

WESTERN AUSTRALIA

BOXING CONTROL ACT 1987

(No. 2 of 1987)

ARRANGEMENT

PART I—PRELIMINARY

Section

1. Short title
2. Commencement
3. Interpretation

PART II—WESTERN AUSTRALIAN BOXING
COMMISSION

4. Western Australian Boxing Commission established
5. Vacation of office
6. Remuneration and leave of members
7. Casual vacancies
8. Meetings of the Commission
9. Control of the Minister
10. Functions of the Commission
11. Staff
12. Funds of the Commission
13. Financial provisions

PART III—REGISTRATION OF BOXERS

Section

14. Prescribed classes of boxers
15. Register
16. Application for registration
17. Registration of boxers
18. Certificate of registration
19. Application for renewal of registration
20. Renewal of registration
21. Health and safety
22. Refusal to register
23. Disciplinary
24. Offence to engage in boxing contest

PART IV—REGISTRATION OF INDUSTRY PARTICIPANTS

25. Prescribed classes of industry participants
26. Register of industry participants
27. Registration of industry participants
28. Application for registration of industry participants
29. Certificate of registration
30. Duration of registration
31. Application for renewal of registration
32. Renewal of registration
33. Offence

PART V—APPEALS

34. Appeals

PART VI—MEDICAL RECORD BOOKS

35. Issue
36. Alterations
37. Offence of false information
38. Offence of damaging medical record book, etc.
39. Surrender of medical record book to Commission
40. Re-issue of medical record book
41. Issue of additional cards
42. Replacement of book or card

PART VII—BOXING CONTESTS

43. Interpretation
44. Application to conduct a boxing contest
45. Issue of permit
46. Notification of Commissioner of Police
47. Offences
48. Duties to be carried out within prescribed time before a boxing contest
49. Medical practitioner may notify referee of medical condition of boxer at boxing contest
50. Boxer to be weighed-in
51. Duties of promoter and medical practitioner
52. Record of boxing contest

PART VIII—MISCELLANEOUS

Section

- 53. Boxing contests prohibited at certain places
- 54. Exemptions
- 55. Recovery of charges, etc.
- 56. Vicarious liability
- 57. Statutory declaration
- 58. Evidentiary
- 59. Delegation
- 60. Authentication of certain documents
- 61. Protection of Commission and others
- 62. Regulations
- 63. Review
- 64. *Parliamentary Commissioner Act 1971* amended
- 65. *Financial Administration and Audit Act 1985* amended

WESTERN AUSTRALIA

BOXING CONTROL ACT

No. 2 of 1987

AN ACT to control professional boxing and for other and incidental purposes.

[Assented to 29 May 1987]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Boxing Control Act 1987*.

Commencement

2. This Act shall come into operation on a day to be fixed by proclamation.

Interpretation

3. In this Act unless the context otherwise requires—

“boxer” means a person who engages in boxing for a monetary prize or other reward in money or money’s worth;

“boxing” means fist fighting or sparring;

“boxing contest” means a contest, display or exhibition between 2 boxers but does not include—

(a) sparring, other than sparring for public entertainment;

(b) a prescribed test, display or exhibition of boxing;

(c) a contest, display or exhibition of boxing for a prescribed prize not being a contest, display or exhibition of boxing persons who engage in boxing for a monetary prize or other reward in money or money’s worth;

“Commission” means the Commission established under section 4;

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

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

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

“registered” means—

(a) in relation to a boxer, registered under section 17;

(b) in relation to an industry participant, registered under section 27.

PART II—WESTERN AUSTRALIAN BOXING COMMISSION

Western Australian Boxing Commission established

4. (1) There shall be a Western Australian Boxing Commission.

(2) The Commission shall consist of 5 members of whom—

(a) 4 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); and
- (iv) one person shall be a person who in the opinion of the Minister has knowledge of the boxing industry; and

(b) one person shall be the Permanent Head of the Department.

