

Western Australia

**Professional Combat Sports Amendment
Act 2011**

As at 12 Oct 2011

No. 44 of 2011

Extract from www.slp.wa.gov.au, see that website for further information

Professional Combat Sports Amendment Act 2011

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Western Australia

Professional Combat Sports Amendment Act 2011

No. 44 of 2011

An Act to amend the *Professional Combat Sports Act 1987*.

[Assented to 12 October 2011]

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Professional Combat Sports Amendment Act 2011*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

3. Act amended

This Act amends the *Professional Combat Sports Act 1987*.

4. Long title amended

In the long title delete “**professional**”.

5. Section 1 amended

In section 1 delete “*Professional*”.

6. Section 3 amended

- (1) In section 3 delete the definitions of:

contest

contestant

industry participant

professional combat sport

sham contest

- (2) In section 3 insert in alphabetical order:

capacity, in relation to an industry participant, means a capacity prescribed for the purposes of the definition of *industry participant* in this section;

contest means a contest or exhibition of a combat sport —

- (a) that is organised, arranged or promoted for profit; or
- (b) that is conducted for public entertainment; or
- (c) to which the public is invited,

unless it is prescribed not to be a contest for the purposes of this Act;

contestant means a person who participates in a contest, whether for reward or not;

industry participant means a person who, otherwise than as a contestant, is involved, in a capacity that is prescribed, in conducting or assisting to conduct a contest;

medical practitioner means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

prescribed means prescribed by the regulations;

sham contest means a contest —

- (a) during the whole or a part of which any contestant is, for any reason, including an injury or illness, or a bribe, promise or threat by another person, not competing to the best of his or her ability; or
- (b) the result of which is arranged by the contestants or by a person involved in controlling, judging or promoting the contest.

- (3) In section 3 in the definition of **combat sport** delete paragraph (b) and insert:

- (b) any other martial art, sport or activity that involves 2 or more participants whose primary

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objective is to do any or any combination of the following —

- (i) grapple with, punch, kick or throw each other; or
- (ii) strike or hit each other, whether or not with a weapon,

unless it is prescribed not to be a combat sport for the purposes of this Act;

7. Part II heading replaced

Delete the heading to Part II and insert:

Part II — Combat Sports Commission

8. Section 4 amended

(1) In section 4(1) delete “Professional”.

(2) After section 4(1) insert:

(2A) The Commission is a continuation of the body previously called the “Professional Combat Sports Commission” and the “Western Australian Boxing Commission”.

(3) In section 4(2):

(a) delete “8 members” and insert:

9 members

(b) in paragraph (a) delete “7 persons” and insert:

8 persons

(c) delete paragraph (a)(iii) and insert:

(iii) one person shall be a medical practitioner who in the opinion of the Minister has knowledge of injuries suffered by contestants;

(d) in paragraph (a)(vi) delete “boxing; and” and insert:

boxing;

(e) after paragraph (a)(vii) insert:

(viii) one person shall be a person who in the opinion of the Minister has knowledge of the industry relating to combat sports known as mixed martial arts;

9. Section 5 amended

In section 5(1)(e) delete “Governor” and insert:

Minister

10. Section 8 amended

In section 8(4) delete “3 members” and insert:

5 members

11. Section 10 amended

(1) In section 10(1):

(a) in paragraphs (b) and (c) delete “professional” (each occurrence);

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- (b) in paragraph (d) delete “a professional combat sport.” and insert:

contests.

- (2) In section 10(2) delete “professional” (each occurrence).

12. Section 12 amended

- (1) In section 12(1) delete “Professional”.
- (2) After section 12(1) insert:

- (2A) The Combat Sports Commission Account is a continuation of the account previously called the “Professional Combat Sports Commission Account” and the “Western Australian Boxing Commission Account”.

13. Section 16 replaced

Delete section 16 and insert:

16. Applying for registration

- (1) A person who desires to be registered as a contestant must apply to the Commission to be registered.
- (2) An application made under subsection (1) must —
 - (a) be in a form approved by the Commission; and
 - (b) be accompanied by any medical information about the applicant that is prescribed; and
 - (c) be accompanied by the prescribed fee.

