

2023 Bill 4

First Session, 31st Legislature, 2 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 4

TAX STATUTES AMENDMENT ACT, 2023

THE PRESIDENT OF TREASURY BOARD AND MINISTER OF FINANCE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 4

BILL 4

2023

TAX STATUTES AMENDMENT ACT, 2023

(Assented to , 2023)

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

Alberta Corporate Tax Act

Amends RSA 2000 cA-15

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

(2) Section 8 is amended by adding the following after subsection (2.01):

(2.011) If, in computing its income or loss for a taxation year from a business or property for the purposes of the federal Act, a corporation deducted an amount under paragraph 20(1)(a) of the federal Act pursuant to subsection 1100(0.1) of the *Income Tax Regulations* (Canada), (CRC, c. 945), the corporation must deduct the same amount for the year for the purposes of this Act in accordance with those provisions as made applicable by this Act.

(3) Subsection (2) is deemed to have come into force on April 19, 2021.

(4) Section 26.95 is amended

(a) in subsection (1) by adding the following after clause (a):

Explanatory Notes

Alberta Corporate Tax Act

1(1) Amends chapter A-15 of the Revised Statutes of Alberta 2000.

(2) Adds deduction requirements for business or property.

(3) Coming into force.

(4) Section 26.95 presently reads in part:

26.95(1) In this Division,

(a.1) “allowed amount” means the amount allocated to a qualified corporation under section 26.971;

(b) in subsections (2) and (5) by striking out “qualified” before “corporation”.

(5) Subsection (4) is deemed to have come into force on January 1, 2021.

(6) Section 26.96(1) is amended in the formula in the description of L by repealing clause (b) and substituting the following:

(b) the product of 12% and,

(i) if the qualified corporation is not associated with one or more corporations in a taxation year, the amount, if any, by which the lesser of

(A) the corporation’s eligible expenditures for the taxation year, and

(B) the corporation’s maximum expenditure limit for the taxation year

exceeds the corporation’s base amount for the taxation year, or

(ii) in any other case, the qualified corporation’s allowed amount for the taxation year;

(a) “Alberta proxy amount” means the amount determined under subsection (3);

(2) The eligible expenditures of a qualified corporation for a taxation year means the amount determined by the formula

$$A - B + C + D + E$$

(5) For the purpose of determining the sum described in the definition of A in subsection (2) for a qualified corporation, the Provincial Minister may disallow such amounts that, in the opinion of the Provincial Minister, are not qualified expenditures as defined in subsection 127(9) of the federal Act, irrespective of whether the expenditure forms part of the federal expenditures of the corporation for the taxation year.

(5) Coming into force.

(6) Section 26.96(1) presently reads in part:

26.96(1) For taxation years ending after December 31, 2020, a qualified corporation is entitled to an innovation employment grant in the amount determined by the formula

$$L \times M$$

where

L is the aggregate of

(a) the product of 8% and the lesser of

(i) the corporation’s eligible expenditures for the taxation year, and

(ii) the corporation’s maximum expenditure limit for the taxation year,

and

(b) the product of 12% and the amount, if any, by which the lesser of

(i) the corporation’s eligible expenditures for the taxation year, and

(7) Subsection (6) is deemed to have come into force on January 1, 2021.

(8) Section 26.97(1) is repealed and the following is substituted:

Base amount

26.97(1) Subject to subsection (2), a qualified corporation's base amount for a taxation year (in this subsection referred to as the particular taxation year) is the amount that is the average of the eligible expenditures of the qualified corporation for the 2 taxation years immediately preceding the particular taxation year.

(9) Subsection (8) is deemed to have come into force on January 1, 2021.

(10) The following is added after section 26.97:

Allowed amount

26.971(1) If a qualified corporation is associated with one or more corporations in a taxation year (in this section referred to as

(ii) *the corporation's maximum expenditure limit for the taxation year*

exceeds the corporation's base amount for the year;

(7) Coming into force.

