

1937

## c 298 Athletic Commission Act

Ontario

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## CHAPTER 298.

## The Athletic Commission Act.

Inter-pretation.

**1.** The expression "professional contest or exhibition of any sport or game" shall mean and include lacrosse, football, baseball, hockey, boxing and wrestling contests and any other sport or game from time to time designated by the Lieutenant-Governor in Council. R.S.O. 1927, c. 261, s. 17.

Establishment of commission.

**2.**—(1) There shall be established a commission to be composed of five persons appointed by the Lieutenant-Governor in Council who shall hold office during pleasure and the commission shall be a body corporate under the name of the "Ontario Athletic Commission" hereinafter called "the commission." R.S.O. 1927, c. 261, s. 1; 1935, c. 4, s. 2 (1).

Appointment of members of Assembly.

(2) Any member of the Legislative Assembly may be appointed as a member of the commission.

Administration of Act.

(3) The administration of this Act shall be under the direction and control of the Minister of Health. 1935, c. 4, s. 2 (2).

Object of 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. R.S.O. 1927, c. 261, s. 2.

Quorum.

**4.** The majority of the members of the commission shall form a quorum. R.S.O. 1927, c. 261, s. 3.

Tenure of office.

**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. R.S.O. 1927, c. 261, s. 4.

Chairman.

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

Vice-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. R.S.O. 1927, c. 261, s. 5.

**7.**—(1) 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 to the commissioners who are absent from home in the transaction of the business of the commission. R.S.O. 1927, c. 261, s. 6.

Commissioners to serve without pay.

Allowance for disbursements.

(2) Notwithstanding anything in *The Legislative Assembly Act* the appointment of the chairman or of any other member of the commission if a member of the Assembly shall not be avoided by reason of the payment to him, or the acceptance by him of any allowance, expenses or disbursements under this Act, nor shall he thereby vacate or forfeit his seat or incur any other penalties imposed by the said Act for sitting and voting as a member of the Assembly. 1935, c. 4, s. 3.

Payment of member of Assembly acting on commission.

Rev. Stat. c. 12.

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

Secretary and staff.

(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. R.S.O. 1927, c. 261, s. 7.

Payment of salaries, etc.

**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,—

Tax on gate receipts for funds of commission.

- (a) not exceeding two per centum in the case of any such contest or exhibition not being a boxing contest or exhibition;
- (b) not less than one per centum and not exceeding five per centum 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. 1929, c. 23, s. 13.

Fund for maintenance of commission.

(2) The amounts so received by the commission, together with all fees received for licenses and permits issued under section 10, shall be set apart by the commission and shall constitute a fund for the payment of the 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 and recreation in such a way and by such means as the commission may decide.

Quarterly statement of receipts and expenditures.

(3) The commission shall furnish to the Lieutenant-Governor in Council, quarterly on the last days of January, April, July and October, a statement showing the amounts received and expended by the commission in each quarter. R.S.O. 1927, c. 261, s. 8 (2, 3).

Licenses or permits for boxing or wrestling competitions.

**10.** The commission may issue a license or permit to any person, corporation or association to hold or participate or 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 license or permit. R.S.O. 1927, c. 261, s. 9.

Conditions of licenses.

**11.** Every such license 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 boxing and wrestling. R.S.O. 1927, c. 261, s. 10.

Penalty.

**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, shall incur a penalty of not less than \$20, nor more than \$1,000, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 261, s. 11.

Rev. Stat. c. 136.

Investigation of charges.

**13.**—(1) Where 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 exhi-



bition 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*.

Rev. Stat.  
c. 19.

(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 money shall thereupon become the property of the commission and shall be applied for the promotion of amateur athletics. R.S.O. 1927, c. 261, s. 12.

Impounding  
and forfei-  
ture of  
moneys by  
commission.

**14.**—(1) Where the Ontario Branch of the Amateur Athletic Union of Canada, or any other branch of the Amateur Athletic Union of Canada or any amateur league or body, operating in Ontario, requests the commission to cause investigation to be held into any matter which the branch, league or body 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. 1930, c. 21, s. 16.

Inquiries  
by commis-  
sion.

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

Who may be  
appointed to  
committee.

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

Appoint-  
ments.

(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*.

Powers of  
commission  
or com-  
mittee.

Rev. Stat.  
c. 19.

(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 Canadian Intercollegiate Athletic Union to hold an investigation or inquiry into any matter connected with the affairs of the Canadian Inter-

Power not  
to extend to  
Canadian  
Intercolle-  
giate  
Athletic  
Union.

collegiate 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. R.S.O. 1927, c. 261, s. 13 (2-5).

Penalty.

**15.** 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 9 shall in addition to the payment of the amounts provided in subsection 1 of section 9 incur a penalty of not less than \$20, nor more than \$100, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 261, s. 14.

Rev. Stat.  
c. 136.

Audit.

**16.**—(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 Ontario as he shall from time to time direct or request.

Annual  
statement to  
Legislature.

(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 further particulars as the Lieutenant-Governor in Council shall direct. R.S.O. 1927, c. 261, s. 15.

Payment of  
amount of  
gate receipt  
tax to com-  
mission.

**17.** 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 at Toronto, by registered mail, the amount payable under the provisions of subsection 1 of section 9. R.S.O. 1927, c. 261, s. 16.

Approval of  
contracts for  
managing  
profes-  
sionals.

**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.

Commission  
to have sole  
jurisdiction.

(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. 1928, c. 21, s. 21.