- (3) The Commission may ask the applicant to give the Commission any additional information the Commission needs to decide an application under section 17.
- (4) The Commission may refuse to decide an application until it has received the information it needs to decide the application under section 17.

14. Section 17 replaced

Delete section 17 and insert:

17. Registering contestants

- (1) If on an application made under section 16 the Commission is satisfied —
 - (a) the applicant —
 - (i) is a fit and proper person; and
 - (ii) has reached the age prescribed for the prescribed class of contestant for which registration is sought; and
 - (iii) is medically and physically fit to be registered as a contestant in that class; and
 - (iv) understands the duties that this Act will impose on the applicant if the application is granted;
 - and
 - (b) there is no reason, in the interests of the health and safety of the applicant or of any contestant with whom the applicant might participate in a contest, not to do so,

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the Commission must register the applicant as a contestant in the prescribed class of contestant for which registration is sought.

- (2) If the Commission is satisfied an applicant has not attained the prescribed age required by subsection (1)(a)(ii) but otherwise complies with the requirements of subsection (1), the Commission may recommend to the Minister that the applicant be registered 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.
- (3) When registering a contestant, the Commission may impose such conditions or restrictions on the contestant as it thinks fit.

15. Section 18 replaced

Delete section 18 and insert:

18. Certificate of registration

The Commission shall issue a person registered as a contestant a certificate of registration, in a form approved by the Commission, stating —

- (a) that the person is registered as a contestant; and
- (b) the conditions and restrictions (if any) that apply in relation to the person as a contestant.

16. Section 19 replaced

Delete section 19 and insert:

19. Term of registration and application for renewal

- (1) A certificate of registration issued under section 18 to a person has effect for 3 years as from and including the date of the certificate unless it is cancelled or suspended.
- (2) A person who is registered as a contestant may apply to the Commission for the renewal of the person's registration.
- (3) An application made under subsection (2) must —
 - (a) be in a form approved by the Commission; and
 - (b) be accompanied by any medical information about the applicant that is prescribed; and
 - (c) be accompanied by the prescribed fee.

17. Section 20 replaced

Delete section 20 and insert:

20. Renewal of registration

- (1) If on an application made under section 19 the Commission is satisfied —
 - (a) the applicant —
 - (i) is a fit and proper person; and
 - (ii) is medically and physically fit to be registered as a contestant in that class; and

- (iii) has complied with any conditions and restrictions imposed on the applicant under this Part; and
- (iv) understands the duties that this Act will impose on the applicant if the application is granted;

and

- (b) there is no reason, in the interests of the health and safety of the applicant or of any contestant with whom the applicant might participate in a contest, not to do so,

the Commission must renew the applicant's registration as a contestant in the class sought in the application.

- (2) When renewing a contestant's registration, the Commission may impose such conditions or restrictions on the contestant as it thinks fit.

18. Section 21 replaced

Delete section 21 and insert:

21. Commission's powers to ensure health and safety of contestants

If the Commission is of the opinion that it is in the interests of the health and safety of a contestant, or of any other contestant with whom that contestant might participate in a contest, the Commission may —

- (a) cancel or suspend the contestant's registration as a contestant; or
- (b) impose any conditions or restrictions on the contestant it thinks fit; or

- (c) vary or cancel any condition or restriction imposed on the contestant under this Act.

19. Section 22 deleted

Delete section 22.

20. Section 23 replaced

Delete section 23 and insert:

23. Disciplinary powers against contestants

If the Commission —

- (a) is of the opinion a registered contestant —
 - (i) is not a fit and proper person; or
 - (ii) has committed an offence against this Act; or
 - (iii) has not complied with any condition or restriction imposed on him or her under this Act;
- or
- (b) after conducting an inquiry under section 48A, is of the opinion a registered contestant has participated in a sham contest,

the Commission may do any of the following —

- (c) vary or cancel any condition or restriction imposed on the contestant under this Part;
- (d) impose any conditions or restrictions on the contestant it thinks fit;
- (e) cancel or suspend the registration of that person as a contestant.

