

2019 Bill 1

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First Session, 30th Legislature, 68 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 1**

**AN ACT TO REPEAL  
THE CARBON TAX**

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THE PREMIER

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 1*

## **BILL 1**

2019

### **AN ACT TO REPEAL THE CARBON TAX**

*(Assented to , 2019)*

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

#### **Repeals SA 2016 cC-16.9**

**1** The *Climate Leadership Act* is repealed immediately at the  
beginning of the day on May 30, 2019.

#### **Transitional Provisions**

##### **Transitional provisions**

**2(1)** In subsections (2) to (4),

- (a) “Minister” means the Minister responsible for the *Fuel Tax Act*;
- (b) “owner”, in respect of fuel, means the legal owner of the fuel;
- (c) “possession”, in respect of fuel, means
  - (i) the state of having the fuel in one’s own personal possession, or
  - (ii) the state of knowingly having the fuel in the actual possession of another person, other than the person from whom the fuel was purchased.

## **Explanatory Notes**

**1** Repeals chapter C-16.9 of the Statutes of Alberta, 2016.

**2** Transitional provisions.

(2) If the *Climate Leadership Act* is repealed after a recipient purchases fuel and before the recipient takes possession of the fuel, it is deemed that no carbon levy was payable on the fuel at the time the recipient purchased the fuel.

(3) If immediately at the beginning of the day on May 30, 2019, a recipient

(a) is the owner of fuel on which the recipient was required to pay a carbon levy at the time the fuel was purchased or imported into Alberta, and

(b) is in possession of the fuel for sale or resale in Alberta,

the recipient may file with the Minister, on or before June 29, 2019 and in the form and manner specified by the Minister, a report relating to the fuel that includes the quantity and type of fuel and any other information specified by the Minister.

(4) The Minister shall refund the carbon levy that was paid by the recipient on the fuel included in the report filed under subsection (3) if the Minister is satisfied that the recipient is entitled to the refund.

(5) For the purposes of the operation of the *Climate Leadership Act* or a regulation under that Act pursuant to section 35 of the *Interpretation Act*,

(a) “Minister” in the *Climate Leadership Act* means the Minister responsible for the *Fuel Tax Act*,

(b) section 3(2) of the *Climate Leadership Act* does not apply,

(c) a recipient shall not recover under section 26(1) of the *Climate Leadership Act* any carbon levy paid by the recipient,

(d) for greater certainty, if

(i) before the repeal of the *Climate Leadership Act*, a carbon levy was paid on fuel, and

(ii) after the repeal of the *Climate Leadership Act*, a circumstance occurs that would have resulted in an



entitlement to a refund, rebate, credit or other amount with respect to the carbon levy paid on the fuel had the *Climate Leadership Act* not been repealed,

the refund, rebate, credit or other amount may, subject to this subsection and any regulations made under subsection (6), be provided or paid as if the *Climate Leadership Act* had not been repealed,

- (e) for all purposes, including interpreting, administering and enforcing this section or a regulation under subsection (6),
  - (i) this section shall be construed as part of the *Climate Leadership Act* and the *Climate Leadership Act* shall be construed accordingly, and
  - (ii) any regulation made under subsection (6) is deemed to have been made under the *Climate Leadership Act*,
- (f) subject to a regulation under subsection (6)(c), the references to “4 years” in sections 24(6)(d), 28(2)(c) and 29(2)(c) of the *Climate Leadership Regulation* (AR 175/2016) shall be read as references to “2 years”, and
- (g) section 63(1.2) of the *Fuel Tax Act* operates as if it had not been repealed.

**(6)** The Lieutenant Governor in Council may make regulations

- (a) modifying the *Climate Leadership Act* or a regulation under that Act for the purposes of its operation pursuant to section 35 of the *Interpretation Act*;
- (b) providing that all or any provision of section 35 of the *Interpretation Act* does not apply with respect to specified matters or providing that all or any provision of section 35 of the *Interpretation Act* applies only for a specified period of time either generally or with respect to specified matters;
- (c) changing the time period set out in subsection (5)(f) with respect to one or more of the sections of the *Climate Leadership Regulation* (AR 175/2016) referred to in subsection (5)(f);



(d) providing for any matter that the Minister considers is not provided for or is insufficiently provided for in this Act or in section 35 of the *Interpretation Act* with respect to the repeal of the *Climate Leadership Act*.

