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DEBATES and PROCEEDINGS

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Bill No. 108 – *The Athletics Commission Act, 2013*

Mr. Forbes: Thank you very much, Mr. Deputy Speaker. It's a pleasure to rise today and enter into debate on Bill No. 108, *An Act respecting the Athletics Commission and Professional Contests or Exhibitions*.

It's a very interesting piece of legislation we have before us. And of course we've heard so much about these kind of things. And I don't know if others have been lobbied for movement on this type of thing. I know I have been over the last few years.

And so it will be an interesting thing as we move this forward and we hear more. I hope we do hear more from the people involved. Quite often I mean these folks will contact the government, but it's important to contact us too because it helps us to understand. Because so often we get our information from the media. And I can just tell you that, you know, I've been actively watching and following the acquired brain injury folks and what they do and their concerns, and we've not heard anything from them on this. And that's a big, big issue, you know.

And I know SGI [Saskatchewan Government Insurance] has been actively involved in that. And we often think of acquired brain injury as something that comes from accidents, but ironically we're seeing more and more that it's coming from sports. And you know, we've heard of two big lawsuits in professional sports, one of course in the professional football arena with the NFL [National Football League] and the settlement of that in terms of concussions. Now we've just heard now that a group of NHL [National Hockey League] players have put together a lawsuit in a very similar fashion, talking about brain injury through concussions and the impact it has on the sport.

So that has not really been addressed here, and I hope that we will hear more about that. And I'm going to take a minute to review the minister's comments on this. And while I think it is an important area to actually have a position so we can have that discussion, hopefully he's landing on the right spot on that.

And I know that I don't have all the information I would like to have on this to feel confident in saying yea or nay. I understand there are commercial interests of course that drive this, partly because there is a lot of these things going on across the country in terms of UFC [Ultimate Fighting Championship] and in different . . . boxing or different kind of fight type of things. And I think that it's important that we have a good, frank discussion on that.

But is this the right way to go? That's something we'll have to determine. And we hope that it is, that the government is not creating a situation where there are unintended consequences, particularly when it comes to health.

And you know, we are dealing with a situation where, you know, as we do age more, and we have seniors and we have more and more seniors, that people are living longer, that in fact if there is an unintended consequence from creating this kind of athletics commission for professional contests or exhibitions, and what are the . . . We know what the intended consequences are: to regulate it. And the government's very clear, it's not to promote it. But the fact of the matter is that once you've opened the floodgates and we're going to have this kind of licensing, that it will happen. It will happen, and then it becomes an issue of safety. And that's really truly the issue here, isn't it? And it is one that we would like to hear more about, we would like to hear more about.

And I'm wondering, have they done a full set of consultations with everyone who could be connected to this? Obviously there are the people who are in the pro camp, those people who see a lot of value in this. And clearly they do, whether they're the different sport organizations or whether they're the sport tourism organizations who say, this kind of thing would be good for our cities and we could fill the hotels. We could fill the arenas. Fair enough, fair enough. But are we creating a situation that we might regret 10, 20, 30, 40 years down the road?

You know, I think that I find it interesting. And we all heard the news of the big, big Rogers contract last week and what might be the future of *Hockey Night in Canada*. And it is an interesting thing, you know, when you listen to . . . I listened to CBC [Canadian Broadcasting Corporation] radio on Sunday on the way down, people talking about what hockey meant to them in the good old days. It is a sport. I feel it's a sport. For many people though, for many people they feel it's entertainment and the game doesn't really start until the first fight starts. And I feel that's relatively . . . That's very sad. It's really sad, you know, because it's much more than that. There's so much skill involved in hockey, and it's a great sport.

But what does it mean for smaller markets? What does it mean for cities like Saskatoon, was at one point hoping to land an NHL franchise. And now with these huge broadcasting rights and the package that came along with it, \$5.2 billion over 12 years, what does that mean? What does that mean?

And of course this is all kind of related to the same question: is it sport? Is it entertainment? Is it entertainment, and what are the limitations around that in terms of quality of life? We're promoting a certain thing, you know. It was interesting on

Saturday, TSN [The Sports Network] had the 10 top hits, 10 top hits and they meant physical hits. And it was really interesting to see some of the brutal hits that hockey players were taking and some of the ones who were knocked out like Paul Kariya when he got hit, Eric Lindros. And they showed that video over and over again, and I couldn't believe it. I couldn't believe it, that hit. You know, but it ended or shortened a career, shortened a career.