21. Section 24A inserted

After section 23 insert:

24A. Cancelling registration on contestant's request

The Commission must cancel the registration of a contestant if the contestant asks the Commission to do so.

22. Section 24 amended

In section 24 delete the Penalty and insert:

Penalty: a fine of \$6 000.

23. Section 25A inserted

At the end of Part III insert:

25A. Commission may vary or cancel conditions and restrictions

The Commission may at any time vary or cancel a condition or restriction imposed under this Part in respect of the registration of a contestant or impose any condition or restriction on the registration of a contestant that it thinks fit.

24. Section 25 deleted

Delete section 25.

25. Section 26 replaced

Delete section 26 and insert:

26. Register of industry participants

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

- (a) the name and address of each person registered as an industry participant; and
- (b) the capacity in which he or she is registered as an industry participant; and
- (c) any prescribed particulars.

26. Sections 27 and 28 replaced

Delete sections 27 and 28 and insert:

27. Applying to be registered

- (1) A person who desires to be registered as an industry participant must apply to the Commission to be registered.
- (2) Only a natural person can apply to be registered as an industry participant.
- (3) An application made under subsection (1) must —
 - (a) be in a form approved by the Commission; and
 - (b) be accompanied by the prescribed fee.

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- (4) The Commission may ask the applicant to give the Commission any additional information the Commission needs to decide an application under section 28.
- (5) The Commission may refuse to decide an application until it has received the information it needs to decide the application under section 28.

28. Registering industry participants

- (1) If on an application made under section 27 the Commission is satisfied the applicant —
 - (a) is a fit and proper person; and
 - (b) understands the duties that this Act will impose on the applicant if the application is granted,the Commission must register the applicant as an industry participant in the terms sought in the application.
- (2) When registering an industry participant, the Commission may impose such conditions and restrictions in relation to the participant as the Commission thinks fit.

27. Section 29 replaced

Delete section 29 and insert:

29. Certificate of registration

The Commission shall issue a person registered as an industry participant a certificate of registration, in a form approved by the Commission, stating —

- (a) that the person is registered as an industry participant; and

- (b) the capacity in which he or she is registered as an industry participant; and
- (c) the conditions and restrictions (if any) that apply in relation to the person as an industry participant.

28. Section 30 replaced

Delete section 30 and insert:

30. Term of registration

A certificate of registration issued under section 29 to a person has effect for 3 years as from and including the date of the certificate unless it is cancelled or suspended.

29. Section 31 amended

Delete section 31(1) and insert:

- (1) A person who is registered as an industry participant may apply to the Commission for the renewal of the person's registration.

30. Section 32 amended

Delete section 32(1) and insert:

- (1) If on an application made under section 31 the Commission is satisfied the applicant —
 - (a) is a fit and proper person; and
 - (b) has complied with the conditions and restrictions imposed on the applicant under this Part; and

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- (c) understands the duties that this Act will impose on the applicant if the application is granted,

the Commission must renew the applicant's registration as an industry participant in the terms sought in the application.

31. Section 33A inserted

After section 32 insert:

33A. Disciplinary powers

If the Commission —

- (a) is of the opinion a registered industry participant —
 - (i) is not a fit and proper person; or
 - (ii) has committed an offence against this Act; or
 - (iii) has not complied with any condition or restriction imposed on the person under this Part;

or

- (b) after conducting an inquiry under section 48A, is of the opinion a registered industry participant has participated in a sham contest,

the Commission may do any of the following —

- (c) vary or cancel any condition or restriction imposed on the participant under this Part;
- (d) impose any conditions or restrictions on the participant it thinks fit;
- (e) cancel or suspend the registration of that person as an industry participant.

32. Section 33 replaced

Delete section 33 and insert:

33. Offence

A person must not be involved in the conduct of a contest in a capacity that is prescribed for the purposes of the definition in section 3 of *industry participant* unless he or she is registered as an industry participant in that capacity.