(8) Section 26.97(1) presently reads:

26.97(1) Subject to subsection (2), a qualified corporation's base amount for a taxation year (in this subsection referred to as the particular taxation year) is,

(a) *where the qualified corporation is not associated with any other corporation in the particular taxation year, the amount that is the average of the eligible expenditures of the qualified corporation for the two taxation years immediately preceding the particular taxation year, and*

(b) *where the qualified corporation is associated with one or more other corporations in the particular taxation year, the amount that is the average of*

(i) *the total of all amounts, each of which is the eligible expenditures of the qualified corporation for its, or of one of the other corporations for its, last taxation year that ended in the last calendar year that ended before the end of the particular taxation year, and*

(ii) *the total of all amounts, each of which is the eligible expenditures of the qualified corporation for its, or of one of the other corporations for its, taxation year immediately preceding the taxation year described in subclause (i).*

(9) Coming into force.

(10) Allowed amount.

the particular taxation year), the qualified corporation's allowed amount for the particular taxation year is that portion of the amount determined under subsection (2) for the particular taxation year, if any, that is allocated to the corporation under subsection (4) or (5) for that particular taxation year.

(2) Subject to subsection (3), the amount to be allocated among qualified corporations for the purposes of subsection (1) is the total of all amounts, each of which is the eligible expenditures of the corporation for each of its taxation years that ended in the calendar year in which the particular taxation year ends, or of one of the other corporations for each of its taxation years that ended in the calendar year in which the particular taxation year ends, less the average of

- (a) the total of all amounts, each of which is the eligible expenditures of the qualified corporation, or of one of the other corporations, for each taxation year that ended in the last calendar year that ended before the end of the particular taxation year, and
- (b) the total of all amounts, each of which is the eligible expenditures of the qualified corporation, or of one of the other corporations, for each taxation year that ended in the calendar year that immediately preceded the calendar year described in clause (a).

(3) The amount allocated under subsection (4) or (5), as the case may be, to a qualified corporation that is associated with one or more corporations in a taxation year cannot exceed the lesser of

- (a) the amount that would be determined under section 26.96(1)(b)(i) for the qualified corporation for the taxation year if the qualified corporation was not associated with one or more corporations in the taxation year, and
- (b) the qualified corporation's maximum expenditure limit for the taxation year.

(4) If 2 or more qualified corporations that are associated with each other file an agreement in the prescribed form with the Provincial Minister in respect of a calendar year, the Provincial Minister shall allocate the amount determined under subsections

(2) and (3) among the corporations in accordance with the agreement if the agreement

- (a) is among all the qualified corporations that are associated, and
- (b) allocates the amount calculated under subsections (2) and (3) among the qualified corporations in respect of one or more taxation years of the corporation that ended in the calendar year.

(5) If 2 or more qualified corporations that are associated with each other do not file an agreement in accordance with subsection (4) within 60 days after notice in writing has been forwarded to any of them by the Provincial Minister that an agreement under subsection (4) in respect of a calendar year is required for the purpose of this Act, the Provincial Minister shall allocate the amount calculated under subsections (2) and (3) to one or more of the qualified corporations, and the amount in section 26.96(1)(b)(ii) of each qualified corporation for that taxation year is the amount, if any, so allocated to it.

(6) Where a qualified corporation is associated with another corporation under this Act in the particular taxation year, for the purposes of this section and section 26.96, the qualified corporation is associated with the other corporation in the particular taxation year only if the other corporation is also associated with the qualified corporation in a taxation year of the other corporation that ends in the calendar year in which the particular taxation year ends.

(7) In determining a qualified corporation's allowed amount for a taxation year, a corporation's eligible expenditures for a preceding taxation year is the amount, if any, that would be the corporation's eligible expenditures if section 26.95 were read as if each instance of the expression "after December 31, 2020" were struck out.

(11) Subsection (10) is deemed to have come into force on January 1, 2021.

(12) Section 30.01 is amended by striking out "(5.2) and (5.3)" and substituting "(5.2), (5.3) and (5.31)".

(11) Coming into force.

(12) Section 30.01 presently reads:

30.01 When a corporation is or becomes a beneficiary under a mutual fund trust, subsections 132(5.1), (5.2) and (5.3) and sections

(13) Subsection (12) applies to taxation years that begin after December 15, 2021.

