

Western Australia

## **Professional Combat Sports Act 1987**

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**THE TEXT OF THE LEGISLATION FOLLOWS**



# Professional Combat Sports Act 1987

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Western Australia

## **Professional Combat Sports Act 1987**

**An Act to control professional combat sports and for other and incidental purposes.**

*[Long title amended by No. 16 of 2003 s. 4.]*

## Part I — Preliminary

### 1. Short title

This Act may be cited as the *Professional Combat Sports Act 1987*<sup>1</sup>.

*[Section 1 amended by No. 16 of 2003 s. 5.]*

### 2. Commencement

This Act shall come into operation on a day to be fixed by proclamation<sup>1</sup>.

### 3. Interpretation

In this Act unless the context otherwise requires —

“**boxing**” means fist fighting or sparring;

“**combat sport**” means —

- (a) boxing; or
- (b) any other martial art, sport or activity prescribed by the regulations in which the primary objective of a participant in a contest or exhibition of the martial art, sport or activity is to strike, kick, hit, grapple with, throw or punch another participant;

“**Commission**” means the Commission established under section 4;

“**contest**” means a contest or exhibition of a combat sport in which a contestant participates, but does not include —

- (a) a contest or exhibition that is not for public entertainment;
- (b) a prescribed contest or exhibition; or
- (c) a contest or exhibition for a prescribed prize of nominal or low monetary value;

“**contestant**” means a person who participates in a combat sport for a monetary prize or other reward or payment in money or money’s worth;



**“Department”** means the Department principally assisting the Minister in the administration of this Act;

**“industry participant”** means a person who, otherwise than as a contestant, engages or is engaged in any profession, occupation or trade whether on a full-time, part-time or casual basis, in relation to a professional combat sport;

**“member”** means a member of the Commission and includes the chairman;

**“professional combat sport”** means a combat sport to the extent to which it is participated in by contestants;

**“registered”** —

- (a) in relation to a contestant, means registered under section 17;
- (b) in relation to an industry participant, means registered under section 27;

**“sham contest”** means a contest in which the contestants in the contest are stalling or posturing or pretending or feigning to fight or otherwise compete.

*[Section 3 amended by No. 16 of 2003 s. 6.]*

## **Part II — Professional Combat Sports Commission**

*[Heading inserted by No. 16 of 2003 s. 7.]*

### **4. Professional Combat Sports Commission established**

- (1) There shall be a Professional Combat Sports Commission.
  - (2) The Commission shall consist of 8 members of whom —
    - (a) 7 persons shall be appointed by the Minister as follows —
      - (i) one person shall be a person appointed to be chairman of the Commission;
      - (ii) one person shall be a police officer nominated in writing by the Commissioner of Police;
      - (iii) one person shall be a person who is a medical practitioner nominated by the body known as the Australian Medical Association (Western Australian Branch);
      - (iv) one person shall be a person who in the opinion of the Minister has knowledge of the boxing industry;
      - (v) one person shall be a person who in the opinion of the Minister has knowledge of the industry relating to combat sports other than boxing;
      - (vi) one person shall be a person who in the opinion of the Minister represents persons who are or have been registered as contestants in a class relevant to boxing; and
      - (vii) one person shall be a person who in the opinion of the Minister represents persons who are or have been registered as contestants in a class other than a class relevant to boxing;
- and

- (b) one person shall be the chief executive officer of the Department or an officer of the Department nominated by the chief executive officer.
- (3) A nomination for the purposes of subsection (2)(a)(ii) or (b) —
  - (a) may be withdrawn at any time;
  - (b) may be made for a period or in relation to such circumstances as are specified in the nomination.
- (4) The Minister may make such arrangements as the Minister considers appropriate for the receipt of nominations for the purposes of an appointment under subsection (2)(a)(iii), (iv), (v), (vi) or (vii).
- (5) A member other than a member referred to in subsection (2)(a)(ii) or (2)(b) shall be appointed for such term not exceeding 3 years as is specified in the instrument of his appointment.

*[Section 4 amended by No. 29 of 1990 s. 4; No. 16 of 2003 s. 8.]*

## **5. Vacation of office**

- (1) The office of member, other than the office of member referred to in section 4(2)(a)(ii) or 4(2)(b), becomes vacant if —
  - (a) the term of office of the member expires;
  - (b) the member becomes permanently incapable of performing his duties;
  - (c) the member resigns his office by written notice addressed to the Minister;
  - (d) the member is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
  - (e) the member is removed from office by the Governor on the grounds of neglect of duty, his behaviour or incompetence;

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- (f) the member is absent without leave of the Minister from 3 consecutive meetings of the Commission.
- (2) The office of member referred in section 4(2)(a)(ii) becomes vacant if the nomination of the member is withdrawn.

