

1981 BILL 35

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 35

THE ALBERTA RESEARCH COUNCIL ACT

MR. MUSGREAVE

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 35
Mr. Musgreave

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1981

THE ALBERTA RESEARCH COUNCIL ACT

(Assented to , 1981)

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

Definitions

1 In this Act,

- (a) “board” means the board of directors of the Alberta Research Council;
- (b) “director” means a member of the board;
- (c) “president” means the president of the Alberta Research Council.

**Continuation of
Council**

2(1) The corporation known as “The Board of Directors of the Research Council of Alberta” is continued under the name of “Alberta Research Council”.

(2) The Alberta Research Council consists of its directors.

Head office

3 The head office of the Alberta Research Council shall be in the City of Edmonton unless the Lieutenant Governor in Council designates otherwise.

**Powers and duties
to conduct research**

4(1) The Alberta Research Council may conduct, on a scientific or engineering basis,

- (a) research related to the utilization and upgrading of the natural resources of Alberta;
- (b) research on new and improved technical processes and methods that are or might be used in Alberta industries;
- (c) research on behalf of or pursuant to agreements with persons.

firms or organizations that wish to avail themselves of the expertise and facilities of the Alberta Research Council;

(d) basic and applied research in the natural sciences with the objective of improving the welfare and progress of urban and rural life in Alberta;

(e) research to ensure the effective application of technology developed by the Alberta Research Council in both the public and private sectors of Alberta.

(2) The Alberta Research Council

(a) shall, at the request of the Executive Council, advise it on questions of scientific and technological methods affecting the expansion of industries or the utilization of the natural resources of Alberta, and

(b) shall supervise matters affecting scientific and industrial research assigned to it by the Lieutenant Governor in Council.

Board of directors

5(1) The members of the board shall consist of the president and not more than 14 other persons appointed by the Lieutenant Governor in Council.

(2) Persons appointed under subsection (1) shall include

(a) 2 members of the Executive Council;

(b) 1 member of the Legislative Assembly other than a person described in clause (a);

(c) 2 persons nominated jointly by the Governors of The University of Alberta, The University of Calgary and The University of Lethbridge other than a person described in clause (a) or (b);

(d) at least 7 persons not described in clauses (a), (b) or (c).

(3) The Lieutenant Governor in Council may appoint a chairman and vice-chairman from among the members referred to in subsection (2)(a) and (b).

(4) The members of the board who are not employees of the Government may be paid remuneration by and receive payment for travelling and other expenses incurred in connection with the work of the board from the Alberta Research Council as prescribed by the Lieutenant Governor in Council.

(5) The term of office of a director appointed under subsection (2)(c) is 3 years.

(6) When this Act first comes into force, the term of office of a director appointed under subsection (2)(d)

- (a) for 2 directors, shall be 4 years,
- (b) for 2 directors, shall be 3 years, and
- (c) for the remaining directors, shall be 2 years,

but afterwards the term of office shall be 3 years.

(7) A director appointed under subsection (2)(c) or (d) may be reappointed for 1 additional term of office of 3 years.

(8) If a director appointed under subsection (2)(a) or (b) ceases to be a member of the Executive Council or the Legislative Assembly, as the case may be, his appointment is terminated.

(9) Notwithstanding anything in this section, the term of office of a director may continue until a director is appointed in his place.

Board powers

6 The board shall control and direct the Alberta Research Council.

President

7 The Lieutenant Governor in Council may appoint a president who may be paid remuneration and expenses by the Alberta Research Council as may be prescribed by the Lieutenant Governor in Council.

President's powers and duties

8(1) The president

- (a) is the chief executive officer of the Alberta Research Council;
- (b) shall supervise and manage the work of the Alberta Research Council and persons engaged under section 12.

(2) The president shall report at least once a year to the board on the work of the Alberta Research Council and may make recommendations.

Deputy president

9 The board may appoint a deputy president to act in the place of the president in the case of the president's absence or inability to act or vacancy in the office of president and the deputy president has all the powers and duties of the president.

Board meetings

10(1) The board shall meet not less than 4 times a year and at least 1 meeting shall be held at the head office of the Alberta Research Council.

(2) The quorum of a meeting of the board is the majority of the directors then holding office.

Board by-laws

11(1) The board may make by-laws respecting

- (a) the business, operation and affairs of the board;
- (b) the calling of meetings of the board;
- (c) the duties and conduct of the directors;

(d) the business, affairs and operation of the Alberta Research Council;

(e) the signing of agreements on behalf of the Alberta Research Council;

(f) the establishment of committees to advise or assist the board to carry out its duties;

(g) the business, operation and meeting procedure of committees.

(2) *The Regulations Act* does not apply to by-laws made under this section.

(3) The by-laws made under this section take effect on being published in *The Alberta Gazette* or on a later date specified in the by-law.

Staff

12 The Alberta Research Council may enter into agreements to engage the services of persons it considers necessary and may prescribe their duties and conditions of employment and pay their fees, salary, remuneration and expenses.

Committee remuneration

13 The Alberta Research Council may pay remuneration and expenses incurred by committee members in connection with work of a committee established under section 11, to those members who are not employees of the Government.

Delegation of power

14 The board may delegate in writing any power or duty conferred on it to a committee, president, director, officer or employee of the Alberta Research Council except the power to make by-laws.

Acquisition and disposition of land, etc.

15 The Alberta Research Council, subject to the approval of the Lieutenant Governor, may, in connection with its duties under this Act acquire land, buildings or improvements, construct buildings or improvements or dispose of land, buildings or improvements.

Acquisition and disposition of personal property

16 The Alberta Research Council, in connection with its duties under this Act, may acquire, hold and dispose of personal property.

Discoveries

17(1) All discoveries, inventions and improvements made in processes, apparatus or machines by a person while engaged under section 12 shall, unless otherwise directed by the Alberta Research Council,

(a) be vested in the Alberta Research Council, and

(b) be made available to the public under conditions and payment of fees or royalties or otherwise that the Alberta Research Council may determine.

(2) The Alberta Research Council may pay bonuses or royalties that in its opinion are warranted to persons engaged under section 12 who

have made valuable discoveries, inventions or improvements in processes, apparatus and machines.

Expenditure of money	18 The Provincial Treasurer shall pay the money voted by the Legislature for the purpose of the Alberta Research Council in equal monthly instalments to the Alberta Research Council unless otherwise agreed between the Provincial Treasurer and the Alberta Research Council.
Fiscal year	19 The fiscal year of the Alberta Research Council is the period commencing on April 1 in one year and ending on March 31 next following, unless otherwise prescribed by the Lieutenant Governor in Council.
Auditor	20 The Auditor General is the auditor of the Alberta Research Council.
Assessment and taxation	21 The real and personal property, business and income of the Alberta Research Council is not subject to assessment or taxation for municipal or provincial purposes.
Publications	22 The Alberta Research Council may publish any scientific and technical information that it considers necessary or desirable.
Reports	23 (1) The Alberta Research Council shall make a financial report for the preceding fiscal year and an annual report on the activities of the Alberta Research Council in the preceding year to the President of the Executive Council. (2) A copy of the reports referred to in subsection (1) shall be laid before the Legislative Assembly if it is then sitting but if it is not then sitting, within 15 days after the commencement of the next sitting.
Transitional	24 Notwithstanding section 32(1)(a) of <i>The Interpretation Act, 1980</i> , the appointment of a person designated under section 3(1)(c) or (e) of <i>The Research Council Act</i> does not continue under this Act.
Repeal	25 <i>The Research Council Act</i> is repealed.
Coming into force	26 This Act comes into force on Proclamation.