



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 66

An Act to amend the Act respecting safety in sports

Introduction

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

**Québec Official Publisher
1986**

EXPLANATORY NOTES

The main object of this bill is to propose measures that will ensure effective regulation of the organizing and holding of sports events in the combat sports category.

For that purpose,

— *it extends the obligation of holding a licence to the training partners of contestants and to persons acting as ticket printers or in charge of ticket sales;*

— *it adds new grounds on which a licence required in order to participate in such sports events, in various capacities, may be refused, suspended or cancelled;*

— *it invests the Régie de la sécurité dans les sports du Québec with powers of inquiry and inspection;*

— *it proposes that the board's regulation making powers be enlarged to enable it to establish standards respecting the tenor of contracts entered into by persons called upon to participate, directly or indirectly, in such sports events.*

The bill also provides a special method of fixing the duties payable by the holder of an organizer's licence after the holding of a combat sports event.

Lastly, it establishes a right to appeal to the Provincial Court from decisions rendered by the board, particularly where they regard the application of the new measures.

Bill 66

An Act to amend the Act respecting safety in sports

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 11 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by adding, at the end of the third paragraph, the following words: “Only a commissioner may also exercise the powers conferred on the board under sections 44.2 and 44.3.”

2. The said Act is amended by inserting, after section 16, the following sections:

“**16.1** No extraordinary recourse provided for in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised nor any injunction granted against the board or its commissioners acting in their official capacity, except on a question of jurisdiction.

“**16.2** Article 33 of the Code of Civil Procedure does not apply to the board or its commissioners acting in their official capacity, except on a question of jurisdiction.

“**16.3** A judge of the Court of Appeal may, on a motion, summarily annul any decision rendered contrary to section 16.1 or 16.2.”

3. Section 20 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“20. The board is responsible for supervising personal safety and integrity in the practice of sports.”;

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

“(7) preserve the good reputation of each category of sports contemplated in section 40.”

4. Section 21 of the said Act is amended by replacing paragraph 3 by the following paragraph:

“(3) issue to a person applying therefor a licence for the operation of a sports centre or for the holding of a sports event contemplated in Chapter V;”.

5. Section 22 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following words: “or be detrimental to the good reputation of any category of sports contemplated in section 40.”;

(2) by replacing the words “A person”, in the first line of the second paragraph, by the words “The board, or any person designated by it,”.

6. Section 24 of the said Act is amended by adding the following paragraph:

“The first paragraph does not apply to an inquiry referred to in sections 44.2 and 44.3.”

7. Section 37 of the said Act is amended by striking out the second paragraph.

8. Section 41 of the said Act is replaced by the following section:

“41. To be entitled to participate in a sports event contemplated in paragraph 1 of section 40, whether as an organizer or as a contestant, manager, trainer, second or official, or to be entitled to act on that occasion as a training partner, a ticket printer or person in charge of ticket sales, a person must hold a licence issued by the board for that purpose.”

9. Section 43 of the said Act is replaced by the following section:

“43. To be entitled to participate in a sports event contemplated in paragraphs 2 to 4 of section 40 as an organizer or to act as an official at a sports event contemplated in paragraph 2 of that section, a person must hold a licence issued for that purpose by the board.”

10. Section 44 of the said Act is amended by replacing the second paragraph by the following paragraphs:

“Sections 32 to 34 and section 38 apply to the licences prescribed in section 41.

Sections 32 to 35, 37 and 38 apply to the licences prescribed in section 43.”

11. The said Act is amended by inserting, after section 44, the following sections:

“44.1 The holder of an organizer’s licence that is valid for a combat sports event shall pay to the Régie, within 30 days after the sports event, duties representing 5% of the gross receipts, after deducting the duties prescribed by regulation for the issue of the licence.

For the purposes of the first paragraph, the gross receipts are the receipts derived from the sale of tickets and broadcasting or rebroadcasting rights, after deduction of municipal amusement taxes.

“44.2 The board, following an inquiry, may refuse to issue a licence required under section 41 in the following cases:

(1) where the applicant has been convicted of or has pleaded guilty to a penal or an indictable offence related to the activities referred to in section 41;

(2) where the applicant is unable to establish that he has the competence and honesty to carry on the activity in respect of which he is applying for the licence, owing to his previous conduct in carrying on an activity referred to in section 41;

(3) where the board has reasonable grounds to believe that the licence must be refused to ensure that, in the public interest, combat sports are carried on competently and honestly and that their good name is maintained;

(4) where the board has reasonable grounds to believe that the application is being made on behalf of another person to whom any of subparagraphs 1 to 3 would apply.