And folks were saying, well it's part of the game. People should've known, people were aware of it. Yes but, you know, when you have such finesse players as Paul Kariya, you know, and others that you can go on and on. And I may be wandering a bit from the topic at hand when I'm talking about hockey and I should be talking about boxing, but boy, you know. What's that old joke? Went to a hockey game and a boxing match broke out, you know. And so this is, I don't know if it's a sad commentary or just a commentary on sport in our world now that we, on one hand, emulate skill and finesse and a bit of risk. A bit of risk, I think that's always part of sport.

But at the end of the day, you know, when you're watching Montreal and Toronto on Saturday night and Montreal was up 2-0 and of course then Toronto starts a fight, you know. And it sort of changes the gears, and you can see the people in the stands very happy about the fight, you know. But it does change the momentum, and we see that in junior hockey.

And I just have to say, when we're talking about sport and this kind of sport, then really I have some concerns. I have some concerns because how do you make sure that truly it is a sport?

And it is interesting that, and as I read the legislation, it talks about, you know, well it has definitions. And of course it does talk about, talks about professional athlete, person who participates as a contestant in a professional contest or exhibition. I mean, that's interesting because it doesn't really talk about what a ... You know, I know what it means to a professional teacher, it talks about decision making, about being paid, that type of thing. So you're a professional athlete just because you sign up? That doesn't sound like a really well-thought-out . . . He's very aware of the decisions, the risks involved in the sport. I think that's kind of a different type of definition.

I was hoping that you would have a more fuller definition of what it means to be professional. Just somebody who participates — hmm, that's it. And a professional contest or exhibition means a contest or an exhibition of professional boxing, mixed martial arts, or any other prescribed sport. So we were kind of leaving that open, and we'll have that in regulations. Maybe the next one will be hockey, you know. I just, I'm worried about where this may go. We need to know more information about this.

But the point I wanted to say was part II talks about how the commission is set up, you know:

Commission established

3(1) The Athletics Commission is established.

(2) The commission is to consist of an employee of the ministry who is to be appointed by the minister and who is to serve as chairperson of the commission.

So that becomes, in a sense, the commissioner. So is that going to be something that somebody's going to do off the side of their desk, or are they going to be quite actively involved? I would hope that in some ways that it could be someone who knows the area of the sport. So are now we going to create a position? And this is somewhat ironic that a government that is so keen about lean is setting up a commissioner. That's an interesting concept, that we're going to have a commissioner of sport here, a commissioner of the Athletics Commission. Either that person's going to do off the side of their desk, or are they going to be a full-time commissioner? I don't know.

Is it going to grow into being a full-time commissioner? And will that person be hired as an athletics commissioner? So we'll see the ad in the *Leader-Post*, *The StarPhoenix*, or *The Globe and Mail*: come to Saskatchewan and become the athletics commissioner for the province of Saskatchewan. That will be interesting, Mr. Speaker. And how do we rate that person? Is that person equivalent to an executive director, a deputy minister, or will we have to pay them some exorbitant wage because these people may be paying a lot of money in other provinces? We understand that seven other provinces have commissions, so what does a commissioner make in those provinces? Is that what we'll be paying our commissioner here?

When we see that discontent among, you know, public employees — and I'm thinking particularly of teachers — now will principals be comparing themselves to athletic commissioners? So I mean we're getting into some grey area here, but I think that this Act opens up a lot of questions about what road we might be going down when we start to do this. So we don't know, and we need a lot of questions about this, a lot of answers. We have the questions. There may be even more about this kind of thing.

So I am really curious about this though because when you start a new sport, and particularly when you get the government actively involved . . . And it may be an honourable thing and the right thing that we do have our foot in the door; we have our finger on the pulse because we have the commissioner working out of the ministry. But really, is this an appropriate thing? Will there be a conflict of interest because we're promoting the sport? We're promoting the sport. You know, will the government then, because it's got this high-priced commissioner, want to make sure that it actually succeeds? Or will there at some point have to say, you know what? We didn't do our due diligence. We jumped on a bandwagon, and we should have got more information. This should have been more well thought out.

