government of Alberta that, in the opinion of the Provincial Treasurer, corresponds to an adjusting payment, the Lieutenant Governor in Council may authorize the Provincial Treasurer to make an adjusting payment to

that non-agreeing province or territory and enter into any agreement that may be necessary to carry out the purposes of this section.

(3) If a tax collection agreement is entered into, the adjusting payment that may be made pursuant to subsection (2) may be made by the Government of Canada when it has agreed to act on the direction of the Government of Alberta as communicated by the Provincial Treasurer to the Minister.

(4) Where an adjusting payment is to be made and there has been an amount deducted or withheld under subsection 153(1) of the federal Act as it applies for the purposes of this Act on account of the tax for a taxation year of an individual who is liable to pay tax under the federal Act in respect of that year and who is resident on the last day of that taxation year in the non-agreeing province or territory,

(a) no action lies for the recovery of that amount by that individual, and

(b) the amount may not be applied in discharge of any liability of that individual under this Act.

(5) If an adjusting payment to a non-agreeing province or territory is to be made under this section for a taxation year, an individual resident in Alberta on the last day of the taxation year is not required to remit any amount on account of tax payable by the individual under this Act for the taxation year to the extent of the amount deducted or withheld on account of the individual's income tax for that year under the law of that non-agreeing province or territory.

(6) If an adjusting payment to a non-agreeing province or territory is to be made under this section for a taxation year and the total amount deducted or withheld on account of tax payable under this Act and on account of the income tax payable under the law of the non-agreeing province or territory by an individual resident in Alberta on the last day of the taxation year to whom subsection (5) applies exceeds the tax payable by the individual under this Act for that year, section 54 of this Act applies in respect of that individual as though the excess were an overpayment under this Act.

(7) If a tax collection agreement is entered into and the Government of Canada has agreed in respect of a taxation year to carry out the direction of the Government of Alberta and to make an adjusting payment on behalf of the Government of Alberta, the adjusting payment must be made out of any money that has been collected on account of tax under this Act for any taxation year.

Reciprocal enforcement of judgments

67(1) A judgment of a superior court of an agreeing province or territory under that province's or territory's income tax statute, including any certificate registered in that superior court in a manner similar to that provided for in subsection 223(3) of the federal Act, may be enforced in the manner provided for in the *Reciprocal Enforcement of Judgments Act* and is deemed to be a judgment to which that Act applies.

(2) For the purposes of subsection (1), when a judgment of a superior court of an agreeing province or territory is sought to be registered under the *Reciprocal Enforcement of Judgments Act*, the judgment must be registered even if it is established that one or more of the provisions of section 2(6) of that Act apply.

(3) For the purposes of subsection (1), the Lieutenant Governor in Council may make regulations to enable the enforcement in Alberta of judgments in respect of taxes in agreeing provinces or territories.

PART 4

ADMINISTRATION AND ENFORCEMENT

Application of Part

68(1) In addition to applying to the 2001 taxation year and subsequent taxation years, this Part applies to matters under the old Act.

(2) In this Part, "this Act" includes the old Act.

Administration and Enforcement

Administration and collection

69 Sections 220, 221.1, 223, 224, 225, 225.1 and 225.2 of the federal Act apply for the purposes of this Act.

Remission of tax

70(1) Despite section 26(1), (1.1) and (1.2) of the *Financial Administration Act*, if the Provincial Treasurer considers it in the public interest to do so, or considers it advisable to do so in a case where injustice or great hardship to an individual has resulted or is likely to result, the Provincial Treasurer may order the remission of any tax, interest, penalty, cost or other amount not exceeding \$25 000 paid or payable to the Crown in right of Alberta and imposed or authorized under this Act.

(2) Section 26(2), (2.2) and (3) of the *Financial Administration Act* apply to the Provincial Treasurer's power to make a remission under subsection (1).

Taxes a debt **71** All taxes, interest, penalties, costs and other amounts payable under this Act are debts to the Crown in right of Alberta and recoverable as debts in any court of competent jurisdiction or in any other manner provided by this Act.

Issue of warrant **72** The Provincial Treasurer may issue a warrant directed to a civil enforcement agency for the amount of the tax, interest, penalty and other amounts, or any of them, owing by the individual, together with interest on them from the date of the issue of the warrant and the costs and expenses of the civil enforcement agency, and the warrant has the same force and effect as a writ of enforcement issued under the *Civil Enforcement Act*.

Collecting debts **73(1)** For the purpose of collecting debts owed by an individual to the Crown in right of Alberta under this Act, the Provincial Treasurer may purchase or otherwise acquire an interest in that individual's property that the Provincial Treasurer is given a right to acquire in legal proceedings or under a court order or that is offered for sale or redemption.

