

Professional Boxing and Martial Arts Act 1996

Act No. 36/1996

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Victoria

No. 36 of 1996

Professional Boxing and Martial Arts Act 1996[†]

[Assented to 6 November 1996]

The Parliament of Victoria enacts as follows:

1. *Purposes*

The main purposes of this Act are—

- (a) to remove the requirement that agents, managers, ring-announcers, seconds and time-keepers involved in professional boxing and martial arts contests hold licences and that medical practitioners involved in those contests be accredited; and

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- (b) to repeal the **Martial Arts Control Act 1986** and to transfer certain provisions in that Act regulating the martial arts to the **Professional Boxing Control Act 1985**; and
 - (c) to rename the **Professional Boxing Control Act 1985** as the **Professional Boxing and Martial Arts Act 1985**; and
 - (d) to restructure and rename the Professional Boxing Control Board; and
 - (e) to enable the Minister to make rules for the proper conduct of professional boxing and martial arts contests.

2. Commencement

- (1) This section and section 1 come into operation on the day on which this Act receives the Royal Assent.
- (2) The remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in sub-section (2) does not come into operation before 1 January 1998, it comes into operation on that day.

3. Change of name of Act

- (1) In section 1 of the **Professional Boxing Control Act 1985**, for "*Professional Boxing Control Act 1985*" substitute "**Professional Boxing and Martial Arts Act 1985**".
- (2) Any reference to the **Professional Boxing Control Act 1985** in any Act, subordinate instrument, agreement or other document is to be read as a reference to the **Professional Boxing and Martial Arts Act 1985**, unless the contrary intention appears.

4. Change to purpose provision

In section 3 of the **Professional Boxing Control Act 1985**, after "boxing" insert "and professional martial arts".

5. Substitution of section 5

For section 5 of the **Professional Boxing Control Act 1985** substitute—

'5. Definitions

In this Act—

"adult" means a person who is 18 years of age or older;

"Board" means the Professional Boxing and Martial Arts Board created under section 14;

"boxing" means fist fighting;

"gymnasium" means any premises at or in which professional contestants train or receive instruction in boxing or in a martial art;

"judge" means a person who determines the points scored by each contestant in a professional contest;

"licensing authority" means a person or body in another State or Territory who is recognised by the Minister as exercising a power equivalent to the power given to the Minister by this Act to license or register a person;

"martial art" means—

- (a) kickboxing; or
- (b) any sport or activity (other than boxing) in which each contestant

in a contest or exhibition of that sport or activity is required to strike, kick, hit, grapple with, throw or punch the other contestant, and that is determined by the Minister to be a martial art for the purposes of this Act;

"match-maker" means a person who acts on behalf of a promoter to arrange professional contests between particular professional contestants;

"medical practitioner" means a registered medical practitioner within the meaning of the **Medical Practice Act 1994**;

"professional boxing contest" means any contest or exhibition of boxing (including an exhibition of sparring)—

- (a) that is conducted for profit; or
- (b) in which the contestants participate for a monetary reward; or
- (c) to which the public is admitted on the payment of a fee for admission, except if the fee is charged—
 - (i) for a public charitable purpose; or
 - (ii) for an event that is organised by, or conducted under the control of, the Victorian Amateur Boxing Association or the Amateur Boxing Union of Australia;

"professional contest" means any professional boxing contest or professional martial art contest;

"professional martial art contest" means any contest or exhibition of a martial art—

- (a) that is conducted for profit; or
- (b) in which the contestants participate for a monetary reward; or
- (c) to which the public is admitted on the payment of a fee for admission, except if the fee is charged—
 - (i) for a public charitable purpose; or
 - (ii) for the purposes of the administration of an association recognised by the Minister as an amateur association;

"professional contestant" means—

- (a) a boxer who boxes in any professional boxing contest; or
- (b) a person who competes in a professional martial art contest;

"promoter" means any person who promotes a professional contest;

"promotion" means an event consisting of one or more professional contests and includes any preliminary arrangements in connection with such an event;

"referee" means a person who controls, or exercises any form of control, over the conduct of professional contestants during a professional contest;

"trainer" means a person who supervises the training or instruction of a professional contestant or who accompanies a professional contestant into the ring or on to the contest arena to give advice or assistance during a professional contest.!