(14) Section 36.1(2.2) and (2.3) are repealed and the following is substituted:

(2.2) In this section and section 37.4, “tax preparer”, for a calendar year, means a person or partnership that, in the year, accepts consideration to prepare more than 5 returns of corporations, but does not include an employee who prepares returns in the course of performing their duties of employment.

(2.3) A tax preparer shall file any return of a corporation prepared by the tax preparer for consideration by way of electronic filing, except that 5 returns may be filed other than by way of electronic filing.

(15) Subsection (14) comes into force on January 1, 2024.

(16) Section 41 is amended

(a) by repealing subsection (1.11) and substituting the following:

(1.11) If at any time the Provincial Minister ascertains the tax consequences to a corporation because of section 72.1(2) with respect to a transaction, the Provincial Minister,

(a) in the case of a determination under section 72.1(8), shall determine any amount that is, or could at a subsequent time be, relevant for the purposes of computing the income, taxable income or taxable income earned in Canada of, tax or other amount payable by, or amount payable or refundable to, the corporation under this Act,

(b) in any case not described in clause (a), may determine any amount referred to in clause (a), and

132.1 and 132.11 of the federal Act apply for the purposes of determining the income of the corporation under this Act.

(13) Coming into force.

(14) Section 36.1(2.2) and (2.3) presently read:

(2.2) In this section and section 37.4, “tax preparer”, for a calendar year, means a person, partnership or firm that, in the year, accepts consideration to prepare more than 10 returns, but does not include an employee who prepares returns in the course of performing their duties of employment.

(2.3) A tax preparer shall file any return prepared by the tax preparer for consideration by way of electronic filing, except that 10 returns may be filed other than by way of electronic filing.

(15) Coming into force.

(16) Section 41 presently reads in part:

(1.11) Where at any time the Provincial Minister ascertains the tax consequences to a corporation by reason of section 72.1(2) with respect to a transaction, the Provincial Minister

(a) shall, in the case of a determination pursuant to section 72.1(8), or

(b) may, in any other case,

determine any amount that is relevant, for the purposes of computing the income, taxable income, taxable income earned in Canada or amount taxable in Alberta of, tax, refundable tax credit or other amount payable by, or amount refundable to, the corporation under this Act, and where such a determination is made, the Provincial Minister shall send to the corporation, with all due dispatch, a notice of determination stating the amount so determined.

(1.12) A determination of an amount shall not be made under subsection (1.11) with respect to a corporation at a time when that

(c) if a determination is made under this subsection, shall send to the corporation, with all due dispatch, a notice of determination stating the amount so determined.

(b) in subsection (1.12), (5) and (6)(c) by striking out “amount refundable to” and substituting “amount payable or refundable to”.

(17) Subsection (16) applies in respect of determinations made on or after April 7, 2022, and determinations made under section 41(1.11) of the *Alberta Corporate Tax Act* before April 7, 2022 continue to be binding to the extent provided in section 41(5) of that Act.

amount is relevant only for the purposes of computing the income, taxable income, taxable income earned in Canada or amount taxable in Alberta of, tax, refundable tax credit or other amount payable by, or amount refundable to, the corporation under this Act for a taxation year ending before that time.

(5) If the Provincial Minister makes a determination of the amount of a corporation's non-capital loss, net capital loss, restricted farm loss, farm loss or limited partnership loss for a taxation year under subsection (2) or makes a determination under subsection (1.11) with respect to a corporation, subject to the corporation's rights of objection and appeal in respect of a determination and to any redetermination by the Provincial Minister, the determination is binding on both the Provincial Minister and the corporation for the purpose of calculating the income, taxable income, taxable income earned in Canada or amount taxable in Alberta of, tax, refundable tax credit or other amount payable by, or amount refundable to, the corporation for any taxation year.