(3) A nomination for the purposes of subsection (2) (a) (ii)—

(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) or (iv).

(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.

Vacation of office

5. (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;
- (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.

Remuneration and leave of members

6. (1) A member is entitled to such remuneration and allowances as are determined by the Governor on the recommendation of the Public Service Board.

(2) The Minister may grant leave of absence to a member on such terms and conditions as the Minister determines.

Casual vacancies

7. 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.

Meetings of the Commission

8. (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.

Control of the Minister

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

Functions of the Commission

10. (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 boxing;
- (c) to advise the Minister on boxing and any matter that is connected with or incidental to boxing;
- (d) to devise and approve standards or guidelines for the preparation or training of persons engaging in or proposing to engage in boxing.

(2) The Commission may adopt standards, specifications, codes of conduct or guidelines of any other authority or body engaged in or controlling boxing or any other matters connected with or incidental to boxing.

Staff

11. There shall be appointed under and subject to the *Public Service Act 1978* such officers and employees as are necessary to assist the Commission in the performance of its functions.

Funds of the Commission

12. (1) The funds of the Commission shall be paid into and placed to the credit of an account at the Treasury or at a bank approved by the Treasurer to be called the "Western Australian Boxing 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.

Financial provisions

13. 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 BOXERS**Prescribed classes of boxers**

14. For the purposes of registering boxers, classes of boxers may be prescribed.

Register

15. (1) The Commission shall cause to be kept a register in respect of each prescribed class of boxer.

(2) The Commission shall cause to be entered in the register in respect of each person registered as a boxer—

- (a) the names and addresses of persons who are registered as boxers;
- (b) the prescribed class of boxer under which a boxer is registered; and
- (c) such other particulars as may be prescribed.

Application for registration

16. (1) A person who desires to be registered as a boxer 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 boxer of the class in respect of which registration is sought; and
- (b) the prescribed fee.

Registration of boxers

17. (1) Subject to this section, where the Commission is satisfied that an applicant for registration as a boxer—

- (a) is a fit and proper person;
- (b) is fit to be registered as a boxer in the prescribed class of boxer 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 boxer 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 boxer of a class other than the class in respect of which application is sought; or
 - (ii) shall register the applicant as a boxer 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 boxer specified in the recommendation and the Minister may direct and authorize the Commission to register the applicant in terms of the recommendation or in such other terms as the Minister determines.

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

Certificate of registration

18. (1) The Commission shall cause to be issued to each person registered as a boxer 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).

Application for renewal of registration

19. (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 boxer 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 boxer.

(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 boxer of the class sought in the application; and
- (c) accompanied by the prescribed fee.

Renewal of registration

20. (1) Subject to subsection (2), where the Commission is satisfied that a person applying for the renewal of his registration as a boxer under section 19—

- (a) is a fit and proper person;
- (b) has complied with the conditions and restrictions imposed on him under section 17; and
- (c) is medically fit to be registered as a boxer of the class of boxer sought in the application,

the Commission shall renew the registration of the boxer as a class of boxer 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 subsection (1) that it is in the interests of the health and safety of that person to be registered as a boxer of another class or for a period of less than 12 months the Commission shall so register that person as a boxer of another class or for such period less than 12 months as the Commission determines.

Health and safety

21. (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 boxer the Commission may by notice served on the boxer—

- (a) cancel or suspend the registration of that person as a boxer;
- (b) alter the registration of that person as a boxer to another prescribed class of boxer;
- (c) alter the period of registration of that person as a boxer.

(2) A notice under subsection (1) takes effect on the date specified in the notice.

Refusal to register

22. 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.

Disciplinary

23. (1) Where the Commission is of the opinion in relation to a boxer that the boxer—

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

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

- (d) cancel or suspend the registration of that person as a boxer;
- (e) reduce the period of registration of that person as a boxer;
- (f) fine the boxer such amount not exceeding \$200 as the Commission determines;
- (g) impose such conditions or restrictions on a boxer as are determined by the Commission.