**6. Remuneration and leave of members**

- (1) A member is entitled to such remuneration and allowances as are determined by the Governor on the recommendation of the Minister for Public Sector Management <sup>2</sup>.
- (2) The Minister may grant leave of absence to a member on such terms and conditions as the Minister determines.

**7. Casual vacancies**

Where an office of member becomes vacant otherwise than by effluxion of time a person appointed to the vacancy shall hold office only for the balance of the term of the person whose vacancy he fills.

**8. Meetings of the Commission**

- (1) The chairman may at any time and shall when so requested by the Minister convene a meeting of the Commission to be held at a time and place determined by the chairman.
- (2) The chairman shall preside at all meetings of the Commission at which he is present.
- (3) If the chairman is not present at a meeting of the Commission the members present shall elect one of their number to preside at the meeting.
- (4) At a meeting of the Commission 3 members constitute a quorum.
- (5) At a meeting of the Commission where any question requiring a vote arises the question shall be decided by a majority of the members present.

- (6) Subject to the presence of a quorum, the Commission may act notwithstanding any vacancy in its membership.
- (7) A member of the Commission who has a pecuniary interest whether direct or indirect in any matter to be considered by the Commission —
  - (a) shall declare the nature of that interest at every meeting of the Commission at which the matter is considered;
  - (b) shall not take part in any deliberation on the matter; and
  - (c) shall not vote on the matter.
- (8) Except to the extent that they are prescribed, the Commission may determine its own procedures.

**9. Control of the Minister**

The Commission is subject to the control and direction of the Minister, and is responsible to the Minister for the administration of this Act.

**10. Functions of the Commission**

- (1) The functions of the Commission are —
  - (a) to carry out the functions conferred on the Commission under this or any other Act;
  - (b) to formulate or recommend standards, specifications, codes of conduct or other forms of guidance for the purpose of maintaining proper standards in professional combat sports;
  - (c) to advise the Minister on professional combat sports and any matter that is connected with or incidental to professional combat sports;
  - (d) to devise and approve standards or guidelines for the preparation or training of persons participating in or proposing to participate in a professional combat sport.
- (2) The Commission may adopt standards, specifications, codes of conduct or guidelines of any other authority or body engaged in

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or controlling a professional combat sport or any other matters connected with or incidental to a professional combat sport.

*[Section 10 amended by No. 16 of 2003 s. 9.]*

**11. Staff**

There shall be appointed under and subject to Part 3 of the *Public Sector Management Act 1994* such officers and employees as are necessary to assist the Commission in the performance of its functions.

*[Section 11 amended by No. 32 of 1994 s. 3(2).]*

**12. Funds of the Commission**

- (1) The funds of the Commission shall be —
- (a) credited to an account at the Treasury, forming part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*; or
  - (b) paid into and placed to the credit of an account at a bank approved by the Treasurer,

and the account is to be called the Professional Combat Sports Commission Account.

- (2) The funds of the Commission shall consist of —
- (a) any moneys received by or paid to the Commission under this Act;
  - (b) such moneys as are appropriated by Parliament from time to time;
  - (c) any gifts or bequests made to the Commission.
- (3) The funds of the Commission shall be applied by the Commission for —
- (a) the purposes of carrying out its functions under this Act; and

- (b) the payment of such moneys for such purposes as are approved by the Minister.

*[Section 12 amended by No. 49 of 1996 s. 49; No. 16 of 2003 s. 10(1).]*

**13. Financial provisions**

The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Commission and its operations.

### **Part III — Registration of contestants**

*[Heading inserted by No. 16 of 2003 s. 11.]*

#### **14. Prescribed classes of contestants**

For the purposes of registering contestants, classes of contestants may be prescribed.

*[Section 14 amended by No. 16 of 2003 s. 28(3).]*

#### **15. Register**

- (1) The Commission shall cause to be kept a register in respect of each prescribed class of contestant.
- (2) The Commission shall cause to be entered in the register in respect of each person registered as a contestant —
  - (a) the names and addresses of persons who are registered as contestants;
  - (b) the prescribed class of contestant under which a contestant is registered; and
  - (c) such other particulars as may be prescribed.

*[Section 15 amended by No. 16 of 2003 s. 28(1) and (3).]*

#### **16. Application for registration**

- (1) A person who desires to be registered as a contestant shall apply to the Commission in the form of a form approved by the Commission.
- (2) An application under subsection (1) for registration shall be accompanied by —
  - (a) such information as is required by the Commission including a medical certificate as to the applicant's medical fitness to be a contestant of the class in respect of which registration is sought; and
  - (b) the prescribed fee.

