



Western Australia

Combat Sports Act 1987

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Western Australia

Combat Sports Act 1987

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

[Long title amended by No. 16 of 2003 s. 4; No. 44 of 2011 s. 4.]

Part I — Preliminary

1. Short title

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

[Section 1 amended by No. 16 of 2003 s. 5; No. 44 of 2011 s. 5.]

2. Commencement

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

3. ~~Interpretation~~ Terms used

In this Act unless the context otherwise requires —

boxing means fist fighting or sparring;

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

combat sport means —

- (a) boxing; or
- (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;

Commission means the Commission established under section 4;

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;

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, 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;

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

prescribed means prescribed by the regulations;

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 —

- (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.

[Section 3 amended by No. 16 of 2003 s. 6; No. 44 of 2011 s. 6.]

Part II — Combat Sports Commission

[Heading inserted by No. 44 of 2011 s. 7.]

4. Combat Sports Commission established

- (1) There shall be a Combat Sports Commission.
- (2A) The Commission is a continuation of the body previously called the “Professional Combat Sports Commission” and the “Western Australian Boxing Commission”.
- (2) The Commission shall consist of 9 members of whom —
 - (a) 8 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 medical practitioner who in the opinion of the Minister has knowledge of injuries suffered by contestants;
 - (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;
 - (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;

- (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;
 - 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; No. 44 of 2011 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

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- (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 Minister on the grounds of neglect of duty, his behaviour or incompetence; or
 - (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; No. 44 of 2011 s. 9.]

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 5 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;
[and](#)
 - (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.

[Section 8 amended by No. 44 of 2011 s. 10.]

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 —

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

[Section 10 amended by No. 16 of 2003 s. 9; No. 44 of 2011 s. 11.]

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 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.

- (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”.
- (2) The funds of the Commission shall consist of —
- (a) any moneys received by or paid to the Commission under this Act; [and](#)
 - (b) such moneys as are appropriated by Parliament from time to time; [and](#)
 - (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~~; [Sch. 1 cl. 133\(1\)](#); No. 44 of 2011 s. 12.]

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~~; [Sch. 1 cl. 133\(2\)](#).]

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; [and](#)
 - (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. 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.

[Section 16 inserted by No. 44 of 2011 s. 13.]

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.

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- (3) When registering a contestant, the Commission may impose such conditions or restrictions on the contestant as it thinks fit.

[Section 17 inserted by No. 44 of 2011 s. 14.]

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.

[Section 18 inserted by No. 44 of 2011 s. 15.]

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.

[Section 19 inserted by No. 44 of 2011 s. 16.]

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.

[Section 20 inserted by No. 44 of 2011 s. 17.]

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.

[Section 21 inserted by No. 44 of 2011 s. 18.]

[22. Deleted by No. 44 of 2011 s. 19.]

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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.

[Section 23 inserted by No. 44 of 2011 s. 20.]

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.

[Section 24A inserted by No. 44 of 2011 s. 21.]

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: a fine of \$6 000.

[Section 24 inserted by No. 16 of 2003 s. 14; amended by No. 44 of 2011 s. 22.]

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.

[Section 25A inserted by No. 44 of 2011 s. 23.]

Part IV — Registration of industry participants

[25. Deleted by No. 44 of 2011 s. 24.]

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.

[Section 26 inserted by No. 44 of 2011 s. 25.]

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.

[Section 27 inserted by No. 44 of 2011 s. 26.]

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.

[Section 28 inserted by No. 44 of 2011 s. 26.]

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.

[Section 29 inserted by No. 44 of 2011 s. 27.]

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.

[Section 30 inserted by No. 44 of 2011 s. 28.]

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31. Application for renewal of registration

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

[Section 31 amended by No. 44 of 2011 s. 29.]

32. Renewal of registration

- (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.
- (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; No. 44 of 2011 s. 30.]

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.

[Section 33A inserted by No. 44 of 2011 s. 31.]