(2) The Commission shall not impose a penalty on a boxer under subsection (1) unless the Commission has given the boxer a reasonable opportunity of being heard on the matter.

Offence to engage in boxing contest

24. A person shall not engage in a boxing contest in a particular class of boxing—

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

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

PART IV—REGISTRATION OF INDUSTRY PARTICIPANTS

Prescribed classes of industry participants

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

Register of industry participants

26. 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.

Registration of industry participants

27. (1) Where the Commission is satisfied that an applicant—

- (a) is a fit and proper person, or, if the applicant is an organization, the persons having the management and control of the organization 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 organization, the persons having the management and control of the organization 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.

Application for registration of industry participants

28. (1) A person or organization 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 organization;
- (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.

Certificate of registration

29. The Commission shall issue in respect of any person or organization 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 organization is registered; and
- (b) the conditions and restrictions (if any) that apply in relation to the person or organization as an industry participant.

Duration of registration

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

Application for renewal of registration

31. (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.

Renewal of registration

32. (1) Where the Commission is satisfied that a person or organization 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 organization; and
- (b) has complied with the provision of this Act and the conditions and restrictions imposed under section 27 (3),

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.

Offence

33. (1) A person shall not arrange a boxing 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.

PART V—APPEALS

Appeals

34. (1) A person or organization 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 within 21 days of the date of decision of the Commission appeal to the Local Court in accordance with the rules of the Local Court.

(2) The lodging of an appeal under subsection (1) does not operate to stay the decision of the Commission in respect of which the appeal is lodged.

(3) An appeal under this section shall be brought and the proceedings shall be conducted in such manner as may be prescribed by the Rules of the Local Court in relation to appeals from the decisions of a tribunal, or if in relation to any matter no such Rule is applicable, in such manner as the Local Court may direct.

(4) An appeal shall be by way of re-hearing and the Local Court shall not be confined to the record of the decision appealed against but may hear such further evidence as it deems appropriate.

(5) On hearing an appeal, the Local Court may, according to the nature of the case—

- (a) affirm, vary or quash the decision appealed against; and
- (b) make any further order, including an order as to costs, it deems appropriate,

and effect shall be given to an order under this section.

PART VI—MEDICAL RECORD BOOKS

Issue

35. (1) The Commission shall issue to each person on the first registration of that person as a boxer 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 boxer; 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 boxer; 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 boxer, 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.

Alterations

36. (1) A person shall not endorse or alter a medical record card unless the person is authorized to do so under this Act.

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

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

Offence of false information

37. 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.

Offence of damaging medical record book, etc.

38. 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.

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

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

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

Penalty: \$500.

Re-issue of medical record book

40. The Commission shall re-issue a medical record book to a boxer—

- (a) where the book is surrendered under section 39 as a consequence of the suspension of the boxing registration and no appeal is made by the boxer against the suspension—as soon as practicable after the suspension;
- (b) where the book is surrendered under section 39 and an appeal made by the boxer against a decision of the Commission to cancel or suspend his registration as a boxer is upheld—as soon as is practicable after the upholding of the appeal.

Issue of additional cards

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

Replacement of book or card

42. Where a boxer 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 boxer a duplicate medical record book or medical record card, as the case requires, stamped with the words “Duplicate”.

PART VII—BOXING CONTESTS

Interpretation

43. In this Part a reference to a boxing contest includes a reference to—

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

Application to conduct a boxing contest

44. (1) A person who desires to promote or arrange a boxing contest shall apply to the Commission in the form of a form approved by the Commission not less than 21 days prior to the proposed date of the boxing contest.

(2) The Commission may require an applicant under subsection (1) to furnish the Commission with such information as the Commission specifies.