*[Section 16 amended by No. 16 of 2003 s. 28(1).]*



**17. Registration of contestants**

- (1) Subject to this section, where the Commission is satisfied that an applicant for registration as a contestant —
- (a) is a fit and proper person;
  - (b) is fit to be registered as a contestant in the prescribed class of contestant in respect of which registration is sought;
  - (c) has attained the age of 18 years;
  - (d) has complied with such conditions as may be prescribed,
- the Commission —
- (e) shall register the applicant as a contestant of the class referred to in the application; or
  - (f) if, the Commission is of the opinion that, it is in the interests of the health and safety of the applicant the Commission —
    - (i) shall register the applicant as a contestant of a class other than the class in respect of which application is sought; or
    - (ii) shall register the applicant as a contestant of the class in respect of which application is sought for such period, being a period ending on or before 30 June then next ensuing, as the Commission determines.
- (2) Where the Commission is satisfied that an applicant for registration has not attained the age of 18 years as required by subsection (1)(c) but otherwise complies with the requirements of that subsection the Commission may recommend to the Minister that the applicant be registered in terms of the application or in the prescribed class of contestant specified in the recommendation and the Minister may direct and authorise the Commission to register the applicant in terms of the recommendation or in such other terms as the Minister determines.

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- (3) The Commission may impose such conditions or restrictions on a contestant as it thinks fit.

*[Section 17 amended by No. 16 of 2003 s. 28(1).]*

**18. Certificate of registration**

- (1) The Commission shall cause to be issued to each person registered as a contestant a certificate in the form of a form approved by the Commission.
- (2) A certificate issued under subsection (1) shall be endorsed with any condition or restriction imposed by the Commission under section 17(3).

*[Section 18 amended by No. 16 of 2003 s. 28(1).]*

**19. Application for renewal of registration**

- (1) Subject to this Act a certificate of registration issued under section 18 has effect until 30 June then next ensuing.
- (2) A person registered as a contestant may, not earlier than 1 April and not later than 31 May of each year, apply to the Commission for the renewal of his certificate of registration as such a contestant.
- (3) An application under subsection (2) shall be —
- (a) in a form of the form approved by the Commission;
  - (b) accompanied by a medical certificate as to the medical fitness of the applicant to be a contestant of the class sought in the application; and
  - (c) accompanied by the prescribed fee.

*[Section 19 amended by No. 16 of 2003 s. 28(1).]*

**20. Renewal of registration**

- (1) Subject to subsection (2), where the Commission is satisfied that a person applying for the renewal of his registration as a contestant under section 19(2) —
- (a) is a fit and proper person;

- (b) has complied with the conditions and restrictions imposed on him under section 17;
- (ba) has not participated in a sham contest; and
- (c) is medically fit to be registered as a contestant of the class of contestant sought in the application,

the Commission shall renew the registration of the contestant as a class of contestant sought in the application.

- (2) Where the Commission is of the opinion in relation to a person applying for the renewal of his registration under section 19(2) that it is in the interests of the health and safety of that person to be registered as a contestant of another class or for a period of less than 12 months the Commission shall so register that person as a contestant of another class or for such period less than 12 months as the Commission determines.

*[Section 20 amended by No. 16 of 2003 s. 12 and 28(1).]*

## **21. Health and safety**

- (1) Notwithstanding anything in this Act, where the Commission is of the opinion that it is in the interests of the health and safety of a contestant the Commission may by notice served on the contestant —
  - (a) cancel or suspend the registration of that person as a contestant;
  - (b) alter the registration of that person as a contestant to another prescribed class of contestant;
  - (c) alter the period of registration of that person as a contestant.
- (2) A notice under subsection (1) takes effect on the date specified in the notice.

*[Section 21 amended by No. 16 of 2003 s. 28(1).]*

**22. Refusal to register**

Where the Commission is not satisfied that an applicant for registration or renewal of registration complies with the requirements of section 17 or 20, as the case requires, and refuses the application the Commission shall give notice of its decision to the applicant within 7 days after the date of such refusal.

**23. Disciplinary**

(1) Where the Commission is of the opinion in relation to a contestant that the contestant —

- (a) is not a fit and proper person;
- (b) has committed an offence against this Act;
- (c) has not complied with any condition or restriction imposed on him under this Act; or
- (ca) has participated in a sham contest,

the Commission may impose any one or more of the following penalties, namely —

- (d) cancel or suspend the registration of that person as a contestant;
  - (e) reduce the period of registration of that person as a contestant;
  - (f) fine the contestant such amount not exceeding \$200 as the Commission determines;
  - (g) impose such conditions or restrictions on the contestant as are determined by the Commission.
- (2) The Commission shall not impose a penalty on a contestant under subsection (1) unless the Commission has given the contestant a reasonable opportunity of being heard on the matter.

*[Section 23 amended by No. 16 of 2003 s. 13, 28(1) and (2).]*

**24. Offence to participate in contests if unregistered etc.**

A person shall not participate in a contest in a particular class of combat sport —

- (a) if the person is not registered as a contestant of that class; or
- (b) while the person's registration as a contestant of that class is suspended under section 23.

Penalty: \$1 000 or imprisonment for 6 months or both.

