



Australian Capital Territory

# **Boxing Control Act 1993**

**A1993-24**

**Republication No 5**

**Effective: 24 November 2005 – 11 April 2007**

Republication date: 24 November 2005

Last amendment made by A2005-54

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Boxing Control Act 1993* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 24 November 2005. It also includes any amendment, repeal or expiry affecting the republished law to 24 November 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Boxing Control Act 1993

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Australian Capital Territory

## Boxing Control Act 1993

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An Act to regulate the conduct of professional and amateur boxing, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Boxing Control Act 1993*.

### 3 Definitions for Act

In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

***amateur boxing contest*** means a boxing contest otherwise than for a monetary prize or other reward in money or money's worth.

***authority*** means the Boxing Authority of New South Wales constituted by the New South Wales Act.

***boxing*** means fist fighting, kick boxing or any other style of fighting in relation to which a class of boxers is prescribed under the New South Wales Act, and includes sparring in any such style.

***boxing contest*** means a contest, display or exhibition of boxing, but does not include a prescribed contest, display or exhibition.

***boxing official*** means a person who is a boxing official under the New South Wales Act.

***code of practice*** means the code of practice determined under section 15 (1) as varied from time to time under that section.

***New South Wales Act*** means the *Boxing and Wrestling Control Act 1986* (NSW).

***professional boxing contest*** means a boxing contest for a monetary prize or other reward in money or money's worth.

***promoter*** means the person who promotes, arranges or conducts a boxing contest.

**3A Notes**

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

**3B Offences against Act—application of Criminal Code etc**

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## Part 2 Control of boxing contests

### 4 Meaning of *boxing contest* in pt 2

In this part, a reference (other than in this section) to a *boxing contest* is a reference to—

- (a) a single boxing contest; or
- (b) 2 or more boxing contests, where the contests are conducted on the 1 occasion and at the same venue.

### 5 Boxing contests

A person commits an offence if—

- (a) the person conducts a boxing contest; and
- (b) an approval under section 8 is not in force for the contest.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

### 6 Application for approval

A person may apply to the Minister for approval to conduct a boxing contest.

*Note 1* A fee may be determined under s 20 (Determination of fees) for this section.

*Note 2* If a form is approved under s 21 (Approved forms) for an application, the form must be used.

### 7 Further information—applications

The Minister may, by written notice, require an applicant for an approval to give the Minister, either orally or in writing, the further information relating to the application specified in the notice.



## 8 Approvals

- (1) On application being made in accordance with section 6, the Minister may—
  - (a) approve the application; or
  - (b) approve the application subject to conditions; or
  - (c) refuse to approve the application.
- (2) The Minister shall refuse an application if the Minister is satisfied, based on reasonable grounds, that—
  - (a) it would not be in the public interest to hold the contest to which the application relates; or
  - (b) the venue where it is proposed to hold the contest is unsuitable; or
  - (c) the applicant is not or will not be able to meet any contractual obligations he or she may have in relation to the conduct of the contest to which the application relates.
- (3) An approval shall—
  - (a) be in writing; and
  - (b) specify the conditions (if any) subject to which it is given; and
  - (c) be accompanied by a copy of the code of practice (if any).
- (4) The conditions that may be specified in an approval may include, but are not limited to—
  - (a) conditions about the number and classification of boxing officials to be present at the contest to which the approval relates; or
  - (b) conditions requiring persons to whom approval is given to enter into a bond to secure performance against the conditions of the approval; or
  - (c) in relation to the conduct of an amateur boxing contest—

- (i) conditions requiring the contest be completed by a specified time; or
  - (ii) if the contest is to be held on licensed premises—conditions about the way that the contest is to be conducted;
  - (d) if an amateur boxing contest is to be conducted in conjunction with a professional boxing contest—conditions about the way that the amateur boxing contest is to be so conducted; or
  - (f) if the contest is to be conducted on licensed premises within the meaning of the *Liquor Act 1975*—conditions about the age of the contestants.
- (5) Compliance with the code of practice (if any) shall be taken to be a condition of an approval.
- (6) A failure to comply with subsection (3) (b) does not affect the validity of an approval under subsection (1).
- (7) A person must not contravene a condition of an approval given to the person.
- Maximum penalty: 50 penalty units.
- (8) An offence against this section is a strict liability offence.