Issue of permit

45. (1) Where in relation to an application for a permit to conduct a boxing contest the Commission is satisfied that the applicant for the permit under subsection (1)—

- (a) is licensed as an industry participant of the class appropriate to the boxing contest proposed to be held; and
- (b) that the requirements under this Act as they apply in relation to the boxing contest referred to in the application will be complied with, the Commission may issue a permit in respect of the boxing contest.

(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 boxing contest under subsection (2) may be made by reference to—

- (a) the boxing contest or kind or class of boxing contest;
- (b) the venue proposed for the boxing 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 boxing contest; and
- (e) such other matters that the Commission considers to be relevant.

Notification of Commissioner of Police

46. (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 boxing contest in respect of which the permit is issued.

(2) Section 64 of the *Police Act 1892* does not apply to or in relation to a boxing contest in respect of which a permit is issued under this Act.

Offences

47. (1) A person shall not promote, arrange or conduct a boxing contest unless a permit has been issued under this Part in respect of the boxing contest.

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

(2) A person shall not—

- (a) engage in or agree to engage in; or
- (b) promote or arrange,

a sham boxing contest.

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

(3) Where in relation to a boxing contest the referee is of the opinion that the boxing contest is a sham boxing contest the referee—

- (a) shall forthwith stop the boxing contest;
- (b) shall not give any decision as to which of the boxers in the boxing contest is the winner or loser of the boxing contest; and
- (c) shall report the matter to the Commission.

(4) Notwithstanding subsection (3), where in relation to a boxing contest the Commission is of the opinion (whether or not as a result of a report made by the referee of the boxing contest) that the boxing contest is a sham boxing contest the Commission shall inquire into the promotion, arrangement and conduct of the boxing contest.

(5) Where the Commission after an inquiry under subsection (4) is satisfied that a boxing contest is a sham boxing contest the Commission may order that any money or money's worth paid or payable to a boxer or industry participant who is guilty of engaging in, promoting or arranging the boxing 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 from any proceedings under section 23.

(7) In this section—

“sham boxing contest” means a boxing contest in which the boxers in the boxing contest are stalling or posturing or pretending or feigning to box.

Duties to be carried out within prescribed time before a boxing contest

48. (1) Before a boxing contest occurs the boxers 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 specified by the Commission;
- (b) in addition to the participating boxers the following persons shall be present—
 - (i) the promoter or a person, being a person who holds a management position in the organization 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 boxers is properly carried out;

- (d) the medical practitioner referred in paragraph (b) (ii) shall—
- (i) carry out a medical examination of each participating boxer;
 - (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) Where the medical practitioner who has conducted the medical examination referred in subsection (1) (d) (i) is of the opinion that the boxer is not medically fit to engage in the proposed boxing contest—

- (a) the medical practitioner shall so inform the referee; and
- (b) the referee shall forthwith terminate the contest.

(4) A medical practitioner who pursuant to subsection (3) (a) has informed the referee that a boxer is not medically fit to engage in a boxing contest shall forthwith notify the Commission of that fact.

(5) A medical practitioner who contravenes subsection (4) commits an offence.

Penalty: \$1 000.

(6) A referee who contravenes subsection (3) (b) commits an offence.

Penalty: \$2 000.

Medical practitioner may notify referee of medical condition of boxer at boxing contest

49. Notwithstanding anything in section 48, where a medical practitioner appointed by the Commission who is present at a boxing contest is of the opinion that by reason of the medical condition of a boxer—

- (a) the boxer should not engage in a boxing contest; or
- (b) the boxer should not continue to engage in a boxing contest,

the medical practitioner shall so inform the referee officiating at the boxing contest and the referee shall not cause, permit or suffer the boxer to engage or continue with the boxing contest.

Penalty: \$2 000.

Boxer to be weighed-in

50. A boxer shall not engage in a boxing contest unless he has submitted himself for a weigh-in in accordance with section 48.

Penalty: \$500.

