

2016 Bill 11

Second Session, 29th Legislature, 65 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 11

ALBERTA RESEARCH AND INNOVATION AMENDMENT ACT, 2016

THE MINISTER OF ECONOMIC DEVELOPMENT AND TRADE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 11

2016

ALBERTA RESEARCH AND INNOVATION AMENDMENT ACT, 2016

(Assented to , 2016)

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

Amends SA 2009 cA-31.7

**1 The *Alberta Research and Innovation Act* is amended by
this Act.**

2 Section 1 is amended

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

(a) “Committee” means the Alberta Research and
Innovation Advisory Committee referred to in section
3(1);

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

(c) “Minister” means the Minister determined under section
16 of the *Government Organization Act* as the Minister
responsible for this Act;

3 Section 3 is amended

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

Explanatory Notes

1 Amends chapter A-31.7 of the Statutes of Alberta, 2009.

2 Section 1 presently reads in part:

1 In this Act,

(a) “Authority” means the Alberta Research and Innovation Authority established by section 3;

(c) “Minister” means the Minister of Enterprise and Advanced Education;

3 Section 3 presently reads:

3(1) The Alberta Research and Innovation Authority is established.

(2) The purposes of the Authority are

Alberta Research and Innovation Advisory Committee

3(1) The Alberta Research and Innovation Authority is continued under the name “Alberta Research and Innovation Advisory Committee”.

- (b) in subsection (2) by striking out “Authority” and substituting “Committee”;**
- (c) in subsection (3) by striking out “Authority” wherever it occurs and substituting “Committee”;**
- (d) in subsection (4) by striking out “Authority” and substituting “Committee”;**
- (e) in subsection (5)**
 - (i) by striking out “Authority” wherever it occurs and substituting “Committee”;**
 - (ii) by striking out “committees” and substituting “subcommittees”.**

4 Section 4 is amended

- (a) in subsection (1) by striking out “Authority” and substituting “Committee”;**
- (b) by adding the following after subsection (2):**

(2.1) A person who, immediately before the coming into force of this section, held an appointment as a member of the Alberta Research and Innovation Authority continues as a member of the Committee until the term of office stated in the member’s appointment expires or the appointment is terminated, revoked or rescinded.
- (c) by adding the following after subsection (4):**

(4.1) A person who, immediately before the coming into force of this section, held the designation as the Chair of the Alberta Research and Innovation Authority continues as the Chair of the Committee until the term of office stated in the designation expires or the designation is terminated, revoked or rescinded.

- (a) to provide strategic advice and recommendations to the Minister on research and innovation matters relating to the purposes of this Act, and*
- (b) to carry out other duties determined by the Minister.*
- (3) The Authority reports to the Minister through the Chair of the Authority and is responsible for submitting to the Minister, at the times and in the form determined by the Minister, reports and plans as requested by the Minister.*
- (4) The Authority may make bylaws governing the calling of its meetings and the conduct of its business at meetings.*
- (5) The Authority may establish committees, which may consist of persons who are not members of the Authority, to assist the Authority with carrying out its purposes.*

4 Section 4 presently reads in part:

- 4(1) The Authority shall consist of not more than 12 members appointed by the Lieutenant Governor in Council.*
- (2) A member holds office for a term not exceeding 5 years but may be reappointed for further terms not exceeding 5 years so long as the reappointment would not result in the person serving as a member for more than 10 consecutive years.*
- (4) The Lieutenant Governor in Council shall designate one of the members as Chair and one of the members as Vice-chair.*
- (9) The Lieutenant Governor in Council may determine the remuneration and travelling, living and other expenses payable to members of the Authority and to members of committees established by the Authority.*

(4.2) A person who, immediately before the coming into force of this section, held the designation as the Vice-chair of the Alberta Research and Innovation Authority continues as the Vice-chair of the Committee until the term of office stated in the designation expires or the designation is terminated, revoked or rescinded.

(d) in subsection (9)

- (i) by striking out “Authority” wherever it occurs and substituting “Committee”;**
- (ii) by striking out “committees” and substituting “subcommittees”.**

5(1) Sections 5 and 6 are repealed.

(2) The Alberta Research and Innovation Committee established under section 5 and the Cross-Government Portfolio Advisory Committee established under section 6 are disestablished.

5 Sections 5 and 6 presently read:

5(1) The Alberta Research and Innovation Committee is established consisting of the chairs of the research and innovation corporations and any other persons appointed by the Minister.

(2) The purpose of the Alberta Research and Innovation Committee is to provide advice and recommendations to the Minister respecting

- (a) the roles and responsibilities of research and innovation corporations,*
- (b) the co-ordination and prioritization of activities and initiatives of the research and innovation corporations, and*
- (c) other issues that may arise in relation to research and innovation matters, as required by the Minister.*

(3) The Minister is the chair of the Alberta Research and Innovation Committee.

