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THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 62

**THE ALBERTA HERITAGE FOUNDATION
FOR MEDICAL RESEARCH ACT**

THE PREMIER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

**THE ALBERTA HERITAGE FOUNDATION
FOR MEDICAL RESEARCH ACT**

TABLE OF CONTENTS

	Section No.
Definitions	1
Alberta Heritage Foundation for Medical Research	2
Objects of Foundation	3
Foundation not agent of Crown	4
Meetings of Foundation	5
Expenses of trustees	6
Alberta Heritage Foundation for Medical Research Endowment Fund	7
Payments to Foundation	8
Payments by Foundation	9
Foundation may be designated depositor in the Consolidated Cash Investment Trust Fund	10
Fiscal year of Foundation	11
Auditor	12
Offices of Foundation	13
Executive Committee	14
Powers of Foundation	15
Regulations respecting reports	16
By-laws	17
Services of experts	18
Scientific Advisory Council and committees	19,20
Annual Report of Foundation	21
Tabling of annual report in Legislative Assembly	22

International Board of Review	23
Triennial report of Foundation	24
Records	25
Consequential	26,27
Commencement	28

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1979

THE ALBERTA HERITAGE FOUNDATION FOR MEDICAL RESEARCH ACT

(Assented to , 1979)

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

1 In this Act,

- (a) "Endowment Fund" means the Alberta Heritage Foundation for Medical Research Endowment Fund;
- (b) "Foundation" means the Alberta Heritage Foundation for Medical Research.

Alberta Heritage Foundation for Medical Research

2(1) There is hereby established a corporation called the Alberta Heritage Foundation for Medical Research consisting of the following individuals appointed by the Lieutenant Governor in Council as trustees, each for a term of not more than 5 years:

- (a) one nominee of the council of the College of Physicians and Surgeons of the Province of Alberta;
- (b) one nominee of The Governors of The University of Alberta;
- (c) one nominee of The Governors of The University of Calgary;
- (d) one nominee of the board of trustees of the Medical Services Research Foundation of Alberta;
- (e) 5 other individuals.

(2) The Lieutenant Governor in Council shall designate one of the trustees to be chairman.

(3) The trustees of the Foundation shall elect one of the trustees as vice-chairman.

Explanatory Notes

1 Definitions.

2 The Alberta Heritage Foundation for Medical Research established.

(4) Notwithstanding subsections (1), (2) and (3), on and after January 1, 1985

(a) the Foundation shall consist of the following individuals appointed by the Lieutenant Governor in Council as trustees, each for a term of not more than 5 years:

(i) the nominees referred to in subsection (1)(a) to (d);

(ii) 4 other individuals;

(iii) one nominee of the trustees appointed under sub-clauses (i) and (ii),

and

(b) the trustees of the Foundation shall elect a chairman and vice-chairman from among the trustees.

(5) Only those persons who are Canadian citizens or who have been lawfully admitted to Canada for permanent residence are eligible to be appointed as trustees of the Foundation.

(6) The Lieutenant Governor in Council may fill a vacancy on the Foundation by appointing an individual to fill the unexpired term of office of the former trustee, but no vacancy on the Foundation impairs the right of the remaining trustees to act while the vacancy exists.

(7) A trustee of the Foundation is eligible for re-appointment for a 2nd term of office, but not for a further term of office until the expiration of 5 years after his 2nd term has ended.

(8) Notwithstanding subsection (7), a trustee who is appointed to fill the unexpired term of office of a former trustee is eligible for re-appointment for a 2nd and 3rd term of office, but not for a further term of office until the expiration of 5 years after his 3rd term has ended.

(9) The vice-chairman shall act as chairman of the Foundation when the chairman is absent or when there is a vacancy in the office of chairman.

3 The objects of the Foundation are to establish and support a balanced long-term program of medical research based in Alberta directed to the discovery of new knowledge and the application of that knowledge to improve health and the quality of health services in Alberta and, without limiting the generality of those objects, to

(a) stimulate research in medical sciences,

3 Objects of the Foundation.

(b) implement effective means of using in Alberta the scientific resources available in medical sciences,

(c) support medical research laboratories and related facilities in Alberta,

(d) promote co-operation in research in medical sciences in order to minimize duplication in, and promote concentration of, effort in that research, and

(e) encourage young Albertans to pursue careers in research in medical sciences.

4 The Foundation is not an agent of the Crown in right of Alberta.

5(1) The Foundation shall meet at least once each year.

