

The Research Council Act

being

Chapter R-21 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by *The Revised Statutes of Saskatchewan, 1978 (Supplement)*, c.60; and the *Statutes of Saskatchewan, 1983-84*, c.34; 1988-89, c.22; 1991, c.T-1.1; 1994, c.45; 2000, c.23; 2014, c.E-13.1; 2015, c.21; and 2019, c.18 and c.25.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER R-21

An Act respecting The Saskatchewan Research Council

Short title

1 This Act may be cited as *The Research Council Act*.

Interpretation

2 In this Act:

- (a) “**council**” means The Saskatchewan Research Council continued under this Act;
- (b) “**fund**” means The Saskatchewan Research Council Fund mentioned in section 15;
- (c) “**minister**” means the member of the Executive Council designated by the Lieutenant Governor in Council for the purposes of this Act.

R.S.S. 1978, c.R-21, s.2.

Continuation

- 3(1) The Saskatchewan Research Council is continued consisting of not more than 18 persons appointed by the Lieutenant Governor in Council.
- (2) The council shall be a body corporate.
- (3) The Lieutenant Governor in Council may, from time to time, designate the place within the province at which the headquarters of the council shall be situated.

R.S.S. 1978, c.R-21, s.3; R.S.S. 1978 (Supp.),
c.60, s.3; 1994, c.45, s.3.

Agent of Crown

- 3.1(1) The council is for all its purposes an agent of the Crown in the right of Saskatchewan, and all its powers may be exercised only as an agent of the Crown in right of Saskatchewan.
- (2) All property of the council, all moneys acquired, administered, possessed or received from any source and all profits earned by the council are the property of the Crown in right of Saskatchewan and are deemed, for all purposes including taxation of whatever nature and description, to be the property of the Crown in right of Saskatchewan.

1994, c.45, s.4.

Capacity to contract

3.2(1) The council has the capacity to contract and to sue and be sued in its corporate name with respect to any right or obligation acquired or incurred by it on behalf of the Crown in right of Saskatchewan as if that right or obligation were acquired or incurred on its own behalf.

(2) The council may contract in its corporate name without specific reference to the Crown.

1994, c.45, s.4.

Perpetual succession

3.3 The council has perpetual succession.

1994, c.45, s.4.

Common seal

3.4 The council shall have a common seal.

1994, c.45, s.4.

Liability in tort

3.5 The council may:

- (a) sue with respect to any tort; and
- (b) be sued with respect to liabilities in tort to the extent to which the Crown is subject pursuant to *The Proceedings Against the Crown Act, 2019*.

1994, c.45, s.4; 2019, c.18, s.4.

Term of office

4(1) A member of the council shall hold office for a period of three years and until his successor is appointed.

(2) Any member of the council shall be eligible for reappointment.

(3) Upon a vacancy occurring in the council the Lieutenant Governor in Council may appoint a person to fill the vacancy for the balance of the unexpired term.

R.S.S. 1978, c.R-21, s.4; R.S.S. 1978 (Supp.), c.60, s.4; 1988-89, c.22, s.3.

Chairperson, vice-chairperson and secretary

5(1) The Lieutenant Governor in Council shall designate one of the members to be chairperson of the council, another to be vice-chairperson and another to be secretary.

(2) The chairperson or a person designated by him or her for the purpose shall sign all contracts, agreements, orders, rules and other documents whatever on behalf of the council.

(3) The chairperson may delegate his or her powers and duties or any of them to the vice-chairperson or the secretary.

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(4) The vice-chairperson may exercise such powers and shall perform such duties of the chairperson as may be delegated to him or her by the chairperson, and in the absence of the chairperson may exercise all the powers and shall perform all the duties of the chairperson.

(5) The secretary shall be the executive officer of the council and shall perform such duties as may be assigned to him or her by the council, and may exercise such powers and shall perform such duties of the chairperson as may be delegated to him or her by the chairperson.

R.S.S. 1978, c.R-21, s.5; 2015, c.21, s.43 and 64.

Remuneration of members

6 Each member of the council who is not a government employee shall be paid any remuneration for his services and allowances for travelling and other expenses that may be determined by the Lieutenant Governor in Council.

R.S.S. 1978 (Supp.), c.60, s.5

Meetings

7 The council shall meet at such times and places as the chairperson may appoint, but not less than three times in each year.

R.S.S. 1978, c.R-21, s.7; 2015, c.21, s.64.

Administration of Act

8(1) This Act shall be administered by the council and in the performance of the duties and exercise of the powers imposed or conferred upon the council by or pursuant to this Act the council shall be responsible to the minister.

(2) The minister may refer to the council for consideration any question relating to the carrying out of the purposes of this Act, and the council shall consider such question and report thereon to the minister.