6. Changes concerning licensing

(1) In section 6(1) of the **Professional Boxing Control Act 1985**, for "manager, trainer, match-maker, referee, agent, ring announcer, second, time-keeper or judge" **substitute** "trainer, match-maker, referee or judge".

(2) For sections 6(3), (4), (5) and (6) of the **Professional Boxing Control Act 1985** **substitute—**

"(3) The Minister must issue a licence to act as a promoter, trainer, match-maker, referee or judge to any person who satisfies the prerequisites required by the regulations for the issue of the licence.

(4) The Minister must renew the licence of any promoter, trainer, match-maker, referee or judge who satisfies the prerequisites required by the regulations for the renewal of the licence."

7. Clarification concerning promotion permits

(1) In section 7(2) of the **Professional Boxing Control Act 1985**, after "issue a permit" **insert** "to conduct the promotion".

(2) For section 7(3) of the **Professional Boxing Control Act 1985 substitute**—

"(3) A person must not conduct a promotion unless the person holds a permit issued under this section in relation to the promotion.

Penalty: 120 penalty units or imprisonment for 12 months or both."

8. Substitution of section 8

For section 8 of the **Professional Boxing Control Act 1985 substitute**—

"8. Promoters, trainers, match-makers, referees and judges must hold a licence

(1) A person must not act as a promoter, trainer, match-maker, referee or judge unless the person holds the appropriate licence issued under section 6.

Penalty: 120 penalty units or imprisonment for 12 months or both.

(2) However, the following people do not need to hold a licence—

- (a) a person resident outside the Commonwealth who is nominated by a boxing body or martial art body outside the Commonwealth to act as a referee or judge for a professional contest in Victoria;
 - (b) a trainer accompanying a licensed or registered professional contestant who resides outside the Commonwealth and who is in Victoria to compete in a professional contest;
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- (c) an adult who is licensed or registered as a trainer, match-maker, referee or judge in respect of professional contests in another State or Territory by a licensing authority.
- (3) Sub-section (2) does not apply to a person who has been given a written notice by the Minister stating that sub-section (2) does not apply to the person."

9. Extension of licence period

- (1) In section 9 of the **Professional Boxing Control Act 1985**, for "twelve months" substitute "3 years".
- (2) Section 9(6) of the **Professional Boxing Control Act 1985** is repealed.

10. Insertion of section 9A

After section 9 of the **Professional Boxing Control Act 1985** insert—

"9A. Holder of licence or permit must comply with conditions imposed

The holder of a licence or permit under this Act must comply with any conditions that apply to the licence or permit.

Penalty: 120 penalty units or imprisonment for 12 months or both."

11. Substitution of section 10

For section 10 of the **Professional Boxing Control Act 1985** substitute—

"10. Person must not compete in a professional contest unless registered

- (1) A person must not compete in a professional contest unless he or she is currently

registered to compete in professional contests of that nature as a professional contestant.

Penalty: 120 penalty units or imprisonment for 12 months or both.

- (2) However, an adult who is registered or licensed as a professional contestant in another State or Territory by a licensing authority is not required to be registered under this Act.
- (3) Sub-section (2) does not apply to a person who has been given a written notice by the Minister stating that sub-section (2) does not apply to the person.

10A. *Application for registration as a professional contestant*

- (1) A person may apply to the Minister to be registered as a professional contestant or to have his or her registration renewed.
 - (2) An application—
 - (a) must be in the form set out in the regulations; and
 - (b) must specify whether the person applying seeks registration to compete in professional boxing contests or in professional martial art contests; and
 - (c) must be accompanied by the fee required by the regulations; and
 - (d) must be accompanied by a certificate of fitness for boxing or participation in martial art contests signed by a medical practitioner and given within 14 days before the application is submitted.
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- (3) The Minister must register, or renew the registration of, a person as a professional contestant if the person is an adult and complies with sub-section (2) and satisfies any relevant prerequisites required by the regulations.
 - (4) Registration remains in force for 3 years and may be renewed.