*[Section 24 inserted by No. 16 of 2003 s. 14.]*

## **Part IV — Registration of industry participants**

### **25. Prescribed classes of industry participants**

For the purposes of registering industry participants, classes of industry participants may be prescribed according to the nature of their participation in the industry.

### **26. Register of industry participants**

The Commission shall cause to be kept a register in respect of each prescribed class of industry participants in which are recorded —

- (a) the names and addresses of such persons as are registered as industry participants of that class;
- (b) prescribed class of industry participant in which a person is registered; and
- (c) such other particulars as may be prescribed.

### **27. Registration of industry participants**

- (1) Where the Commission is satisfied that an applicant —
  - (a) is a fit and proper person, or, if the applicant is an organisation, the persons having the management and control of the organisation are fit and proper persons;
  - (b) understands the obligations and responsibilities under this Act as they apply to the applicant, or, if the applicant is an organisation, the persons having the management and control of the organisation understand those obligations and responsibilities; and
  - (c) has, where they are relevant to the prescribed class of industry participant in question, sufficient financial and material resources to comply with the requirements imposed on an industry participant of the kind in question under this Act,

the Commission shall register the applicant as an industry participant in the terms sought in the application.

- (2) The Commission may impose such conditions and restrictions in relation to an industry participant as the Commission thinks fit.

**28. Application for registration of industry participants**

- (1) A person or organisation who or which desires to be registered as an industry participant shall apply to the Commission in a form of the form approved by the Commission.
- (2) The Commission may approve of different forms for the purposes of subsection (1) —
- (a) according to whether or not the applicant is an individual or an organisation;
  - (b) having regard to the kind of industry participant in question, or both.
- (3) An application under subsection (1) shall be accompanied by the prescribed fee.
- (4) The Commission may require an applicant for registration under this section to furnish to the Commission such additional information as the Commission may require.

**29. Certificate of registration**

The Commission shall issue in respect of any person or organisation registered as an industry participant under this Act a certificate of registration setting out —

- (a) the prescribed class of industry participant under which the person or organisation is registered; and
- (b) the conditions and restrictions (if any) that apply in relation to the person or organisation as an industry participant.

*[Section 29 amended by No. 29 of 1990 s. 5.]*

**30. Duration of registration**

Subject to this Act, the registration of an industry participant has effect until 30 June then next ensuing.

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**31. Application for renewal of registration**

- (1) Subject to this Act, a person who is registered as an industry participant may, not earlier than 1 April and not later than 31 May of each year, apply to the Commission for the renewal of his registration.
- (2) An application under subsection (1) shall be —
  - (a) in a form of the form approved by the Commission; and
  - (b) accompanied by the fee prescribed in relation to the kind of industry participant in question.
- (3) The Commission may require an applicant under subsection (1) to furnish to the Commission such further information as is specified by the Commission.

**32. Renewal of registration**

- (1) Where the Commission is satisfied that a person or organisation applying for the renewal of his or its registration as an industry participant —
  - (a) complies with such of the requirements of section 27 as they apply to that person or organisation;
  - (b) has complied with the provision of this Act and the conditions and restrictions imposed under section 27(3); and
  - (c) has not promoted or arranged a sham contest,the Commission shall renew the registration of that person as an industry participant in the terms sought in the application.
- (2) The Commission may impose such conditions and restrictions in respect of the renewal of a registration under this section as it thinks fit.

*[Section 32 amended by No. 16 of 2003 s. 15.]*



**33. Offence**

- (1) A person shall not arrange a contest or carry on the business of, or be employed as, an industry participant of a prescribed class unless he is registered as an industry participant of that class under this Act.
- (2) The regulations may, in respect of a prescribed class of industry participant, prescribe a penalty not exceeding \$10 000 for the contravention of subsection (1) in respect of that class.

*[Section 33 amended by No. 16 of 2003 s. 29(1).]*

## **Part V — Review**

*[Heading inserted by No. 55 of 2004 s. 70.]*

### **34. Appeals**

- (1) A person or organisation who or which is aggrieved by a decision of the Commission or the Minister or by any condition or restriction imposed by the Commission under Part III or IV may apply to the State Administrative Tribunal for a review of the decision, condition or restriction.

*[(2)-(5) repealed]*

*[Section 34 amended by No. 55 of 2004 s. 71.]*

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## Part VI — Medical record books

### 35. Issue

- (1) The Commission shall issue to each person on the first registration of that person as a contestant a medical record book in a form of the form approved by the Commission containing —
  - (a) a medical record card bearing the name and the address of the contestant; and
  - (b) other medical record cards that are —
    - (i) consecutively numbered; and
    - (ii) in or to the effect of the form approved by the Commission.
- (2) Where a person —
  - (a) who has been registered as a contestant; and
  - (b) who has ceased, for any period, to be so registered,is, after the date on which he ceased to be so registered, registered as a contestant, the Commission shall issue to the person a medical record book —
  - (c) which contains medical record cards that conform with subsection (1); and
  - (d) which contains the same information as was contained in any medical record book previously issued under this Act to that person.

