

FOURTH SESSION  
THIRTY-FIRST LEGISLATURE

# ASSEMBLÉE NATIONALE DU QUÉBEC

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## Bill 78

**An Act respecting safety in sports**

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First reading .....  
Second reading .....  
Third reading .....

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M. LUCIEN LESSARD  
Ministre du loisir, de la chasse et de la pêche

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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## EXPLANATORY NOTES

*This bill provides for the creation of a board, the “Régie sur la sécurité dans les sports”, with the specific functions of disseminating information, carrying out research, participating in educating the public and giving technical assistance to sports bodies in matters related to sports safety.*

*Under this bill, sports federations and unaffiliated sports bodies must make safety regulations, have them approved by the board and see that they are observed by their members.*

*The bill allows the board to extend the application of a safety regulation to all the persons who practise a sport or to make a safety regulation where no such regulation exists.*

*The bill obliges persons who organize or participate in sports events in the fields of combat sports, motor vehicle racing, swimming, water sports and skiing to hold a licence. It also obliges the operator of a sports centre where such an event takes place to hold a licence.*

*Finally, the bill provides mechanisms for penalizing failure to observe the obligations it imposes.*

# **Bill 78**

## **An Act respecting safety in sports**

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

### **CHAPTER I**

#### **DEFINITIONS AND APPLICATION**

**1.** In this act, unless the context indicates otherwise,

(1) “sports centre” means an installation or place equipped and used for sports events;

(2) “sports event” means a sports event, contest or exhibition in which a contestant may receive a purse or remuneration;

(3) “official” means a referee or judge, or his assistant, at a sports event;

(4) “sports body” means a body, association, league or club formed to organize or practise a sport;

(5) “sport” means a physical activity carried on as a contest or involving training and adherence to rules.

**2.** This act applies to amateur sports, except at sports events contemplated in Chapter V.

## CHAPTER II

## RÉGIE DE LA SÉCURITÉ DANS LES SPORTS

## DIVISION I

## ESTABLISHMENT

**3.** A board, called the “Régie de la sécurité dans les sports” is hereby established.

**4.** The head office of the board is at the place determined by the Government; notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

The board may hold its sittings anywhere in Québec.

**5.** The board is composed of five commissioners, including a chairman and a vice-chairman, appointed by the Government for a term of not over five years.

At least one commissioner must be an advocate.

At the end of their terms, the commissioners remain in office until they are replaced or re-appointed.

**6.** The Government shall fix the salary and, where that is the case, the additional salary, fees and allowances of the commissioners.

**7.** The secretary and the other members of the personnel of the board are appointed and remunerated in accordance with the Civil Service Act (1978, c. 15).

**8.** The chairman and the vice-chairman hold office on a full-time basis.

**9.** The chairman has the management and general direction of the board within the scope of its internal management by-laws.

If the chairman is temporarily unable to act, the vice-chairman acts as interim chairman.

If the vice-chairman is temporarily unable to act, the commissioner designated by the Government acts as interim vice-chairman.

If another commissioner is unable to act, he may be replaced by a person appointed by the Government as interim commissioner.

**10.** Neither the chairman nor the vice-chairman may, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with that of the board. However, such forfeiture is not incurred if such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

Every other commissioner having a direct or indirect interest in an undertaking causing his personal interest to conflict with that of the board must, under pain of forfeiture of office, divulge this interest in writing to the chairman of the board and abstain from taking part in any discussion or decision regarding that undertaking.

**11.** Three commissioners including the chairman are a quorum of the board.

In case of a tie-vote, the chairman has a casting vote.

Notwithstanding the first paragraph, one commissioner may sit alone at a hearing held pursuant to this act.

**12.** The board must give its decisions in writing and substantiate them, and they form part of its records.

**13.** The minutes of the sittings of the board, approved by it and signed by the chairman or the secretary, are authentic. The same rule applies to documents or copies of documents emanating from the board or forming part of its records, when they are signed by the chairman or the secretary.

**14.** No document binds the board or may be attributed to the board unless it is signed by the chairman or the secretary.

The signature of the chairman or the secretary may be affixed by means of an automatic device to such documents as may be determined by government regulation.

**15.** The board may make internal management by-laws for the conduct of its business; such by-laws come into force on receiving government approval.

**16.** The board, the commissioners, the members of the personnel of the board and persons to whom the board has delegated powers cannot be sued by reason of official acts done in good faith in the performance of their duties.

**17.** Not later than 31 March each year, the board shall submit to the Ministre du loisir, de la chasse et de la pêche a report of its activities for the preceding calendar year.