(6) Where a corporation is a member of a partnership in a taxation year, for the purposes of calculating

(c) any amount refundable to, or

the corporation as a member of the partnership for any taxation year under this Act, the corporation is bound by any determination or redetermination by the Minister of National Revenue pursuant to subsection 152(1.4) of the federal Act with respect to the income or loss of the partnership or any deduction or other amount, or any other matter, in respect of the partnership for the fiscal period referred to in subsection 152(1.4) of the federal Act or a decision of the Tax Court of Canada, the Federal Court of Canada or the Supreme Court of Canada rendered in any appeal undertaken by any member of the partnership from such determination or redetermination where such determination, redetermination or decision is final and all rights of objection and appeal have expired.

(17) Application.

(18) Section 43(6) is amended by striking out “amount refundable to” and substituting “amount payable or refundable to”.

(19) Section 63 is amended

(a) by repealing subsection (1) and substituting the following:

Inspection, audit and examination of books, etc.

63(1) An authorized person may, at all reasonable times, for any purpose related to the administration or enforcement of this Act,

- (a) inspect, audit or examine any document, including books and records, of a corporation or any other person that may be relevant in determining the obligations or entitlements of the corporation or any other person under this Act,
- (b) examine any property or process of, or matter relating to, a corporation or any other person, an examination of which may assist the authorized person in determining the obligations or entitlements of the corporation or any other person under this Act,
- (c) enter any premises or place where any business is carried on, any property is kept, anything is done in connection with any business or any books or records are or should be kept, except that, if the premises or place is a dwelling-house, the authorized person may enter the dwelling-house without the consent of the occupant only under the authority of a warrant under subsection (4),
- (d) require a corporation or any other person to give the authorized person all reasonable assistance, to answer all

(18) Section 43(6) presently reads:

(6) For the purposes of subsection (5), a “balance” of a corporation for a taxation year is the income, taxable income, taxable income earned in Canada, amount taxable in Alberta or any loss of the corporation for the year or the tax or other amount payable by, any amount refundable to or any amount deemed to have been paid or to have become payable by, the corporation for the year.

(19) Section 63 presently reads in part:

63(1) An authorized person may, at all reasonable times, for any purpose related to the administration of this Act,

- (a) inspect, audit or examine the books and records of a corporation and any document of the corporation or of any other person that relates or may relate to the information that is or should be in the books or records of the corporation or to any amount payable by or to it under this Act,*
- (b) require the production for inspection, audit or examination of all books, records or documents that are or may be relevant to the inspection, audit or examination, and*
- (c) examine property in an inventory of a corporation and any property or process of, or matter relating to, the corporation or any other person, an examination of which may assist the authorized person in determining the accuracy of the inventory of the corporation or in ascertaining the information that is or should be in the books or records of the corporation or any amount payable by or to it under this Act,*

and for those purposes the authorized person may, if the authorized person has reasonable grounds to believe that books, records, documents or property described in clauses (a) to (c) are likely to be found in any premises or place,

- (d) subject to subsection (3), enter into the premises or place, and*
- (e) require the owner or manager of the property or business and any other person on the premises or at the place to give the authorized person all reasonable assistance and to make reasonable efforts to answer all proper questions relating to*

proper questions relating to the administration or enforcement of this Act and

- (i) to attend with the authorized person, at a place designated by the authorized person, or by videoconference or by another form of electronic communication, and to answer the questions orally, and
- (ii) to answer the questions in writing, in any form specified by the authorized person,

and

- (e) require a corporation or any other person to give the authorized person all reasonable assistance with anything the authorized person is authorized to do under this Act.

(b) by repealing subsection (3).

(20) Section 72.1(1)(a) and (b) are repealed and the following is substituted:

- (a) “tax benefit” means
 - (i) a reduction, avoidance or deferral of tax or other amount payable under this Act or the regulations or an increase in a refund of tax or other amount under this Act or the regulations, and includes a reduction, avoidance or deferral of tax or other amount that would be payable under this Act or the regulations but for a tax treaty,
 - (ii) an increase in a refund of tax or other amount under this Act or the regulations as a result of a tax treaty, or
 - (iii) a reduction, increase or preservation of an amount that could at a subsequent time
- (A) be relevant for the purpose of computing an amount referred to in subclause (i) or (ii), and

the administration of this Act and, for that purpose, require the owner or manager to attend at the premises or place with the authorized person.