(2) A majority of the trustees of the Foundation present in person at a meeting of the Foundation constitutes a quorum.

(3) If the chairman and vice-chairman are absent at a meeting of the Foundation, the trustees present shall appoint one of their number to preside at the meeting.

(4) A by-law signed by a majority of the trustees of the Foundation is as valid and effective as if passed by a majority of the trustees present at a meeting at which a quorum was present.

6 The trustees of the Foundation may be paid remuneration for their services and may be reimbursed for reasonable travelling and living expenses necessarily incurred by them in the performance of their duties under this Act at rates prescribed by the Foundation.

Alberta Heritage Foundation for Medical Research Endowment Fund

7(1) There is hereby created a fund called the Alberta Heritage Foundation for Medical Research Endowment Fund.

(2) Any money invested for the purposes of this Act under the authority of an Act referred to in section 6(2)(a) of *The Alberta Heritage Savings Trust Fund Act* shall be paid into the Endowment Fund.

4 The Foundation is not an agent of the Crown.

5 Meetings of the Foundation.

6 Expenses of the trustees.

7 Alberta Heritage Foundation for Medical Research Endowment Fund.

(3) The Provincial Treasurer shall hold and administer the Endowment Fund and has the same powers of investment with respect to the Endowment Fund that he has with respect to the General Revenue Fund under *The Financial Administration Act, 1977*.

(4) The income of the Endowment Fund derived from investments made under subsection (3) accrues to and forms part of the Endowment Fund.

(5) The Provincial Treasurer shall, as soon as practicable after the end of each fiscal year of the Crown, prepare a report summarizing the transactions and affairs of the Endowment Fund during the preceding fiscal year and shall lay a copy of it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

8(1) The Provincial Treasurer shall, at the request of the Foundation made on reasonable notice, pay from the Endowment Fund to the Foundation money, that in the opinion of the trustees, is required by the Foundation for the furtherance of its objects.

(2) The Provincial Treasurer shall not pay money out of the Endowment Fund if the payment would result in the value of the assets of the Endowment Fund being less than the amounts paid into it pursuant to section 7(2).

(3) For the purposes of subsection (2), the assets of the Endowment Fund shall be valued at cost.

Payments by the Foundation

9 The expenses incurred by the Foundation and any grant or loan made by it shall be paid out of money held by the Foundation.

10 The Foundation may be designated as a depositor in the Consolidated Cash Investment Trust Fund under *The Financial Administration Act, 1977*.

Fiscal Year

11(1) The fiscal year of the Foundation is the period from April 1 in one year to March 31 next following.

(2) Notwithstanding subsection (1), the first fiscal year of the Foundation is the period from the coming into force of this Act to March 31, 1981.

8 Payments from the Endowment Fund to the Foundation.

9 Payments by the Foundation.

10 The Foundation may be designated as a depositor in the Consolidated Cash Investment Trust Fund.

11 Fiscal year.

Auditor

12 The Auditor General is the auditor of the Foundation.

Offices

13(1) The Foundation may by by-law designate the offices of the Foundation, appoint persons to those offices, fix the remuneration to be paid to persons so appointed and delegate to those persons any powers required to manage the business and affairs of the Foundation, except the power to make by-laws.

(2) Two or more offices of the Foundation may be held by the same person.

(3) The principal officer, if not a trustee of the Foundation, is entitled to notice of and to be present at meetings of the Foundation and committees of the Foundation.

Executive Committee

14(1) There shall be an Executive Committee of the Foundation consisting of

(a) the chairman, and

(b) 2 other trustees of the Foundation elected annually by the trustees of the Foundation in accordance with the by-laws.

(2) The Executive Committee may exercise and shall perform those powers and duties that the Foundation, by by-law, assigns to it, but the Foundation shall not assign to the Executive Committee the power to make by-laws.

(3) The Executive Committee shall submit to each meeting of the Foundation minutes of any proceedings of the Executive Committee that have taken place subsequent to the last meeting of the Foundation.

(4) The principal officer of the Foundation, if not a member of the Executive Committee, is entitled to notice of and to be present at meetings of the Executive Committee.

