

1998 BILL 14

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Second Session, 24th Legislature, 46 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 14

ALBERTA SCIENCE, RESEARCH AND  
TECHNOLOGY AUTHORITY ACT

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THE MINISTER RESPONSIBLE FOR SCIENCE,  
RESEARCH AND INFORMATION TECHNOLOGY

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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1998

## ALBERTA SCIENCE, RESEARCH AND TECHNOLOGY AUTHORITY ACT

(Assented to \_\_\_\_\_, 1998)

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

**Definitions**

**1** In this Act,

- (a) "Authority" means the Alberta Science, Research and Technology Authority;
- (b) "board" means the board of directors of the Authority;
- (c) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

- (d) "Panel" means the International Expert Review Panel appointed under section 13;
- (e) "research" means research with respect to science, engineering and technology.

Alberta  
Science,  
Research and  
Technology  
Authority

**2(1)** The corporation known as "Alberta Research Council" is continued under the name "Alberta Science, Research and Technology Authority".

(2) The Science and Research Authority Board is dissolved and all the assets and liabilities of the Science and Research Authority Board are vested in the Alberta Science, Research and Technology Authority, and all rights of action and actions by or against the Science and Research Authority Board may be continued by or maintained against the Alberta Science, Research and Technology Authority.

(3) The Authority consists of its members.

(4) The Lieutenant Governor in Council may appoint not more than 25 persons as members of the Authority.

(5) The Lieutenant Governor in Council may designate one of the members to act as chair and another to act as vice-chair.

(6) The Lieutenant Governor in Council may prescribe the terms of office of the members of the Authority and of the chair and vice-chair.

(7) The members of the Authority who are not employees of the Government may be paid remuneration and may receive reasonable living and travelling expenses while away from their ordinary places of residence in the course of their duties as members of the Authority at the rates prescribed by the Lieutenant Governor in Council.

Powers

**3(1)** Without limiting the generality of section 16 of the *Interpretation Act* but subject to this section, the Authority may

- (a) conduct research in subjects that may be beneficial to the development of resources or industry or that enhances the quality of life of Albertans;
- (b) enter into agreements through which the Authority may conduct research described in clause (a) on behalf of others, participate with others in research projects or have others conduct research on its behalf;

- (c) enter into agreements through which the Authority participates directly or indirectly or as an owner or part owner in the development and application of science, engineering and technology whether or not that science, engineering or technology arises out of research conducted by or on behalf of the Authority;
  - (d) develop and stimulate the application of science, engineering, technology and research;
  - (e) solicit and receive donations;
  - (f) charge fees for any service, material or program provided by the Authority;
  - (g) do anything that in the opinion of the Authority is incidental or conducive to the carrying out of its powers and duties.
- (2) The Authority, subject to the approval of the Lieutenant Governor in Council, may acquire real property, construct buildings or improvements or hold or dispose of real property in connection with the powers conferred and duties imposed on it under this Act.
- (3) Subject to the *Financial Administration Act* and any approval by the Lieutenant Governor in Council under section 80.1 of that Act, the Authority may own or partly own a subsidiary that has the power to borrow and invest money.

Duties

- 4** The Authority, at the request of the Minister, must
- (a) give the Minister advice respecting science, engineering and technology that affect resources or industry in Alberta;
  - (b) stimulate research and development and related scientific, engineering and technology activities in Alberta;
  - (c) develop and recommend science, engineering, technology and research policy and priorities;
  - (d) conduct an annual review and evaluation of all Government science, engineering, technology and research policies, priorities and programs, evaluate their compatibility with the economic and social policies and priorities of the Government, and recommend to Executive Council the amount of public money that a program should receive;
  - (e) promote communication on matters related to science, engineering, technology and research among the science,

engineering, technology and research community, the business community and the general public;

(f) encourage the science, engineering, technology and research community and its infrastructure in Alberta to attain international excellence to enable Alberta to be internationally competitive;

(g) carry out any other activities related to science, engineering, technology and research that the Minister considers appropriate.

By-laws

**5(1)** The Authority may, with the approval of the Minister, make by-laws respecting the conduct of the business and affairs of the Authority.

(2) The *Regulations Act* does not apply to by-laws under subsection (1).

Chief executive officer

**6(1)** The Lieutenant Governor in Council may appoint a chief executive officer, who may be paid remuneration and expenses by the Authority as prescribed by the Lieutenant Governor in Council.

(2) The chief executive officer must report to the board at least once a year on the work of the Authority and may make recommendations to the board regarding that work.

Board

**7(1)** The board consists of the chief executive officer and the members of the Authority.

(2) The chief executive officer and the members of the Authority are voting members of the board.