R.S.S. 1978, c.R-21, s.8.

Professionals, etc.

9 The council may:

(a) engage the services of or retain any professional or technical advisors or any other officers or employees that the council considers are required for the purposes of this Act; and

(b) determine the salary, remuneration and other terms and conditions of engagement or retention for any advisor, officer or employee engaged or retained pursuant to clause (a).

1988-89, c.22, s.4.

Pension plan

9.1(1) Subject to approval of the Lieutenant Governor in Council, the council may establish and support:

- (a) a pension fund;
- (b) a group insurance plan; or
- (c) a pension or superannuation arrangement other than the pension fund mentioned in clause (a);

for the benefit of its officers and employees.

(2) Subject to the approval of the Lieutenant Governor in Council, the council may continue any fund, plan or arrangement mentioned in subsection (1) that was established by the council prior to the coming into force of this section.

(3) The council shall establish and support a fund, plan or arrangement mentioned in subsection (1) in accordance with any terms and conditions that may be prescribed in the regulations.

(4) If the council has established a pension plan, the council, in accordance with section 13 of *The Executive Government Administration Act*, shall prepare and submit, in each fiscal year, to the minister a financial statement showing the business of the pension plan for the preceding fiscal year.

(5) The financial statement mentioned in subsection (4) is to be in the form required by Treasury Board.

(6) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Assembly each financial statement received by the minister pursuant to subsection (4).

1988-89, c.22, s.4; 1991, c.T-1.1, s.44; 2014, c.E-13.1, s.62.

Duties of council

10 The council shall take under consideration matters pertaining to research, development, design, consultation, innovation and investigation in, and commercialization of, the natural and management sciences, pure and applied, as they affect the welfare of the province, and any particular matters that may be brought to its attention by the Lieutenant Governor in Council.

R.S.S. 1978 (Supp.), c.60, s.6; 2000, c.23, s.3.

Powers of council

11(1) Subject to such regulations as the Lieutenant Governor in Council may prescribe, the council may:

- (a) make bylaws for regulating its affairs, and in particular governing the calling of meetings, the times and places of meetings, the procedure at meetings and defining the number of members that shall constitute a quorum;

- (b) establish and regulate the appointment, functions, powers, duties, meetings, quorum and removal of such technical or advisory committees as the council may deem advisable;
 - (c) acquire or dispose of any real or personal property and license, franchise, develop or otherwise deal with that property, and incorporate any bodies that it considers necessary for the conduct of its operations;
 - (d) enter into agreements for the performance, on behalf of the council, of research projects or the conduct of investigations and inquiries, as it deems advisable;
 - (e) carry on research, development, consultation, design, innovation, investigations and studies for other persons or bodies upon such terms and conditions, including remuneration for its services, as may be decided upon by the council;
 - (f) **Repealed.** R.S.S. 1978 (Supp.), c.60, s.7.
 - (g) publish as a result of its research, inquiries or investigations such documents, pamphlets, articles or monographs as it deems advisable;
 - (g.1) directly or through any of its subsidiaries, buy, invest in, underwrite, subscribe for or acquire by any other means, and hold shares of, and bonds and debentures and other securities issued by, any corporation, partnership, firm or business, where the acquisition of the shares, bonds, debentures or securities is, in the opinion of the minister, consistent with the duties of the council;
 - (g.2) sell, transfer or dispose of by any other means the shares, bonds, debentures or securities that it has acquired;
 - (h) do such other things as the Lieutenant Governor in Council may prescribe for the purpose of carrying out this Act according to its true intent.
- (2) Without the authorization of the Lieutenant Governor in Council, the council shall not provide financial assistance to a body corporate, organization, partnership, firm or business where the total of the aggregate value of the proposed financial assistance and the aggregate value of existing financial assistance and indebtedness of the body corporate, organization, partnership, firm or business to the council would exceed:
- (a) \$1,000,000 in the case of financial assistance by way of equity investments in the body corporate, organization, partnership, firm or business; or
 - (b) \$2,000,000 in the case of all financial assistance to, including equity investments in, the body corporate, organization, partnership, firm or business.
- (3) The Lieutenant Governor in Council may authorize the council to provide financial assistance to a body corporate, organization, partnership, firm or business in excess of the limits prescribed by subsection (2).

(4) Notwithstanding subsection (2), where the Lieutenant Governor in Council pursuant to subsection (3) authorizes the council to provide financial assistance in excess of the limits prescribed by subsection (2), the council may provide additional financial assistance to the body corporate, organization, partnership, firm or business beyond the amount authorized pursuant to subsection (3) in an amount not to exceed \$500,000.