6(1) The Cross-Government Portfolio Advisory Committee is established consisting of those members of the Executive Council whom the Lieutenant Governor in Council designates as having responsibilities for matters related to research and innovation.

(2) The purpose of the Cross-Government Portfolio Advisory Committee is to provide advice and recommendations to the Minister

6 The following is added before section 7:

Consolidation of research and innovation corporations

6.1(1) The following corporations established by regulations under this Act are dissolved:

- (a) Alberta Innovates - Bio Solutions;
- (b) Alberta Innovates - Health Solutions;
- (c) Alberta Innovates - Energy and Environment Solutions;
- (d) Alberta Innovates - Technology Futures.

(2) On the coming into force of subsection (1), the appointments of the members of the boards of the corporations referred to in subsection (1) are terminated.

(3) A research and innovation corporation with the name “Alberta Innovates” is established.

(4) Subject to any regulation made under section 7(2)(a)(ii) after the coming into force of this subsection, the object of the research and innovation corporation established by subsection (3) is to support research and innovation activities aligned with Government of Alberta priorities, including, without limitation, activities directed at the discovery, commercialization and application of knowledge.

(5) This Act applies to the research and innovation corporation established by subsection (3) as if it had been established under the regulations.

- (a) on payments from the endowment Funds, and*
- (b) on other funding matters determined by the Minister relating to the funding of research and innovation.*
- (3) The Minister is the chair of the Cross-Government Portfolio Advisory Committee.*

6 Consolidation of research and innovation corporations;
Transitional provisions.

(6) Subject to this section and section 6.2, the research and innovation corporation established by subsection (3) is to be treated in all respects as if it had been established under the regulations.

Transitional provisions

6.2(1) In this section, “former corporations” means the corporations referred to in section 6.1(1)(a) to (d).

(2) On the coming into force of this section, the following applies:

- (a) the property, assets, rights, obligations, liabilities, powers, duties and functions of the former corporations become the property, assets, rights, obligations, liabilities, powers, duties and functions of Alberta Innovates;
- (b) an existing cause of action, claim or liability to prosecution of, by or against any of the former corporations is unaffected by the coming into force of this section and may be continued by or against Alberta Innovates;
- (c) a civil, criminal or administrative action or proceeding pending by or against any of the former corporations may be continued by or against Alberta Innovates;
- (d) a ruling, order or judgment in favour of or against any of the former corporations may be enforced by or against Alberta Innovates.

(3) Every person who, immediately before the coming into force of this section, was employed by any of the former corporations is deemed, on the coming into force of this section, to be an employee of Alberta Innovates.

(4) Subsection (3) does not apply to a member of the board of any of the former corporations.

7 Section 7 is amended

- (a) **in subsection (1) by striking out** “up to 4 research and innovation corporations” **and substituting** “one or more

7 Section 7 presently reads in part:

research and innovation corporations, in addition to the corporation established under section 6.1(3),”;

(b) by repealing subsection (2)(h) and substituting the following:

- (h) respecting the dissolution or liquidation and dissolution of the corporation, the manner in which the dissolution and any liquidation are to be carried out, and the winding-up of the activities of the corporation, including regulations respecting
 - (i) providing for the transition of any of the powers, duties and functions previously carried out by the corporation;
 - (ii) transferring the assets, if any, of the corporation;
 - (iii) transferring the obligations and liabilities, if any, of the corporation;
 - (iv) providing for the transfer of employment contracts between the corporation and its employees;
 - (v) providing for the transfer of records of the corporation, including records containing personal information;
 - (vi) determining by or against whom any civil, criminal or administrative action or proceeding pending by or against the corporation is to be continued;
 - (vii) determining in favour of or against whom any ruling, order or judgment in favour of or against the corporation is to be enforced;
 - (viii) authorizing the Minister to give any directions by order as the Minister considers appropriate concerning the winding-up of a corporation.

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

(2.1) A direction given by an order made pursuant to a regulation made under subsection (2)(h)(viii) may

7(1) The Lieutenant Governor in Council may, in accordance with the regulations under subsection (2), establish up to 4 research and innovation corporations to do either or both of the following:

(a) to meet the research and innovation priorities of the Government in the following areas or in a combination of the areas:

(i) agriculture;

(ii) forestry;

(iii) energy;

(iv) the environment;

(v) health;

(vi) any other area determined under the regulations;

(b) to foster the development and growth of new and existing industries through research and innovation.

(2) The Lieutenant Governor in Council may make regulations

(h) respecting the dissolution or liquidation and dissolution of the corporation, the manner in which the dissolution and any liquidation are to be carried out, and the winding-up of the activities of the corporation.

- (a) be made retroactive to the extent set out in the order, and
- (b) contain any provisions the Minister considers necessary to protect the interests of creditors.

(2.2) The *Regulations Act* does not apply to an order referred to in subsection (2.1).

8 Section 12(1) is amended by striking out “the Minister of Enterprise and Advanced Education” **wherever it occurs and substituting** “the Minister responsible for this Act”.

