

1993
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Sport)

Boxing Control Bill 1993

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Boxing Control Bill 1993

A BILL

FOR

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

The Legislative Assembly for the Australian Capital Territory enacts as
follows:

PART I—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Boxing Control Act 1993*.

Commencement

2. (1) Section 1 and this section commence on the day on which this
Act is notified in the *Gazette*.
- 10 (2) The remaining provisions commence on a day, or respective days,
fixed by the Minister by notice in the *Gazette*.
- (3) If a provision referred to in subsection (2) has not commenced
before the end of the period of 6 months commencing on the day on which

this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Interpretation

3. In this Act, unless the contrary intention appears—

5 “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;

10 “boxing” means fist fighting or any other style of fighting (other than kick boxing) in relation to which a class of boxers is prescribed under the New South Wales Act and includes sparring in any such style;

15 “boxing contest” means a contest, display or exhibition of boxing for which approval has been given under section 8, 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;

“determined fee” means the fee determined under section 22 for the purposes of the provision in which the expression occurs;

20 “medical practitioner” means a registered medical practitioner under the *Medical Practitioners Registration Act 1930* or under a law of a State or another Territory providing for the registration of medical practitioners;

25 “New South Wales Act” means the *Boxing and Wrestling Control Act 1986* of the State of New South Wales;

“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;

30 “Tribunal” means the Australian Capital Territory Administrative Appeals Tribunal.

PART II—CONTROL OF BOXING CONTESTS

Interpretation

35 4. 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.

Boxing contests

- 5 5. A person shall not conduct a boxing contest without the written approval of the Minister.

Penalty: \$5,000 or imprisonment for 6 months, or both.

Application for approval

6. An application for approval to conduct a boxing contest shall—
- 10 (a) be in a form approved by the Minister; and
- (b) be accompanied by the determined fee.

Further information—applications

7. The Minister may, by written notice, require an applicant for an approval to furnish to the Minister, either orally or in writing, such further
- 15 information relating to the application as is specified in the notice.

Approvals

8. (1) On application being made in accordance with section 6, the Minister may—
- (a) approve the application;
- 20 (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—
- 25 (a) it would not be in the public interest to hold the contest to which the application relates;
- (b) the venue at which 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
- 30 contest to which the application relates.
- (3) An approval shall specify the conditions subject to which it is given.
- (4) The conditions that may be specified in an approval may include, but are not limited to—

- (a) compliance with a code of practice approved under section 15;
- (b) conditions as to the number and classification of boxing officials to be present at the contest to which the approval relates;
- 5 (c) conditions requiring persons to whom approval is given to enter into a bond to secure performance against the conditions of the approval;
- (d) in relation to the conduct of an amateur boxing contest—
 - (i) conditions requiring the contest be completed by a specified time; or
 - 10 (ii) if the contest is to be held on licensed premises—conditions as to the manner in which the contest is to be conducted;
- (e) if an amateur boxing contest is to be conducted in conjunction with a professional boxing contest—conditions as to the manner in which the amateur boxing contest is to be so conducted; or
- 15 (f) if the contest is to be conducted on licensed premises within the meaning of the *Liquor Act 1975*—conditions as to the age of the contestants.
- 20 (5) A person who, without reasonable excuse, contravenes a condition of an approval is guilty of an offence punishable, on conviction, by a fine not exceeding \$5,000.

Cancellation of approval

- 25 9. Where 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.

Boxing officials

- 10. (1) A person shall not participate in a professional boxing contest, otherwise than as a boxer, unless the person is registered according to the nature of his or her participation in the contest.
- 30 Penalty: \$5,000 or imprisonment for 6 months, or both.
- (2) In subsection (1)—

“registered” means registered under section 20 or 25 of the New South Wales Act.

Professional boxers

- 35 11. (1) A person (other than a female) shall not engage in a professional boxing contest involving a particular style of boxing unless the

person is registered as a boxer of the class that is appropriate to that style of boxing.

Penalty: \$5,000 or imprisonment for 6 months, or both.

(2) In subsection (1)—

5 “registered” means registered under section 9 or 13 of the New South Wales Act.

Amateur boxers

12. A person shall not—

- (a) engage in an amateur boxing contest as a boxer; or
- 10 (b) participate in an amateur boxing contest as a boxing official;

unless the person is a member of the body known as the Amateur Boxing Union of Australia or an affiliated body.

Penalty: \$5,000 or imprisonment for 6 months, or both.

Female boxing contests

15 13. A female shall not engage in a professional boxing contest without the written approval of the Minister.

Penalty: \$5,000 or imprisonment for 6 months, or both.

Approval for female boxing contests

20 14. (1) An application by a female for approval to engage in a professional boxing contest shall—

- (a) be in a form approved by the Minister;
- (b) be accompanied by a certificate of a medical practitioner, obtained by the applicant not more than 14 days before the date of the application, certifying that, in the opinion of the medical practitioner, the applicant is medically fit to engage in the proposed contest; and
- 25 (c) be accompanied by the determined fee.