So it would be interesting to know if other commissioners actually work for the provinces or the municipalities, what kind of background do they have, or do they do it off the side of their desk? Now we often see this government does a lot of things off the side of their

desk, and so maybe this might be just that kind of thing, you know, off the side of the desk. And then we'll see what happens from there.

So I think there's a huge responsibility for the commission and the commissioner, and I think this might have been the time where you wanted it to be arm's length. I think it would have been quite appropriate to have somebody who, from the government, be on the commission. That's reasonable. But to be the commissioner, I don't know. I think that's an interesting dilemma that we have.

So will they be responsible for promotion? I'm not sure. Will the government in effect become, you know . . . And it is interesting, you know. And I just found out that, you know, the NHL lawsuit now has grown to over 200 players are involved and had 10 players at the beginning.

So are we now opening up a lot of liability because the commissioner is an employee of the Government of Saskatchewan, and in a sense that we may be the ones who will be on a hook for future liability. Now I don't know if the government's thought that through. They should of probably had this commission be arm's length, but it's not arm's length because specifically it's a function of this government. And I mean, will they consider it to be an agency of the government? Is this another Crown corporation? It would be interesting to think of that as that, you know.

But the liability and all of that . . . you know because it does say, right, powers of the commission: issues licenses, events, and all of that in terms of this Act. Conduct any investigations and that type of thing. Collects data, conducts research, do the reports respecting professional boxing, martial arts, other prescribed sports, and what that might be, or professional contests or exhibitions and any other duties that may be designated by the Lieutenant Governor in Council. And do any other things the commission considers advisable or necessary for the purpose of carrying out the intent of this Act.

So you know, I do think that it is, this Act is something that is timely, though as I said, because there's a real pressure to deal with this. But is this as well thought out as it might be? I'm not sure. Because I can just tell you, I've been thinking a lot about this, particularly when it comes to concussions and the emphasis on violence in sport and how does that play out. Because we know that while there's some . . . And I have to tell you that boxing in so many ways can be a fine sport, but when it gets to . . . in a very unprofessional way. And this is what alarms me about this definition, it doesn't define professional. It just says whoever shows up is a professional. I think there should be a little bit more to it than that. You know, you sign up or you participate in an event and all of sudden you're a professional boxer? That doesn't make sense. You know I think you need a little more rigour than that. So maybe, maybe there's more to this than meets the eye, but it should really be in these So I want to take a minute to take a look at what the minister had said about this. And this goes back to November 18th, and he introduced this. And I know that there were in fact many people, in fact I think the day before, a couple of days before, he had people who were in the audience, in the gallery who were interested in this. And I can understand that they're keen to see this move forward. I know that this was back on November 5th when people came to see and support the

creation of a provincial athletics commission to oversee professional boxing and mixed martial arts events here in the province.

And I'm just reviewing the minister's introduction, and he talks about Pat Fiacco, former mayor of Regina and currently the CEO of Tourism Saskatchewan. And he is the current president of Boxing Canada. And I know he's an outstanding referee and he's travelled around the world. And he seems to be able to bring that . . . You know, it's a physical toughness. It's a mental toughness. And I think Pat Fiacco embodies all of that. And I've seen that. But there's also the sense of fairness, a sense of sportsmanship, and so you know, it's good to see that he's involved.

There was Anthony Scales, head of . . . Brazilian jiu-jitsu instructor and co-owner of the Complete Martial Arts and Fitness in Regina. Other folks were here as well. Malcolm Eaton, mayor of the city of Humboldt, was here and I understand representing SUMA [Saskatchewan Urban Municipalities Association]; and Randy Fernets, who I know quite well, director of industry development and sports tourism for Tourism Saskatoon. And so they were here, and they were wanting to see the introduction of this bill. So clearly the sports side has been, and tourism side has been consulted.

But I don't know if they had invited the folks from the acquired brain injury group to have a conversation about allaying any fears or concerns they might have. I think that's very clear that we have to make sure that when we are promoting . . . or regulating — and I know the minister is very clear — it's not promoting. But when you're regulating, and it's out there, you know, and taking it out from the underground, which is a good thing, bringing it from the underground . . . Because then it is clearly even more dangerous. But I think we needed to . . . The government really should have cast its net further in terms of the consultations.