*[Section 35 amended by No. 16 of 2003 s. 28(1).]*

### 36. Alterations

- (1) A person shall not endorse or alter a medical record card unless the person is authorised to do so under this Act.  
Penalty: \$2 000 or imprisonment for 12 months or both.

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- (2) Where a person makes an alteration to a medical record card the person shall initial the alteration immediately adjacent to the alteration.

**37. Offence of false information**

A person shall not endorse on a medical record card any information that is false or misleading in a material particular or alter any information on a medical record card so that it is false or misleading in a material particular.

Penalty: \$1 000.

**38. Offence of damaging medical record book, etc.**

A person shall not wilfully damage or deface a medical record book or a medical record card or, without lawful excuse, remove a medical record card from a medical record book.

Penalty: \$1 000 or imprisonment for 6 months or both.

**39. Surrender of medical record book to Commission**

Where —

- (a) a contestant has not, at the time of the expiration of the period of his registration as a contestant, applied for the renewal of his registration; or
- (b) the registration of a contestant has been cancelled or suspended under section 23,

the contestant shall as soon as is practicable surrender his medical record book to the Commission.

Penalty: \$500.

*[Section 39 amended by No. 16 of 2003 s. 28(1).]*

**40. Re-issue of medical record book**

The Commission shall re-issue a medical record book to a contestant —

- (a) where the book is surrendered under section 39 as a consequence of the suspension of registration and no

application for review is made in relation to the suspension — as soon as practicable after the suspension;

- (b) where the book is surrendered under section 39 and, on application made for a review of a decision of the Commission to cancel or suspend registration, the decision is set aside — as soon as is practicable after the decision is set aside.

*[Section 40 amended by No. 16 of 2003 s. 28(1); No. 55 of 2004 s. 72.]*

**41. Issue of additional cards**

Where all medical record cards in a medical record book of a contestant are completed the Commission shall issue to the contestant additional medical record cards that conform to section 35.

*[Section 41 amended by No. 16 of 2003 s. 28(1).]*

**42. Replacement of book or card**

Where a contestant satisfies the Commission that his medical record book or medical record card has been spoilt, lost or destroyed the Commission shall, on payment of the prescribed fee, issue to the contestant a duplicate medical record book or medical record card, as the case requires, stamped with the words “Duplicate”.

*[Section 42 amended by No. 16 of 2003 s. 28(1).]*

## **Part VII — Contests**

*[Heading inserted by No. 16 of 2003 s. 16.]*

### **43. Interpretation**

In this Part a reference to a contest includes a reference to —

- (a) a single contest;
- (b) 2 or more contests, where the contests are conducted on the one occasion and at the same venue.

*[Section 43 amended by No. 16 of 2003 s. 29(1).]*

### **44. Application to conduct a contest**

- (1) A person who desires to promote or arrange a contest shall apply to the Commission in the form of a form approved by the Commission not less than 21 days, or such lesser period as is approved by the Commission, prior to the proposed date of the contest.
- (2) The Commission may require an applicant under subsection (1) to furnish the Commission with such information as the Commission specifies.

*[Section 44 amended by No. 16 of 2003 s. 17 and 29(1).]*

### **45. Issue of permit**

- (1) Where in relation to an application for a permit to conduct a contest the Commission is satisfied that the applicant for the permit under subsection (1) —
  - (a) is registered as an industry participant of the class appropriate to the contest proposed to be held; and
  - (b) that the requirements under this Act as they apply in relation to the contest referred to in the application will be complied with,

the Commission may issue a permit in respect of the contest.

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- (2) The Commission may issue a permit under subsection (1) subject to such terms, conditions and restrictions (including the payment of charges) as the Commission thinks fit.
  - (3) A charge imposed in relation to a contest under subsection (2) may be made by reference to —
    - (a) the contest or kind or class of contest;
    - (b) the venue proposed for the contest;
    - (c) the location of the venue;
    - (d) the facilities or services or both to be provided or likely to be provided by the State or any instrumentality of the State in relation to the contest; and
    - (e) such other matters that the Commission considers to be relevant.

*[Section 45 amended by No. 29 of 1990 s. 6; No. 16 of 2003 s. 29(1).]*

#### **46. Notification of Commissioner of Police**

- (1) Where the Commission issues a permit under section 45, the Commission shall, as soon as is practicable, cause the Commissioner of Police to be notified of the date, time and place of the contest in respect of which the permit is issued.
- (2) Section 73 of *The Criminal Code* does not apply to or in relation to a contest in respect of which a permit is issued under this Act.

*[Section 46 amended by No. 16 of 2003 s. 29(1); No. 70 of 2004 s. 82.]*

#### **47. Offences**

- (1) A person shall not promote, arrange or conduct a contest unless a permit has been issued under this Part in respect of the contest.  
Penalty: \$2 000 or imprisonment for 12 months or both.
- (2) A person shall not —
  - (a) participate in or agree to participate in a sham contest; or

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(b) promote or arrange a sham contest.