Penalty:

- (a) for a first offence, a fine of \$2 000;
- (b) for a subsequent offence, a fine of \$10 000.

33. Section 34A inserted

After section 33 insert:

34A. Commission may cancel or vary conditions or restrictions

The Commission may at any time vary or cancel a condition or restriction imposed under this Part in respect of the registration of an industry participant or impose any condition or restriction on the registration of an industry participant that it thinks fit.

34. Part V deleted

Delete Part V.

35. Part VI heading replaced

Delete the heading to Part VI and insert:

Part VI — Contestant record books

36. Section 35 replaced

Delete section 35 and insert:

35. Books to be issued to registered contestants

- (1) The Commission, on the first registration of a person as a contestant, must issue the person a contestant record book, in a form approved by the Commission, that —
 - (a) states —
 - (i) such personal details about the contestant as are prescribed; and
 - (ii) such information about the registration of the contestant as is prescribed;and
 - (b) provides for the recording of —
 - (i) such other information about the registration of the contestant as is prescribed; and
 - (ii) such medical information about the contestant as is prescribed; and
 - (iii) such information about the contests in which the contestant participates as is prescribed.

- (2) If a person, having been registered as a contestant —
- (a) ceases, for any period, to be so registered; and
 - (b) is, after the registration ceases, again registered as a contestant,
- the Commission must issue the person a contestant record book that —
- (c) conforms with subsection (1); and
 - (d) contains the same information as was contained in any contestant record book or other book previously issued under this Act to that person.

37. Section 36 replaced

Delete section 36 and insert:

36. Altering books

- (1) A person shall not enter or alter information in a contestant record book unless the person is authorised to do so under this Act.
- (2) A person who enters or alters information in a contestant record book must initial the book immediately adjacent to the information.
Penalty: a fine of \$6 000.

38. Section 37 deleted

Delete section 37.

39. Section 38 replaced

Delete section 38 and insert:

38. Damaging books

A person must not wilfully damage or deface a contestant record book.

Penalty: a fine of \$6 000.

40. Section 39 replaced

Delete section 39 and insert:

39. Surrender of books

If under Part III the registration of a contestant is not renewed by the Commission, is cancelled or is suspended, the contestant must give his or her contestant record book to the Commission within 7 days after being notified of the fact.

Penalty: a fine of \$500.

41. Section 40 amended

In section 40 delete “medical record book to a” and insert:

contestant’s contestant record book to the

42. Section 41 replaced

Delete section 41 and insert:

41. Issuing additional books

If a contestant's contestant record book is full, the Commission must issue the contestant another contestant record book that conforms with section 35(1).

43. Section 42 replaced

Delete section 42 and insert:

42. Replacing books

If a contestant satisfies the Commission that his or her contestant record book has been spoilt, lost or destroyed the Commission must, on payment of the prescribed fee, issue the contestant a duplicate contestant record book, stamped with the word "Duplicate".

44. Section 44 replaced

Delete section 44 and insert:

44. Applying for permits to conduct contests

- (1) A person who desires to conduct a contest must apply to the Commission for a permit for the contest.
- (2) An application made under subsection (1) must —
 - (a) be in a form approved by the Commission; and

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- (b) include the names of each person who will participate in the contest; and
 - (c) include any prescribed information; and
 - (d) be made not less than 42 days before the proposed date of the contest unless the Commission allows otherwise; and
 - (e) be accompanied by the prescribed fee.
- (3) The Commission may ask the applicant to give the Commission any additional information the Commission needs to decide an application under section 45.
- (4) The Commission may refuse to decide an application until it has received the information it needs to decide the application under section 45.

45. Section 45 replaced

Delete section 45 and insert:

45. Issuing permits for contests

- (1) If on an application made under section 44 the Commission is satisfied —
- (a) that any requirement that, under the regulations, must be complied with before a permit can be issued has been complied with; 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 for the contest.
- (2) The Commission may issue a permit for a contest subject to any terms, conditions and restrictions the Commission thinks fit.