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.

[Section 33 inserted by No. 44 of 2011 s. 32.]

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.

[Section 34A inserted by No. 44 of 2011 s. 33.]

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[Part V (s. 34) deleted by No. 44 of 2011 s. 34.]

Part VI — Contestant record books

[Heading inserted by No. 44 of 2011 s. 35.]

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.

[Section 35 inserted by No. 44 of 2011 s. 36.]

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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.

[Section 36 inserted by No. 44 of 2011 s. 37.]

[37. Deleted by No. 44 of 2011 s. 38.]

38. Damaging books

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

Penalty: a fine of \$6 000.

[Section 38 inserted by No. 44 of 2011 s. 39.]

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.

[Section 39 inserted by No. 44 of 2011 s. 40.]

40. Re-issue of ~~medical record book~~ books

The Commission shall re-issue a contestant's contestant record book to the 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; No. 44 of 2011 s. 41.]

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).

[Section 41 inserted by No. 44 of 2011 s. 42.]

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".

[Section 42 inserted by No. 44 of 2011 s. 43.]

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. 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.

[Section 44 inserted by No. 44 of 2011 s. 44.]

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.

[Section 45 inserted by No. 44 of 2011 s. 45.]

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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.]

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.

[Section 47AA inserted by No. 44 of 2011 s. 46.]

47A. Suspending or cancelling a permit

- (1) The Commission, at any time before or during a contest for which a permit has been issued under section 45, may suspend or cancel the permit if it is satisfied —
 - (a) that any term, condition or restriction to which the permit is subject has not or is not being complied with;or

- (b) that it is in the interests of the health or safety of any contestant in the contest to do so; or
 - (c) that the contest will be or is a sham contest.
- (2) Before it suspends or cancels a permit, the Commission must give the permit holder a reasonable opportunity to be heard unless, in the time needed to do so, the health or safety of any contestant in the contest may be jeopardised.
- (3) To suspend or cancel a permit, a person authorised by the Commission, or a member, must give the permit holder, or the referee of the contest, oral or written notice —
- (a) that the Commission has suspended or cancelled the permit, as the case requires; and
 - (b) if the permit is suspended, of the term of the suspension, whether by referring to an event that may occur or to a period of time.
- (4) If oral notice is given to a person under subsection (3), written confirmation of the notice must be given to the person within 7 days after the date on which the oral notice was given.
- (5) If a permit is suspended, the Commission may at any time cancel the suspension for good reason.
- (6) A written notice or a written confirmation of a notice given orally under subsection (3) must state the reasons for suspending or cancelling the permit.

[Section 47A inserted by No. 44 of 2011 s. 46.]

47. Offences

- (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.

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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.

- (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.

~~[(6) deleted]~~

*[Section 47 amended by No. 16 of 2003 s. 18, 28(3) and 29(1);
No. 44 of 2011 s. 47.]*

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.

[Section 48A inserted by No. 44 of 2011 s. 48.]

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.

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- (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.

[Section 48 inserted by No. 44 of 2011 s. 49.]

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.

[Section 49A inserted by No. 44 of 2011 s. 49.]

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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: a fine of \$12 000.

- (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: a fine of \$12 000.

[Section 49 inserted by No. 16 of 2003 s. 20; amended by No. 44 of 2011 s. 50.]

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.

[Section 50 inserted by No. 44 of 2011 s. 51.]

51. Duties of promoter and medical practitioner

- (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.

- (3) Where a contestant is rendered unconscious during a contest a medical practitioner approved by the Commission shall

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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); No. 44 of 2011 s. 52.]

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.

[Section 52 inserted by No. 44 of 2011 s. 53.]

Part VIII A — Review

[Heading inserted by No. 44 of 2011 s. 54.]

53A. Review by ~~State Administrative Tribunal~~ [SAT](#)

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.

[Section 53A inserted by No. 44 of 2011 s. 54.]

Part VIII — Miscellaneous

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.