30 (2) The Minister may, by written notice, require an applicant for an approval to furnish to the Minister, either orally or in writing, such further information relating to the application as is specified in the notice.

(3) The Minister may—

- (a) approve the application;
- (b) approve the application subject to conditions; or

(c) refuse to approve the application.

(4) 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.

5

PART III—CODES OF PRACTICE

Approval

15. (1) Where the Minister approves an application under section 8, the Minister shall, by instrument, approve—

(a) a code of practice; or

10 (b) a variation of an approved code of practice;

for the boxing contest in respect of which the approval is given.

(2) A code or variation approved under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

15 (3) The Minister shall give a person whose application has been approved a copy of a code of practice for the boxing contest in respect of which approval has been given.

20 (4) Notwithstanding paragraph 6 (1) (b) of the *Subordinate Laws Act 1989* in its application to a code of practice or a variation of an approved code of practice, a code or variation takes effect (subject to the remaining provisions of section 6 of that Act) on the expiration of 3 sitting days after it is laid before the Legislative Assembly, or on such later date as is specified in the code or variation.

25 (5) Paragraph 6 (1) (c) and subsections 6 (7), (7A) and (7B) of the *Subordinate Laws Act 1989* apply to a code of practice or a variation of an approved code of practice as if the references in those provisions to 15 sitting days were references to 3 sitting days.

Codes of practice

30 16. A code of practice in respect of a boxing contest may include, but is not limited to, matters relating to—

(a) the medical examination of boxers by a medical practitioner at the contest;

(b) the number and functions of medical practitioners in connection with the contest;

35 (c) the venue for the contest;

- (d) the size of the ring in which the contest is to be held;
- (e) protective clothing to be worn by the contestants;
- (f) weigh-in procedures;
- (g) records to be maintained in relation to the contest; and
- 5 (h) the rules of boxing to apply to the contest.

Publication

17. (1) The Minister shall, on or before the date of effect of an approval under subsection 15 (1) cause notice of the approval to be published in a daily newspaper published and circulating in the Territory.

10 (2) A notice under subsection (1) shall—

(a) specify—

(i) the date on which the approval takes effect (being a date not earlier than the day following the last day on which the approval may be disallowed); and

15 (ii) a place or places at which copies of the code of practice to which the approval relates may be inspected or purchased; and

(b) contain a statement to the effect that—

20 (i) a copy of that code of practice may be inspected or purchased by members of the public at the office of the Minister during office hours, or at such other place as is, or places as are, specified in the notice during the hours so specified; and

25 (ii) the code of practice is subject to disallowance by the Legislative Assembly under the *Subordinate Laws Act 1989*.

(3) The Minister shall ensure that—

30 (a) a copy of an approval under subsection 15 (1) is made available for public inspection at the office of the Minister during office hours, or at such other place as is, or places as are, specified in the notice during the hours so specified; and

(b) copies of that code of practice are made available for purchase at each place specified in the relevant notice.

35 (4) The reasonable costs of a notice under subsection (1) is a debt payable by the promoter to the Territory.

(5) In this section—

“code of practice” includes any document (or part of a document) the provisions of which are applied by the code.

PART IV—ADMINISTRATIVE REVIEW

5 Notice of decisions

18. (1) Where the Minister makes a decision—

- (a) to refuse to approve an application under subsection 8 (1);
- (b) to grant an application subject to a condition under subsection 8 (1);
- 10 (c) to approve an application on a specific date, time or place under subsection 8 (3);
- (d) to cancel an approval to conduct a boxing contest under section 9; or
- 15 (e) to grant an application subject to a condition, or to refuse to approve an application, under section 14;

the Minister shall cause notice in writing of the decision to be given to the applicant.

(2) A notice under subsection (1) shall—

- 20 (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Tribunal for a review of the decision to which the notice relates; and
- (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by
25 the decision may request a statement pursuant to section 26 of that Act.

(3) The validity of a decision referred to in subsection (1) shall not be taken to be affected by a failure to comply with subsection (2).

Review by Tribunal

- 30 19. A person entitled under subsection 18 (1) to be given notice of a decision may apply to the Tribunal for a review of the decision.

PART V—MISCELLANEOUS

Kick boxing contests prohibited

- 5 20. A person shall not, without reasonable excuse, engage or participate in a boxing contest in which a foot or any other part of the leg of a contestant may be used to strike his or her opponent.

Penalty: \$5,000 or imprisonment for 6 months, or both.

Determination of fees

21. The Minister may, by notice published in the *Gazette*, determine fees for the purposes of this Act.

10 Regulations

22. (1) The Executive may make regulations, not inconsistent with this Act, prescribing matters—

- 15 (a) required or permitted by this Act to be prescribed; or
 (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the regulations may—

- 20 (a) exempt a specified person or a person included in a specified class of persons from the application of all or any of the provisions of this Act; and
 (b) specify the circumstances, whether generally or in a particular case, in which an exemption applies.