- (3) A permit issued for a contest must include the following information —
 - (a) the date, time and place of the contest;
 - (b) the name of each person who will participate in the contest;
 - (c) any terms, conditions or restrictions imposed under subsection (2);
 - (d) any other information that is prescribed.
- (4) The Commission may refuse to issue a permit for a contest if it is of the opinion that it is necessary to do so in the interests of the health and safety of any person who would participate in the contest if the permit were issued.
- (5) The Commission, on the application of the holder of the permit or on its own initiative, may at any time vary a permit for a contest.

46. Section 47AA and 47A inserted

After section 46 insert:

47AA. Commission may require information

- (1) At any time after it issues a permit under section 45 for a contest and before the contest has taken place, the Commission, by giving the person a written notice, may require any or all of these persons —
 - (a) the person who holds the permit;
 - (b) a person who will participate in the contest;
 - (c) a person who will be involved in conducting the contest,

to give the Commission the information specified in the notice, being information relevant to the contest.

- (2) A person given a notice under subsection (1) must obey it.

Penalty: a fine of \$6 000.

47A. Suspending or cancelling a permit

- (1) The Commission, at any time before or during a contest for which a permit has been issued under section 45, may suspend or cancel the permit if it is satisfied —
- (a) that any term, condition or restriction to which the permit is subject has not or is not being complied with; or
 - (b) that it is in the interests of the health or safety of any contestant in the contest to do so; or
 - (c) that the contest will be or is a sham contest.
- (2) Before it suspends or cancels a permit, the Commission must give the permit holder a reasonable opportunity to be heard unless, in the time needed to do so, the health or safety of any contestant in the contest may be jeopardised.
- (3) To suspend or cancel a permit, a person authorised by the Commission, or a member, must give the permit holder, or the referee of the contest, oral or written notice —
- (a) that the Commission has suspended or cancelled the permit, as the case requires; and
 - (b) if the permit is suspended, of the term of the suspension, whether by referring to an event that may occur or to a period of time.
- (4) If oral notice is given to a person under subsection (3), written confirmation of the notice must be given to the person within 7 days after the date on which the oral notice was given.

- (5) If a permit is suspended, the Commission may at any time cancel the suspension for good reason.
- (6) A written notice or a written confirmation of a notice given orally under subsection (3) must state the reasons for suspending or cancelling the permit.

47. Section 47 amended

- (1) Delete section 47(1) and (2) and insert:
 - (1) A person must not conduct a contest unless a permit has been issued under this Part for the contest.
Penalty: a fine of \$12 000.
 - (2A) A person must not conduct a contest the permit for which is suspended or has been cancelled under section 47A.
Penalty: a fine of \$12 000.
 - (2B) A person who conducts a contest for which a permit has been issued under this Part must comply with any term, condition or restriction to which the permit is subject.
Penalty: a fine of \$12 000.
- (2) A person must not —
 - (a) agree to participate, whether as a contestant, judge or referee or in some other capacity, in a contest that he or she knows will be a sham contest; or
 - (b) participate, whether as a contestant, judge or referee or in some other capacity, in a contest that he or she knows is a sham contest; or
 - (c) be involved in any capacity in organising, arranging, promoting or conducting a contest

that he or she knows will be or is a sham contest.

Penalty: a fine of \$12 000.

(2) Delete section 47(3) to (6) and insert:

(3) A referee of a contest who, knowing it is a sham contest, does not stop it or gives a decision in it commits an offence.

Penalty: a fine of \$12 000.

(4) A judge of a contest who, knowing it is a sham contest, gives a decision in it commits an offence.

Penalty: a fine of \$12 000.

(5) A judge or referee of a contest who suspects it will be or is a sham contest must report the matter in writing to the Commission as soon as practicable.

Penalty: a fine of \$12 000.

48. Section 48A inserted

After section 47 insert:

48A. Sham contests, inquiries into

(1) If the Commission is of the opinion (whether or not as a result of a report made by the referee of the contest) that a contest is a sham contest the Commission shall inquire into the promotion, arrangement and conduct of the contest.