(2) The Provincial Treasurer may dispose of any interest so acquired under subsection (1) in any manner that the Provincial Treasurer considers reasonable.

Payment over of money owed tax debtor **74(1)** In this section, "tax debtor" means an individual liable to make a payment under this Act.

(2) If the Provincial Treasurer knows or suspects that a person is holding money that was seized from a tax debtor by a peace officer in the course of administering or enforcing the criminal law of Canada and that the money is required to be restored to the tax debtor, the Provincial Treasurer may, by a letter served personally or by registered mail, require that person to turn over the money otherwise required to be restored to the tax debtor, in whole or in part, to the Provincial Treasurer on account of the tax debtor's liability under this Act.

(3) The receipt of the Provincial Treasurer for money turned over as required by this section is a good and sufficient discharge of the requirement to restore the money to the tax debtor to the extent of the amount so turned over.

Individual
leaving
jurisdiction

75(1) When the Provincial Treasurer suspects that an individual is about to leave Alberta or Canada, the Provincial Treasurer may before the day otherwise fixed for payment, by notice served personally or by registered mail, demand from the individual payment of all taxes, interest and penalties for which the individual is liable or would be liable if the time for payment had arrived, and they must be paid forthwith despite any other provision of this Act.

(2) Section 226 of the federal Act applies for the purposes of this Act except that subsection (1) of this section applies instead of subsection 226(1) of the federal Act.

Withholding
taxes

76(1) Section 227 of the federal Act applies for the purposes of this Act.

- (2) The Provincial Treasurer may assess a person for an amount
- (a) that has been deducted or withheld by that person under this Act, and
 - (b) that is payable by that person under section 74(2) of this Act or subsection 224(4) or (4.1) or 227(8), (8.2), (8.3), (8.4), (9), (9.2), (9.4) or (9.5) or section 227.1 of the federal Act as it applies for the purposes of this Act,

and, if the Provincial Treasurer sends a notice of assessment to that person, Divisions I and J of Part I of the federal Act apply for the purposes of this Act.

(3) The Provincial Treasurer may assess a person for an amount that is payable by that person under subsection 227(9), (9.2) or (9.4) of the federal Act as it applies for the purposes of this Act, and if the Provincial Treasurer sends a notice of assessment to that person, sections 150 to 167, except subsections 164(1.1) to (1.3), and Division J of Part I of the federal Act apply for the purposes of this Act.

Liability of
directors

77 Section 227.1 of the federal Act applies for the purposes of this Act.

General

- Books and records **78** Section 230 of the federal Act applies for the purposes of this Act.
- Communi-
cation of
information **79(1)** In this section,
- (a) “person” includes a partnership or firm;
 - (b) “tax information” means any information obtained by or on behalf of the Provincial Treasurer under or for the purposes of this Act and includes, without limitation, a tax record;
 - (c) “tax record” means any record, return, application, document or instrument, whether in written or electronic form, obtained by or on behalf of the Provincial Treasurer under or for the purposes of this Act.
- (2)** Except as authorized by this section, no person may
- (a) knowingly communicate, or knowingly allow to be communicated, any tax information to any person,
 - (b) knowingly allow any person to have access to any tax information, or
 - (c) knowingly use any tax information otherwise than for the purpose for which it was provided under this section.
- (3)** Subsection (2) applies whether the tax information is communicated
- (a) directly or indirectly by the inspection, copying or giving possession of a tax record,
 - (b) by the direct or indirect use of the tax information, or
 - (c) by any other method.
- (4)** Subsection (2) does not apply in respect of
- (a) criminal proceedings, either by indictment or on summary conviction, that have been commenced by the laying of an information or the preferring of an indictment under an Act of Parliament,
 - (b) proceedings under the *Provincial Offences Procedure Act*, or

(c) any legal proceedings relating to the administration or enforcement of this Act or any other Act of Alberta that provides for the imposition or collection of a tax.

