

1988, chapter 26

AN ACT TO AMEND THE ACT RESPECTING SAFETY IN SPORTS

Bill 17

Introduced by Mr Yvon Picotte, Minister of Recreation, Fish and Game

Introduced 4 May 1988

Passage in principle 8 June 1988

Passage 17 June 1988

Assented to 17 June 1988

Coming into force: 17 June 1988

Acts amended:

Act respecting safety in sports (R.S.Q., chapter S-3.1)

Building Act (1985, chapter 34)





CHAPTER 26

An Act to amend the Act respecting safety in sports

[Assented to 17 June 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. S-3.1,
s. 1, am.

1. Section 1 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended

(1) by replacing the words “a contestant may receive a purse or remuneration” in the second line of paragraph 2 by the words “professional contestants participate”;

(2) by striking out paragraph 3;

(3) by replacing paragraph 5 by the following paragraph:

“sport”

“(5) “sport” means a physical activity engaged in at the beginner or expert level, for competition or recreation and involving a form of training, the observance of rules of practice, supervision, technical content or a period of practice.”

c. S-3.1,
s. 2,
replaced

2. Section 2 of the said Act is replaced by the following sections:

Amateur
sports

“**2.** This Act applies to professional sports only in the case of a sport mentioned in section 40.

Binding on
Government

“**2.1** This Act is binding on the Government, its departments and the bodies which are mandataries of the Government.”

c. S-3.1,
s. 11, am.

3. Section 11 of the said Act, amended by section 1 of chapter 50 of the statutes of 1986, is again amended by replacing the third paragraph by the following paragraph:

Exception

“Notwithstanding the first paragraph, the board may designate a commissioner to sit alone at an inquiry or to act alone for the purposes of Chapters IV and V and Division I of Chapter VI.”

c. S-3.1,
s. 13, am.

4. Section 13 of the said Act is amended

(1) by replacing the words “or the secretary” in the second line by the words “, the secretary or a person designated by the chairman”;

(2) by replacing the words “or the secretary” in the fifth line by the words “, the secretary or the designated person”.

c. S-3.1,
s. 16.4,
added

5. The said Act is amended by inserting, after section 16.3, the following section:

Powers and
immunity

“**16.4** The board, a commissioner acting alone for the purposes of an inquiry or a hearing and any person designated by the board to make an inquiry are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.”

c. S-3.1,
s. 20, am.

6. Section 20 of the said Act, amended by section 3 of chapter 50 of the statutes of 1986, is again amended

(1) by inserting the words “and disseminating” after the word “preparing” in the second line of subparagraph 5 of the second paragraph;

(2) by adding, after subparagraph 7 of the second paragraph, the following subparagraph:

“(8) foster non-violence in sports.”

c. S-3.1,
s. 21, am.

7. Section 21 of the said Act, amended by section 4 of chapter 50 of the statutes of 1986, is again amended by inserting the words “, with or without amendment,” after the word “approve” in the first line of paragraph 1.

c. S-3.1,
s. 22, am.

8. Section 22 of the said Act, amended by section 5 of chapter 50 of the statutes of 1986, is again amended by striking out the second paragraph.

c. S-3.1,
s. 25,
replaced

9. Section 25 of the said Act, amended by section 284 of chapter 34 of the statutes of 1985, is replaced by the following section:

Power to
ascertain
compliance

“**25.** The board may authorize, in writing, a person to ascertain whether or not this Act and the regulations are being complied with.

Inspection

Every person so authorized may, for the purposes of an inspection,

(1) enter, at any reasonable time, any premises where any person is participating in a sports event or acting at a sports event in any capacity referred to in section 41 or 43, any premises where a sport can be practised and any sports centre, make tests, take photographs and recordings and examine the equipment and facilities, including those used for the practice of a sport;

(2) take, for analysis purposes and free of charge, water and air samples on the premises he is authorized to enter;

(3) take, in the cases and according to the procedure prescribed by regulation of the board, breath or urine samples from contestants participating in a sports event;

(4) require of any person participating in a sports event or acting at a sports event in any capacity referred to in section 41 or 43, of the owner or operator of a sports centre or premises where a sport can be practised or of any person who uses equipment or facilities in practising a sport that he perform or order the testing, verification or analysis of any material, equipment or facility or the analysis of the quality of air or water in order to ascertain that it conforms to this Act and the regulations;