10B. *Cancellation or suspension of registration*

- (1) If it appears to the Minister from a medical practitioner's certificate or declaration that a registered professional contestant is not fit to engage in professional contests or in a particular professional contest, the Minister must—
 - (a) suspend the contestant's registration until the contestant is able to satisfy the Minister that he or she is fit to engage in professional contests; or
 - (b) cancel the contestant's registration.
 - (2) If a registered professional contestant—
 - (a) contravenes any provision of this Act or the regulations; or
 - (b) competes in a professional contest after a medical practitioner has declared the contestant to be unfit to engage in the professional contest; or
 - (c) contravenes any provision of a law of another State or Territory that corresponds with a provision of this Act or the regulations—
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the Minister may suspend the contestant's registration for any period the Minister thinks appropriate or may cancel the contestant's registration.

10C. *Restriction on re-registration of previously medically unfit professional contestant*

If a person's registration as a professional contestant has been cancelled or suspended under section 10B(1), the Minister must not re-register, or remove the suspension of, the person unless the person gives the Minister 2 certificates of fitness for boxing or participation in martial art contests signed by different medical practitioners and each given within 7 days before the application for re-registration or removal of the suspension is submitted."

12. *Abolition of position of accredited medical officer*

Section 11 of the **Professional Boxing Control Act 1985** is repealed.

13. *Substitution of section 12*

For section 12 of the **Professional Boxing Control Act 1985** substitute—

"12. *Compulsory medical examinations before and after contests*

- (1) A professional contestant must submit himself or herself to a medical practitioner for examination within 24 hours before, and within 24 hours after, a professional contest and at any other time before a professional contest that the Minister directs in a particular case.

Penalty: 120 penalty units or imprisonment for 12 months or both.

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- (2) A medical practitioner who conducts a medical examination for the purposes of this section must conduct the examination, and record the results, in accordance with the regulations.

Penalty: 120 penalty units or imprisonment for 12 months or both.

- (3) If the medical practitioner finds a professional contestant to be unfit to engage in any proposed professional contest, the medical practitioner—
- (a) must declare the professional contestant to be unfit; and
 - (b) must as soon as is practicable notify the contestant, the promoter of that contest and the Minister of the declaration; and
 - (c) must complete and forward to the Minister a report in writing of the examination.

Penalty: 120 penalty units or imprisonment for 12 months or both.

- (4) A person who is not required to be registered under this Act because he or she is registered or licensed as a professional contestant in another State or Territory must comply with this section as if he or she were registered under this Act."

14. Changes concerning duties of promoters

In section 13 of the **Professional Boxing Control Act 1985**—

- (a) for "boxing contest which he" **substitute** "contest that he or she";
- (b) in paragraph (a), for "boxers" (wherever occurring) **substitute** "contestants";

- (c) in paragraph (d), for "an accredited medical practitioner" **substitute** "a medical practitioner";
- (d) for "20 penalty units or imprisonment for six" **substitute** "120 penalty units or imprisonment for 12".

15. Changes concerning the Board

- (1) In section 14(1) of the **Professional Boxing Control Act 1985**, for "Control" **substitute** "and Martial Arts".
 - (2) For section 14(2) of the **Professional Boxing Control Act 1985 substitute**—
 - "(2) The Board must have at least 5 members, but cannot have more than 7 members.
 - (2A) The Board consists of—
 - (a) a Chairperson; and
 - (b) a member of the police force of Victoria; and
 - (c) up to 5 people who, in the opinion of the Minister, have a good knowledge of boxing, or one or more of the martial arts.
 - (2B) All members of the Board are to be appointed by the Minister.
 - (2C) A member of the Board is entitled to be paid the fees, allowances and expenses fixed by the Governor in Council."
 - (3) In section 14(5) of the **Professional Boxing Control Act 1985**—
 - (a) in paragraph (a), for "boxing" **substitute** "contests";
 - (b) at the end of the section **insert**—
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"; and

(c) to advise the Minister on the development of rules under section 23 and on the administration of those rules."