(3) If the premises or place referred to in subsection (1)(d) is a dwelling-house, an authorized person may not enter that dwelling-house without the consent of the occupant except under the authority of a warrant under subsection (4).

(20) Section 72.1(1) presently reads in part:

72.1(1) In this section and in section 41(1.11),

- (a) “tax benefit” means a reduction, avoidance or deferral of tax or other amount payable under this Act or the regulations or an increase in a refund of tax or other amount under this Act or the regulations, and includes a reduction, avoidance or deferral of tax or other amount that would be payable under this Act or the regulations but for a tax treaty, or an increase in a refund of tax or other amount under this Act or the regulations that is a result of a tax treaty;*
- (b) “tax consequences” to a corporation means the amount of*
 - (i) the corporation’s income, taxable income, taxable income earned in Canada or amount taxable in Alberta,*
 - (ii) the corporation’s capital, adjusted taxable capital, basic capital amount or taxable capital employed in Canada referred to in Part 10,*
 - (iii) the corporation’s amount of premiums receivable referred to in Part 9,*

- (B) result in any of the effects described in subclause (i) or (ii);
- (b) “tax consequences” to a corporation means the amount of
 - (i) the corporation’s income, taxable income, taxable income earned in Canada or amount taxable in Alberta,
 - (ii) the corporation’s capital, adjusted taxable capital, basic capital amount or taxable capital employed in Canada referred to in Part 10,
 - (iii) the corporation’s amount of premiums receivable referred to in Part 9,
 - (iv) tax, refundable tax credit or other amount payable by or payable or refundable to the corporation under this Act, or any other amount that is relevant for the purposes of computing any amount referred to in this subclause, or
 - (v) any other amount that is, or could at a subsequent time be, relevant for the purpose of computing an amount referred to in subclauses (i) to (iv);

(21) Subsection (20) applies in respect of transactions that occur

- (a) on or after April 7, 2022, or
- (b) before April 7, 2022 if a determination is made under section 41(1.11) or 72.1(8) of the *Alberta Corporate Tax Act* on or after April 7, 2022 in respect of the transaction.

(22) Section 84(1.1) and (1.2) are repealed and the following is substituted:

(1.1) A notice or other communication that is made available in electronic format such that it can be read or perceived by an individual or a computer system or other similar device, and that refers to the person’s account number, is presumed to be sent to the person and received by the person on the date that it is posted by the Provincial Minister in the secure electronic account in

- (iv) *tax, refundable tax credit or other amount payable by or refundable to the corporation under this Act, or*
- (v) *any other amount that is relevant for the purposes of computing any amount referred to in this clause;*

(21) Application.

(22) Section 84(1.1) and (1.2) presently read:

(1.1) For the purposes of this Act, if a notice or other communication in respect of a person is made available in electronic format such that it can be read or perceived by a person or a computer system or other similar device, the notice or other communication is presumed to be sent to the person and received by the person on the date that an electronic message is sent, to the electronic address most recently provided before that date by the person to the Provincial Minister for the purposes of this subsection,

respect of the person's account number, unless the person has requested, at least 30 days prior to that date, in the form and manner prescribed, that the notice or other communication be sent by mail.

(1.2) For the purposes of subsection (1.1), "account number" means the number used by the Provincial Minister to identify a corporation and of which the Provincial Minister has notified the corporation.

(23) Subsection (22) comes into force on January 1, 2025.

Alberta Personal Income Tax Act

Amends RSA 2000 cA-30

2(1) The *Alberta Personal Income Tax Act* is amended by this section.

(2) Section 1 is amended by adding the following after subsection (4):

(4.1) Subsection 104(1) of the federal Act applies for the purposes of this Act.

(3) Section 6.1(9) is amended in the formula

(a) by striking out "A – B" and substituting "A – (B – C)";

(b) by adding the following after the description of B:

C is the total of all amounts each of which is an amount determined under subclause (ii)(B) in the description of A in determining the amount for A for the year.

informing the person that a notice or other communication requiring the person's immediate attention is available in the person's secure electronic account.