Penalty: \$2 000 or imprisonment for 12 months or both.

- (3) Where in relation to a contest the referee is of the opinion that the contest is a sham contest the referee —
- (a) shall forthwith stop the contest;
  - (b) shall not give any decision as to which of the contestants in the contest is the winner or loser of the contest; and
  - (c) shall report the matter to the Commission.
- (4) Notwithstanding subsection (3), where in relation to a contest the Commission is of the opinion (whether or not as a result of a report made by the referee of the contest) that the contest is a sham contest the Commission shall inquire into the promotion, arrangement and conduct of the contest.
- (5) Where the Commission after an inquiry under subsection (4) is satisfied that a contest is a sham contest the Commission may order that any money or money's worth paid or payable to a contestant or industry participant who, in the opinion of the Commission, has participated in, promoted or arranged the contest be paid to the Commission and if not so paid may be recovered by the Commission in any court of competent jurisdiction.
- (6) Nothing in subsection (5) prevents a person from being proceeded against for an offence under subsection (1) or (2) or from any proceedings under section 23.

*[Section 47 amended by No. 16 of 2003 s. 18, 28(3) and 29(1).]*

**48. Duties to be carried out within prescribed time before a contest**

- (1) Before a contest occurs the contestants participating in the contest shall submit themselves to a weigh-in.



- (2) The following provisions apply to a weigh-in referred to in subsection (1) —
- (a) the weigh-in shall take place at the time and place approved by the Commission;
  - (b) in addition to the participating contestants the following persons shall be present —
    - (i) the promoter or a person, being a person who holds a management position in the organisation of the promoter, nominated by the promoter;
    - (ii) a medical practitioner approved by the Commission; and
    - (iii) a person appointed by the Commission;
  - (c) the person referred to in paragraph (b)(iii) shall ensure that the weigh-in and the recording of the weights of the contestants is properly carried out;
  - (d) the medical practitioner referred in paragraph (b)(ii) shall —
    - (i) carry out a medical examination of each participating contestant;
    - (ii) record the examination on a form approved by the Commission; and
    - (iii) give the form to the person referred to in paragraph (b)(iii);and
  - (e) the person referred in paragraph (b)(iii) shall ensure that the provisions of this section are complied with.
- (3) The medical practitioner conducting the medical examination referred to in subsection (2)(d)(i) shall inform the persons referred to in subsection (2)(b)(i) and (iii) if the medical practitioner is of the opinion that a contestant should not participate in the proposed contest because of the contestant's medical condition.
- Penalty: \$1 000.

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- (4) A person referred to in subsection (2)(b)(iii) who, under subsection (3), is informed of a medical practitioner's opinion that a contestant should not participate in the proposed contest because of the contestant's medical condition shall ensure that the contestant does not participate in the contest.

Penalty: \$2 000.

*[Section 48 amended by No. 16 of 2003 s. 19, 28(1), (3) and 29(1).]*

**49. Medical practitioner to notify referee at contest if contestant unfit to participate; and referee to take action**

- (1) A medical practitioner approved by the Commission who is present at a contest shall inform the referee officiating at the contest if the medical practitioner is of the opinion that —
- (a) the contestant should not participate in the contest because of the contestant's medical condition; or
  - (b) the contestant should not continue to participate in the contest because of the contestant's medical condition.

Penalty: \$2 000.

- (2) A referee who, under subsection (1), is informed of a medical practitioner's opinion that a contestant should not participate in, or continue to participate in, the contest because of the contestant's medical condition shall ensure that the contestant does not participate in, or continue to participate in, the contest.

Penalty: \$2 000.

*[Section 49 inserted by No. 16 of 2003 s. 20.]*

**50. Contestants to be weighed-in**

A contestant shall not participate in a contest unless he has submitted himself for a weigh-in in accordance with section 48.

Penalty: \$500.

*[Section 50 inserted by No. 16 of 2003 s. 21.]*

**51. Duties of promoter and medical practitioner**

- (1) A person or organisation who or which promotes or arranges a contest —
- (a) shall not permit a contestant to participate in the contest unless the contestant has attended a weigh-in under section 48;
  - (b) shall examine the medical record book of a contestant who proposes to participate in that contest before the time the contestant proposes to participate in the contest;
  - (c) shall not engage a contestant for a contest where the Commission, after considering a medical report that a contestant is not medically fit, has directed a contestant not to participate in the contest.
- (2) A person or organisation who or which contravenes any provision of subsection (1) commits an offence.  
Penalty: \$2 000.
- (3) Where a contestant is rendered unconscious during a contest a medical practitioner approved by the Commission shall medically examine the contestant and carry out such functions as are necessary in the circumstances.
- (4) A medical practitioner approved by the Commission shall as soon as is practicable after a contest examine the contestants who have participated in the contest.