(4) After section 14(8) of the **Professional Boxing Control Act 1985** insert—

"(8A) A matter cannot be decided at a meeting of the Board unless more than half of its current members are present."

(5) In section 14(9) of the **Professional Boxing Control Act 1985**, for "shall determine" substitute "may otherwise regulate".

16. Changes concerning delegations

(1) In section 15(1) of the **Professional Boxing Control Act 1985**, for "or to the Director-General of Sport and Recreation" substitute ", a member of the Board or an officer of the Department of State Development".

(2) Section 15(9) of the **Professional Boxing Control Act 1985** is repealed.

17. Minor consequential amendments

In section 16 of the **Professional Boxing Control Act 1985**—

(a) in paragraph (e), for "boxer" substitute "contestant";

(b) in paragraph (f), for "boxer—" substitute "professional contestant.";

(c) omit all words and expressions after paragraph (f).

18. Changes to penalty provisions

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In the **Professional Boxing Control Act 1985**—

- (a) section 17 is **repealed**;
- (b) in section 18, for "40 penalty units" **substitute** "120 penalty units".

19. Changes concerning regulations

In section 22(1) of the **Professional Boxing Control Act 1985**—

- (a) paragraphs (b), (c), (e) to (h) and (o) are **repealed**;
- (b) for paragraph (j) **substitute**—
 - "(j) regulating the contractual relationships between trainers, promoters and professional contestants;"
- (c) in paragraph (k), for "boxers" **substitute** "contestants".

20. Substitution of Part VII

For Part VII of the **Professional Boxing Control Act 1985** substitute—

"PART VII.—RULES

23. Minister may make rules

The Minister may, on the advice of the Board, make rules for the proper conduct of professional contests."

21. Repeal of Martial Arts Control Act 1986

The **Martial Arts Control Act 1986** is repealed.

22. Former Board members cease to hold office

- (1) The members of the Martial Arts Board cease to hold office.
- (2) The members of the Professional Boxing Control Board cease to hold office.

23. Savings provisions

- (1) The Professional Boxing and Martial Arts Board is the successor in law of the Martial Arts Board.
- (2) Any reference to the Martial Arts Board in any Act, subordinate instrument, agreement or other document as far as it relates to any period after the commencement of this section is to be treated as a reference to the Professional Boxing and Martial Arts Board unless the contrary intention appears.
- (3) For all relevant legal purposes, the Professional Boxing and Martial Arts Board is to be taken to be the same body as the Professional Boxing Control Board was before section 15 came into operation in spite of any of the changes made to its name, structure and operation by this Act, and no matter or thing is to be affected because of those changes.

24. Transitional provision concerning existing licences etc.

- (1) Any licence, permit or registration under the **Professional Boxing Control Act 1985** in force immediately before this section comes into operation expires on the date it would have expired had section 9 or 11 not come into operation.
- (2) Any licence, permit or registration under the **Martial Arts Control Act 1986** in force immediately before this section comes into operation is to be treated as if it had been issued

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or granted under the **Professional Boxing and Martial Arts Act 1985**, except that the licence, permit or registration expires on the date it would have expired had section 9 or 11 not come into operation.

- (3) For the purposes of sub-section (2), a martial art instructor's licence is to be treated as if it had been issued as a trainer's licence under the **Professional Boxing and Martial Arts Act 1985**.

25. Statute law revision

In the **Professional Boxing Control Act 1985**, section 4 is **repealed**.

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Notes

NOTES

† *Minister's second reading speech—*

Legislative Assembly: 12 September 1996

Legislative Council: 16 October 1996

The long title for the Bill for this Act was "to amend and rename the **Professional Boxing Control Act 1985** and to repeal the **Martial Arts Control Act 1986** and for other purposes."