

1993

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

BOXING CONTROL BILL 1993

EXPLANATORY MEMORANDUM

Circulated by the authority of the Minister for Sport

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Outline

The Boxing Control Bill 1993 establishes a statutory regime for the protection of the health and safety of those wishing to participate as boxers in the sport of boxing.

To achieve these objectives, the Bill provides controls over amateur and professional boxing similar to those operating in New South Wales.

In effecting control of professional boxing the Bill utilises the New South Wales registration scheme that is administered by the Boxing Authority of New South Wales by virtue of the Boxing and Wrestling Control Act 1986 of the State of New South Wales. The small number of boxing contests conducted in the Australian Capital Territory deems it impracticable to establish a separate registration system.

The New South Wales registration scheme, however, does not provide for the registration of females to engage in professional boxing contests as boxers. Accordingly, a separate approval process for females to engage in a professional boxing contest as a boxer has been specified in the Bill.

In relation to professional boxing, a distinction is made in the Bill between those who engage in a boxing contest as a boxer and between those who participate in a boxing contest as an official.

The Bill prohibits a male from engaging in a professional boxing contest as a boxer unless that person is registered within that particular style of boxing with the Boxing Authority of New South Wales.

The Bill prohibits a person from participating in a professional boxing contest as a boxing official unless that person is registered in the particular classification of boxing official with the Boxing Authority of New South Wales in accordance with the Boxing and Wrestling Control Act 1986 of the State of New South Wales.

The Bill specifies that amateur boxing will only be permitted under the auspice and rules of the Amateur Boxing Union of Australia or an affiliated organisation.

Boxing contests will only be permitted if conducted according to the terms of a code of practice. It will be a condition of the approval that the contest be conducted in accordance with a code of practice that is prepared for that particular contest. Subclause 8(5) creates an offence of contravening a condition of an approval. A code of practice will be a disallowable instrument for the purposes of section 10 of the Subordinate Laws Act 1989.

Kick boxing contests are effectively banned.

Financial Implications

It is anticipated that it will cost in the order of \$5,000 to \$8,000 per annum to administer the Bill. This will be absorbed within the budget of the ACT Office of Sport and Recreation. Application fees to be collected will depend on the number of applications, but are expected to be minimal.

Details of the Bill are included in the attachment.

PART I - PRELIMINARY

Part I of the Bill consists of three clauses that deal with formal matters. These clauses specify the short title of the Bill, provide for the commencement of the Bill and define certain terms.

PART II - CONTROL OF BOXING CONTESTS

Part II of the Bill contains eleven clauses. Part II outlines a statutory regime for the control of boxing contests.

Clause 4 - Interpretation

Clause 4 specifies that for the purpose of Part II of the Bill the term "boxing contest" refers to a single boxing contest or two or more boxing contests where those contests are conducted on the one occasion and at the same venue.

Clause 5 - Boxing Contests

Clause 5 prohibits a person conducting a boxing contest without the written approval of the Minister. The clause imposes a penalty of a fine of \$5,000 or imprisonment for six months or both.

Clause 6 - Application for Approval

In order to obtain the approval to conduct a boxing contest a person submits an application. Clause 6 specifies that an application for approval to conduct a boxing contest shall be in a form approved by the Minister and shall be accompanied by the determined fee.

Clause 7 - Further Information-Applications

Clause 7 enables the Minister to obtain further information in relation to an application. Clause 7 specifies that the Minister may, by written notice, require an applicant for the approval to conduct a boxing contest to furnish to the Minister such further information relating to the application as is specified by the Minister. Such information may be supplied either orally or in writing.

Clause 8 - Approvals

Clause 8 deals with the action the Minister is to take on receipt of an application to conduct a boxing contest.

Subclause 8(1) specifies that on receipt of an application for approval to conduct a boxing contest the Minister may approve the application; approve the application subject to conditions or refuse to approve the application.

Subclause 8(2) imposes a duty on the Minister to refuse to approve 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;
- (b) the venue is unsuitable; or
- (c) the applicant is not, or will not, be able to meet any contractual obligations in relation to the conduct of the boxing contest.

Subclause 8(3) specifies that when the Minister imposes conditions these conditions are to be specified on the approval.

Subclause 8(4) outlines a list of conditions that the Minister may specify on an approval. Subclause 8(4) also specifies that the conditions that the Minister may impose are not restricted to the list specified in the subclause.

Subclause 8(5) creates an offence in that a person who without reasonable excuse, contravenes a condition of an approval may be subject to a fine not exceeding \$5,000.

A decision by the Minister refusing to approve an application imposing a condition or specifying a particular date, time or place for a boxing contest may be subject to review by the Administrative Appeals Tribunal

Clause 9 - Cancellation of Approval

Clause 9 empowers the Minister to cancel an approval to conduct a boxing contest where the Minister believes on reasonable grounds that a person to whom an approval has been granted has contravened a condition of the approval. A decision to cancel an approval may be subject to review by the Administrative Appeals Tribunal.