The Minister shall table the report before the Assemblée nationale within 30 days of receiving it, if he receives it during a session; otherwise, he shall table it within thirty days after the opening of the next session or within fifteen days after resumption, as the case may be.

**18.** The books and accounts of the board shall be audited by the Auditor General each year, and at any other time on government order. The Auditor General's reports must accompany the annual report of the board.

**19.** The board must provide the Minister with any information he requires on its activities.

## DIVISION II

### FUNCTIONS AND POWERS OF THE BOARD

**20.** The board is responsible for supervising personal safety in the practise of sports.

It shall supervise the carrying out of this act and the regulations; for that purpose it shall, in particular,

(1) gather, analyse and disseminate information on sports safety;

(2) conduct or cause others to conduct studies and research on sports safety;

(3) participate in educating the public on safety in relation to the practice of sports;

(4) participate in preparing safety training methods for persons who work in the sports field;

(5) give technical assistance to a sports federation or unaffiliated sports body, toward preparing safety regulations;

(6) advise any person requesting advice on means of ensuring sports safety.

**21.** The board may, in carrying out its functions,

(1) approve the safety regulations of a sports federation or unaffiliated sports body, to ensure the safety of sports participants and spectators;

(2) make regulations to ensure the safety of sports participants and spectators, if a sports federation or unaffiliated sports body has no safety regulations;

(3) issue a licence to the operator of a sports centre or to a person who organizes or participates in a sports event contemplated in Chapter V;

(4) in accordance with the law, enter into any agreement with another government, a department or body thereof or any other person for the application of this act or the regulations.

**22.** The board, at the request of the Minister or on its own initiative, shall inquire into any situation that could endanger a person practising a sport.

**23.** The board or a commissioner has, for the purposes of an inquiry, the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., c. C-37), except the power to impose imprisonment.

**24.** The board, every time it holds an inquiry, shall give notice thereof, in a newspaper circulated in the place where the inquiry is held, of the date, time and place its sittings will begin.

**25.** The board may, in writing, give a person a mandate to inspect a sports centre or the equipment used there.

The person has the powers of an inspector appointed under the Public Buildings Safety Act (R.S.Q., c. S-3).

Before every inspection of a sports centre, the person must show the operator of the centre his identification card issued by the board.

## CHAPTER III

### SPORTS FEDERATIONS AND SPORTS BODIES

**26.** Every sports federation and every unaffiliated sports body shall adopt safety regulations concerning the matters prescribed by regulation of the board, and see that they are observed by its members.

The safety regulations must, in particular, include provisions respecting

- (1) the condition of the premises;
- (2) the equipment used by participants;
- (3) the verification of participants' state of health;
- (4) the instruction and training of participants;

- (5) the standards for practising a given sport;
- (6) sanctions for cases where the regulations are not observed.

**27.** A sports federation or unaffiliated sports body must have its safety regulations approved by the board; the application for approval is sent in the form and in accordance with the terms and conditions prescribed by regulation of the board.

**28.** The board may extend the application of a safety regulation of a sports federation or unaffiliated sports body to all persons who practise the same sport.

The decision of the board and the regulation of which it extends the application are published in the *Gazette officielle du Québec* with a notice that they will be submitted for government approval at the expiry of thirty days.

The regulation comes into force on the day of publication in the *Gazette officielle du Québec* of a notice that it has received government approval or, if amended on that approval, of its final text, or on a later date fixed in the notice or final text.

**29.** A sports federation or unaffiliated sports body, after rendering a decision in accordance with its safety regulations, shall give notice of its decision to the person contemplated and inform him of his right of appeal.

**30.** A sports federation or unaffiliated sports body shall provide the board with any information it requires concerning the carrying out of this act.

## CHAPTER IV

### SPORTS CENTRES

**31.** A person, except a municipal corporation, school corporation or government body, who operates a sports centre must hold an operating licence issued by the board on the conditions and on payment of the duties prescribed by this act and the regulations.

**32.** A person applying for a licence must send his application to the board in the form and accompanied with the documents prescribed by this act and the regulations.

The application must be accompanied with a deposit and a civil liability insurance policy, the nature and amount of which are prescribed by regulation.



**33.** An applicant, if a natural person, must be of full age.

Where the applicant is an artificial person, the board may require each of its directors to meet the requirements imposed on a natural person by this act and the regulations.

**34.** The board shall issue a licence for a fixed period or for the duration of a specific activity, in the name of a natural person or an artificial person.

A licence is unassignable.

**35.** The board may refuse to issue a licence to an applicant who, during the three years preceding his application, was found guilty of an offence against this act or the regulations.

