

Western Australia

Boxing Control Amendment Act 2003

As at 17 Apr 2003

No. 16 of 2003

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Boxing Control Amendment Act 2003

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Western Australia

Boxing Control Amendment Act 2003

No. 16 of 2003

An Act to amend the *Boxing Control Act 1987*.

[Assented to 17 April 2003]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Boxing Control Amendment Act 2003*.

2. Commencement

This Act comes into operation on a day fixed by proclamation.

3. The Act amended

The amendments in this Act, except in section 31, are to the *Boxing Control Act 1987**.

[* *Act No. 2 of 1987.*

For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 40.]

4. Long title amended

The long title is amended by deleting “boxing” and inserting instead —

“ **combat sports** ”.

5. Section 1 — short title amended

Section 1 is amended by deleting “Boxing Control” and inserting instead —

“ *Professional Combat Sports* ”.

6. Section 3 amended

Section 3 is amended as follows:

- (a) by deleting the definition of “boxer”;
- (b) by deleting the definition of “boxing contest” and inserting the following definition instead —

“

“**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;

”;

- (c) by inserting after the definition of “Commission” the following definitions —

“

“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;

”;

- (d) in the definition of “industry participant” —
- (i) by deleting “boxer” and inserting instead —
“ contestant ”;
 - (ii) by deleting “boxing” and inserting instead —
“ a professional combat sport ”;
- (e) by deleting the definition of “registered” and inserting the following definitions instead —

“

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

s. 7

“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.

”.

7. Part II heading replaced

The heading to Part II is deleted and the following heading is inserted instead —

“

**Part II — Professional Combat
Sports Commission**

”.

8. Section 4 amended

- (1) Section 4(1) is amended by deleting “Western Australian Boxing” and inserting instead —
“ Professional Combat Sports ”.
- (2) Section 4(2) is amended by deleting “6” and inserting instead —
“ 8 ”.
- (3) Section 4(2)(a) is amended as follows:
 - (a) by deleting “5” and inserting instead —
“ 7 ”;
 - (b) at the end of subparagraph (iv) by deleting “and”;

- (c) by deleting subparagraph (v) and “and” after it and inserting instead —

“

- (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

”.

- (4) Section 4(4) is amended by deleting “or (iv)” and inserting instead —

“ , (iv), (v), (vi) or (vii) ”.

9. Section 10 amended

- (1) Section 10(1)(b) is amended by deleting “boxing” and inserting instead —

“ professional combat sports ”.

s. 10

- (2) Section 10(1)(c) is amended by deleting “boxing and any matter that is connected with or incidental to boxing” and inserting instead —

“

professional combat sports and any matter that is connected with or incidental to professional combat sports

”.

- (3) Section 10(1)(d) is amended by deleting “engaging in or proposing to engage in boxing” and inserting instead —

“

participating in or proposing to participate in a professional combat sport

”.

- (4) Section 10(2) is amended by deleting “boxing or any other matters connected with or incidental to boxing” and inserting instead —

“

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

”.

10. Section 12 amended and savings

- (1) Section 12(1) is amended by deleting “Western Australian Boxing” and inserting instead —

“ Professional Combat Sports ”.

- (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.

11. Part III heading replaced

The heading to Part III is deleted and the following heading is inserted instead —

“ **Part III — Registration of contestants** ”.

12. Section 20 amended

(1) Section 20(1) is amended as follows:

(a) by deleting “section 19” and inserting instead —

“ section 19(2) ”;

(b) after paragraph (b) by deleting “and” and inserting —

“

(ba) has not participated in a sham contest; and

”.

(2) Section 20(2) is amended by deleting “subsection (1)” and inserting instead —

“ section 19(2) ”.

13. Section 23 amended

Section 23(1) is amended as follows:

(a) after paragraph (b) by deleting “or”;

(b) after paragraph (c) by deleting the comma and inserting —

“

; or

(ca) has participated in a sham contest,

”.

14. Section 24 replaced

Section 24 is repealed and the following section is inserted instead —

“

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.

”.

15. Section 32 amended

Section 32(1) is amended as follows:

- (a) after paragraph (a) by deleting “and”;
- (b) after paragraph (b) by deleting the comma and inserting —

“

; and

- (c) has not promoted or arranged a sham contest,

”.