- (2) If after its inquiry the Commission is satisfied on the balance of probabilities that a contest is a sham contest, it —
 - (a) may order any person who is legally required to pay money or money's worth to a contestant for participating in the contest not to pay the contestant without the written consent of the Commission; and
 - (b) may order that an amount of money not more than the money or money's worth (if any) paid or payable to a contestant or industry participant who, in the opinion of the Commission, has participated in, or been involved in any capacity in conducting, the contest be paid to the Commission.
- (3) Nothing in subsection (2) prevents a person from being prosecuted for an offence under section 47 or prevents proceedings being taken under section 23 or 33A.
- (4) A person given an order made under subsection (2)(a) must obey it.
Penalty: a fine of \$12 000.
- (5) If the Commission makes an order under subsection (2)(b), the Commission may recover the amount ordered to be paid to the Commission in a court of competent jurisdiction as a debt due to the Commission.

49. Section 48 replaced

Delete section 48 and insert:

48. Pre-contest weigh-ins

- (1) Before a contest occurs each person intending to participate in the contest must attend and submit 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) the weigh-in shall take place within 24 hours before the contest;
 - (c) in addition to the persons intending to participate, the following persons shall be present —
 - (i) the person who holds the permit for the contest or that person's agent;
 - (ii) a person appointed by the Commission (the *Commission's appointee*);
 - (d) each person intending to participate in the contest shall produce his or her contestant record book to the Commission's appointee for inspection and for the recording of prescribed information;
 - (e) the Commission's appointee shall ensure —
 - (i) that the weigh-in and the recording of the weights of the contestants are properly carried out; and
 - (ii) that this section is complied with.

49A. Pre-contest medical examinations

- (1) Each person intending to participate in a contest must, within 24 hours before the contest —
 - (a) attend a medical practitioner approved by the Commission; and
 - (b) submit to an examination by the practitioner; and
 - (c) produce his or her contestant record book to the practitioner for inspection and for the recording of relevant information.
- (2) The medical practitioner whom a person attends under subsection (1) must do the following —
 - (a) inspect the person's contestant record book;
 - (b) carry out a medical examination of the person;
 - (c) certify in the person's contestant record book such information as is prescribed;
 - (d) record the results of the examination on a form approved by the Commission;
 - (e) if the practitioner is of the opinion that the person should not participate in the proposed contest because of the person's medical condition, record the opinion in the form;
 - (f) give the form to the Commission's appointee referred to in section 48(2)(c)(ii).

Penalty: a fine of \$12 000.

- (3) If a form given by a medical practitioner to the Commission's appointee under subsection (2) states a person should not participate in a proposed contest because of the person's medical condition, the Commission's appointee —
 - (a) must inform the person who holds the permit for the contest, or that person's agent, of that fact forthwith; and

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- (b) give the person who holds the permit for the contest, or that person's agent, a copy of the form as soon as practicable.
- (4) If the person who holds the permit for a contest, or that person's agent, is informed under subsection (3), the permit holder must ensure the person does not participate in the contest.
Penalty: a fine of \$12 000.

50. Section 49 amended

- (1) In section 49(1) delete the Penalty and insert:

Penalty: a fine of \$12 000.

- (2) In section 49(2) delete the Penalty and insert:

Penalty: a fine of \$12 000.

51. Section 50 replaced

Delete section 50 and insert:

50. Contestants not to compete without weigh-in and medical examination

A person shall not participate in a contest unless —

- (a) he or she has attended and submitted to a weigh-in in accordance with section 48; and
- (b) he or she has attended and submitted to a medical examination in accordance with section 49A; and

- (c) his or her contestant record book contains the information that sections 48 and 49A require to be in it.

Penalty: a fine of \$12 000.