*[Section 51 amended by No. 16 of 2003 s. 22, 28(1) and 29(1).]*

**52. Record of contest**

A person appointed by the Commission for that purpose shall in relation to a contest —

- (a) cause a record to be made of the contest;
- (b) record the result of the contest in the record referred to in paragraph (a); and

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- (c) return the record, as written up in accordance with the directions of the Commission, to the Commission.

*[Section 52 amended by No. 16 of 2003 s. 29(1).]*

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## Part VIII — Miscellaneous

### 53. Contests prohibited at certain places

A person shall not —

- (a) promote or arrange a contest at —
    - (i) a prescribed place; or
    - (ii) a place of a prescribed class or description;
  - (b) participate in a contest at —
    - (i) a prescribed place; or
    - (ii) a place of a prescribed class or description;
- or
- (c) permit or allow a contest at —
    - (i) a prescribed place; or
    - (ii) a place of a prescribed class or description.

Penalty: \$2 000 or imprisonment for 12 months or both.

[Section 53 inserted by No. 16 of 2003 s. 23.]

### 54. Exemptions

- (1) The Governor may by order published in the *Government Gazette* exempt any person, organisation or class of person or organisation named in the order from the provisions of this Act or such of the provisions of this Act as are specified in the order.
- (2) An order under subsection (1) shall not be made in respect of a person ordinarily resident in this State or an organisation, the registered office of which is in this State.
- (3) An exemption under subsection (1) may be granted subject to such terms and conditions as are specified in the order.
- (4) The Governor may, by order published in the *Government Gazette*, amend or revoke an order made under this section.

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**55. Recovery of charges, etc.**

Any charge, fee or money due to the Commission may be recovered by the Commission as a debt in any court of competent jurisdiction.

**56. Vicarious liability**

- (1) Where an organisation contravenes any provision of this Act each person who is a director of the organisation or who is a person having the management or control of the organisation shall be deemed to be guilty of the offence unless the person satisfies the court that —
  - (a) the offence was committed without his knowledge;
  - (b) he was not in a position to influence the conduct of the organisation in relation to the offence; or
  - (c) he used all diligence to prevent the commission of the offence.
- (2) A person may be proceeded against and convicted for an offence under this Act whether or not an organisation has been proceeded against or convicted for the offence.
- (3) Nothing in this section affects any liability imposed on an organisation for an offence committed by the organisation against this Act or the regulations.

**57. Statutory declaration**

The Commission may require any information supplied to the Commission to be verified by statutory declaration.

**58. Evidentiary**

In any legal proceedings a certificate signed or purporting to be signed by an officer of the Department stating —

- (a) that on a specified day, the registration of a specified person was, or was not, registered as a contestant of a

specified class or as an industry participant of a specified class;

- (b) that on a specified day the registration of a specified person as a contestant of a specified class or as an industry participant of a specified class has been cancelled;
- (c) that the registration of a specified person as a contestant of a specified class or as an industry participant of a specified class had been suspended for the period specified;
- (d) that the period of registration of a specified person as a contestant of a specified class or industry participant of a specified class had been altered for the period specified;
- (e) that the registration of a person as a contestant of a specified class or industry participant of a specified class is due to expire, or expired on the specified day,

is evidence of that fact.

*[Section 58 amended by No. 16 of 2003 s. 28(1).]*

**59. Delegation**

The Commission may by instrument in writing delegate to any person its functions, other than this power of delegation, and may amend or revoke any such instrument.

**60. Authentication of certain documents**

Every summons, process, demand, order, notice, statement, direction or other document may be sufficiently authenticated if signed by the chairman or by any member of the staff of the Commission authorised to do so by the chief executive officer of the Department or an officer of the Department nominated by the chief executive officer.

*[Section 60 amended by No. 29 of 1990 s. 7.]*

**61.      Protection of Commission and others**

No liability attaches to the Commission, any delegate of the Commission, any member or officer or employee of the Commission or any officer of the Public Service of the State for any act or omission that occurred in good faith and in the exercise or purported exercise or in the discharge or purported discharge of its or his functions under this Act.

**62.      Regulations**

- (1) The Governor may make regulations with respect to all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.
- (2) Without limiting subsection (1) regulations may be made with respect to —
  - (a) the appointment of, and fees payable to, officials involved in professional combat sports;
  - (b) ratings of contestants;
  - (c) titles for professional combat sports;
  - (d) contracts between contestants and industry participants;
  - (e) rest periods for contestants; and
  - (f) guarantees and other securities to be given by promoters of contests.

