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THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

BOXING CONTROL (AMENDMENT) BILL 1993

EXPLANATORY MEMORANDUM

Circulated by Authority of Wayne Berry MLA

Minister for Sport

Outline

The Boxing Control (Amendment) Bill 1993 (the Bill) amends certain provisions of the Boxing Control Act 1993 (the Principal Act).

The Principal Act established a regime to control both amateur and professional boxing contests in the Territory. The term 'boxing', is defined to mean fist fighting, kick boxing or any other style of fighting that is prescribed under the Boxing and Wrestling Control Act 1986 (NSW) (the NSW Act). The Principal Act, in relation to professional boxing, provides for the operation in the Territory of the registration scheme that exists in NSW by virtue of the NSW Act.

The Principal Act provides that a person shall not conduct a boxing contest without the approval of the Minister. The term 'boxing contest' is defined to mean a contest, display or exhibition of boxing for which approval has been given under section 8 of the Act but does not include a prescribed contest, display or exhibition. The Principal Act also provides that the Minister shall, when granting an approval to conduct a boxing contest, also approve a code of practice that will deal with the rules of the particular contest and details relating to the holding of the contests. The code of practice is to be a disallowable instrument for the purposes of section 10 of the Subordinate Laws Act 1989.

It is intended that a person wishing to conduct a boxing contest will make an application under the Act and that the Minister may approve the application, approve the application subject to conditions or refuse to approve the application. If the Minister approves the holding of a boxing contest then the Minister is obliged to give the promoter a copy of the code of practice. The promoter is to conduct the boxing contest in accordance with the approval and the code of practice.

It is a requirement under the Principal Act that a person participating as an official, or engaging as a boxer, in a

professional boxing contest must be registered in NSW under the NSW Act as a boxer or official.

In relation to amateur boxing, it was envisaged that the Amateur Boxing Union of Australia would regulate amateur boxing contests by ensuring that boxers fight in contests commensurate with size and skill level and that officials have a necessary level of skill. To satisfy this policy, section 12 prohibits a person from engaging as a boxer, or participating as an official, in an amateur boxing contest unless that person is a member of the Amateur Boxing Union of Australia or an affiliated body.

The Amateur Boxing Union of Australia does not recognise kick boxing and no kick boxing association is affiliated with the Boxing Union.

In a recent ACT Supreme Court Hearing the Court raised a question as to whether the holding of a specific boxing contest would by virtue of the application of the definition of 'boxing contest' fall within the prohibition specified in section 5 of the Act that a person shall not conduct a boxing contest without the written approval of the Minister. While the Court was not required to reach a conclusion in the particular case it is necessary to remove any uncertainty about the application of the Act.

The purpose of the Bill is twofold. First, the Bill makes several minor amendments to the Act to remove any uncertainty as to the application of the approval provisions of the Bill. Secondly, the Bill amends section 12 of the Act to provide that a particular association will regulate amateur kick boxing contests in the way that the Amateur Boxing Union of Australia regulates amateur fist fights.

Financial Implications

The Bill has no impact on revenue or expenditure.

CLAUSE NOTES

Clauses 1, 2 and 3

Clauses 1, 2 and 3 are machinery provisions that specify the short title of the Bill, provide for the commencement of the Bill and identify the Act that is being amended.

Clause 4 - Interpretation

Clause 4 will amend the definition of the term 'boxing contest' in section 3 of the Principal Act by omitting the words "for which approval has been given under section 8". The term 'boxing contest', as amended, will be defined to mean a contest, display or exhibition of boxing but does not include a prescribed contest, display or exhibition.

Clause 5 - Boxing Contests

Clause 5 will amend section 5 of the Principal Act. Section 5 of the Principal Act creates an offence by prohibiting a person from conducting a boxing contest without the written approval of the Minister. Clause 5 will amend section 5 of the Principal Act by omitting the words "the written". These words are redundant by virtue of the amendment that will be made to section 8 of the Principal Act by clause 6. Section 5, as amended, will specify that a person shall not conduct a boxing contest without the approval of the Minister.

Clause 6 - Approvals

Clause 6 will make two amendments to section 8 of the Principal Act. Section 8 of the Principal Act provides that where an application has been made to conduct a boxing contest the Minister may approve the application, approve the application subject to conditions or refuse to approve the application.

Clause 6 will omit subsection 8(3) of the Principal Act and

will substitute a new subsection 8(3). As amended subsection 8(3) will specify that an approval to conduct a boxing contest shall be in writing and shall specify the conditions (if any) subject to which it is given.

Clause 6 will also omit paragraph 8(4)(a) and insert a new subsection 8(4A). New subsection 8(4A) will specify that compliance with a code of practice shall be taken to be a condition of an approval to conduct a boxing contest. The effect of this amendment is to create a statutory condition to each approval given by the Minister to hold a boxing contest. That is, a statutory condition of each approval granted is that the promoter will be under an obligation to observe the requirements of the code of practice and a failure to observe could attract subsection 8(5). Subsection 8(5) provides that a person who, without reasonable excuse, contravenes a condition of an approval is guilty of an offence.

Clause 7 - Amateur Boxing

Clause 7 will amend section 12 of the Principal Act. Section 12 creates an offence by specifying that a person shall not engage in an amateur boxing contest as a boxer, or 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.

Clause 7 will amend paragraph 12(a) and 12(b) by inserting in both paragraphs the words "not being a kick boxing contest". The effect of these amendments will be to ensure that the requirement to be a member of the Amateur Boxing Union of Australia or an affiliated body will not apply to kick boxing.

Clause 7 will also insert a new subsection 12(2) to create an offence by providing that a person shall not engage in an amateur kick boxing contest as a kick boxer, or participate in an amateur kick boxing contest as a kick boxing official, unless the contest is endorsed by the World Kickboxing Association, Australasian Region. A penalty of a fine of

\$5,000 or imprisonment for 6 months or both may be imposed for a conviction.

Clause 8 - Approval

Clause amends section 15 of the Principal Act. Section 15 relates to the approval of a code of practice. The effect of the amendment will be to prohibit the Minister from approving an application to conduct a boxing contest unless the Minister has by instrument approved a code of practice.