52. Section 51 amended

Delete section 51(1) and (2) and insert:

- (1) A person who conducts a contest —
 - (a) must not permit a contestant to participate in the contest unless the contestant has attended and submitted to a weigh-in under section 48 and a medical examination under section 49A; and
 - (b) must not engage a contestant for a contest if the Commission, after considering a medical report that a contestant is not medically fit, has directed a contestant not to participate in the contest; and
 - (c) must permit not more than 3 persons, being either persons authorised by the Commission or members, to be present at the contest unconditionally and for no charge for the purpose of ensuring the contest is conducted in accordance with this Act and any rules approved under section 62A that apply to the contest; and
 - (d) must not permit the contest to occur unless —
 - (i) a medical practitioner approved by the Commission; and

- (ii) at least 2 persons referred to in paragraph (c),

are present at the contest.

Penalty: a fine of \$12 000.

- (2) If a contest is not conducted in accordance with any rules approved under section 62A that apply to the contest, the person who conducts the contest, the person to whom a permit for the contest was issued, and the referee of the contest, each commits an offence.

Penalty: a fine of \$12 000.

53. Section 52 replaced

Delete section 52 and insert:

52. Record of contest

- (1) Before a person participates in a contest, he or she shall produce his or her contestant record book to —
 - (a) the medical practitioner approved by the Commission who is present at the contest; and
 - (b) a person appointed by the Commission who is present at the contest.

Penalty: a fine of \$6 000.

- (2) 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; and
 - (b) record the result of the contest in the record referred to in paragraph (a); and
 - (c) return the record, as written up in accordance with the directions of the Commission, to the Commission; and

- (d) record in each contestant's contestant record book such information as is prescribed.

54. Part VIII A inserted

After Part VII insert:

Part VIII A — Review

53A. Review by State Administrative Tribunal

A person aggrieved by a decision of the Commission or the Minister made under Part III, IV or VII may apply to the State Administrative Tribunal for a review of the decision.

55. Section 53 replaced

Delete section 53 and insert:

53. False or misleading information

A person must not include any information that is false or misleading in a material particular in —

- (a) an application made under this Act; or
- (b) any information given to the Commission under this Act other than in a statutory declaration; or
- (c) a contestant record book issued under Part VI.

Penalty: a fine of \$12 000.

56. Sections 54A and 54B inserted

After section 53 insert:

54A. Commission may get information from WA Police

For the purposes of deciding under Part III or IV whether a person is a fit and proper person, the Commission may ask the Commissioner of Police to give the Commission information about the person.

54B. Confidential police information

(1) In this section —

confidential police information means information the Commissioner of Police has certified is confidential police information under subsection (2);

court includes the State Administrative Tribunal;

sensitive police information means information in the possession of the Commissioner of Police the disclosure of which could reasonably be expected —

- (a) to prejudice criminal investigations or the operations of the Police Force; or
 - (b) to enable the discovery of the existence or identity of a source of information relevant to law enforcement and confidential to the Commissioner; or
 - (c) to endanger a person's life or physical safety.
- (2) If the Commissioner of Police believes any information given by the Commissioner to the Commission is sensitive police information, the Commissioner, in writing, may certify the information is confidential police information.
- (3) If the Commission receives confidential police information from the Commissioner of Police, then,

despite any other provision of this Act, the Commission must not disclose it to any person except —

- (a) a court;
 - (b) the Minister;
 - (c) the Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971*;
 - (d) the Corruption and Crime Commission established under the *Corruption and Crime Commission Act 2003*;
 - (e) the Parliamentary Inspector of the Corruption and Crime Commission appointed under the *Corruption and Crime Commission Act 2003*;
 - (f) a person to whom disclosure has been permitted by the Commissioner.
- (4) If the Commission under Part III or IV —
- (a) refuses an application for registration or for a renewal of registration; or
 - (b) cancels a registration,

and the decision is made wholly or partly on the basis of confidential police information received from the Commissioner of Police, then, despite any other provision of this Act, the Commission need not give any reasons for its decision other than that it is made in the public interest.

