

Professional Boxing and Martial Arts (Amendment)
Act 2001
Act No. 15/2001

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
1. Purpose	1
2. Commencement	2
3. Change of name of Act	2
4. Change to purpose provision	2
5. Changes to definitions	2
6. Insertion of section 5A	4
5A. Recognition of amateur associations	4
7. Minor consequential amendments	4
8. Removal of requirement to register twice	5
9. Insertion of section 14A	5
14A. Immunity	5
10. Minor amendment	5
11. Insertion of Part VIII	6
PART VIII—TRANSITIONAL AND SAVINGS PROVISIONS	6
24. Change to references to Act name	6
25. Effect of change to Board's name	6
26. Single registrations become dual registrations	6
27. Former martial art becomes a combat sport	7
28. Recognition of former named associations	7
ENDNOTES	8



Victoria

No. 15 of 2001

Professional Boxing and Martial Arts (Amendment) Act 2001[†]

[Assented to 22 May 2001]

The Parliament of Victoria enacts as follows:

1. *Purposes*

The main purposes of this Act are—

- (a) to rename the **Professional Boxing and Martial Arts Act 1985** as the **Professional Boxing and Combat Sports Act 1985**; and
- (b) to enable a person registering as a contestant under that Act to be able to compete in both boxing and combat sports; and

Professional Boxing and Martial Arts (Amendment) Act 2001
Act No. 15/2001

(c) to provide statutory immunity to members of the Professional Boxing and Martial Arts Board for acts done in good faith.

2. Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

3. Change of name of Act

In section 1 of the **Professional Boxing and Martial Arts Act 1985**, for "**Professional Boxing and Martial Arts Act 1985**" substitute "**Professional Boxing and Combat Sports Act 1985**".

4. Change to purpose provision

In section 3 of the **Professional Boxing and Martial Arts Act 1985**, for "martial arts" insert "combat sports".

5. Changes to definitions

In section 5 of the **Professional Boxing and Martial Arts Act 1985**—

(a) **insert** the following definitions—

' "**combat sport**" 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 combat sport for the purposes of this Act;

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- "professional combat sport contest"**
means any contest or exhibition of a combat sport—
- (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 amateur combat sport association recognised by the Minister under section 5A;';
- (b) in the definition of "Board", for "Martial Arts" **substitute** "Combat Sports";
- (c) in the definitions of "gymnasium", "professional contest" and "professional contestant", for "martial art" **substitute** "combat sport";
- (d) the definition of "martial art" is **repealed**;
- (e) in the definition of "professional boxing contest", for paragraph (c)(ii) **substitute**—
"(ii) for an event that is organised by, or under the control of, an amateur boxing association recognised by the Minister under section 5A;";
- (f) the definition of "professional martial art contest" is **repealed**.
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6. Insertion of section 5A

After section 5 of the **Professional Boxing and Martial Arts Act 1985** insert—

'5A. Recognition of amateur associations

- (1) The Minister may, by notice in writing—
 - (a) for the purposes of paragraph (c)(ii) in the definition of "professional boxing contest", recognise an amateur boxing association;
 - (b) for the purposes of paragraph (c)(ii) in the definition of "professional combat sport contest", recognise an amateur combat sport association.
- (2) The Minister must not recognise an association under sub-section (1) unless the Board has advised the Minister that the association is suitable for recognition.
- (3) The Minister may withdraw the recognition of an association for the relevant purpose described in sub-section (1) by notice in writing published in the same way that the notice granting the association recognition was published.'

7. Minor consequential amendments

In the **Professional Boxing and Martial Arts Act 1985**—

- (a) in section 8(2)(a), for "martial art" **substitute** "combat sport";
 - (b) in the heading to Division 5 of Part 2, for "and Martial Arts" **substitute** "and Combat Sports";
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- (c) in section 14(1), for "Martial Arts"
substitute "Combat Sports";
 - (d) in section 14(2A), for "of the martial arts"
substitute "combat sports".

8. Removal of requirement to register twice

- (1) Section 10A(2)(b) of the **Professional Boxing and Martial Arts Act 1985** is repealed.
- (2) In sections 10A(2)(d) and 10C of the **Professional Boxing and Martial Arts Act 1985**, for "boxing or participation in martial art" **substitute** "participation in professional".

9. Insertion of section 14A

After section 14 of the **Professional Boxing and Martial Arts Act 1985** insert—

"14A. Immunity

- (1) A member of the Board is not personally liable for anything done or omitted to be done in good faith—
 - (a) in the exercise of a power or the discharge of a duty under this Act; or
 - (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act.
- (2) Any liability resulting from an act or omission that would but for sub-section (1) attach to a member of the Board attaches instead to the State."

10. Minor amendment

In section 15(1) of the **Professional Boxing and Martial Arts Act 1985**, for "Development" **substitute** "and Regional Development".

11. Insertion of Part VIII

After Part VII of the **Professional Boxing and Martial Arts Act 1985** insert—

'PART VIII—TRANSITIONAL AND SAVINGS PROVISIONS

24. Change to references to Act name

Any reference to the **Professional Boxing and Martial Arts Act 1985** in any Act, subordinate instrument, agreement or other document is to be read as a reference to the **Professional Boxing and Combat Sports Act 1985**, unless the contrary intention appears.

25. Effect of change to Board's name

For all relevant legal purposes, the Board is to be taken to be the same body as it was immediately before its name was changed by section 7(c) of the **Professional Boxing and Martial Arts (Amendment) Act 2001**, and no matter or thing is to be affected because of that change.

26. Single registrations become dual registrations

- (1) This section applies if, immediately before the **Professional Boxing and Martial Arts (Amendment) Act 2001** came into operation, a person was registered under this Act to compete in professional boxing contests or in professional martial art contests.

- (2) The registration of the person is to be treated as if it was a registration for the person to compete in professional contests.

27. *Former martial art becomes a combat sport*

- (1) Kyokushin Karate is to be treated as if it had been determined by the Minister to be a combat sport for the purposes of this Act under paragraph (b) of the definition of "combat sport".
- (2) The Minister may, by notice published in the Government Gazette, withdraw the determination that Kyokushin Karate is a combat sport for the purposes of this Act.

28. *Recognition of former named associations*

The Victorian Amateur Boxing Association and Amateur Boxing Australia are to be treated as if they had been recognised as amateur boxing associations by the Minister under section 5A(1)(a).'

ENDNOTES

- † *Minister's second reading speech—*
Legislative Assembly: 2 November 2000
Legislative Council: 4 April 2001

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