(5) Tax information may be communicated as follows:

(a) if a tax collection agreement is in effect, to the Provincial Treasurer, the Minister, the Receiver General or the Commissioner of Customs and Revenue for the purposes of the administration and enforcement of this Act;

(b) to a person employed or engaged by the Government of Alberta if the tax information is

(i) statistical in nature and to be used solely in accordance with section 3 of the *Statistics Bureau Act*;

(ii) to be used solely for the purposes of the formulation or analysis of tax or fiscal policy;

(iii) to be used solely for the purposes of administering or enforcing this Act, any other taxation statute of Alberta or the *Petroleum Incentives Program Act*;

(iv) to be used solely to identify an individual to whom money is owed by the Government and to determine the amount of the money so that the Government can set off all or part of the money owed against amounts owing by that individual to the Government;

(c) to a person employed or engaged by the Government of Canada or the government of a province or territory in the administration or enforcement of a taxation statute of Canada or of that province or territory if

(i) the tax information is used solely for the purposes of administering or enforcing the taxation statute, and

(ii) the Government of Canada or the government of that province or territory supplies the Provincial Treasurer with equivalent information and records on a reciprocal basis;

(d) to an employee or agent of the Government of Canada or the government of a province or territory

- (i) if the tax information consists of the name, address, occupation and size or type of business of an individual and is to be used solely for the purposes of enabling a department or agent of the Government of Canada or the government of that province or territory to obtain statistical data for research and analysis, or
 - (ii) if the tax information consists of the identifying number, name, address, telephone number and facsimile number of an identifying number holder and is to be used solely for the purpose of the administration or enforcement of an Act of Parliament or a law of a province or territory, if the holder of the identifying number is required by that Act or that law to provide the information, other than the identifying number, to the department or agency;
- (e) to a person to be used solely in the investigation or prosecution of offences under this Act;
 - (f) to a justice of the peace or provincial judge for the purpose of making an application for an order under section 80;
 - (g) to a person employed or engaged in the investigation or prosecution of offences under the *Criminal Code* (Canada) if
 - (i) an order under section 80 has been obtained in respect of the tax information, and
 - (ii) the tax information is used solely for the purpose of investigating or prosecuting the offence referred to in the order made under section 80;
 - (h) to the individual in respect of whom the information was received or any other person if the individual in respect of whom the information was received authorizes in writing its release;
 - (i) to any person if the tax information is in such a form that it cannot, directly or indirectly, be associated with or identify a particular individual.
- (6) A person who knowingly receives tax information holds that information subject to the same prohibitions and restrictions, if any, under subsections (2), (3) and (5) respecting communication of the

information that applied to the person from whom the information was obtained.

(7) Subsection (6) does not apply to tax information provided under subsection (5)(h) or (i).

(8) A person who contravenes subsection (2) is guilty of an offence and liable to a fine of not more than \$200.

(9) A person to whom tax information has been provided for a particular purpose under subsection (5)(a) to (f) and who for any other purpose knowingly uses, communicates to any person, allows the communication to any person of, or allows any person access to, that information is guilty of an offence and liable to a fine of not more than \$200.

Communi-
cation of
information
ordered by
judge

80(1) A justice of the peace or provincial judge who is satisfied by affidavit evidence that there are reasonable grounds to believe that tax information lawfully communicated to or obtained by any person will afford evidence with respect to the commission of an offence under the *Criminal Code* (Canada) in respect of which the Government is a person aggrieved may issue an order allowing the tax information to be communicated in accordance with section 79(5)(g).

(2) An application for an order under subsection (1) must be in writing and may be made ex parte.

(3) Despite section 79(6), a person to whom tax information has been communicated pursuant to an order obtained under subsection (1) may communicate the tax information to any other person engaged or employed in the investigation or prosecution of offences under the *Criminal Code* (Canada) solely for the purpose of investigating and prosecuting the offence referred to in the order.

Inspections,
search and
seizure

81 Sections 231 to 231.5, 232, 233 and 236 of the federal Act apply for the purposes of this Act.

Regulations

82(1) The Lieutenant Governor in Council may make regulations

- (a) subject to section 1(1)(p), respecting anything that, by this Act, is to be prescribed or is to be determined or regulated by regulation;
- (b) determining, for the purposes of section 6(5), taxable Alberta property;

(c) providing in any case where, in the opinion of the Lieutenant Governor in Council, there is doubt, the circumstances in which, and extent to which, a provision of the federal regulation applies.

(2) Except to the extent that a provision of the federal regulation is inconsistent with a regulation made under subsection (1) or is expressed by a regulation made under subsection (1) to be inapplicable, the provision of the federal regulation applies, with all necessary modifications, for the purposes of this Act.

(3) A regulation made under this Act is a regulation to which the *Regulations Act* applies but, subject to subsection (5), has no effect unless it has been published as required by that Act.

(4) If a provision of the federal regulation applies for the purposes of this Act, it has, subject to subsection (5), no effect for the purposes of this Act unless it has been published in the Canada Gazette.

(5) A provision of an Alberta regulation or of the federal regulation that applies for the purposes of this Act is, if it so provides, effective with reference to a period before it was published.

