



CHAPTER 67

An Act to create the Provincial Sports' Council

[Assented to, the 28th of April, 1939]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

INTERPRETATION

1. In this act:

- a.* "Council" means the Provincial Sports' Council created by this act; Interpretations:
"Council";
- b.* "contestant" means any person competing or taking part in any sporting contest or exhibition; "Contestant";
- c.* "Minister" means the Minister of Municipal Affairs, Trade and Commerce; "Minister";
- d.* "person" also includes a corporation, association, club and a league for sports or athletics; "Person";
- e.* "sporting contest" or "exhibition" means any contest or exhibition of hockey, baseball, football, rugby, boxing, wrestling, physical prowess, lacrosse and any other contest or exhibition of a game, sport or athletics designated by the Lieutenant-Governor in Council, upon the recommendation of the Provincial Sports' Council, but does not include any game, contest or exhibition of sport or athletics given in any university, college, school or other educational establishment, nor any gratuitous contest or sporting exhibition. "Sporting contest", etc.

CONSTITUTION OF THE COUNCIL

2. A Council, composed of five members, one of whom shall be president and another vice-president, appointed by the Lieutenant-Governor in Council, is incorporated under the name of "Provincial Sports' Council". "Provincial Sports' Council" created.

Powers. It shall have, in addition to those hereinafter conferred upon it, the rights and powers of corporations generally and it shall be subject to the obligations resulting therefrom, saving incompatibility with this act.

Corporate seat. The corporate seat of the Council shall be at Montreal.
Quorum. Three members shall form a quorum.

Vacancies. The Council shall not be dissolved by reason of any vacancy amongst its members, to any number whatsoever.

Absence of president. **3.** In the event of a vacancy in the office of president or in the absence or inability to act of the latter, the vice-president shall perform his duties.

Staff. **4.** The Council may appoint for itself a secretary and such officers, clerks and employees as it may need.

Salaries, etc. The salaries and wages of the secretary and staff shall be fixed by the Council, with the approval of the Lieutenant-Governor in Council, and such salaries and wages, as well as the expenses of the Council, shall be paid out of the fund created under section 12.

POWERS OF THE COUNCIL

Duties of the Council. **5.** The Council is entrusted with the regulation and supervising of professional, semi-professional and amateur sport in the Province and the encouraging of amateur sport and healthy and honest recreation through the intermediary of sporting associations.

Power to regulate. **6.** The Council may, with the approval of the Lieutenant-Governor in Council, adopt regulations concerning:

a. the holding and general conduct of any sporting contest;

b. the classification of contestants and would-be contestants in categories of professionals, semi-professionals and amateurs and the classification of sporting contests according to the same categories;

c. the issuing of classification cards to professional, semi-professional and amateur contestants and would-be contestants;

d. the appointing, duties and obligations of the officials and other persons taking part in the holding and in the conducting of such contests;

e. the equipment of the contestants;

f. the issuing of permits for the holding of contests;

g. the fixing, mode of recovery and the date or period of exigibility of the fees for the issuing of classification cards and permits as well as the dues and contributions exigible in virtue of section 11;

h. the forms of contracts for the engaging of professional and semi-professional contestants;

i. the guarantee, responsibility and obligations of persons giving a sporting contest;

j. the penalties imposable upon any person for any infringement of the act and of the regulations of the Council;

k. the duties, powers and obligations of the Council and of its members and officers, and the proper carrying out of this act.

The Council may define what, within the meaning of this act, constitutes a gratuitous contest or sporting exhibition. Gratuitous contest, etc.

7. Upon a complaint to the Council that any sporting contest has been held or conducted contrary to the law or regulations, the Council, any member thereof or any person appointed by the Council may investigate upon the facts of the complaint, and for such purposes they shall have all the powers of a commissioner appointed under the Public Inquiry Commission Act (Revised Statutes, 1925, chapter 8). Investigation.

Pending the result of such investigation, the Council may order the impounding of the sums payable to any contestant and to any person who participated in the holding or conducting of such contest, and the Council may permanently confiscate the sums payable to any offender whose guilt the investigation establishes. Impounding of sums payable.

8. The Council may, at the request of any association, club or league for amateur sport, investigate upon the matters submitted to it by such applicant or charge one of the members of the Council or a special committee to make such investigation and to report to it. Power to investigate.

9. The Council, the special committee and any member of the Council charged with such investigation have for the conducting thereof the powers contemplated under section 7. Powers of investigators.

10. Any agreement entered into between a contestant or would-be contestant and any other person acting as his manager or representative for the purposes of his sport- Agreements subject to approval of the Council.

ing activities or of a sporting contest shall be null and without effect unless it be made in writing and approved by the Council.

Revocation of approval.

The approval of such agreement by the Council may be revoked by the latter whenever it deems that any or all of the contracting parties are guilty of any act or omission prejudicial to the game or sport which is the object of the agreement.

FUNDS TO ASSIST SPORT

Power to impose contributions, etc.

11. The Council may, with the authorization of the Lieutenant-Governor in Council, for the purposes of creating a fund to pay its expenses, the wages and expenditures of its staff and the general costs occasioned by the carrying out of this act, exact, from any person holding or conducting a sporting contest, such contribution as it may determine, which contribution shall not exceed two per cent of the gross receipts from such contest in the case of a boxing or wrestling contest, and shall not be less than one per cent nor more than five per cent of the gross receipts from any other sporting contest.

Special contribution in certain cases.

Whenever the sporting contest is not the sole attraction of any performance, the Council may, at its discretion, accept a contribution less than that fixed in virtue of the preceding paragraph.

Reserve fund.

12. The sums received by the Council in virtue of this act shall form a reserve fund of the Council, to be first applied to the payment of the salaries, wages and other expenses contemplated under section 4.

Remittances to reserve fund.

The Council may, however, remit to such fund, in whole or in part, when it deems the same just, the amount of any fine, purse or remuneration confiscated in virtue of this act.

Employment of monies available.

Any portion of such fund available after payment of such salaries, wages and expenses may be used by the Council at its discretion for the encouraging and developing of sport in general in the Province.

Exclusive use of sums received.

The sums, however, received by the Council and derived from the contributions paid for the holding and conducting of amateur sporting contest, must be used exclusively for the encouraging and developing of amateur sport in the Province.

13. The Council may, whenever the contributions exacted for a sporting contest in virtue of section 11 are not handed over to it within the delay fixed by the regulations, order the closing of the premises where such contest was held, and such premises cannot be again used for the holding of a sporting contest until such contributions have been paid to the Council.

Closing of premises in case of non-payment of contributions.

AUDITING OF BOOKS AND REPORT

14. The books and accounts of the Council shall be audited each year, upon the date fixed by the Minister, by a licensed accountant appointed by the latter.

Auditing of books, etc.

The expense of such audit shall be deemed an expense of the Council.

Expense thereof.

15. Prior to the first of February in each year, the Council shall forward to the Minister a report of its operations for the preceding year, as well as a statement of its assets and liabilities and of its receipts and expenses and all other information required by the Minister.

Annual report.

16. The Minister of Municipal Affairs, Trade and Commerce is charged with the carrying out of this act.

Carrying out of act.

17. The Athletic Commission Act (Revised Statutes, 1925, chapter 131) is repealed, and the Athletic Commissions, created in virtue of such act or of any other general law or special act, shall cease to exist from and after such date as the Lieutenant-Governor in Council, upon the recommendation of the Council, shall fix for each of them respectively.

Provisions repealed, etc.

18. This act shall come into force on the day of its sanction.

Coming into force.