(1.2) For the purposes of subsection (1.1), a notice or other communication is considered to be made available if it is posted by the Provincial Minister in the person's secure electronic account and the person has authorized that notices or other communications may be made available in that manner and has not, before the date that the electronic message is sent, revoked that authorization in a manner specified by the Provincial Minister.

(23) Coming into force.

Alberta Personal Income Tax Act

2(1) Amends chapter A-30 of the Revised Statutes of Alberta 2000.

(2) Section 1(4) presently reads:

(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.

(3) Section 6.1(9) presently reads:

(9) A trust that was resident on the last day of the calendar year and is subject to tax pursuant to paragraph 122(1)(c) of the federal Act shall pay an additional tax for the year for the purposes of this Act equal to the amount determined by the formula

$$A - B$$

where

A is the amount that would be determined for B for the year if

(i) the rate of tax payable under this Act by the trust for each taxation year referred to in the description of B were 15.0%, and

- (ii) *the trust's taxable income for a particular taxation year referred to in the description of B were reduced by the total of*
 - (A) *the amount, if any, that was paid or distributed in satisfaction of all or part of an individual's interest as a beneficiary under the trust if*
 - (I) *the individual was an electing beneficiary, as defined by the federal Act, of the trust for the particular year,*
 - (II) *the payment or distribution can reasonably be considered to be made out of that taxable income, and*
 - (III) *the payment or distribution was made in a taxation year referred to in the description of B,*
 - (B) *the amount that is the portion of the tax payable under the federal Act by the trust for the particular year that can reasonably be considered to relate to the amount determined under paragraph (A), and*
 - (C) *the amount that is the portion of the tax payable under the law of the province in which the trust is resident for the particular year, that can reasonably be considered to relate to the amount determined under paragraph (A);*

B is the total of all amounts each of which is the amount of tax payable under this Act by the trust for a taxation year that precedes the year if that preceding taxation year is

- (i) *the later of*
 - (A) *the first taxation year for which the trust was a qualified disability trust, and*
 - (B) *the last taxation year, if any, for which subsection 122(2) of the federal Act applied to the trust,*
- or*
- (ii) *a taxation year that ends after the taxation year described in subclause (i).*

(4) Section 7 is amended by striking out “to the extent that the total of the excepted amounts exceeds the amount of tax payable under section 6.1”.

(5) Section 13(1)(b)(ii) is amended by striking out “3 times” **and substituting** “2 times”.

(6) Subsection (2) applies to taxation years that end after December 30, 2023.

(7) Subsection (3) comes into force on January 1, 2024.

(8) Subsection (4) is deemed to have come into force on January 1, 2018.

(9) Subsection (5) is deemed to have come into force on January 1, 2021.

(4) Section 7 presently reads:

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 6.1, except that the amount under section 13, and the amounts under sections 21 and 23 that can reasonably be considered to be in respect of an amount included in computing the individual's split income for the year, may also be deducted from tax payable under section 47 to the extent that the total of the excepted amounts exceeds the amount of tax payable under section 6.1.

(5) Section 13(1)(b)(ii) presently reads:

13(1) This section applies where

(b) the effects of the impairment or impairments are such that the individual's ability to perform more than one basic activity of daily living is significantly restricted where the cumulative effect of those restrictions is equivalent to having a marked restriction in the ability to perform a basic activity of daily living or are such that the individual's ability to perform a basic activity of daily living is markedly restricted or would be markedly restricted but for therapy that

(ii) is required to be administered at least 3 times each week for a total duration averaging not less than 14 hours a week, and

(6) Application to tax year.

(7) Coming into force.

(8) Coming into force.

(9) Coming into force.

Fuel Tax Act

Amends SA 2006 cF-28.1

3(1) The *Fuel Tax Act* is amended by this section.

(2) Section 11(1)(a)(ii) is amended by striking out “June 30, 2023” and substituting “December 31, 2023”.

(3) This section is deemed to have come into force on July 1, 2023.

