



Western Australia

Professional Combat Sports Act 1987

Compare between:

[01 Dec 2010, 01-j0-02] and [12 Oct 2011, 01-k0-02]

Western Australia

Professional Combat Sports Act 1987

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

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

Part I — Preliminary

1. Short title

This Act may be cited as the *Professional Combat Sports Act 1987*¹.

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

2. Commencement

This Act shall come into operation on a day to be fixed by proclamation¹.

3. Interpretation

In this Act unless the context otherwise requires —

boxing means fist fighting or sparring;

combat sport means —

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

Commission means the Commission established under section 4;

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

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

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

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

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

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

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

registered —

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

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

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

Part II — Professional Combat Sports Commission

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

4. Professional Combat Sports Commission established

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

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

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

5. Vacation of office

- (1) The office of member, other than the office of member referred to in section 4(2)(a)(ii) or 4(2)(b), becomes vacant if —
 - (a) the term of office of the member expires; or
 - (b) the member becomes permanently incapable of performing his duties; or
 - (c) the member resigns his office by written notice addressed to the Minister; or
 - (d) the member is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or
 - (e) the member is removed from office by the Governor on the grounds of neglect of duty, his behaviour or incompetence; or

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(f) the member is absent without leave of the Minister from 3 consecutive meetings of the Commission.

(2) The office of member referred in section 4(2)(a)(ii) becomes vacant if the nomination of the member is withdrawn.

[Section 5 amended by No. 18 of 2009 s. 69.]

6. Remuneration and leave of members

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

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

[Section 6 amended by No. 39 of 2010 s. 89.]

7. Casual vacancies

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

8. Meetings of the Commission

(1) The chairman may at any time and shall when so requested by the Minister convene a meeting of the Commission to be held at a time and place determined by the chairman.

(2) The chairman shall preside at all meetings of the Commission at which he is present.

(3) If the chairman is not present at a meeting of the Commission the members present shall elect one of their number to preside at the meeting.

(4) At a meeting of the Commission 3 members constitute a quorum.

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

9. Control of the Minister

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

10. Functions of the Commission

- (1) The functions of the Commission are —
 - (a) to carry out the functions conferred on the Commission under this or any other Act;
 - (b) to formulate or recommend standards, specifications, codes of conduct or other forms of guidance for the purpose of maintaining proper standards in professional combat sports;
 - (c) to advise the Minister on professional combat sports and any matter that is connected with or incidental to professional combat sports;

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- (d) to devise and approve standards or guidelines for the preparation or training of persons participating in or proposing to participate in a professional combat sport.
- (2) The Commission may adopt standards, specifications, codes of conduct or guidelines of any other authority or body engaged in or controlling a professional combat sport or any other matters connected with or incidental to a professional combat sport.

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

11. Staff

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

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

12. Funds of the Commission

- (1) An account called the Professional Combat Sports Commission Account is to be established —
 - (a) as an agency special purpose account under section 16 of the *Financial Management Act 2006*; or
 - (b) with the approval of the Treasurer, at a bank as defined in section 3 of that Act,to which the funds of the Commission are to be credited.
- (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; and
 - (d) any other moneys lawfully received by, made available to, or payable to the Commission.

- (3) The funds of the Commission shall be applied by the Commission for —
- (a) the purposes of carrying out its functions under this Act; and
 - (b) the payment of such moneys for such purposes as are approved by the Minister.

[Section 12 amended by No. 49 of 1996 s. 49; No. 16 of 2003 s. 10(1); No. 28 of 2006 s. 160; No. 77 of 2006 s. 17.]

13. Financial provisions

The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Commission and its operations.

[Section 13 amended by No. 77 of 2006 s. 17.]

Part III — Registration of contestants

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

14. Prescribed classes of contestants

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

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

15. Register

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

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

16. Application for registration

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

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

17. Registration of contestants

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

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recommendation or in such other terms as the Minister determines.

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

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

18. Certificate of registration

- (1) The Commission shall cause to be issued to each person registered as a contestant a certificate in the form of a form approved by the Commission.

- (2) A certificate issued under subsection (1) shall be endorsed with any condition or restriction imposed by the Commission under section 17(3).