(3) The board controls and directs the Authority.

(4) The board may delegate in writing to a director, officer, employee, committee or subsidiary of the Authority any power or duty conferred on the board except the power to make by-laws.

Staff

**8(1)** The Authority 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.

(2) The Authority may enter into agreements to engage the services of agents, advisors or persons providing special, technical or professional services of a kind required by the Authority in

connection with its business and affairs and may pay their remuneration, fees and expenses.

- Discoveries **9(1)** All discoveries, inventions and improvements made in processes, apparatuses or machines by a person while engaged under section 8(1) are, unless otherwise directed by the Authority, vested in the Authority and may be made available to the public under conditions, on payment of fees or royalties or otherwise as the Authority may determine.
- (2)** The Authority may compensate a person who has made a discovery, invention or improvement referred to in subsection (1).
- Fiscal year **10** The fiscal year of the Authority is April 1 to the following March 31.
- Assessment and taxation **11** The real and personal property, business and income of the Authority and of a subsidiary that is wholly owned by the Authority are not subject to assessment or taxation for municipal or provincial purposes.
- Regulations **12(1)** The Lieutenant Governor in Council may make regulations
- (a) authorizing the Authority to make grants
    - (i) if the amount is less than the limit prescribed in the regulations,
    - (ii) on the recommendation of the Minister, if the amount of the grant is equal to or within the limit prescribed in the regulations, and
    - (iii) on the recommendation of Executive Council, if the amount of the grant is greater than the limit prescribed in the regulations;
  - (b) prescribing limits for the purposes of clause (a);
  - (c) respecting the projects related to science, engineering, technology or research for which grants may be made and limiting the amount of a grant or of a class of grant;
  - (d) respecting applications for grants;
  - (e) respecting the conditions required to be met by an applicant to render it eligible for a grant and respecting the conditions on which a grant is made, including requiring

the repayment of the grant to the Authority if the conditions are not met;

(f) respecting any matter related to the payment of a grant, including but not limited to providing for the payment of a grant in a lump sum or by instalments and when the lump sum or the instalments may be paid and requiring the recipient to account for the way in which the grant is spent in whole or in part.

(2) Regulations made under subsection (1) may be specific or general in their application.

(3) Notwithstanding subsection (1)(e), the Minister may impose further conditions not prescribed in the regulations on the making of a particular grant.

Panel

**13(1)** The Minister may appoint an International Expert Review Panel consisting of not fewer than 6 members, each appointed for a term not exceeding 6 years.

(2) The members of the Panel who are not employees of the Government may be paid remuneration and may receive reasonable living and travelling expenses while away from their ordinary places of residence in the course of their duties as members of the Panel at the rates prescribed by the Minister.

(3) The Panel must review the operations of the Authority and submit a report on the Authority's operations to the Minister and to the Authority no later than December 31, 2001, and after December 31, 2001 must submit reports at intervals of not more than 6 years.

(4) Notwithstanding subsection (1), the appointments of the members of the Panel lapse on the passing of a resolution to that effect by the Authority made after the receipt by the Minister of the report of the Panel under subsection (3).

Authority  
continues past  
Jan. 1, 1999

**14** Section 81.1(1)(a) of the *Financial Administration Act* does not apply in respect of the Authority.

Transitional

**15** Notwithstanding section 32(1)(a) of the *Interpretation Act*, the appointment of a person designated under section 5(1) of the *Alberta Research Council Act* and an appointment of a member under section 2(1) of the *Science and Research Authority Act* do not continue under this Act.

Transitional **16** The Science and Research Fund under the *Science and Research Authority Act* is dissolved and all the assets and liabilities of the Science and Research Fund are vested in the Authority.

Consequential amendments **17(1) In the following provisions “Alberta Research Council” is struck out and “Alberta Science, Research and Technology Authority” is substituted:**

Act	Section
Alberta Opportunity Fund Act	12(3)
Forest Development Research Trust Fund Act	3(4)(e)
Fuel Tax Act	38(b)

**(2) The *Alberta Agricultural Research Institute Act* is amended in section 5(2)(d) by striking out “Science and Research Authority or from the Alberta Research Council” and substituting “Alberta Science, Research and Technology Authority”.**

**(3) The *Environmental Protection and Enhancement Act* is amended by repealing section 7(1)(e) and substituting the following:**

(e) the chief executive officer of the Alberta Science, Research and Technology Authority;

Repeals **18(1)** The *Alberta Research Council Act* is repealed.

**(2)** The *Science and Research Authority Act* is repealed.

Coming into force **19** This Act comes into force on Proclamation.