The grounds for refusal provided in subparagraph 1 of the first paragraph shall remain valid for five years after the expiry of the term of imprisonment fixed in the sentence and, in the case of the imposition of a fine only or of a suspended sentence, five years from the date of conviction, unless the applicant has been granted a pardon.

“44.3 The board may suspend or cancel a licence required under section 41 and, where applicable, confiscate the deposit of the holder in the following cases:

(1) where he is convicted of or pleads guilty to a penal or indictable offence related to the activities referred to in section 41;

(2) where, following an inquiry, the board has reasonable grounds to believe that he is not conducting the activities for which the licence was issued to him competently and honestly;

(3) where, following an inquiry, the board has reasonable grounds to believe that it is necessary to suspend or cancel his permit and, as the case may be, to confiscate his deposit to ensure, in the public interest, that combat sports are carried on competently and honestly and that their good reputation is maintained.

The board shall also suspend or cancel a licence and, as the case may be, confiscate the deposit of the holder in the cases determined under paragraphs 5 and 5.1 of section 54.

“44.4 In cases prescribed by regulation, a physician designated by the board may forthwith suspend the licence of a contestant or of a training partner for medical reasons.”

12. Section 45 of the said Act is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) prohibit the holding of a sports event or part thereof;”.

13. The said Act is amended by inserting, after section 46, the following sections:

“46.1 The board may authorize a person to ascertain whether or not this chapter and the regulations thereunder are being complied with.

Every person authorized under this section may, for inspection purposes,

(1) enter, at any reasonable time, any premises where the holder of a licence required under section 41 carries on his activities;

(2) examine and make copies of the books, registers, accounts, records and other documents of the holder;

(3) require any information in relation to the administration of this Act, and the production of any document related thereto.

Any person having in his custody or possession the books, registers, accounts, records and other documents mentioned in the first paragraph shall put them at the disposal of the person authorized by the board and facilitate his examination of them.

“**46.2** The person authorized by the board, when exercising the powers conferred by section 46.1, shall, on request, identify himself and show the certificate of the board attesting his quality.”

14. The said Act is amended by inserting, at the beginning of Chapter VI and after the word “APPEALS”, the following:

“DIVISION I

“APPEALS BEFORE THE BOARD”.

15. The said Act is amended by inserting, after section 53, the following division and sections:

“DIVISION II

“APPEALS BEFORE THE PROVINCIAL COURT

“**53.1** Any person whose application for a licence is refused on any of the grounds referred to in section 44.2, any person whose licence is suspended or cancelled and, as the case may be, whose deposit is confiscated, on any of the grounds referred to in section 44.3 or in the regulations under paragraphs 5 and 5.1 of section 54, and any person in respect of whom a decision has been rendered by the board in accordance with subparagraph 1 or 3 of section 45, may appeal to the Provincial Court.

“**53.2** The appeal is brought by filing a notice to that effect with the secretary of the board within thirty days from the date of the decision being appealed.

The filing of the notice takes the place of service on the board.

“53.3 The secretary shall immediately transmit the notice of appeal to the office of the Provincial Court nearest to the appellant’s domicile or establishment, together with the record respecting the decision being appealed.

The record includes the minutes of the hearing, the decision of the board and, as the case may be, the evidence presented and the transcript of the depositions taken down in stenography at the request and expense of the appellant.

“53.4 Appeals are governed by articles 491 to 524 of the Code of Civil Procedure (R.S.Q., chapter C-25), adapted as required. The parties, however, are required to file only four copies of the factum of their claims.

“53.5 The appeal does not suspend the execution of the appealed decision unless the Provincial Court decides otherwise.

“53.6 The Provincial Court may, in the manner prescribed in article 47 of the Code of Civil Procedure, make any rules of practice deemed necessary for the carrying out of this division.

“53.7 No appeal lies from the decision of the Provincial Court.”

16. Section 54 of the said Act is amended by striking out the words “or promoter’s” in the third and fourth lines of paragraph 4.

17. Section 55 of the said Act is amended

(1) by inserting, after paragraph 5, the following paragraph:

“(5.1) establish standards respecting the tenor of contracts entered into by the persons contemplated in section 41, in particular with respect to their duration and the respective obligations of the parties, including those related to the purse and the remuneration;”;

(2) by adding, at the end of paragraph 6, the words “and of their training partners”;

(3) by adding, at the end of paragraph 8, the words “or for any hearing it may hold;”.

18. This Act comes into force on such date as may be fixed by the Government.