## **9 Cancellation of approval**

If the Minister believes on reasonable grounds that a person to whom an approval has been given has contravened a condition of the approval, the Minister may cancel the approval.

## **10 Boxing officials**

- (1) A person commits an offence if the person—
- (a) participates in a professional boxing contest otherwise than as a boxer; and

(b) is not registered for that participation.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) In this section:

*registered* means registered under the New South Wales Act, section 20 (Determination of application) or section 25 (Determination of application).

## 11 Professional boxers

(1) A male commits an offence if he—

- (a) engages in a professional boxing contest involving a particular style of boxing; and
- (b) is not registered as a boxer of the class that is appropriate to that style.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) In this section:

*registered* means registered under the New South Wales Act, section 9 (Determination of application) or section 13 (Determination of application).

## 12 Amateur boxers

(1) A person commits an offence if—

- (a) the person—
  - (i) engages in an amateur boxing contest (other than a kick boxing contest) as a boxer; or
  - (ii) participates in an amateur boxing contest (other than a kick boxing contest) as a boxing official; and

- (b) the person is not a member of Boxing Australia Incorporated or an affiliated body.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person commits an offence if—
  - (a) the person—
    - (i) engages in an amateur kick boxing contest as a kick boxer; or
    - (ii) participates in an amateur kick boxing contest as a kick boxing official; and
  - (b) a written approval by an approved body is not in force for the contest.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) In this section:

*approved body* means a body approved under section 13.

### **13 Approval of certain bodies for s 12**

- (1) The Minister may, in writing, approve a body for section 12 (2).
- (2) An approval is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

### **13A Female boxing contests**

A female commits an offence if—

- (a) she engages in a professional boxing contest; and
- (b) an approval under section 14 is not in force for the contest.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

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**14 Approval for female boxing contests**

- (1) A female may apply to the Minister for approval to engage in a professional boxing contest.

*Note 1* A fee may be determined under s 20 (Determination of fees) for this section.

*Note 2* If a form is approved under s 21 (Approved forms) for an application, the form must be used.

- (2) An application must be accompanied by a doctor's certificate, given to the applicant not more than 14 days before the making of the application, certifying that, in the doctor's opinion, the applicant is medically fit to engage in the proposed contest.
- (3) The Minister may, by written notice, require an applicant for an approval to give the Minister, either orally or in writing, the further information relating to the application specified in the notice.
- (4) The Minister may—
- (a) approve the application; or
  - (b) approve the application subject to conditions; or
  - (c) refuse to approve the application.
- (5) The Minister shall approve an application under subsection (1) if satisfied that it would not be contrary to public interest for the contest to take place.

## Part 3 Code of practice

### 15 Code of practice

- (1) The Minister may, in writing, approve a code of practice about the conduct of boxing contests.

*Note* Power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A code of practice is a disallowable instrument.

*Note 1* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

*Note 2* An amendment or repeal of a code of practice is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

### 16 Contents

The code of practice may include, but is not limited to, matters relating to—

- (a) medical examinations of boxers; and
- (b) the numbers and functions of doctors in connection with boxing contests; and
- (c) venues for boxing contests; and
- (d) sizes of rings for boxing contests; and
- (e) protective clothing to be worn by participants in boxing contests; and
- (f) weigh-in procedures; and
- (g) records to be maintained in relation to boxing contests; and
- (h) the rules of boxing to apply to boxing contests.

## Part 4 Administrative review

### 18 Notice of decisions

- (1) If the Minister makes a decision—
- (a) to refuse to approve an application under section 8 (1); or
  - (b) to grant an application subject to a condition under section 8 (1); or
  - (c) to approve an application on a specific date, time or place under section 8; or
  - (d) to cancel an approval to conduct a boxing contest under section 9; or
  - (e) to refuse to approve an organisation under section 13 (Approval of certain bodies for s 12); or
  - (f) to grant an application subject to a condition, or to refuse to approve an application, under section 14;

the Minister shall give written notice of the decision to the applicant.

- (2) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

### 19 Review by administrative appeals tribunal

A person entitled under section 18 (1) to be given notice of a decision may apply to the administrative appeals tribunal for a review of the decision.