12 Auditor.

13 Offices of the Foundation.

14 Executive Committee.

Powers of the Foundation

15(1) In addition to the powers it has under section 14 of *The Interpretation Act*, the Foundation may

- (a) make grants or loans to any person or organization for a purpose consistent with the objects of the Foundation;
- (b) fund in whole or in part research professorships or chairs established for a purpose consistent with the objects of the Foundation, at any university in Alberta;
- (c) publish, produce or distribute books, pamphlets, films or other productions that relate to any matter pertaining to the objects of the Foundation;
- (d) acquire real or personal property;
- (e) hold, manage and dispose of its real and personal property;
- (f) enter into a contract with any person in relation to any matter pertaining to the objects of the Foundation;
- (g) enter into any patent agreements, royalty agreements or commercial marketing agreements that may be considered by the trustees to be in the best interests of the Foundation;
- (h) borrow money from any person or enter into overdraft or line of credit arrangements with a bank, treasury branch, credit union or trust company, for the purpose of meeting its obligations as they come due, and give security for the loan, overdraft or line of credit;
- (i) draw, make, accept, endorse, execute or issue promissory notes, bills of exchange or other negotiable instruments.

(2) The Foundation may, as a condition of making a grant or loan,

- (a) require the recipient of the grant or loan to enter into an agreement with respect to any matter relating to the grant or loan, or
- (b) prescribe conditions to which the grant or loan is subject.

16 The Lieutenant Governor in Council may make regulations respecting the reports that are to be prepared by the Foundation and, with respect to the annual report under section 21 and the triennial report under section 24, designating the member of the Executive Council to whom it is to be submitted and prescribing any additional information that it is to contain.

15 Powers of the Foundation.

16 Regulations respecting reports.

17(1) The Foundation may make by-laws

- (a) respecting the conduct of the business and affairs of the Foundation;
- (b) respecting the calling of meetings of the Foundation and the conduct of business at those meetings;
- (c) prescribing the remuneration and expenses payable to trustees of the Foundation;
- (d) designating the offices of the Foundation;
- (e) respecting the appointment, removal, functions, powers, duties, remuneration and fringe benefits of officers and employees of the Foundation;
- (f) delegating to the officers of the Foundation any powers of the Foundation required to manage the business and affairs of the Foundation, except the power to make by-laws;
- (g) respecting the establishment of annual and other budgets of the Foundation and the amendment of those budgets;
- (h) respecting the election of trustees of the Foundation to the Executive Committee;
- (i) respecting the establishment, membership, duties and functions of special, standing and other committees;
- (j) respecting the making of grants or loans by the Foundation for purposes consistent with its objects;
- (k) prescribing the information that is to be included in or is to accompany an application for a grant or loan from the Foundation and the form in which the application is to be made;
- (l) respecting the procedures to be followed for the approval of projects within the research priorities established by the Foundation.

(2) *The Regulations Act* does not apply to a by-law of the Foundation.

18 The Foundation may engage the services of experts or persons having special technical or other knowledge to advise or to inquire into and report to the Foundation or any committee established by the Foundation on any matter pertaining to the objects of the Foundation.

17 By-laws.

18 Services of experts.

Scientific Advisory Council and Committees

19(1) The Foundation shall establish a Scientific Advisory Council and may establish any committee that it considers appropriate to act in an advisory, administrative or technical capacity in connection with any matter pertaining to the objects of the Foundation.

(2) The Foundation may, with respect to the Scientific Advisory Council or a committee established under subsection (1),

(a) appoint or provide for the appointment of its members and prescribe their terms of office;

(b) designate a chairman and other officers of the Council or committee;

(c) fix the remuneration, if any, payable to its members and provide for the payment of the remuneration and the expenses of the Council or the committee and its members;

(d) make rules of procedure governing the calling of meetings of the Council or the committee and the conduct of its business and affairs;

(e) in writing delegate to the Council or the committee any of the powers and duties of the Foundation except the power to make by-laws.

(3) The Scientific Advisory Council or a committee established under subsection (1) shall, in the exercise of a power delegated to it by the Foundation, conform to any directions or restrictions given or imposed by the Foundation with respect to the exercise of the power so delegated.

20(1) The Scientific Advisory Council shall consist of not less than 11 members appointed by the Foundation who are representative of the national or international scientific community.

(2) The duties of the Scientific Advisory Council are as follows:

(a) to review and advise the Foundation on applications for loans or grants;

(b) to review and advise the Foundation on research projects that may be funded by the Foundation;

(c) to advise the Foundation on the publication, production and distribution of books, pamphlets, films or other productions by the Foundation;

19 Establishment of Scientific Advisory Council and committees.

20 Scientific Advisory Council.

(d) to review and advise the Foundation on the funding of research professorships or chairs at universities in Alberta.

