



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 140
(1997, chapter 37)

An Act to amend the Act respecting safety in sports

Introduced 15 May 1997
Passage in principle 28 May 1997
Passage 10 June 1997
Assented to 12 June 1997

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EXPLANATORY NOTES

This bill amends the Act respecting safety in sports to insert a new chapter concerning safety in recreational underwater diving.

Under the bill, every person who engages in recreational underwater diving with the aid of compressed gas or provides instruction in this type of diving is required to hold a certificate attesting his level of qualification.

In addition, the bill authorizes the Minister of Municipal Affairs to empower a non-profit organization active in the field of underwater diving to exercise various powers and responsibilities related to the qualification of instructors and divers.

Bill 140

AN ACT TO AMEND THE ACT RESPECTING SAFETY IN SPORTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 14 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended

(1) by replacing the words “or the secretary” in the second line of the first paragraph by the words “, the secretary or a person designated by the chairman”;

(2) by replacing the words “or the secretary” in the first line of the second paragraph by the words “, the secretary or the person designated by the chairman”.

2. The said Act is amended by inserting, after section 46.13, the following chapter:

“CHAPTER V.2

“RECREATIONAL UNDERWATER DIVING

“**46.14.** This chapter applies to underwater diving with the aid of compressed gas other than diving in the practice of a trade or occupation, and to the teaching of that activity.

“**46.15.** The Minister may designate a non-profit organization, established in particular for the purpose of ensuring the safety of underwater divers, to exercise by by-law all or some of the following powers :

(1) determining levels of qualification for divers and instructors ;

(2) determining the content of qualifying examinations for the various levels and the certificates awarded on passage of the examinations ;

(3) determining criteria for the granting of an attestation of equivalency in respect of a diver or instructor qualification awarded in Québec before the coming into force of section 46.17 or 46.18, as the case may be, or in respect of a diver or instructor qualification awarded outside Québec ;

(4) determining the valid period and conditions of validity of a certificate of qualification or attestation of equivalency and the procedure for the renewal of a certificate or attestation ;

(5) determining the fees payable for the taking of examinations and for the obtention or renewal of a certificate of qualification or attestation of equivalency.

Every by-law under the first paragraph must, to take effect, be approved by the Minister.

“46.16. An organization designated under section 46.15 may conduct qualifying examinations and award certificates of qualification and attestations of equivalency, or delegate all or some of those functions to any of its members.

“46.17. Every person who engages in underwater diving, otherwise than during a training course or qualifying examination, must be the holder of a certificate attesting the level of qualification acquired in underwater diving or of an attestation of equivalency referred to in section 46.15.

No holder of a certificate of qualification or attestation of equivalency may undertake a dive for which a higher level of qualification than the level indicated on the certificate or attestation is required.

“46.18. Every person who provides instruction in underwater diving must be the holder of a certificate attesting the level of qualification acquired in underwater diving instruction or of an attestation of equivalency referred to in section 46.15.

No holder of a certificate of qualification or of an attestation of equivalency may provide instruction for which a higher level of qualification than the level indicated on the certificate or attestation is required.

“46.19. Any person who fails a qualifying examination conducted by a person pursuant to a delegation under section 46.16, who is refused admission to an examination conducted by such a person or who is refused a certificate of qualification or an attestation of equivalency by such a person may apply to the organization designated under section 46.15 for a review of the decision.

The organization may confirm, vary or quash any decision submitted to it and make the appropriate decision.

“46.20. An organization designated under section 46.15 may suspend or cancel the certificate of qualification or attestation of equivalency of a holder who has been convicted of an offence under section 46.17 or 46.18 or has failed to comply with the conditions of validity of a certificate or attestation.

“**46.21.** An organization designated under section 46.15 may refuse to award or to renew a certificate of qualification or attestation of equivalency where the applicant, in the two years preceding the application, was convicted of an offence under section 46.17 or 46.18 or had his certificate or attestation suspended or cancelled.

“**46.22.** An organization designated under section 46.15 must furnish to the Minister any information or any report on its activities that the Minister may require.

The organization may make any recommendation concerning safety in underwater diving to the Minister.

“**46.23.** The Minister may revoke a designation made in respect of an organization under section 46.15.”

3. This Act comes into force on 12 June 1997, except sections 46.17 and 46.18 of the Act respecting safety in sports, enacted by section 2, which come into force on the date to be fixed by the Government.