**36.** A licence holder must take the necessary steps to see that persons using his sports centre observe the safety standards prescribed by a regulation of the board, or of a sports federation or unaffiliated sports body.

**37.** The board may suspend or cancel a licence and confiscate the deposit of a licence holder found guilty of an offence against this act or the regulations.

**38.** Before refusing to issue, cancelling or suspending a licence, the board shall give the applicant or holder the opportunity to be heard.

An authentic copy of the board's decision is sent to the interested party by registered or certified mail.

**39.** The holder of a licence to operate a sports centre must post his permit in a conspicuous place.

## CHAPTER V

### SPORTS EVENTS

**40.** This chapter applies to sports events of the following categories, if a contestant may receive a purse or remuneration greater than the amount fixed by government regulation:

- (1) combat sports;
- (2) motor vehicle racing;
- (3) swimming and water sports;
- (4) skiing.

**41.** Every person wishing to participate in a sports event contemplated in paragraph 1 of section 40, whether as an organizer, contestant, promoter, manager, trainer or second, or wishing to act as an official, must hold a licence issued by the board.

**42.** In the cases determined by government regulation, only a person designated and remunerated by the board may act as an official at a sports event contemplated in paragraph 1 of section 40.

**43.** A person wishing to organize a sports event contemplated in paragraphs 2 to 4 of section 40 must hold a licence issued by the board.

**44.** The licences prescribed by sections 41 and 43 are issued on the conditions and on payment of the duties prescribed by this act and the regulations.

Sections 32 to 35, 37 and 38 apply to the licences.

**45.** The board may, if a provision of this act or the regulations is not complied with,

- (1) prohibit the holding of a sports event;
- (2) order a sports event stopped;
- (3) order the confiscation, in whole or in part, of the purse or remuneration awarded to a contestant.

A purse or remuneration that has been confiscated is paid to the municipal corporation in whose territory the sports event takes place or to a local sports body designated by the board.

**46.** The board may, in writing, delegate a person to exercise the powers provided in section 45.

## CHAPTER VI

### APPEALS

**47.** A person contemplated by a decision rendered by a sports federation or unaffiliated sports body in accordance with a safety regulation may appeal from the decision to the board.

**48.** The appeal is brought by a motion filed with the secretary of the board within thirty days of receipt of the decision rendered by the sports federation or unaffiliated sports body.

The motion is served on the person who rendered the decision; the file concerning the decision is then sent to the board.

**49.** The appeal does not suspend the execution of the decision unless the board decides otherwise.

**50.** The board must give, to the person who rendered the decision and to the appellant, in the manner it deems appropriate, a notice of at least three clear days of the date, time and place where they may be heard.

If a party convened under this section does not appear, or refuses to be heard at the sitting fixed for that purpose, the board may nevertheless conduct the hearing.

**51.** Every person who testifies before the board has the same privileges and immunity as a witness before the Superior Court.

**52.** The board may confirm, amend or quash any decision referred to it and render the decision that should have been rendered. The decision of the board is final and without appeal.

**53.** The decision of the board is signed by the commissioners who rendered it. A copy is sent to each party by registered or certified mail and the original is kept by the board.

## CHAPTER VII

### REGULATIONS

**54.** The Government may, by regulation,

(1) determine the matters that must be treated in the safety regulations of a sports federation or unaffiliated sports body;

(2) determine the form and tenor of a licence and the terms and conditions of its issuance;

(3) determine the conditions a person applying for a licence must fulfil, the information he must furnish and the duties he must pay;

(4) determine the amount and nature of the deposit and of the liability-insurance policy to be provided by a person applying for a licence to operate a sports centre, according to the categories of sports centres it indicates;

(5) determine in which cases a licence is to be cancelled or a deposit confiscated, and the use that is then to be made of the deposit;

(6) fix the amount above which a purse or remuneration offered at a sports event entails the application of Chapter V;

(7) fix the tariff of fees for officials at the holding of combat sports, and specify the cases where only a person designated and remunerated by the board may be an official;

(8) determine to which documents the signature of the chairman or secretary of the board may be affixed by means of an automatic device.

**55.** The board may, by regulation,

(1) establish standards relating to the use, layout and maintenance of a sports centre and to the equipment used there;

(2) establish standards relating to the equipment a person must use to practise a sport;

(3) prohibit the use, sale or distribution of equipment used to practise a sport if safety so requires;

(4) establish standards respecting the organization and holding of a sports event contemplated in Chapter V;

(5) prescribe the nature and frequency of the medical examination required of contestants in combat sports;

(6) establish a health committee or any other committee necessary for the application of this act and determine its composition and functions;

(7) establish rules of procedure for any appeal brought before it.