16. Part VII heading replaced

The heading to Part VII is deleted and the following heading is inserted instead —

“ **Part VII — Contests** ”.

17. Section 44 amended

Section 44(1) is amended by inserting after “days” —

“

, or such lesser period as is approved by the
Commission,

”.

18. Section 47 amended

(1) Section 47(2) is repealed and the following subsection is inserted instead —

“

(2) A person shall not —

(a) participate in or agree to participate in a sham
contest; or

(b) promote or arrange a sham contest.

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

”.

(2) Section 47(5) is repealed and the following subsection is inserted instead —

“

(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.

”.

s. 19

- (3) Subsection 47(6) is amended by inserting after “subsection (1)” —
“ or (2) ”.

- (4) Section 47(7) is repealed.

19. Section 48 amended

- (1) Section 48(2)(a) is amended by deleting “specified” and inserting instead —
“ approved ”.

- (2) Section 48(3), (4), (5) and (6) are repealed and the following subsections are inserted instead —

“

- (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.

- (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.

”.

20. Section 49 replaced

Section 49 is repealed and the following section is inserted instead —

“

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.

”

21. Section 50 replaced

Section 50 is repealed and the following section is inserted instead —

“

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.

”

22. Section 51 amended

(1) Section 51(1) is repealed and the following subsection is inserted instead —

“

(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) Section 51(3) is amended by deleting “the medical practitioner appointed” and inserting instead —

“ a medical practitioner approved ”.

- (3) Section 51(4) is repealed and the following subsection is inserted instead —

“

- (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.

”.

23. Section 53 replaced

Section 53 is repealed and the following section is inserted instead —

“

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.

”.

24. Section 62 amended

Section 62(2) is repealed and the following subsection is inserted instead —

“

- (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.

”.

25. Section 63 repealed

Section 63 is repealed.

26. Section 64 repealed

Section 64 is repealed.

27. Section 65 repealed

Section 65 is repealed.

28. Various references to “boxer” and “boxers” amended to “contestant” and “contestants”

- (1) The provisions set out in the Table to this subsection are amended by deleting “boxer” and inserting instead —

“ contestant ”.

Table

s. 15(1)	s. 21(1) (in each place)
s. 15(2) (in each place)	s. 23(1) (in the first 5 places)
s. 16(1)	s. 23(2) (in both places)
s. 16(2)(a)	s. 35(1) (in both places)
s. 17(1) (in each place)	s. 35(2)(in both places)
s. 17(2)	s. 39 (in each place)
s. 17(3)	s. 40 (in each place)
s. 18(1)	s. 41 (in both places)
s. 19(2) (in both places)	s. 42 (in both places)
s. 19(3)(b)	s. 48(2)(d)(i)
s. 20(1) (in each place)	s. 51(3) (in both places)
s. 20(2) (in both places)	s. 58 (in each place)

- (2) Section 23(1)(g) is amended by deleting “a boxer” and inserting instead —

“ the contestant ”.

- (3) The provisions set out in the Table to this subsection are amended by deleting “boxers” and inserting instead —

“ contestants ”.

Table

s.14 (in both places)	s. 48(1)
s.15(2)(a)	s. 48(2)(b)
s. 47(3)(b)	s. 48(2)(c)

29. Various references to boxing amended

- (1) The provisions set out in the Table to this subsection are amended by deleting “boxing” —

Table

s. 33(1)	s. 47(1) (in both places)
s. 43 (in each place)	s. 47(3) (in each place)
s. 44(1) (in both places)	s. 47(4) (in each place)
s. 45(1) (in each place)	s. 48(1)
s. 45(3) (in each place)	s. 51(3)
s. 46(1)	s. 52 (in each place)
s. 46(2)	

- (2) Section 40(a) is amended by deleting “boxing” and inserting instead —

“ contestant’s ”.

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.

31. *Financial Administration and Audit Act 1985* amended

Schedule 1 to the *Financial Administration and Audit Act 1985** is amended as follows:

- (a) by inserting after the item relating to the Potato Marketing Corporation the following item —
“ Professional Combat Sports Commission ”;

(b) by deleting “Western Australian Boxing Commission”.

[* *Reprinted as at 24 November 2000.*

For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 157 and Act No. 10 of 2001.]

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