

BILL

No. 98 of 1931

An Act to Establish an Athletic Commission.

(Assented to _____, 1931.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows

1. This Act may be cited as "*The Alberta Athletic Commission Act*."

2. There shall be established a commission to be composed of five persons appointed by the Lieutenant Governor in Council, and the commission shall be a body corporate under the name of the "Alberta Athletic Commission" hereinafter called "the commission"

3. The object of the commission shall be to assist, promote and encourage amateur sport and recreation in schools, community centres and through associations of amateur sportsmen.

4. The majority of the members of the commission shall form a quorum.

5. The members of the commission shall hold office during pleasure, and upon a vacancy occurring owing to death, resignation or removal from office of a member, the Lieutenant Governor in Council may appoint someone to take his place

6.—(1) The Lieutenant Governor in Council may from time to time appoint one of the members of the commission to be chairman

(2) In the absence of the chairman or in case of a vacancy in the office, the members of the commission may elect from amongst themselves an acting chairman, who shall hold office during such absence or vacancy, and while holding office shall have and possess the like powers and shall perform the like duties as the chairman

7. Each of the commissioners shall serve without remuneration, but shall be entitled to receive his travelling expenses and actual disbursements in transacting the business of the commission, and the Lieutenant Governor in Council

may fix a per diem allowance as a living allowance in the commission who are absent from home in the transaction of the business of the commission

8.—(1) The commission may appoint a secretary to the commission and such officers, clerks and servants as may be deemed requisite

(2) The salaries or other remuneration of the secretary and the other persons so appointed shall be fixed by the commission, subject to ratification by the Lieutenant Governor in Council, and such salaries or other remuneration and the expenses of the commission shall be payable out of the funds collected by the commission as hereinafter provided

9.—(1) For the purpose of providing a fund for the payment of the expenses of the commission and the salaries and other expenses of its officers, clerks and servants, and the general expenses incurred in carrying out the provisions of this Act, every person, corporation, association or club conducting a professional contest or exhibition of any sport or game shall pay to the commission an amount—

(a) not exceeding ten per cent in the case of any such contest or exhibition not being a boxing contest or exhibition,

(b) not less than five per cent and not exceeding ten per cent in the case of a boxing contest or exhibition—

of the gross receipts taken by such person, corporation, association or club in respect of such contest or exhibition as shall from time to time be determined by the commission with the approval of the Lieutenant Governor in Council.

(2) The amounts so received by the commission, together with all fees received for licences and permits issued under section 9, shall be set apart by the commission and shall constitute a fund for the payment of salaries, remuneration and expenses mentioned in subsection 1, and any portion of such funds remaining unexpended and not required to meet the charges mentioned in subsection 1 may be used by the commission for the assistance, encouragement and promotion of sport in such a way and by such means as the commission may decide

10. The commission may issue a licence or permit to any person, corporation or association to hold or participate or to take part in holding a professional boxing or wrestling contest or exhibition, and no such boxing or wrestling contest or exhibition shall be held or participated in except by a person, corporation or association holding such licence or permit

11. Every such licence shall contain a condition that all professional boxing and wrestling contests and exhibitions conducted thereunder shall be in accordance with the rules,

regulations and conditions from time to time prescribed by the commission and approved of by the Lieutenant Governor in Council, and the license shall be revocable by the commission upon any violation thereof or whenever the continuance of such license shall be deemed by the commission contrary to public interest or not conducive to the interests of legitimate professional boxing and wrestling.

12. Every person, club, corporation or association who conducts or participates in conducting or holding a professional boxing or wrestling contest or exhibition without having received the license provided for in section 10 of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than fifteen dollars, nor more than five hundred dollars.

13.—(1) When it is charged that a boxing or wrestling contest or exhibition conducted under a license as hereinbefore provided, or any agreement, contract or undertaking entered into with respect to such boxing or wrestling contest or exhibition is in violation of the rules, regulations and conditions from time to time prescribed by the commission, or that any person a party to or participating in such boxing or wrestling contest or exhibition has been guilty of any such violation or of any unsportsmanlike or unbecoming conduct to the prejudice of the interest of legitimate boxing or wrestling, the commission may hold an investigation into such charges, and for the purposes of such investigation shall possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act*.