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

19. Application for renewal of registration

- (1) Subject to this Act a certificate of registration issued under section 18 has effect until 30 June then next ensuing.

- (2) A person registered as a contestant may, not earlier than 1 April and not later than 31 May of each year, apply to the Commission for the renewal of his certificate of registration as such a contestant.

- (3) An application under subsection (2) shall be —

- (a) in a form of the form approved by the Commission;
- (b) accompanied by a medical certificate as to the medical fitness of the applicant to be a contestant of the class sought in the application; and
- (c) accompanied by the prescribed fee.

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

20. Renewal of registration

- (1) Subject to subsection (2), where the Commission is satisfied that a person applying for the renewal of his registration as a contestant under section 19(2) —
- (a) is a fit and proper person;
 - (b) has complied with the conditions and restrictions imposed on him under section 17;
 - (ba) has not participated in a sham contest; and
 - (c) is medically fit to be registered as a contestant of the class of contestant sought in the application,

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

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

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

21. Health and safety

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

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

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

22. Refusal to register

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

23. Disciplinary

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

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

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

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

contestant a reasonable opportunity of being heard on the matter.

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

24. Offence to participate in contests if unregistered etc.

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

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

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

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

Part IV — Registration of industry participants

25. Prescribed classes of industry participants

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

26. Register of industry participants

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

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

27. Registration of industry participants

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

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

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

28. Application for registration of industry participants

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

29. Certificate of registration

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

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

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

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30. Duration of registration

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

31. Application for renewal of registration

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

32. Renewal of registration

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

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

33. Offence

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

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

Part V — Review

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

34. Appeals

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

[(2)-(5) deleted]

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

Part VI — Medical record books

35. Issue

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

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

36. Alterations

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

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

37. Offence of false information

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

Penalty: \$1 000.

38. Offence of damaging medical record book, etc.

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

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

39. Surrender of medical record book to Commission

Where —

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

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

Penalty: \$500.

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

40. Re-issue of medical record book

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

- (a) where the book is surrendered under section 39 as a consequence of the suspension of registration and no application for review is made in relation to the suspension — as soon as practicable after the suspension;
- (b) where the book is surrendered under section 39 and, on application made for a review of a decision of the Commission to cancel or suspend registration, the decision is set aside — as soon as is practicable after the decision is set aside.

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

41. Issue of additional cards

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

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

42. Replacement of book or card

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

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

Part VII — Contests

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

43. Interpretation

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

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

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

44. Application to conduct a contest

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

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

45. Issue of permit

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

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

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

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

46. Notification of Commissioner of Police

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

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

47. Offences

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

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- (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.

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

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

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

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

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

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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.

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

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

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

Penalty: \$2 000.

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

Penalty: \$2 000.

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

50. Contestants to be weighed-in

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

Penalty: \$500.

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

51. Duties of promoter and medical practitioner

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

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

52. Record of contest

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

- (a) cause a record to be made of the contest;

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- (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.

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

Part VIII — Miscellaneous

53. Contests prohibited at certain places

A person shall not —

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

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

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

54. Exemptions

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

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55. Recovery of charges, etc.

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

56. Vicarious liability

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

57. Statutory declaration

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

58. Evidentiary

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

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

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

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

is evidence of that fact.

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

59. Delegation

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

60. Authentication of certain documents

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

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

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61. Protection of Commission and others

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

62. Regulations

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

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

[63. Deleted by No. 16 of 2003 s. 25.]

[64. Deleted by No. 16 of 2003 s. 26.]

[65. Deleted by No. 16 of 2003 s. 27.]

Notes

- ¹ This is a compilation of the *Professional Combat Sports Act 1987* and includes the amendments made by the other written laws referred to in the following table [1a](#).⁹ The table also contains information about any reprint.