It's so clear that, you know, in a world where you can have a \$5.2 billion media package for 12 years for one sport that kids are watching, families are watching, but then this ugly side comes out. And I would really hope that we can do a very good job here. But I have to tell you that, you know, even when my son watches some of these fights on TV I go, I can't believe what we're watching here. This is not sport. But this is I guess just many . . . [inaudible interjection] . . . Well just because you say it's a sport doesn't make it a sport. And it's like professional boxing. Just because you're a boxer doesn't mean you're a professional boxer. You're a boxer. And I think we need to pay more attention to this. We need to pay more attention.

And I think that if in our province we do this well — and I think we can do it well — that's a good thing. But if we do it poorly and we do it off the side of our desk, it doesn't help anybody. It doesn't help anybody at all.

But I want to just review some of the things that the minister talked about. And you know, he talked about how it's a new Act respecting the Athletics Commission, professional boxing, mixed martial arts and exhibitions and other things. And we're one of the only three provinces that haven't taken the necessary steps to sanction the professional combative sports events.

And I know this government is not alone, is not worried about . . . You know, I mean I always find it interesting when they bring up, we're going to be the last, or we want to be the first, and they seem to be really inconsistent. But today it seems that they don't want to be the last one to have an athletics commission. I think the problem is though, Mr. Deputy Speaker, is we want to do it well. We want to do it well. So we have a lot of information from the other seven provinces, and that's what we're really curious to know. And I'm hoping that the minister can share that with us.

And the one area that I really do have some questions about is the role and function of the commissioner. When the minister says it's going to be an employee, is it going to be like the person who inspects the elevators? You just sign, and he's very silent. You never see the person who inspects the elevators, and you have that little card up on the elevator. Is that the kind of role that person is? Or is it going to be a very public person? A very public person, and one that may have come out from the . . . up through the ranks in say boxing and understands what it means to be a professional boxer, what it means to have trained, what it means to have the different levels of fights. Or is it going to be a bureaucrat, as I said, who may sign those inspection certificates, and you never see them again? So I'm curious about that.

So one of only three provinces that haven't taken the necessary steps to sanction professional combative sports. And they're concerned that many of these . . . what's driving this is, in fact, that there's been many unsanctioned events and they hold them without appropriate standards or safety precautions that help protect participants and spectators. And I think that's a huge concern. And we often raise this issue around safety, and of course this would fall into that whole issue around occupational health and safety. And I think that's a really critical, critical concern.

And as I've talked about the fact that we've seen this both in the NFL and the NHL where the NFL had a very . . . the players had a very successful lawsuit around concussions and safety. And we're not sure if that's the end of it and that's all, but that involved I believe several hundred million. I'm not sure of the number off the top of my head, but it was several hundred million, and how that was divided up amongst the players and ensuring that actually concussions are taken seriously. So if this is part of this, this is huge. This is huge.

And if we can grow from the previous experience of the previous seven provinces and their rules and their regulations, that'll be some of the questions we will want to know. And as I said, it's not just a matter of doing it off the side of the desk but really, really benefiting from the seven provinces and what they've done to protect participants and also spectators.

Now it's interesting to include spectators. We don't often think of spectators, and I'd be curious to know what kind of dangers spectators would find themselves at these kind of exhibitions or events that would be different than a regular hockey game or a baseball game or a basketball game. I know sometimes particularly hockey fans can get out of hand. Maybe that they're thinking along those lines already, anticipating that fans will get too, too engaged.

Now I've not been to any of these kind of events, so I don't know what fans do at these kind of events. Maybe they really get into it and it's a dangerous thing, and how they're going to protect the fans from the professional participants or how the participants are going to be protected from the professional fans. Now I don't know. This'll be the question.

An Hon. Member: Proof is in the pudding.

Mr. Forbes: Proof is in the pudding. But that could be a dangerous thing. That could be a dangerous thing. This proof could be dangerous. I appreciate the engagement because I think this is what we should . . . this kind of debate. And so proof will be in the pudding. But I think it will be a danger, could be potentially a dangerous thing.