Tourism Levy Act

Amends RSA 2000 cT-5.5

4(1) The *Tourism Levy Act* is amended by this section.

(2) Section 1(1) is amended

(a) by repealing clause (f.1);

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

(f.1) “online broker” means the operator of an online marketplace;

(3) Section 2(2) is amended

(a) by striking out “Unless section 3.2(1) applies, an operator shall” and substituting “An operator shall”;

(b) by striking out “An operator shall” and substituting “Unless section 3.2(1) applies, an operator shall”.

Fuel Tax Act

3(1) Amends chapter F-28.1 of the Statutes of Alberta, 2006.

(2) Section 11(1)(a)(ii) presently reads:

11(1) Subject to subsections (2) to (4), the tax required to be paid pursuant to this Act shall be paid at the following rates:

(a) with respect to gasoline, diesel and other prescribed fuels,

(ii) where the requirement to pay tax arises during the period beginning on January 1, 2023 and ending on June 30, 2023, \$0.00 per litre;

(3) Coming into force.

Tourism Levy Act

4(1) Amends chapter T-5.5 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(f.1) presently reads:

1(1) In this Act,

(f.1) “online broker” means the operator of an online marketplace;

(3) Section 2(2) presently reads:

(2) Unless section 3.2(1) applies, an operator shall, as an agent of the Minister for the collection of a tourism levy, collect the tourism levy payable under this Act from the purchaser when the purchase is made or, in the case of ongoing maintenance fees referred to in section 1(1)(i)(iii), when the maintenance fees are paid.

(4) Section 2.1 is amended

(a) in subsection (1)

(i) by striking out “or an online broker”;

(ii) by adding “or an online broker” **after** “an operator”;

(b) by repealing subsection (2.1);

(c) by adding the following after subsection (2):

(2.1) Notwithstanding subsections (1) and (2), an operator is not required to register under this section if the operator only sells, offers for sale or otherwise provides accommodation through an online marketplace operated by an online broker that is registered under this section and that is required to collect and remit the tourism levy in respect of the accommodation under section 3.2(1).

(5) Section 3.2 is repealed.

(4) Section 2.1 presently reads in part:

2.1(1) Every person that is an operator or an online broker must register under this section.

(2) Subject to the regulations, if a person sells, offers for sale or otherwise provides accommodation in respect of more than one establishment, the person must be registered in respect of each establishment.

(2.1) Notwithstanding subsections (1) and (2), an operator is not required to register under this section if the operator only sells, offers for sale or otherwise provides accommodation through an online marketplace operated by an online broker that is registered under this section.

(5) Section 3.2 presently reads:

3.2(1) Subject to subsection (3), where a purchase of accommodation is made through an online marketplace, the online broker shall

- (a) collect the tourism levy payable under this Act from the purchaser when the purchase is made,*
- (b) remit that tourism levy to the Minister in the manner and at the times prescribed in the regulations, and*
- (c) subject to the regulations, do anything else that an operator would be required to do under this Act.*

(2) Where subsection (1) applies, the operator and the online broker are jointly and severally liable for any levy, penalty, interest or other amount related to an online broker's failure to fulfill the obligations in that subsection.

(3) An online broker and an operator may, in circumstances specified by the Minister, enter into an arrangement to have the operator fulfill any or all of the obligations placed on the online broker under subsection (1).

(6) The following is added after section 3.1:

Collection and remittance by online broker

3.2(1) Subject to subsection (3) and the regulations, where a purchase of accommodation is made through an online marketplace,

- (a) the online broker shall collect the tourism levy payable under this Act from the purchaser when the purchase is made,
- (b) the online broker shall remit that tourism levy to the Minister in the manner and at the times prescribed in the regulations, and
- (c) except where otherwise specified in this Act or the regulations, this Act applies to the online broker as if the online broker were an operator.

(2) Where subsection (1) applies, the operator and the online broker are jointly and severally liable for any levy, penalty, interest or other amount related to an online broker's failure to fulfil the obligations placed on the online broker under that subsection.