Compilation table

| Short title | Number and year | Assent | Commencement |
|---|--|-------------|--|
| <i>Boxing Control Act 1987</i> ³ | 2 of 1987 | 29 May 1987 | 22 Feb 1991 (see s. 2 and <i>Gazette</i> 22 Feb 1991 p. 867) |
| <i>Boxing Control Amendment Act 1990</i> | 29 of 1990 | 5 Oct 1990 | Act other than s. 4: 22 Feb 1991 (see s. 2(1)); s. 4: 3 May 1991 (see s. 2(2) and <i>Gazette</i> 3 May 1991 p. 1936) |
| <i>Acts Amendment (Public Sector Management) Act 1994 s. 3(2)</i> | 32 of 1994 | 29 Jun 1994 | 1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948) |
| <i>Financial Legislation Amendment Act 1996 s. 49</i> | 49 of 1996 | 25 Oct 1996 | 25 Oct 1996 (see s. 2(1)) |
| <i>Boxing Control Amendment Act 2003 s. 1-30</i> ^{4,5,6} | 16 of 2003 | 17 Apr 2003 | 12 Jan 2005 (see s. 2 and <i>Gazette</i> 11 Jan 2005 p. 89) |
| <i>Sentencing Legislation Amendment and Repeal Act 2003 s. 40</i> ⁸ | 50 of 2003 (as amended by No. 8 of 2009 s. 116(2)) | 9 Jul 2003 | s. 40(2): 15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445) s. 40(3) deleted by No. 8 of 2009 s. 116(2) |
| <i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 2 Div. 13</i> ⁷ | 55 of 2004 | 24 Nov 2004 | 1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130) |
| Reprint 1: The Professional Combat Sports Act 1987 as at 11 Mar 2005 (includes amendments listed above) | | | |
| <i>Criminal Law Amendment (Simple Offences) Act 2004 s. 82</i> | 70 of 2004 | 8 Dec 2004 | 31 May 2005 (see s. 2 and <i>Gazette</i> 14 Jan 2005 p. 163) |
| <i>Machinery of Government (Miscellaneous Amendments) Act 2006 Pt. 5 Div. 2</i> | 28 of 2006 | 26 Jun 2006 | 1 Jul 2006 (see s. 2 and <i>Gazette</i> 27 Jun 2006 p. 2347) |
| <i>Financial Legislation Amendment and Repeal</i> | 77 of 2006 | 21 Dec 2006 | 1 Feb 2007 (see s. 2 and |

| Short title | Number and year | Assent | Commencement |
|---|------------------------|---------------|--|
| <i>Act 2006 s. 17</i> | | | <i>Gazette 19 Jan 2007 p. 137)</i> |
| <i>Acts Amendment (Bankruptcy) Act 2009 s. 69</i> | 18 of 2009 | 16 Sep 2009 | 17 Sep 2009 (see s. 2(b)) |
| <i>Public Sector Reform Act 2010</i> | 39 of 2010 | 1 Oct 2010 | 1 Dec 2010 (see s. 2(b) and <i>Gazette 5 Nov 2010 p. 5563)</i> |

² ~~Footnote no longer applicable.~~^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

| <u>Short title</u> | <u>Number and year</u> | <u>Assent</u> | <u>Commencement</u> |
|---|-------------------------------|----------------------|---------------------------------------|
| <u><i>Professional Combat Sports Amendment Act 2011</i></u> <u>s. 3-61²</u> | <u>44 of 2011</u> | <u>12 Oct 2011</u> | <u>To be proclaimed (see s. 2(b))</u> |

² On the date as at which this compilation was prepared, the *Professional Combat Sports Amendment Act 2011* s. 3-61 had not come into operation. They read as follows:

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 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);

(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, 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.
 - (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
 - (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
 - (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.

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- (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
 - (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 VIIIA inserted

After Part VII insert:

Part VIIIA — 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:

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.

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

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

“

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

”

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

⁶ The *Boxing Control Amendment Act 2003* s. 30 reads as follows:

“

30. Transitional provision in relation to certain registrations

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

”

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

- ⁸ Section 40(3) of this Act had not come into operation when it was deleted by the *Statutes (Repeals and Miscellaneous Amendments) Act 2009* s. 116(2).
- ⁹ The *Courts Legislation Amendment and Repeal Act 2004* Sch. 2 cl. 7 was repealed by the *Criminal Law and Evidence Amendment Act 2008* s. 77(13).