9 Section 13(b) is repealed and the following is substituted:

- (b) respecting the collection, use and disclosure, for specified purposes, of information, including personal information, among the Minister, the research and innovation corporations and the Committee;

10 Sections 14 to 16 are repealed and the following is substituted:

Transitional regulations

14(1) In this section, “corporation” means a research and innovation corporation established by this Act or under the regulations.

(2) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition of any of the powers, duties and functions of a corporation on its dissolution;

8 Section 12(1) presently reads:

12(1) The President of Treasury Board and Minister of Finance must, at the request of the Minister of Enterprise and Advanced Education made on reasonable notice, pay from the specified endowment Fund money that, in the opinion of the Minister of Enterprise and Advanced Education, is required to carry out the purposes of the Fund, which include the funding of the research and innovation corporations.

9 Section 13 presently reads in part:

13 The Lieutenant Governor in Council may make regulations

- (b) respecting the collection, use and disclosure for specified purposes of information, including personal information, among the Minister, the research and innovation corporations, the Authority and the advisory committees established by sections 5 and 6;*

10 Sections 14, 15 and 16 presently read:

14(1) In this section, “entity” means an entity referred to in subsection (2).

(2) The Lieutenant Governor in Council may dissolve the following entities:

- (a) the Alberta Agricultural Research Institute;*
- (b) the Alberta Energy Research Institute;*
- (c) the Alberta Forestry Research Institute;*

(b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the dissolution of a corporation.

(3) A regulation made under subsection (2) may be made retroactive to the extent set out in the regulation.

(4) A regulation made under subsection (2) is repealed on the earlier of

(a) the coming into force of a regulation that repeals the regulation made under subsection (2), and

(b) 2 years after the regulation comes into force.

(5) The repeal of a regulation under subsection (4) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

- (d) *the Alberta Heritage Foundation for Medical Research;*
- (e) *the Alberta Heritage Foundation for Science and Engineering Research;*
- (f) *the Alberta Information and Communications Technology Institute;*
- (g) *the Alberta Life Sciences Institute;*
- (h) *the Alberta Research Council Inc.;*
- (i) *the Alberta Science and Research Authority;*
- (j) *iCORE Inc.;*
- (k) *any subsidiary of an entity referred to in clauses (a) to (j).*

(3) Where an entity is dissolved under subsection (2), the appointments of the members of the board of that entity are terminated.

(4) The Minister may, by order, with respect to an entity dissolved under subsection (2)

- (a) provide for the winding-up of the affairs of the entity;*
- (b) provide for the transition of any of the powers, duties and functions previously carried out by the entity;*
- (c) transfer the assets, if any, of the entity;*
- (d) transfer the obligations and liabilities, if any, of the entity;*
- (e) provide for the transfer of records of the entity, including records containing personal information, to a research and innovation corporation;*
- (f) determine by or against whom any civil, criminal or administrative action or proceeding pending by or against the entity is to be continued;*
- (g) determine in favour of or against whom any ruling, order or judgment in favour of or against the entity is to be enforced.*

(5) An order under subsection (4) may contain any provisions the Minister considers necessary to protect the interests of creditors.

(6) The Minister may from time to time give any directions the Minister considers appropriate concerning the winding-up of an entity dissolved under subsection (2).

(7) An order under subsection (4) may be made retroactive to the extent set out in the order.

(8) The Business Corporations Act and the Companies Act do not apply with respect to the dissolution and winding-up of an entity referred to in subsection (2) that was established under the Business Corporations Act or the Companies Act.

(9) The Regulations Act does not apply to an order under this section.

15(1) In this section and section 16,

(a) “change in governance or restructuring” with respect to a dissolved entity includes

(i) the dissolution of the dissolved entity, and

(ii) a transfer of the responsibility for all or part of the operations of the dissolved entity to another entity;

(b) “dissolved entity” means an entity dissolved under section 14.

(2) This section applies only in respect of employees who are not represented by a bargaining agent.

(3) Notwithstanding any other enactment or the terms of an employment contract, no employee of a dissolved entity is entitled to severance pay or termination pay or other compensation if the employee’s position is substantially the same after the change in governance or restructuring as it was before the change in governance or restructuring.

(4) Nothing in this section precludes an employer from voluntarily giving an employee or former employee severance pay or termination pay or other compensation.

16(1) The Lieutenant Governor in Council may make regulations

11 This Act comes into force on Proclamation.

(a) respecting the transition

(i) of any of the powers, duties and functions of a dissolved entity, and

(ii) of any other matters relating to the dissolution of the dissolved entities or the repeal of an Act referred to in section 18;

(b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the dissolution of a dissolved entity or the repeal of an Act referred to in section 18.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

(3) A regulation made under subsection (1) is repealed on the earlier of

(a) the coming into force of a regulation that repeals the regulation made under subsection (1), and

(b) 2 years after the regulation comes into force.

(4) The repeal of a regulation under subsection (3) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

11 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To