(5) install a measuring device and collect the data therefrom or require of any person participating in a sports event or acting at a sports event in any capacity referred to in section 41 or 43, or of the owner or operator of a sports centre or premises where a sport can be practised that he install a measuring device and transmit to him the data collected;

(6) examine and make copies of the books, registers, accounts, records and other documents of any person participating in a sports event or acting at a sports event in any capacity referred to in section 41 or 43 or of the owner or operator of a sports centre;

(7) require any information relevant to the application of this Act and the regulations and the production of any document relating thereto;

(8) require of any person participating in a sports event or acting at a sports event in any capacity referred to in section 41 or 43 or of the owner or operator of a sports centre or premises where a sport can be practised that he provide him with the necessary means to carry out an inspection;

(9) compel any person on the premises of the inspection to provide him with reasonable assistance and to accompany him on the premises.

Identifica-
tion

The person authorized by the board shall, on request, identify himself and show the certificate of the board attesting his capacity."

c. S-3.1,
s. 27, am.

10. Section 27 of the said Act is amended

(1) by striking out the words " ; the application for approval must be sent within the time, in the form and in accordance with the terms and conditions prescribed by regulation" in the second, third and fourth lines;

(2) by adding, at the end, the following paragraphs:

Approval

"The board shall approve the safety regulations, with or without amendment, for a period of not more than five years.

Amendment

The board may order a sports federation or an unaffiliated sports body to amend, within the time it fixes, all or part of its safety regulations where after their approval by the board, the regulations or any provision thereof prove ineffective to ensure public safety in the practice of sports.

Amendment
by the
board

If the federation or body fails to amend its regulations within the time fixed by the board, the board may amend in its place the provisions which have proved ineffective.

Application
for approval

Every application for approval or amendment shall be transmitted within the time, in the form and according to the terms and conditions prescribed by regulation of the board."

c. S-3.1,
s. 28, am.

11. Section 28 of the said Act is amended by inserting the words " , with or without amendment," after the word "federation" in the second line of the first paragraph.

c. S-3.1,
s. 29, am.

12. Section 29 of the said Act is amended by replacing the words "give notice of its decision to the person contemplated and inform him of his right of appeal" in the second, third and fourth lines by the words "transmit a copy thereof, by registered or certified mail, to the person affected by the decision within 10 days following the decision and inform him that he may bring an appeal before the board within 30 days of receiving copy of the decision".

c. S-3.1,
s. 29.1,
added

13. The said Act is amended by inserting, after section 29, the following section:

Order to
comply

"29.1 The board may order a member of a sports federation or unaffiliated sports body to observe the safety regulations of the federation or body where the federation or body fails to enforce them."

c. S-3.1,
s. 30, am.

14. Section 30 of the said Act is amended by adding, after the word “act” in the third line, the words “and with an annual report, in the form and with the content prescribed by the board, on the accidents having occurred in connection with the practice of a sport governed by the federation or body and having caused injuries”.

c. S-3.1,
s. 40, am.

15. Section 40 of the said Act is amended by replacing the words “motor vehicle racing” in paragraph 2 by the words “sports involving motorized vehicles”.

c. S-3.1,
s. 44.1, am.

16. Section 44.1 of the said Act, enacted by section 11 of chapter 50 of the statutes of 1986, is amended

(1) by replacing the words “Régie, according to the terms and conditions and at the time determined by regulation,” in the second and third lines of the first paragraph by the word “board”;

(2) by inserting, after the first paragraph, the following paragraphs:

Payment of
duties

“The holder of an organizer’s licence that is valid for a sports event involving motorized vehicles, a swimming and water sports event or a skiing event shall also pay to the board duties established on the basis of a percentage of the gross receipts derived from the sports event or of an amount determined by regulation, after deduction of the duties prescribed by regulation for the issue of the licence.

Payment

The duties shall be paid according to the terms and conditions and at the time prescribed by regulation.”;

(3) by replacing the words “the first paragraph” in the first line of the second paragraph by the words “this section”.

c. S-3.1,
ss. 46.1 and
46.2,
repealed

17. Sections 46.1 and 46.2 of the said Act are repealed.

c. S-3.1,
Chap. V.1,
ss. 46.3-
46.13,
added

18. The said Act is amended by inserting, after section 46.2, the following chapter:

“CHAPTER V.1

“ALPINE SKIING

“Alpine
skier”

“46.3 The term “Alpine skier” includes any person who practises a sport, other than Alpine skiing, that is intended to be practised on ski slopes.