Offences

83(1) Sections 238, 239 and 242 of the federal Act apply for the purposes of this Act.

(2) Every person who fails to comply with a regulation made under section 82(1)(a) is liable to a fine of \$10 a day for each day of default but not exceeding in all \$2500.

Discretion of
Minister

84 If a tax collection agreement is in effect and proceedings under section 238, 239 or 242 of the federal Act are taken against any person, the Minister may take or refrain from any action against that person contemplated by section 238, 239 or 242 of the federal Act as it applies for the purposes of this Act.

Information or
complaint

85(1) Section 244 of the federal Act applies for the purposes of this Act.

(2) A document purporting to be a tax collection agreement entered into under this Act or an agreement with Canada for the collection of tax imposed under the income tax statute of an agreeing province or territory that is

- (a) published in the Canada Gazette, or
- (b) certified to be a tax collection agreement by or on behalf of
 - (i) the Provincial Treasurer, or
 - (ii) the provincial treasurer, the provincial secretary-treasurer or the minister of finance of the appropriate agreeing province or territory,

is admissible in evidence as prima facie proof of the contents of the agreement.

(3) If a tax collection agreement is in effect, any document or certificate that is executed or issued by the Minister, the Receiver General, the Commissioner of Customs and Revenue, or an official of the Canada Customs and Revenue Agency or an official of the Department of National Revenue on behalf or in place of the Provincial Treasurer, the Deputy Provincial Treasurer or an officer of the Treasury Department, is deemed, for all purposes of this Act, to be executed or issued by the Provincial Treasurer, the Deputy Provincial Treasurer or an officer of the Treasury Department, as the case may be.

PART 5

TRANSITIONAL PROVISIONS, CONSEQUENTIAL AMENDMENTS AND COMING INTO FORCE

Transitional Provisions

- | | |
|--------------------------|--|
| Tax collection agreement | 86 The collection agreement entered into under section 58 of the old Act is continued as if it were a tax collection agreement entered into under this Act. |
| Proceedings | 87 Proceedings in respect of a return, assessment, objection or appeal commenced under the old Act are continued as proceedings as if they had been commenced under this Act. |

Consequential Amendments

Amends RSA
1980 cA-17

88(1) The *Alberta Corporate Tax Act* is amended by this section.

(2) Section 1(2)(e.2) is repealed.

(3) Section 18(3)(b) is amended by striking out “old Act” and substituting “*Alberta Income Tax Act*”.

(4) Section 119(3) is amended by adding “or a tax collection agreement is in effect under the *Alberta Personal Income Tax Act*” after “*Alberta Income Tax Act*”.

Amends RSA
1980 cA-31

89(1) The *Alberta Income Tax Act* is amended by this section.

Explanatory Notes

(section 88(1)) Amends chapter A-17 of the Revised Statutes of Alberta 1980.

(section 88(2)) Section 1(2) presently reads in part:

(2) In this Act and in the application of the provisions of the federal Act and regulations made under that Act that are by this Act made applicable for the purposes of this Act,

(e.2) "old Act" means the Alberta Income Tax Act;

(section 88(3)) Section 18 presently reads in part:

(3) In the application of section 111 of the federal Act

(b) with respect to the computation of taxable income for taxation years of a corporation to which this Act applies, no deduction shall be allowed for a corporation's non-capital losses, net capital losses, restricted farm losses or farm losses determined under this Act for the 1983 or subsequent taxation years to the extent that those losses have been deducted in computing taxable income for taxation years of the corporation to which the old Act applies.

(section 88(4)) Section 119(3) presently reads:

(3) Notwithstanding that more than 3 years has passed since the date of mailing a notice of an original assessment of interest or penalties payable by an individual for a taxation year, or of a determination of the entitlement to a royalty credit or royalty credit gas supplement for the year, if a collection agreement is in effect under the Alberta Income Tax Act and the amounts referred to in section 106(1)(a) of this Act for the year are revised on a reassessment under the federal Act for the year, the Provincial Treasurer, within 12 months of the reassessment under the federal Act,

(a) may reassess or make additional assessments of interest or penalties under this Part, or

(b) may redetermine the amount of the royalty credit or royalty credit gas supplement, if any, to which the individual is entitled for the year.

(section 89(1)) Amends chapter A-31 of the Revised Statutes of Alberta 1980.

(2) The following is added after section 1:

Application

1.1 Notwithstanding any other provision of this Act, this Act does not apply to the 2001 taxation year or any subsequent taxation year of an individual.

(3) Section 3.04(1)(b) and (2)(d) are amended by striking out “and subsequent taxation years” and substituting “to 2000 taxation years”.