**56.** The Government shall publish in the *Gazette officielle du Québec* its draft regulations with a notice that they will be adopted at the expiry of a period of thirty days.

These regulations come into force on the date of publication in the *Gazette officielle du Québec* of a notice that they have been adopted by the Government or, if amended by it, of their final text, or on a later date fixed in the notice or final text.

**57.** The regulations of the board shall be published in the *Gazette officielle du Québec* with a notice that they will be submitted for government approval at the expiry of thirty days.

They come into force on the day of publication in the *Gazette officielle du Québec* of a notice that they have received government approval or, if amended on that approval, of their final text, or on a later date fixed in the notice or final text.

## CHAPTER VIII

## OFFENCES AND PENALTIES

**58.** Unless another penalty is provided for, every person who contravenes this act or the regulations is guilty of an offence and is liable, in addition to the costs, to a fine of \$100 to \$5 000.

**59.** Every person who participates in a sports event or operates a sports centre without holding the licence required by this act is guilty of an offence and is liable, in addition to the costs, to a fine of \$200 to \$10 000.

**60.** Every person who refuses to obey an order of the board or of a person to whom it has delegated powers, is guilty of an offence and is liable, in addition to the costs, to a fine of \$200 to \$10 000.

**61.** In addition to any other sanction that may be prescribed in the statutes or by-laws of a sports federation or unaffiliated sports body whose safety regulations have been approved by the board, every person who does not comply with a decision rendered by that federation or body in the application of that regulation is guilty of an offence and is liable, in addition to the costs, to a fine of \$50 to \$500.

**62.** If a person commits repeated offences against this act or the regulations, the board, after instituting penal proceedings against him, may apply to the Superior Court for an interlocutory injunction ordering that person and his directors, agents or employees to cease committing the offences of which he is guilty until final judgment is rendered in the penal proceedings.

After the judgment has been rendered, the Superior Court renders its own final judgment on the application for an injunction.

**63.** If an artificial person commits an offence against this act or the regulations, every director or agent thereof who ordered or authorized the commission of the offence, agreed thereto or participated therein is deemed a party to the offence and is liable to the penalty provided for an artificial person, whether or not the artificial person has been prosecuted or convicted therefor.

**64.** Every person who knowingly does or omits to do a thing with the object of aiding a person to commit an offence against this act or the regulations, or who knowingly advises, encourages or incites a person to commit an offence, is himself a party to the offence and liable to the same penalty as that person.

**65.** Proceedings under this act are instituted in accordance with the Summary Convictions Act (R.S.Q., c. P-15) by the board or by a person generally or specially authorized by it for that purpose.

Proceedings must be instituted within one year after the board has become aware of the offence.

## CHAPTER IX

### TRANSITIONAL AND FINAL PROVISIONS

**66.** Sections 191 to 194 of the Act to revise and consolidate the charter of the city of Montreal (1959-1960, c. 102) are repealed.

**67.** Sections 17 to 21 of the Act to amend the Charter of the City of Québec (1973, c. 80) are repealed.

**68.** Sections 19 and 20 of the Act to revise the charter of the city of Sherbrooke (1974, c. 101) are repealed.

**69.** The Act to Create the Provincial Sports Council (Revised Statutes, 1941, c. 253) and the Physical Contests Act (R.S.Q., c. C-52) are repealed.

**70.** The municipal athletic commissions created pursuant to the Act Respecting the Creation of Athletic Commissions in Cities and Towns (Revised Statutes, 1925, c. 131) that are in existence on the date of the sanction of this act are dissolved and their property devolves to the municipalities that created them.

[[ **71.** The sums necessary for the application of this act are paid, for the fiscal period 1979-1980, out of the consolidated revenue fund and for subsequent fiscal periods, out of the moneys voted by the Assemblée nationale for that purpose. ]]

**72.** Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by section 105 of chapter 7, section 31 of chapter 38, section 25 of chapter 18, section 31 of chapter 24 and section 53 of chapter 64 of the statutes of 1978 and by section 34 of chapter 10 of the statutes of 1979, is again amended by adding after subparagraph 27 of the first paragraph, the following subparagraph:

“(28) the chairman and vice-chairman of the Régie de la sécurité dans les sports.”

**73.** The Ministre du loisir, de la chasse et de la pêche is responsible for the application of this act.

**74.** This act will come into force on the date to be fixed by government proclamation, except the provisions excluded by that proclamation, which will come into force on any later date that may be fixed by government proclamation.