[Section 53 inserted by No. 44 of 2011 s. 55.]

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.

[Section 54A inserted by No. 44 of 2011 s. 56.]

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.

[Section 54B inserted by No. 44 of 2011 s. 56.]

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.

[Section 54 inserted by No. 44 of 2011 s. 57.]

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. Deleted by No. 44 of 2011 s. 58.]

57. Statutory declaration

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

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.

[Section 58 inserted by No. 44 of 2011 s. 59.]

59. Delegation

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

60. Authentication of certain documents

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

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

61. Protection of Commission and others

No liability attaches to the Commission, any delegate of the Commission, any member or officer or employee of the Commission or any officer of the Public Service of the State for any act or omission that occurred in good faith and in the

exercise or purported exercise or in the discharge or purported discharge of its or his functions under this Act.

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.

[Section 62A inserted by No. 44 of 2011 s. 60.]

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 any or all of the following —
 - (a) the appointment of, and fees payable to, officials involved in combat sports;
 - (b) ratings of contestants;
 - (c) titles that can be awarded to contestants;
 - (d) contracts between contestants and industry participants;
 - (e) rest periods for contestants;
 - (f) guarantees and other securities to be given by promoters of contests.
- (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*.

[Section 62 amended by No. 16 of 2003 s. 24; No. 44 of 2011 s. 61.]

[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.]

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Notes

¹ This [reprint](#) is a compilation [as at 5 April 2013](#) of the *Combat Sports Act 1987* and includes the amendments made by the other written laws referred to in the following table ⁹². 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	s. 1 and 2: 29 May 1987; Act other than s. 1 and 2: 22 Feb 1991 (see s. 2 and <i>Gazette</i> 22 Feb 1991 p. 867)
<i>Boxing Control Amendment Act 1990</i>	29 of 1990	5 Oct 1990	Act other than s. 4: 22 Feb 1991 (see s. 2(1)); s. 4: 3 May 1991 (see s. 2(2) and <i>Gazette</i> 3 May 1991 p. 1936)
<i>Acts Amendment (Public Sector Management) Act 1994</i> s. 3(2)	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Financial Legislation Amendment Act 1996</i> s. 49	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Boxing Control Amendment Act 2003</i> s. 1-30 ^{4, 5, 6}	16 of 2003	17 Apr 2003	s. 1 and 2: 17 Apr 2003; Act other than s. 1 and 2: 12 Jan 2005 (see s. 2 and <i>Gazette</i> 11 Jan 2005 p. 89)
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> s. 40 ⁷¹	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</i> Pt. 2-Div. 13 ⁷⁸	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</i> s. 82	70 of 2004	8 Dec 2004	31 May 2005 (see s. 2 and <i>Gazette</i> 14 Jan 2005 p. 163)

Short title	Number and year	Assent	Commencement
<u>Reprint 1: The Professional Combat Sports Act 1987 as at 11 Mar 2005 (includes amendments listed above except those in the Criminal Law Amendment (Simple Offences) Act 2004)</u>			
<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 Act 2006 s. 17 Sch. 1 cl. 133</i>	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<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 s. 89</i>	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and <i>Gazette</i> 5 Nov 2010 p. 5563)
<i>Professional Combat Sports Amendment Act 2011</i>	44 of 2011	12 Oct 2011	s. 1 and 2: 12 Oct 2011 (see s. 2(a)); Act other than s. 1 and 2: 1 Mar 2013 (see s. 2(b) and <i>Gazette</i> 1 Mar 2013 p. 1091)

Reprint 2: The Combat Sports Act 1987 as at 5 Apr 2013 (includes amendments listed above)

² ~~Footnote no longer applicable.~~

² 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).

³ Short title was initially the *Boxing Control Act 1987* and was subsequently changed to the *Professional Combat Sports Act 1987*, and now the *Combat Sports Act 1987* (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

⁷ [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\(2\).](#)

⁸ 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).~~