(3) An online broker and an operator, in circumstances specified by the Minister, may jointly elect in the form and manner

(4) Where an arrangement referred to in subsection (3) is entered into, the online broker must provide to the Minister the information specified by the Minister in the manner and within the time specified by the Minister.

(5) Notwithstanding subsection (2), where

(a) an arrangement referred to in subsection (3) is entered into, and

(b) the online broker provides the Minister with the information required by subsection (4),

the online broker is not liable for the operator's failure to fulfill any obligation that has been placed on the operator under the arrangement and this section.

(6) Collection and remittance by online broker.

specified by the Minister to have the operator fulfil any or all of the obligations placed on the online broker under subsection (1).

(4) Notwithstanding subsection (2), where a joint election referred to in subsection (3) is made, the online broker is not liable for the operator's failure to fulfil any obligation that has been placed on the operator under the joint election.

(7) Section 22 is amended

(a) by adding the following after subsection (1):

(1.1) Subsection (1) does not apply in respect of an online broker.

(1.2) The Minister may, in accordance with the regulations and for any purpose related to the administration or enforcement of this Act or the regulations, by serving a written notice,

- (a) demand that an online broker, or
- (b) when an online broker is a partnership or corporation, demand that a partner or the president or another officer or manager, secretary or any director, agent or representative of the partnership or corporation

provide or produce information or documents prescribed by the regulations within a reasonable period of time stipulated in the notice.

(b) in subsection (2) by adding “or an online broker” after “an operator” wherever it occurs.

(8) Section 26.2 is amended by adding the following after subsection (2):

(3) Subject to the regulations, the Minister may publish the following information about an online broker registered under section 2.1(1):

- (a) the name of the online broker;
- (b) the name of the online marketplaces operated by the online broker;

(7) Section 22 presently reads in part:

(2) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, by serving a written notice, demand that

(a) a person holding an amount for or paying or liable to pay any amount to an operator, or

(b) a partner, president or other officer, director or agent of any person holding an amount for or paying or liable to pay any amount to an operator

provide or produce any information or additional information or any document within the reasonable period of time stipulated in the notice.

(8) Section 26.2 presently reads in part:

(2) The Minister may publish or disclose to any person for any purpose information collected under this Act that

(a) is readily available,

(b) is in a summarized or statistical form, and

(c) cannot, directly or indirectly, be associated with or identify a particular person.

- (c) the date of registration;
- (d) any other information prescribed by the regulations.

(9) Section 40(1) is amended

(a) in clause (a) by striking out “or online broker”;

(b) by repealing clause (a) and substituting the following:

- (a) respecting the collection and remittance of tourism levies under this Act, including
 - (i) the manner and times at which an operator or online broker is required to remit tourism levies to the Minister, and
 - (ii) circumstances in which an online broker is not required to fulfil an obligation placed on an online broker under section 3.2(1);

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

- (a.1) respecting circumstances in which any provision of this Act does not apply to an online broker under section 3.2(1)(c);
- (a.2) limiting the application of any provision of this Act to an online broker in a case where the provision would otherwise apply to an online broker under section 3.2(1)(c);

(d) by repealing clause (d.5);

(e) by adding the following after clause (p):

- (p.1) respecting a demand for information or documents under section 22(1.2), including types of information and documents that may be demanded, and the circumstances in which a demand for information or documents may be made;
- (p.2) respecting the communication, collection, use and publication of information under this Act, including respecting the information that may be published under section 26.2(3);

(9) Section 40(1) presently reads in part:

40(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the collection and remittance of tourism levies under this Act, including the manner and times at which an operator or online broker is required to remit tourism levies to the Minister;*
- (d.5) respecting requirements under section 3.2(1)(c) that do not apply to an online broker;*

(10) Subsections (2)(a), (3)(a), (4)(a)(i) and (b), (5) and (9)(a) and (d) are deemed to have come into force on July 1, 2023.

(11) Subsections (2)(b), (3)(b), (4)(a)(ii) and (c), (6), (7), (8) and (9)(b), (c) and (e) come into force on Proclamation.

(10) Coming into force.

(11) Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To