I'm not sure I want to be one of those fans who will be experimenting and going to one of these events just to see how it goes. I think that . . . I don't know if I'll be up for that. Definitely, I will not be one of those participants. I would not recommend myself as a professional boxer or anything that would say . . . Yes, I might be talked into watching, but I don't know about them.

But he goes on to say this legislation is not about promoting mixed martial art as a sport, but as regulating it, and as regulating this sport, we help eliminate fights putting athletes, in some cases, children at risk. So I'm curious about that, that statement there about children. Are we talking about . . . Now I do think that he refers to an age limit in this. Now maybe I'm not sure what the . . . if there is an age limit. So that'll be again another question because he does talk about children and what that means and what we see in that area and what kind of . . . particularly if there will be a lot of research done on that.

And again it will be growing from the experience of the other seven provinces. Do they have age limits? And what does that mean? And again, I don't know if this is discriminatory in terms of youth and older, but I think the . . . This is one that will be interesting to do this.

And it would be interesting to know, Mr. Speaker, how many illegal fights? What has been the trend here in Saskatchewan around illegal fights, you know? And so what . . . Has this been really a problem here in the province? How many fights have there been? What's been the situation behind them? Is it something that the police are calling about and saying, listen, we've got to, we've got to do something about this. There's just too many fights on the weekend. I mean I know there are fights on the weekend, but whether they're this kind of fight, I don't know. But this is the question we have.

You know, I live just off of Idylwyld and I know right across the street, in the bars across the street, there's the odd fight. Now I don't know if we're talking about that kind of fight . . . [inaudible interjection] . . . I only hear about them and I don't go out there to check. Again as a spectator, it's not wise to go out after midnight to check out what's happening in the parking lot across the street. But, Mr. Speaker, I hope we're not mixing up apples and oranges in terms of illegal fights here. But again, it's important.

So he talks about the Criminal Code and legalizing the sport of mixed martial arts across Canada and that there has to be some sort of provincial athletics commission or similar established body. And that's important. And so that we have the vehicle and we can do it now, and that's really clear. So there's some clarity and an opportunity to put this forward and make sure. And again the minister keeps coming back to this point that we don't have participants put at risk for serious injuries.

Again this would be the case where I would like to know how much . . . How many fights are there? What kind of situation are we having? I think it is an important discussion to have just because I know that there is a real presence. And we hear, and people talk about . . . And as I said, we do get lobbied about this an awful lot. But I think that it's one that I would like . . . And I hope the minister . . . I know sometimes they keep track of some of our questions, and I hope the minister would be prepared to answer that question about how many illegal fights because he's referring to it a few times, this illegal activity. So could he describe that illegal activity?

You know, sometimes we come to committee meetings and the officials are often very prepared, very prepared and can answer any question, but sometimes they're not ready for questions. And I think one question I would hope that we'll be asking is to describe the illegal activity that's happening in Saskatchewan, whether it's illegal fights, that type of thing. What's really the context, the environment that we're really creating here, and how much of this . . . You know, it'd be interesting to know how much of this professional sport is already in existence in Saskatchewan and is waiting for a venue to happen, but in fact have to travel to other provinces to do their sport, and what kind of things we're missing. So there's a lot of, there's a lot of solid questions that we'll have to get some answers to.

So he goes on, Mr. Speaker, and he talks about three main reasons that he's talked about. And the first is, the government is committed to establish a provincial athletics commission and will be able to design to . . . "This commission will be designed to ensure a consistent standard of qualifications, rules, regulations, and safety protocols for all participants and officials across the province."

Now he'd also talked about earlier protecting participants, spectators. So I don't know if he's just neglected that one in the first reason, but I think that we'll be making that connection for him because he did say, and I don't know if it's in the Act, about protecting spectators. I don't see right off the top of . . . And so we'll definitely have to find out more about that. I think that's an important, very critical part.

He also talks about ensuring ". . . that competitors participate in appropriate pre-fight medical testing such as blood tests, concussion screening, and eye exams . . . [and ensuring] that qualified medical staff and event officials are hired, that promoters and competitors have the proper licenses, and that promoters have suitable liability insurance."