Clause 10 - Boxing Officials

Clause 10 prohibits a person from participating in a professional boxing contest, otherwise than as a boxer, unless that person is registered as a boxing official under section 20 or section 25 of the Boxing and Wrestling Control Act 1986 of the State of New South Wales. A breach of the provision could attract a fine of \$5,000 or imprisonment for six months or both.

Clause 11 - Professional Boxers

Clause 11 imposes a prohibition on a person, other than a female, engaging in a professional boxing contest involving a particular style of boxing unless that person is registered as a boxer in the particular style of boxing under Section 9 or Section 13 of the Boxing and Wrestling Control Act 1986 of the State of New South Wales. A penalty for an offence under this clause could attract a fine of \$5,000 or imprisonment for six months or both.

Clause 12 - Amateur Boxers

Clause 12 creates an offence in relation to amateur boxing. The clause prohibits a person engaging in an amateur boxing contest as boxer, or participating in a amateur boxing contest as a boxing official, unless that person is a member of the Amateur Boxing Union of Australia or an affiliated body. The conviction for an offence under this clause could attract a fine of \$5,000 or imprisonment for six months or both.

Clause 13 - Female Boxing Contests

Clause 13 and Clause 14 outline a procedure to enable a female to engage in a professional boxing contest as a boxer.

Clause 13 prohibits a female from engaging in a professional boxing contest as a boxer without the written approval of the Minister. A contravention of this provision could attract a fine of \$5,000 or imprisonment for six months or both.

Clause 14 - Approval for Female Boxing Contests

Clause 14 outlines a procedure for the making of an application by a female to engage in a professional boxing contest as a boxer.

Clause 14 specifies that an application should be in a form approved by the Minister; and be accompanied by a certificate from a medical practitioner and the determined fee. Clause 14 empowers the Minister to approve, approve subject to a condition, or refuse an application. The clause also specifies that the Minister shall approve an application if satisfied that the holding of the contest would not be contrary to public interest. A decision to grant an approval subject to a condition or to refuse to approve an application may be subject to review by the Administrative Appeals Tribunal.

PART III - CODES OF PRACTICE

Part III of the Bill consists of three clauses and deals with codes of practice. A code of practice is a fundamental element of the statutory regime, and a code of practice will outline the conditions under which a boxing contest will be held.

Clause 15 - Approval

Clause 15 imposes a duty on the Minister to approve a code of practice where the Minister approves an application to conduct a boxing contest and to give a copy of the code to the applicant. A code of practice is to be a disallowable instrument for the purpose of Section 10 of the Subordinate Laws Act 1989. Clause 15 also specifies that the relevant period of the purposes of Section 6 of the Subordinate Laws Act 1989 shall be three sitting days rather than 15 sitting days.

Clause 16 - Codes of Practice

Clause 16 specifies conditions that may be included in a code of practice. The clause also specifies that the conditions that may be included in a code are not limited to the conditions listed in the clause.

Clause 17 - Publication

Clause 17 imposes an obligation on the Minister to publish in a daily newspaper published and circulating in the Territory a notice of the approval to conduct a boxing contest, when the approval takes effect and where a copy of the code of practice may be inspected or purchased. Clause 17 imposes a duty on the Minister to ensure that a copy of the approval is available for inspection and a copy of the code of practice is available for inspection or purchase.

PART IV - ADMINISTRATIVE REVIEW

Part IV consists of two clauses and deals with the administrative review of a decision of the Minister.

Clause 18 - Notice of Decisions

Clause 18 details those decisions of the Minister which may be subject to review by the Administrative Appeals Tribunal. The clause imposes a duty on the Minister to give the applicant notice in writing of a decision specified in the clause.

Clause 19 - Review by Tribunal

Clause 19 empowers a person entitled to be given notice of a decision under clause 18 to apply to the Administrative Appeals Tribunal for a review of any such decision.

PART V - MISCELLANEOUS

Part V of the Bill consists of three clauses and deals with miscellaneous matters.

Clause 20 - Kick Boxing Contests Prohibited

Clause 20 creates the offence of engaging or participating in kick boxing contests. The definition of "boxing" does not include kick boxing. Accordingly without clause 20, a person engaging or participating in kick boxing contests would not commit an offence because that form of boxing would not come within the definition of a boxing contest.

However, the use of the term "boxing contest" in clause 20 is an expression of a contrary intention to its defined meaning. It describes a class of boxing in which the contestants may, within the rules of that contest, strike an opponent with the foot or any part of the leg. Accordingly, in that context the term boxing contest must take its own ordinary dictionary meaning. Clause 20 prohibits a person engaging as a boxer, or participating as an official, in a boxing contest in which a foot, or part of a leg of a contestant may be used to strike her or his opponent. A defence of reasonable excuse is specified. A penalty of \$5,000 or imprisonment for six months, or both is imposed.

Clause 21 - Determination of Fees

Clause 21 specifies that the Minister may determine fees for the purpose of the Bill.

Clause 22 - Regulations

Clause 22 empowers the Executive to make regulations. The clause specifies that the regulations may exempt a person or a person in a specific class of persons from the requirement of the Bill and specify circumstance in which an exemption applies.