(3) The Scientific Advisory Council may appoint sub-committees of one or more members of the Council.

(4) The Scientific Advisory Council may in writing delegate any of the powers or duties conferred or imposed on it by or under this Act to a sub-committee appointed under subsection (3).

(5) The Scientific Advisory Council may establish one or more review panels to advise the Council with respect to the funding of research projects by the Foundation and a review panel so established may consist of members of the Council or other individuals or both.

Annual Report

21 The Foundation shall, as soon as practicable after the end of each fiscal year, prepare a report summarizing its transactions and affairs during the preceding fiscal year and containing an audited financial statement.

22 The Foundation shall, as soon as an annual report is prepared under section 21, forward it to the member of the Executive Council designated in the regulations to receive it, and that member of the Executive Council shall lay a copy of it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

International Board of Review

23(1) Within 3 months of the receipt of a written request by the Foundation made not later than 4 1/2 years after the coming into force of this Act, the Scientific Advisory Council shall forward to the Foundation nominations of persons for membership in an International Board of Review of a number specified in the Foundation's request.

(2) The Foundation shall, within 3 months of receiving the nominations of the Scientific Advisory Council under subsection (1), appoint an International Board of Review of not less than 6 members from among those persons nominated by the Scientific Advisory Council each for a term not exceeding 6 years.

21 Annual report of the Foundation.

22 Tabling of the annual report in the Legislative Assembly.

23 International Board of Review.

(3) Subsequent members of the International Board of Review shall be nominated by the Scientific Advisory Council and appointed by the Foundation in the same manner as the initial appointments made under subsections (1) and (2).

(4) The members of the International Board of Review appointed under subsections (2) and (3) shall review the operation of the Foundation at intervals of 6 years after the coming into force of this Act and shall report and make recommendations to the Foundation on the Foundation's operations.

(5) Notwithstanding subsections (2) and (3), the appointments of the members of the International Board of Review lapse upon the passing of a resolution of the Foundation, made after the receipt of the Foundation of the report and recommendations of the International Board of Review under subsection (4), discharging the members from further duties.

Triennial Report

24(1) As soon as practicable after the end of each 3-year period after the coming into force of this Act, the Foundation shall prepare a report for that 3-year period containing

(a) a comprehensive statement of the activities of the Foundation in terms of its objectives,

(b) a summary of the financial statements for the years included in the 3-year period,

(c) a report of projects undertaken and the loans or grants approved for those projects, and

(d) a summary of all projects approved and the funds expended on those projects.

(2) The report for the 2nd 3-year period after the coming into force of this Act and each 2nd report thereafter shall include the report to the Foundation from the International Board of Review prepared under section 23 for the immediately preceding 6-year period.

(3) The Foundation shall, as soon as a triennial report is prepared under subsection (1), forward it to the member of the Executive Council designated in the regulations to receive it, and that member of the Executive Council shall forthwith furnish copies of it to all members of the Legislative Assembly

24 Triennial report of the Foundation.

and to the Clerk of the Legislative Assembly and upon so doing shall make the report public.

(4) When a copy of a triennial report is furnished to the Clerk of the Legislative Assembly under subsection (3), it shall be deemed to be referred for review to the Select Standing Committee on *The Alberta Heritage Savings Trust Fund Act*.

(5) In reviewing the first triennial report received after the first review by the International Board of Review pursuant to section 23(4), the Select Standing Committee on *The Alberta Heritage Savings Trust Fund Act* shall reassess whether or not the amount of the Endowment Fund is adequate for the future requirements of the Foundation.

Records

25 Section 7 of *The Department of Government Services Act* does not apply to the records of the Foundation, the International Board of Review, the Scientific Advisory Council or any committee established under this Act.

Consequential and Commencement

26 *The Financial Administration Act, 1977* is amended in section 2(5) by adding the following after clause (c):

(c.1) the Alberta Heritage Foundation for Medical Research;

27 *The Public Service Employees Relations Act* is amended in the Schedule, section 1 by adding the following after clause (b):

(b.1) the Alberta Heritage Foundation for Medical Research;

28 This Act comes into force on a date or dates to be fixed by Proclamation.

25 Records of the Foundation not government records.

26 Amends chapter 68 of the Statutes of Alberta, 1977. Provides that The Financial Administration Act, 1977, except for section 81 relating to the control by the Provincial Treasurer of the borrowing powers of provincial corporations, does not apply to the Foundation.

27 Provides that The Public Service Employee Relations Act does not apply to the Foundation and its employees.