(4) The following is added after section 13.2:

Application of
sections 13.3
to 13.8

13.21 Notwithstanding sections 13.3 to 13.8, no overpayment is deemed under those sections to have been made in January 2001 and later months.

(5) Divisions D and E of Part 1 are repealed.

(6) Parts 2 and 3 are repealed.

Explanatory Notes

(section 89(2)) Application.

(section 89(3)) Section 3.04(1) and (2) presently read:

3.04(1) The flat rate tax payable under this Act for a taxation year by an individual who resided in Alberta on the last day of the taxation year and had no income earned in the taxation year outside Alberta is an amount equal to

(a) for the 1987 taxation year, 1%, and

(b) for the 1988 and subsequent taxation years, 0.5%

(2) The flat rate tax payable under this Act for a taxation year by an individual

(a) who resided in Alberta on the last day of the taxation year but had income earned in the taxation year outside Alberta, or

(b) who did not reside in Alberta on the last day of the taxation year but had income earned in the taxation year in Alberta

is an amount equal to

(c) for the 1987 taxation year, 1%, and

(d) for the 1988 and subsequent taxation years, 0.5%

of the taxable income of the individual earned in the taxation year in Alberta.

(section 89(4)) Application of sections 13.3 to 13.8.

(section 89(5)) Repeals Divisions D and E.

(section 89(6)) Repeals Parts 2 and 3.

Amends SA
1995 cE-5.5

90 The *Electric Utilities Act* is amended in section 31.994(4) and (5) by striking out “, the *Alberta Income Tax Act*”.

Amends RSA
1981 cJ-1

91 The *Judicature Act* is amended in section 27(3) by adding “or the *Alberta Personal Income Tax Act*” after “*Alberta Income Tax Act*”.

Amends SA
1981 cP-4.1

92 The *Petroleum Incentives Program Act* is amended in section 12(2) by adding “, section 79 of the *Alberta Personal Income Tax Act*” after “of the *Alberta Income Tax Act*”.

Explanatory Notes

(section 90) Amends chapter E-5.5 of the Statutes of Alberta, 1995. Section 31.994 presently reads in part:

(4) The amount to be paid under subsection (1) shall not exceed the amount a municipality or a subsidiary of a municipality would be required to pay if the municipality or subsidiary were subject to the payment of tax under the Income Tax Act (Canada), the Alberta Income Tax Act or the Alberta Corporate Tax Act.

(5) In the event that a municipality or a subsidiary of a municipality is subject to the payment of tax under the Income Tax Act (Canada), the Alberta Income Tax Act or the Alberta Corporate Tax Act, subsection (1) does not apply.

(section 91) Amends chapter J-1 of the Revised Statutes of Alberta 1980. Section 27(3) presently reads:

(3) If any matter relating to a tax collection agreement between the Government of Canada and the Government of Alberta and entered into pursuant to the Alberta Income Tax Act is referred to the Court, the Attorney General of any province of Canada that has entered into a tax collection agreement of a like nature and having like purposes to the tax collection agreement entered into by the Government of Alberta may appear before the Court of Appeal, and is entitled to be heard as a party on the reference.

(section 92) Amends chapter P-4.1 of the Statutes of Alberta, 1981. Section 12(2) presently reads:

(2) Except in the case of information obtained pursuant to section 54 of the Alberta Income Tax Act or section 77 of the Alberta Corporate Tax Act, information or records obtained by the Minister or a person employed or engaged in the administration or enforcement of this Act may be communicated, disclosed or made available

- (a) to a person employed in or engaged by the Department of Energy for the purpose of evaluating and formulating policy relating to energy or oil and gas resources;*
- (b) to the Provincial Treasurer or an officer or employee of the Treasury Department for the purpose of*
 - (i) evaluating and formulating tax policy in relation to energy or oil and gas resources, or*
 - (ii) administering or enforcing the Alberta Income Tax Act or the Alberta Corporate Tax Act.*

Amends RSA
1980 cP-18

93 The *Proceedings Against the Crown Act* is amended in section 2 by adding “the *Alberta Personal Income Tax Act*,” after “the *Alberta Income Tax Act*,”.

Coming into Force

Coming into
force

94 This Act comes into force on January 1, 2001.

Explanatory Notes

(section 93) Amends chapter P-18 of the Revised Statutes of Alberta 1980. Section 2 presently reads:

2 This Act is subject to the Workers' Compensation Act, the Land Titles Act as to claims against the General Revenue Fund, the Alberta Income Tax Act, the Alberta Corporate Tax Act and any other enactments designated by the Lieutenant Governor in Council.