And that's hugely important, especially that last part about liability insurance, and hopefully that that is the kind of liability insurance that has fair access. I don't know if I

want to use the word easily access but fair access for injuries such as concussion, that because of the limitations of the definition of professional athlete, that you're essentially just a participant. And I think that should be stronger. I mean it talks about qualified medical staff. You would think that you would have qualified competitors so that you're not having competitors who really shouldn't be in the fight fighting, but there's some level of that.

Now he does go on in reason three, talks about "... will also be responsible for tracking competitors' fighting histories and ensuring safety protocols are enforced." So there will be five ... So that's again about the closest that we get to any sort of professional standing. Or who are these athletes and what are they ... Are they just ... You know, we keep track of their histories, and that's a good thing so if there is potential for concussions and repeat concussions, that that's happening. Now it will be interesting to know if this is part of a national tracking system so that fighters across the country are in the same database. Is that the plan? Which I think would be a reasonable plan. So that if you've had two or three concussions in this province, that they would know about that in Ontario. And likewise, if you've had a serious concussion in Ontario and you've come out here to fight, that in fact that we're aware of that as well. So you know, I think this is all very interesting and I think this is something that we should be debating.

And I just want to go onto...He talks about five of the seven provinces that regulate professional MMA, mixed martial arts events, have provincial commissions. And from speaking with these other provinces, we know that that tends to be the most effective governance model. So fair enough. There's benefits: consistency, rules, regulations, processes across the province. And that's fair. I think that's a good idea. You would not want to have a situation where, you know, tough rules in Regina or Saskatoon, then you go up to La Ronge and it's the wild, wild west up north. That would not be a good thing. I think that you want to have it consistent right across the province, right across the province. And this is important stuff. Okay. So just to be clear on that, I think that makes a lot of sense.

What I'm looking for is a sense of how will this work in terms of again this commissioner. And I've talked about that at length, and I'm going to be very interested when we get a chance to meet with the minister and talk more about this in committee about, is this commissioner somebody who is stand-alone, you know, a specific employee dedicated to mixed martial arts and boxing? Or will he be doing it off the side of their desk? Again will it be the kind of thing you sign a certificate like you see in the elevator, or a very prominent commissioner that you might see like the CFL [Canadian Football League], where you're out doing interviews and talking a lot about the sport and in fact promoting the sport? Now the minister's been very clear that this is not about promoting the sport but it's about regulating it. And I think that's a good point. That's a very good point, a valid point, and that the safety element is huge, huge.

But I need to say that there is a lot of questions about this, and particularly when we've seen what's happening in other sports that are actually not as combative but at many times are, and that's hockey and football.

And as I was saying earlier, when I saw the TSN's top 10 hits, they were pretty major hits. And I would not want to be on the other side of those hits, that's for sure, and how they can be, in a sport that's as well regulated as hockey, it can be so very, very dangerous. And we're seeing that where I was talking earlier about this lawsuit that started out with 10, and that now I understand it's over 200 players. And this is a big, big deal. People are saying, you know, athletes are saying, I'm in it for the game. I'm in it for the sport. But I also have the rest of my life to live, and I don't want to live with a concussion for the rest of my life, you know. The career of an athlete is short enough, and you don't want it to be shortened by injuries that could have been prevented.

And so this is something we're going to be watching very carefully. And we understand that there are some very compelling reasons for moving forward with this. Obviously the Criminal Code has been amended to allow this to happen. And there are interests, whether it be tourism, that . . . And I understand it, tourism. We saw that with the Grey Cup, what a huge economic impact it had on the city and on the province. And in a much smaller way, this kind of thing could have, might have an impact in our cities as well.

And it has definitely got a fan base. And people are very interested in it and want to see more of it. And they want to see it in our towns and in our cities. But I also know that there has to be more to it than that, and there has to be more due diligence than just saying, hey we can make a bit of money at this. We need to make sure that it's done in the right way, the best way.

So I know that my colleagues here will want to have an opportunity to speak to this bill and other bills before us. But as I said, I'll be looking forward to the spring when this goes to committee, that we'll be talking more about this and finding out a lot more about what the impacts are for this.

So at this point, Mr. Speaker, I would like to move adjournment of Bill No. 108, *An Act respecting the Athletics Commission and Professional Contests or Exhibitions*. Thank you very much.