(2) The commission may order that pending the disposition of the charges so made any moneys which under the terms of any contract or agreement may be payable to any employee of the person, club or association holding such boxing or wrestling contest or exhibition or to any boxer or wrestler, shall be delivered to the commission and shall be impounded pending the result of the investigation, and if such charges are held by the commission to have been proven, the commission may declare the moneys impounded to be forfeited and such moneys shall thereupon become the property of the commission and shall be applied for the promotion of amateur athletics.

14.—(1) Where the Alberta Branch of the Amateur Athletic Union of Canada, or any other branch of the Amateur Athletic Union of Canada operating in Alberta, requests the commission to cause investigation to be held into any matter which the branch considers should be investigated in the interest of amateur sport in the Province, the commission may hold such investigation or may refer the matter for investigation to a committee for investigation and report.

(2) The committee may consist of a member or members of the commission or such other persons as the commission may designate.

(3) The appointment of the committee shall be in writing signed by the chairman or acting chairman of the commission.

(4) The committee or commission for the purposes of such investigation may possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act*.

(5) Nothing in this section contained shall authorize the commission or any other body, without a request in writing from the board of reference of the Western Canadian Intercollegiate Athletic Union to hold an investigation or inquiry into any matter connected with the affairs of the Western Canadian Intercollegiate Athletic Union or of any society, association, club or other body included in, connected with, or controlled by the said Union, or as to the standing, qualifications, conduct or discipline of the members of any such society, association, club or other body.

15.—(1) The books and accounts of the commission shall be audited and checked from time to time by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant Governor in Council may direct, and such auditor or auditors shall make an annual report and prepare and furnish such other statements to the Treasurer of Alberta as he shall from time to time direct or request.

(2) There shall be laid before the Assembly at the opening of each session of the Legislature or so soon thereafter as it may be obtainable, a statement containing the report of the auditor for the last preceding fiscal year and the receipts and expenditures of the commission and an account of the proceedings of the commission during the said fiscal year, and such other particulars as the Lieutenant Governor in Council may direct.

16. Every person, club, corporation or association conducting any professional contest or exhibition shall, not later than the day following such contest or exhibition, remit to the commission at its office in Edmonton, by registered mail, the amount payable under the provisions of subsection 1 of section 8.

17. Every person, club, corporation or association who conducts or participates in conducting or holding any professional contest or exhibition and who fails to comply with the provisions of section 10 of this Act shall be guilty of an offence and shall be liable on summary conviction to a penalty, in addition to the amounts payable pursuant to section 9 of this Act, of not less than twenty dollars, nor more than one hundred dollars.

18.—(1) A contract or agreement entered into for the management of any person, to take part in a professional contest or exhibition of any sport or game, or for taking part therein shall not be valid or of any force or effect unless the same is in writing signed by the parties thereto and approved of as being fair and reasonable by certificate of the commission under the hand of its chairman, vice-chairman and secretary.

(2) The decision of the commission as to granting or refusing such certificate shall be final and conclusive and shall not be open to question in any action or other proceeding in a court of law or otherwise.

19. The expression "professional contest or exhibition of any sport or game" shall mean and include lacrosse, football, baseball, hockey, skating, swimming, boxing and wrestling contests and any other sport or game from time to time designated by the Lieutenant Governor in Council.

20. The provisions of this Act shall not apply to amateur contests or exhibitions in any sport or game held under the auspices of the Amateur Athletic Union of Canada or its allied bodies.

21. The Lieutenant Governor in Council may from time to time make regulations for the purpose of carrying out the intents and purposes of this Act.

FIRST SESSION

SEVENTH LEGISLATURE

21 GEORGE V

1981

B I L L

An Act to Establish an Athletic
Commission.

Received and read the

First time

Second time

Third time

HON. MR BROWNE

EDMONTON
W D McLEAN, KING'S PRINTER
A. D. 1981