Duties of promoter and medical practitioner

51. (1) A person or organization who or which promotes or arranges a boxing contest—

- (a) shall not permit a boxer to engage in the contest unless the boxer has attended a weigh-in under section 48;
- (b) shall examine the medical record book of a boxer who proposes to engage in that contest before the time the boxer proposes to engage in the contest;
- (c) shall not engage a boxer for a boxing contest where the Commission, after considering a medical report that a boxer is not medically fit, has directed a boxer not to engage in boxing.

(2) A person or organization who or which contravenes any provision of subsection (1) commits an offence.

Penalty: \$2 000.

(3) Where a boxer is rendered unconscious during a boxing contest the medical practitioner appointed by the Commission shall medically examine the boxer and carry out such functions as are necessary in the circumstances.

(4) The medical practitioner appointed by the Commission shall as soon as is practicable after a boxing contest examine the boxers who have engaged in the boxing contest.

Record of boxing contest

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

- (a) cause a record to be made of the boxing contest;
- (b) record the result of the boxing 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.

PART VIII—MISCELLANEOUS

Boxing contests prohibited at certain places

53. Notwithstanding anything in this Act, a person shall not—

- (a) promote or arrange;
- (b) engage in; or
- (c) permit or suffer,

a boxing contest at—

- (d) a prescribed place; or
- (e) a place of a prescribed class or description.

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

Exemptions

54. (1) The Governor may by order published in the *Government Gazette* exempt any person, organization or class of person or organization 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 organization, 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.

Recovery of charges, etc.

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

Vicarious liability

56. (1) Where an organization contravenes any provision of this Act each person who is a director of the organization or who is a person having the management or control of the organization 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 organization 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 organization has been proceeded against or convicted for the offence.

(3) Nothing in this section affects any liability imposed on an organization for an offence committed by the organization against this Act or the regulations.

Statutory declaration

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

Evidentiary

58. 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 boxer 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 boxer 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 boxer 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 boxer 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 boxer 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.

Delegation

59. 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.

Authentication of certain documents

60. Every summons, process, demand, order, notice, statement, direction or other document may be sufficiently authenticated without the seal of the Commission if signed by the chairman or by any member of the staff of the Commission authorized to do so by the Permanent Head.

Protection of Commission and others

61. 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.

Regulations

62. (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 derogating from the generality of subsection (1) regulations may be made with respect to—

- (a) the appointment of, and fees payable to, boxing officials;
- (b) ratings of boxers;
- (c) boxing titles;
- (d) contracts between boxers and industry participants;
- (e) rest periods for boxers; and
- (f) guarantees and other securities to be given by promoters of boxing contests.

Review

63. (1) The Minister shall carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiration of 5 years from its commencement, and in the course of that review the Minister shall consider and have regard to—

- (a) the effectiveness of the operations of the Commission;
- (b) the need for the continuation of the functions of the Commission; and
- (c) such other matters as appear to him to be relevant to the operation and effectiveness of this Act.

(2) The Minister shall prepare a report based on his review made under subsection (1) and shall, as soon as is practicable after the preparation thereof, cause the report, to be laid before both Houses of Parliament.

Parliamentary Commissioner Act 1971 amended

64. The Schedule to the *Parliamentary Commissioner Act 1971** is amended by inserting, in the appropriate alphabetical position, the following—

“ Western Australian Boxing Commission established by the *Boxing Control Act 1986*. ”.

[*Reprinted as approved 19 July 1983 and amended by Acts Nos. 124 of 1984, 69, 92, 98, 107 and 110 of 1985 and 39 of 1986.]

Financial Administration and Audit Act 1985 amended

65. The *Financial Administration and Audit Act 1985** is amended in Schedule 1 by inserting, in the appropriate alphabetical position, the following—

“ Western Australian Boxing Commission ”.

[*Act No. 117 of 1985 amended by Acts Nos. 3, 16 and 39 of 1986.]