R.S.S. 1978, c.R-21, s.11; R.S.S. 1978 (Supp.),
c.60, s.7; 1988-89, c.22, s.5; 2000, c.23, s.4.

Rights to inventions

12(1) All discoveries, inventions and improvements in processes, apparatus or machines made by a member or members of the technical staff of the council and all rights with respect thereto are hereby vested in the council.

(2) The council may, with the approval of the Lieutenant Governor in Council, pay to its technical officers and to others working under its auspices, who have made discoveries, inventions or improvements in processes, apparatus or machines, such bonuses or royalties as in its opinion are warranted.

R.S.S. 1978, c.R-21, s.12.

Patent rights

13(1) Where an application for a patent has been made or a patent has been obtained with respect to any discover, invention or improvement resulting from work carried out under a grant for research provided by the council, the council shall be deemed to have an interest in the rights covered by the application or patent.

(2) For the purpose of continuing titular control and administration of such rights, the council shall require the assignment thereof to it, and the council, the inventor and the sponsor, if any, of facilities used by the inventor shall together determine their respective interests in the said rights and in the net proceeds, if any, of the exploitation thereof.

R.S.S. 1978, c.R-21, s.13.

14 Repealed. R.S.S. 1978 (Supp.), c.60, s.8.

Fund

15(1) There shall be a fund to be known as The Saskatchewan Research Council Fund to which shall be credited all moneys appropriated by the Legislature for the purposes of this Act, all moneys received by the council by way of grant, bequest, donation or otherwise for the purposes of this Act and all moneys received as fees for services, proceeds of sales of property or patent rights and licence fees.

(2) All moneys in the fund shall be deposited in a chartered bank designated by the Treasury Board.

(3) Notwithstanding subsection (2), the council may invest any of the moneys in the fund in securities approved by the Treasury Board, and all income derived from investments made under this subsection shall be credited to and form part of the fund.

R.S.S. 1978, c.R-21, s.15.

Disbursements from fund

16 The council may, subject to the provisions of this Act and any orders that may be made and any directives that may be issued by Treasury Board, make disbursements from the fund for:

- (a) the payment of the salaries and remuneration of all advisors, officers and employees engaged or retained by the council pursuant to this Act;
- (b) the payment of all sums of money required by the council for the carrying out of its duties and the exercise of its powers under this Act, including all expenses necessarily incurred in connection therewith; and
- (c) such other payments as may be authorized by this Act or the regulations.

R.S.S. 1978, c.R-21, s.16; 1983-84, c.34, s.16;
1988-89, c.22, s.6.

Fiscal year

17 The fiscal year of the council shall be the period commencing on the first day of April in one calendar year and ending on the thirty-first day of March in the next calendar year, both dates inclusive.

R.S.S. 1978, c.R-21, s.17.

Power to accept gifts, etc.

18 The council may accept and receive gifts, devises and bequests for the purposes of the council and, subject to the terms of any trust imposed by the testator or donor thereof, may sell, lease, convey or otherwise dispose of and convert into money real and personal property given, devised or bequeathed for those purposes.

R.S.S. 1978, c.R-21, s.18.

Financial assistance

19 The council may enter into agreements with any board, council, foundation or other body corporate established for the purpose of carrying out objects similar to those of the council, and may accept such financial assistance as may be made available to it, directly or through the Government of Saskatchewan, by such board, council, foundation or other agency.

R.S.S. 1978, c.R-21, s.19; R.S.S. 1978 (Supp.)
c.60, s.9.

Audit

20 The Provincial Auditor or any other auditor or firm of auditors that the council, with the approval of the Lieutenant Governor in Council, may appoint shall audit the accounts and financial statements of the council:

- (a) annually; and
- (b) at any other times that the Lieutenant Governor in Council may require.

2000, c.23, s.5.

Annual and other reports

21(1) In accordance with section 13 of *The Executive Government Administration Act*, the council shall prepare and submit to the minister:

- (a) a report of its business for the preceding fiscal year, including any information required by the minister, in any form directed by the minister, respecting the exercise of its powers pursuant to clauses 11(1)(g.1) and (g.2); and
 - (b) a financial statement showing its business for the preceding fiscal year in any form that may be required by Treasury Board.
- (2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report and financial statement received by the minister pursuant to subsection (1).
- (3) The council shall provide the minister with any additional information and reports that the minister may request within the period set out by the minister in the request.

2000, c.23, s.5; 2014, c.E-13.1, s.62.

Regulations

22 The Lieutenant Governor in Council may make regulations:

- (a) prescribing terms and conditions pursuant to which the council may establish and support any fund, plan or arrangement mentioned in section 9.1;
- (b) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1988-89, c.22, s.7; 2019, c.25, s.25.