Code of
conduct

“46.4 The operator of an Alpine ski centre must post on the premises, at the places determined by regulation of the board,

(1) the Alpine skiers' code of conduct established by regulation of the board which shall deal, in particular, with the obligations of every person who practises Alpine skiing or any other sport intended to be practised on ski slopes and with prohibited behaviour in the practice of those sports;

(2) any other rules of conduct that may be imposed on Alpine skiers by the operator of the centre;

(3) the sanctions he intends to impose on Alpine skiers who violate the said code and rules and, where applicable, the duration of such sanctions.

Obligation
of skiers

“46.5 The operator must indicate on all tickets giving access to ski slopes that the use of a ticket entails the obligation for the Alpine skier to comply with the Alpine skiers' code of conduct and with any other rules of conduct that he may impose on skiers.

Liability
insurance

“46.6 The operator must be the holder of a liability insurance policy of the type and in the amount prescribed by regulation of the board.

First-aiders

“46.7 The operator must ensure that first-aiders who meet the standards prescribed by regulation of the board are present at the ski centre during the hours the ski slopes are open and maintain on the premises a first-aid service consisting of a room equipped with such first-aid kits, toboggans, other first-aid equipment and means of communication as may be required by the standards prescribed by regulation of the board.

Accident
procedure

“46.8 The operator must

(1) promptly provide first aid to any injured Alpine skier and, on the recommendation of a first-aiders referred to in section 46.7, transport the injured skier, at the expense of that skier, to a hospital centre or a local community service centre within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5) or to a physician within the meaning of the Medical Act (R.S.Q., chapter M-9);

(2) prepare an accident report, and submit it to the board at its request, on the form prescribed by regulation of the board in all cases where a first-aiders referred to in section 46.7 intervenes following an accident which has occurred on a ski slope.

Required
signs

“46.9 The operator must identify the level of difficulty of each ski slope, by means of the designation prescribed by regulation of the board.

Duties of
operator

“46.10 The operator must

(1) inspect every ski slope, before it is opened, to ascertain that it can be used;

(2) patrol all slopes to which Alpine skiers have access at all times when they are open;

(3) inspect every ski slope as soon as it is closed to ascertain that there are no Alpine skiers on the slope.

Diagrams

“46.11 The operator must see to it that a pocket-size diagram of the ski slopes and ski lifts is available at the ticket office to those Alpine skiers who wish to have one. The content of the diagram shall be prescribed by regulation of the board.

Enforce-
ment of
skiers' code

“46.12 The operator must take reasonable measures to ensure that the Alpine skiers' code of conduct is observed.

Compliance
with stan-
dards

He is responsible for seeing to it that the standards prescribed by regulation of the board to ensure the safety of Alpine skiers are complied with.

Emergen-
cies

“46.13 In emergency situations, the board may issue an order enjoining the operator to take such appropriate measures as it may indicate to ensure the safety of Alpine skiers on the premises of the ski centre he operates.”

c. S-3.1,
s. 54, am.

19. Section 54 of the said Act, amended by section 16 of chapter 50 of the statutes of 1986, is again amended

(1) by replacing the words “and the time when they must be paid” at the end of paragraph 3 by the words “,the time when they must be paid and the percentage of the gross receipts derived from a sports event or the amount on the basis of which the duties contemplated in the second paragraph of section 44.1 are established”;

(2) by replacing the words “combat sports” in the first line of paragraph 6 by the words “a sports event”;

(3) by adding, after paragraph 7, the following paragraph:

“(8) exclude from the application of this Act and the regulations, or of any provision thereof, certain categories or classes of persons, of Alpine ski centres, of sports centres or of sports.”;

(4) by adding, at the end, the following paragraph:

Categories
and classes
of licences

“The duties payable under sections 44 and 44.1 may vary according to the categories or classes of licences or of sports events or the capacity of the premises where sports events are held, as prescribed by the regulation.”

c. S-3.1,
s. 55, am.