- (5) In proceedings in a court relating to a decision referred to in subsection (4), the court —
- (a) may decide whether information the Commissioner of Police has certified is confidential police information is sensitive police information; and

- (b) may take evidence consisting of or relating to that information by way of an affidavit of a police officer of or above the rank of Superintendent; and
- (c) if the Commissioner of Police so requests, must take all reasonable steps —
 - (i) to maintain the confidentiality of any information that the court is satisfied is sensitive police information; and
 - (ii) to prohibit the publication of evidence about that information.
- (6) The Commissioner of Police must not delegate the function of certifying information as confidential police information except to a Deputy Commissioner of Police or an Assistant Commissioner of Police.

57. Section 54 replaced

Delete section 54 and insert:

54. Refusing applications, imposing or varying conditions etc. and suspending or cancelling registrations, procedure for

- (1) The Commission must not —
 - (a) refuse a person's application for registration, or for a renewal of a registration, made under Part III or IV; or
 - (b) impose or vary a condition or restriction on a person under Part III or IV; or
 - (c) suspend or cancel the registration of a person under Part III (other than under section 24A) or Part IV; or

- (d) refuse a person's application for a permit made under Part VII; or
- (e) impose or vary a term, condition or restriction in a permit issued under Part VII to a person,

unless the Commission has given the person a reasonable opportunity to be heard on the matter.

- (2) If the Commission decides to take any action described in subsection (1)(a) to (e) the Commission must give the person a written notice of the decision and of the reasons for it within 7 days after the date of it.
- (3) A decision notice of which is given to a person under subsection (2) takes effect on the date on which it is given to the person or on any later date specified in it.

58. Section 56 deleted

Delete section 56.

59. Section 58 replaced

Delete section 58 and insert:

58. Evidentiary certificates

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

- (a) that at a specified time a specified person was, or was not, registered as a contestant of a specified class or as an industry participant in a specified capacity;
- (b) that at a specified time the registration of a specified person as a contestant of a specified

class or as an industry participant in a specified capacity has been cancelled;

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

is evidence of its contents.

60. Section 62A inserted

After section 61 insert:

62A. Rules for contests

- (1) The Minister on the advice of the Commission must, for each combat sport, approve rules to be observed in any contest in that sport.
- (2) Approved rules may consist of, or may incorporate, adopt or operate by reference to, any code, standard or other document (with or without modification) as in force from time to time or as in force at a particular time, as specified in the rules.
- (3) If a code, standard or other document is applied, adopted or incorporated in approved rules —
 - (a) a copy of the code, standard or other document must be kept available for inspection by members of the public, without charge and during normal office hours, at a place determined by the Minister; and

- (b) in any legal proceedings, evidence of the contents of the code, standard or other document may be given by production of a document apparently certified by or on behalf of the Minister as a true copy of the code, standard or other document.
- (4) The Minister on the advice of the Commission may —
 - (a) approve an amendment of approved rules; or
 - (b) cancel any approved rules.
- (5) The *Interpretation Act 1984* sections 41 and 42 apply, with any necessary changes, to any rules approved, amended or cancelled under this section.

61. Section 62 amended

- (1) In section 62(2):
 - (a) delete “respect to —” and insert:

respect to any or all of the following —
 - (b) in paragraph (a) delete “professional”;
 - (c) delete paragraph (c) and insert:
 - (c) titles that can be awarded to contestants;
 - (d) in paragraph (e) delete “contestants; and” and insert:

contestants;

- (2) After section 62(2) insert:
 - (3) Without limiting subsection (1) regulations may prescribe persons who are taken to be registered under this Act, being persons who are registered or licensed under a law of a place outside the State, the purpose of which substantially corresponds with the purpose of this Act.
 - (4) Without limiting subsection (1) or the *Interpretation Act 1984* section 45A regulations made for the purposes of section 44 may prescribe a fee that will allow recovery of expenditure that is relevant to the Commission performing its functions under sections 44 and 48 and at contests.
 - (5) Without limiting subsection (1) regulations with a savings or transitional effect may be made to provide for the consequences of the operation of the amendments made to this Act by the *Professional Combat Sports Amendment Act 2011*.

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