(7) A regulation under subsection (6) is, if it so provides, effective with respect to a period before it was made.

### **Consequential Amendments**

#### **Amends RSA 2000 cA-30**

**3(1)** The *Alberta Personal Income Tax Act* is amended by this section.

**(2)** Section 35.2 is repealed and the following is substituted:

#### **Application of Division**

**35.2(1)** This Division applies to payments deemed under section 35.3(3) to have been paid in a specified month in 2017, 2018 or 2019.

(2) Despite any return of income filed before May 30, 2019, no payment shall be deemed under section 35.3(3) to have been paid in a specified month that begins after June 30, 2019.

#### **Amends SA 2018 cC-13.3**

**4(1)** The *City Charters Fiscal Framework Act* is amended by this section.

**(2)** Section 6(3) is amended by striking out “section 3(2)(a) of the *Climate Leadership Act* or”.

**(3)** Section 1(1)(e)(i) of the Schedule is repealed.



## Consequential Amendments

**3(1)** Amends chapter A-30 of the Revised Statutes of Alberta 2000.

(2) Section 35.2 presently reads:

*35.2 This Division applies to payments deemed under section 35.3(3) to have been paid in a specified month in 2017 and subsequent years.*

**4(1)** Amends chapter C-13.3 of the Statutes of Alberta, 2018.

(2) Section 6(3) presently reads:

*(3) A purpose or class of purposes may be specified in the funding agreement or approved only if the Minister considers it to be consistent with section 3(2)(a) of the Climate Leadership Act or an objective prescribed by the regulations.*

(3) Section 1(1)(e) of the Schedule presently reads:

*1(1) In this Schedule,*

*(e) “provincial revenue”, in respect of a fiscal year, means the amount reported as total revenue for the fiscal year in the consolidated financial statements of the Province under*

**Amends SA 2006 cF-28.1**

**5(1) The *Fuel Tax Act* is amended by this section.**

**(2) The heading preceding section 21.1 and sections 21.1 and 21.2 are repealed.**

**(3) Section 63 is amended**

**(a) by repealing subsection (1.2);**

**(b) in subsection (6)**

**(i) by striking out “, the Minister responsible for the *Climate Leadership Act* or any regulation under that Act”;**

**(ii) by striking out “carbon levy,”.**

*section 8(2)(a) of the Fiscal Planning and Transparency Act, minus the following:*

- (i) reported revenue collected under the Climate Leadership Act;*
- (ii) reported revenue paid into the Climate Change and Emissions Management Fund established under section 10 of the Climate Change and Emissions Management Act;*

**5(1)** Amends chapter F-28.1 of the Statutes of Alberta, 2006.

(2) The heading preceding section 21.1 and sections 21.1 and 21.2 presently read:

*Division 1.1  
Carbon Levy Payable by  
Interjurisdictional Carriers*

*21.1 Subject to the regulations under the Climate Leadership Act, the carbon levy payable by an interjurisdictional carrier under the Climate Leadership Act shall be administered and enforced in accordance with this Act and the regulations as if the carbon levy were a tax imposed under this Act.*

*21.2 Subject to the regulations under the Climate Leadership Act, any carbon levy paid by an interjurisdictional carrier under the Climate Leadership Act shall be adjusted by the Minister in accordance with the terms and conditions of the International Fuel Tax Agreement and any resolutions made pursuant to that Agreement.*

(3) Section 63(1.2) and (6) presently read:

*(1.2) Information collected under this Act may be disclosed as necessary to the Minister responsible for the Climate Leadership Act or any regulation under that Act for the purpose of administering or enforcing that Act or regulation.*

### **Coming into Force and Repeal**

#### **Coming into force and repeal**

**6(1) Sections 2 to 5 come into force on May 30, 2019.**

**(2) Section 2 is repealed on Proclamation.**

*(6) The Minister, the Minister responsible for the Climate Leadership Act or any regulation under that Act or the Minister responsible for the Climate Change and Emissions Management Act or any regulation under that Act may collect and use information as necessary for the purpose of formulating or analyzing carbon levy, tax, fiscal, enforcement, climate change or renewable fuels standard policy.*

### **Coming into Force and Repeal**

**6** Coming into force and repeal.