20. Section 55 of the said Act, amended by section 17 of chapter 50 of the statutes of 1986, is again amended

(1) by striking out the words “for approval” in the second line of paragraph 9;

(2) by adding, after paragraph 9, the following paragraphs:

“(10) determine the cases in which a person authorized by the board under section 25 may take breath or urine samples from contestants participating in a sports event, and the procedure according to which the sample may be taken;

“(11) prescribe the form and content of the form provided for in section 30.”

c. S-3.1,
ss. 55.1 and
55.2, added

21. The said Act is amended by inserting, after section 55, the following sections:

Safety stan-
dards

“**55.1** The board may, by regulation, prescribe standards to ensure the safety of Alpine skiers. For that purpose, it may

(1) establish the Alpine skiers’ code of conduct which shall deal, in particular, with the obligations of every person who practises Alpine skiing or any other sport intended to be practised on ski slopes and with prohibited behaviour in the practice of those sports, and determine the places where the code, the rules of conduct and the sanctions must be posted;

(2) determine the type and minimum amount of the liability insurance policy that the operator of an Alpine ski centre must hold;

(3) determine the size of and layout standards for the first-aid room and the equipment it must contain;

(4) determine the number of first-aid kits that must be kept at the disposal of the first-aid service, the places where they must be kept and the items they must contain;

(5) determine the number and size of emergency toboggans that must be kept at the disposal of the first-aid service, the places where they must be kept and the items they must contain;

(6) determine the first-aid equipment and means of communication with which a first-aid service must be equipped, the places where they must be located, their number and, in the case of items of equipment, their content;

(7) determine the designation of levels of difficulty by means of which ski slopes must be identified;

(8) determine the posters, signs, pictographs and charts which must be displayed on the premises of an Alpine ski centre and prescribe their content, form, colour, size and location and the size of the characters;

(9) prescribe the content of the diagram of the ski slopes and ski lifts;

(10) determine what constitutes an obstacle on a ski slope for the purpose of prescribing proper warning signs or signals;

(11) prescribe standards relating to the use of vehicles on a ski slope while it is open to skiers and limit or, where advisable, prohibit the use of vehicles on slopes;

(12) prescribe standards relating to the practice of a sport, other than Alpine skiing, that is intended to be practised on ski slopes and prohibit or limit the practice of a sport, other than Alpine skiing, that is intended to be practised on ski slopes;

(13) prescribe standards as to the minimum age and the qualifications and training of first-aiders and of persons providing instruction in Alpine skiing or in any other sport intended to be practised on ski slopes;

(14) prescribe the form and content of the form provided for in section 46.8;

(15) prescribe any other safety standard relating to the practice of Alpine skiing or of any other sport intended to be practised on ski slopes, such as standards for the layout, lighting, maintenance and signalization of ski slopes.

Adapted
regulations

“55.2 The provisions that the board may adopt by regulation under sections 55 and 55.1 may vary according to the categories or classes of sports, of sports events, of sports centres, of equipment, of persons and of Alpine ski centres determined by the regulation.”

c. S-3.1,
s. 58, am.

22. Section 58 of the said Act is amended by adding, at the end, the following paragraph:

Contra-
ven-
tions which
are not
offences

“The following do not constitute an offence:

(1) the contravention by an Alpine skier of a regulation under paragraph 1, 12 or 15 of section 55.1;

(2) the contravention by a first-aider or a person providing instruction in Alpine skiing or in any other sport intended to be practised on ski slopes of a regulation under paragraph 13 of section 55.1.”

c. S-3.1,
s. 60, am.

23. Section 60 of the said Act is amended by adding, at the end, the following paragraph:

Offence and
penalty

“Every member of a sports federation or unaffiliated sports body who refuses to obey an order of the board issued under section 29.1 is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$5 000.”

c. S-3.1,
s. 60.1,
added

24. The said Act is amended by inserting, after section 60, the following section:

Offence and
penalty

“**60.1** Every person who hinders a person authorized by the board to ascertain whether this Act and the regulations are being complied within the exercise of any of his powers under section 25, for instance by deceiving him through concealment or by making a false declaration, is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$5 000.”

1985, c. 34,
s. 284,
repealed

25. Section 284 of the Building Act (1985, chapter 34) is repealed.

Coming into
force

26. This Act comes into force on 17 June 1988.