*[Section 62 amended by No. 16 of 2003 s. 24.]*

*[63.      Repealed by No. 16 of 2003 s. 25.]*

*[64.      Repealed by No. 16 of 2003 s. 26.]*

*[65.      Repealed by No. 16 of 2003 s. 27.]*



## Notes

- <sup>1</sup> This is a compilation of the *Professional Combat Sports Act 1987* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

## Compilation table

Short title	Number and year	Assent	Commencement
<i>Boxing Control Act 1987</i> <sup>3</sup>	2 of 1987	29 May 1987	22 Feb 1991 (see s. 2 and <i>Gazette</i> 22 Feb 1991 p. 867)
<i>Boxing Control Amendment Act 1990</i>	29 of 1990	5 Oct 1990	Act other than s. 4: 22 Feb 1991 (see s. 2(1)); s. 4: 3 May 1991 (see s. 2(2) and <i>Gazette</i> 3 May 1991 p. 1936)
<i>Acts Amendment (Public Sector Management) Act 1994</i> s. 3(2)	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Financial Legislation Amendment Act 1996</i> s. 49	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Boxing Control Amendment Act 2003</i> s. 1-30 <sup>4,5,6</sup>	16 of 2003	17 Apr 2003	12 Jan 2005 (see s. 2 and <i>Gazette</i> 11 Jan 2005 p. 89)
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> s. 40(2)	50 of 2003	9 Jul 2003	15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> Pt. 2 Div. 13 <sup>7</sup>	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<b>Reprint 1: The Professional Combat Sports Act 1987 as at 11 Mar 2005</b> (includes amendments listed above)			
<i>Criminal Law Amendment (Simple Offences) Act 2004</i> s. 82	70 of 2004	8 Dec 2004	31 May 2005 (see s. 2 and <i>Gazette</i> 14 Jan 2005 p. 163)

- <sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

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**Provisions that have not come into operation**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> s. 40(3) <sup>8</sup>	50 of 2003	9 Jul 2003	To be proclaimed (see s. 2)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 142 <sup>9</sup>	59 of 2004	23 Nov 2004	To be proclaimed (see s. 2)

<sup>2</sup> Under the *Public Sector Management Act 1994* s. 112(2), a reference in a written law to the Public Service Board is, unless the contrary intention appears or it is otherwise provided under the *Acts Amendment (Public Sector Management) Act 1994*, to be construed as if it had been amended to be a reference to the Minister for Public Sector Management (as defined in the *Interpretation Act 1984*). This reference was amended under the *Reprints Act 1984* s. 7(5)(a).

<sup>3</sup> Now known as the *Professional Combat Sports Act 1987*; short title changed (see note under s. 1).

<sup>4</sup> The *Boxing Control Amendment Act 2003* s. 10(2) reads as follows:

“

- (2) The Professional Combat Sports Commission Account is a continuation of the fund of the Commission called the Western Australian Boxing Commission Account immediately before the commencement of this Act.

”.

<sup>5</sup> The amendment in the *Boxing Control Amendment Act 2003* s. 29(2) is not included because the section it sought to amend was previously amended by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 72.

<sup>6</sup> The *Boxing Control Amendment Act 2003* s. 30 reads as follows:

“

**30. Transitional provision in relation to certain registrations**

- (1) A person who, immediately before the commencement of this Act, was registered as a boxer of a certain class is to be treated on the commencement of this Act as being registered as a contestant of that class.
- (2) The conditions and restrictions applicable to the registration of a person referred to in subsection (1) and the time for renewal of the registration continue to apply as if this Act had not been enacted.

”.

<sup>7</sup> The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.

<sup>8</sup> As at the date on which this compilation was prepared, the *Sentencing Legislation Amendment and Repeal Act 2003* s. 40(3) had not come into operation. It reads as follows:

“

**40.        *Boxing Control Act 1987* amended**

(3) Section 38 is amended by deleting the penalty clause and inserting the following penalty clause instead —

“    Penalty: \$1 000.    ”.

”.

<sup>9</sup> As at the date on which this compilation was prepared, the *Courts Legislation Amendment and Repeal Act 2004* s. 142, which gives effect to Sch. 2, had not come into operation. It reads as follows:

“

**142.        *Other amendments to various Acts***

Each Act listed in Schedule 2 is amended as set out in that Schedule immediately below the short title of the Act.

”.

Schedule 2 cl. 7 reads as follows:

“

**Schedule 2 — Other amendments to Acts**

**7.        *Boxing Control Act 1987***

s. 34(1)	Delete “Local Court in accordance with the rules of the Local Court.” and insert instead — “ Magistrates Court in accordance with the court’s rules of court. ”.
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**Professional Combat Sports Act 1987**

**Part VIII      Miscellaneous**

**s. 142**

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s. 34(3)	Repeal the subsection and insert instead — “ (3)   An appeal under this section shall be brought and the proceedings shall be conducted in the manner prescribed by the Magistrates Court’s rules of court, or in the absence of rules on the matter, in the manner directed by the court. ”
s. 34(4) s. 34(5)	In each provision, delete “Local Court” and insert instead — “   Magistrates Court   ”

”