## Part 5 Miscellaneous

### 20 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### 21 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

*Note* For other provisions about forms, see *Legislation Act 2001*, s 255.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

### 22 Regulation-making power

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may exempt people from the application of the provisions of this Act.



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Boxing Control Act 1993 No 24**

notified 21 May 1993 (Gaz 1993 No S83)  
s 1, s 2 commenced 21 May 1993 (s 2 (1))  
remainder commenced 17 June 1993 (s 2 (2) and Gaz 1993 No S112)

as amended by

#### **Boxing Control (Amendment) Act 1993 No 71**

notified 27 September 1993 (Gaz 1993 No S195)  
commenced 27 September 1993 (s 2)

#### **Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994  
No S250)

#### **Boxing Control (Amendment) Act 1996 No 11**

notified 10 April 1996 (Gaz 1996 No S59)  
commenced 10 April 1996 (s 2)

#### **Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 41**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 41 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Health Professionals Legislation Amendment Act 2004 A2004-39 sch 5 pt 5.3**

notified LR 8 July 2004  
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))  
sch 5 pt 5.3 commenced 7 July 2005 (s 2 and see Health  
Professionals Act 2004 A2004-38, s 2 and CN2005-11)

**Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.9**

notified LR 27 October 2005

s 1, s 2 commenced 27 October 2005 (LA s 75 (1))

sch 1 pt 1.9 commenced 24 November 2005 (s 2)

**4 Amendment history****Commencement**

s 2 om 2001 No 44 amdt 1.424

**Definitions for Act**

s 3 def **boxing contest** am 1993 No 71 s 4  
def **code of practice** ins 1996 No 11 s 4  
def **determined fee** om 2001 No 44 amdt 1.425  
def **medical practitioner** om A2004-39 amdt 5.5  
def **tribunal** om 1994 No 60 sch 1

**Notes**

s 3A ins A2005-54 amdt 1.58

**Offences against Act—application of Criminal Code etc**

s 3B ins A2005-54 amdt 1.58

**Boxing contests**

s 5 am 1993 No 71 s 5; 1998 No 54 sch  
sub A2005-54 amdt 1.59

**Application for approval**

s 6 sub 2001 No 44 amdt 1.426

**Approvals**s 8 am 1993 No 71 s 6; 1996 No 11 s 5; 1998 No 54 sch; ss and  
pars renum R3 LA; A2005-54 amdt 1.60**Boxing officials**

s 10 am 1998 No 54 sch  
sub A2005-54 amdt 1.61

**Professional boxers**

s 11 am 1998 No 54 sch  
sub A2005-54 amdt 1.61

**Amateur boxers**

s 12 am 1993 No 71 s 7; 1996 No 11 s 6; 1998 No 54 sch  
sub A2005-54 amdt 1.61

**Approval of certain bodies for s 12**

s 13 am 1998 No 54 sch  
sub A2005-54 amdt 1.61

## Endnotes

4 Amendment history

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### **Female boxing contests**

s 13A sub A2005-54 amdt 1.61

### **Approval for female boxing contests**

s 14 am 2001 No 44 amdt 1.427, amdt 1.428

### **Code of practice**

pt 3 hdg sub 1996 No 11 s 7

### **Code of practice**

s 15 am 1993 No 71 s 8  
sub 1996 No 11 s 7  
sub 2001 No 44 amdt 1.429

### **Contents**

s 16 sub 1996 No 11 s 7

### **Publication**

s 17 om 1996 No 11 s 7

### **Notice of decisions**

s 18 am 1994 No 60 sch 1; 1996 No 11 s 8; pars renum R3 LA;  
A2005-54 amdt 1.62

### **Review by administrative appeals tribunal**

s 19 am 1994 No 60 sch 1

### **Determination of fees**

s 20 sub 2001 No 44 amdt 1.430

### **Approved forms**

s 21 sub 2001 No 44 amdt 1.430

### **Regulation-making power**

s 22 ins 2001 No 44 amdt 1.430

## 5 Earlier replications

Some earlier replications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised replication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised replication are identical.

Replication No	Amendments to	Replication date
1	A1993-71	31 January 1994
2	A1996-11	31 January 1998
3	A2001-44	30 August 2002
4	A2004-39	7 July 2005

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