

South Australia



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ELIZABETHAE II REGINAE
A.D. 2000

BOXING AND MARTIAL ARTS ACT 2000

No. 36 of 2000

[Assented to 13 July 2000]

An Act to regulate professional or public boxing or martial art events; to promote safety in boxing and martial arts; and for other purposes.

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SCHEDULE *Amendment of Summary Offences Act 1953*

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Boxing and Martial Arts Act 2000*.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. In this Act—

"**boxing**" means fist fighting;

"**martial art**" means—

- (a) kickboxing; or
- (b) any sporting or other activity (other than boxing) organised so that contestants engage in a fight principally by inflicting blows on each other;

"**medical practitioner**" means a person registered as a medical practitioner under the *Medical Practitioners Act 1983*;

"**professional or public boxing or martial art event**" means a boxing or martial art event (including an exhibition of sparring)—

- (a) that is conducted for profit; or
- (b) in which the contestants participate for a prize (other than a trophy) or for a monetary reward; or
- (c) public attendance at which is actively promoted by the event's promoter (whether or not a fee is charged for admission).

Advisory committee

4. The Minister may establish a committee consisting of—

- (a) persons who, in the opinion of the Minister, have a good knowledge of boxing or one or more of the martial arts; and
- (b) such other persons as the Minister thinks fit,

to obtain advice on matters relating to the administration of this Act.

Minister may delegate

5. (1) The Minister may, by instrument in writing, delegate any of the Minister's powers or functions under this Act—

- (a) to a particular person or body; or

(b) to the person for the time being occupying a particular position.

(2) A delegation under this section—

(a) may be absolute or conditional; and

(b) does not derogate from the power of the Minister to act in any matter; and

(c) is revocable by the Minister at will.

PART 2
LICENSING OF PROMOTERS

Promoters must be licensed

6. (1) A person must not act as promoter of a professional or public boxing or martial art event unless licensed under this Part.

Maximum penalty: \$10 000 or imprisonment for 12 months.

(2) An application for the issue or renewal of a promoter's licence must—

- (a) be made to the Minister in the manner and form approved by the Minister; and
- (b) be accompanied by the fee fixed by regulation.

(3) A person is entitled to be licensed as a promoter or to have a promoter's licence renewed if the Minister is satisfied that—

- (a) in the case of a natural person—the person is of or over the age of 18 years; and
- (b) the person is a fit and proper person to be licensed as a promoter.

(4) An applicant for the issue or renewal of a promoter's licence must provide the Minister with any information required by the Minister for the purposes of determining the application.

(5) Subject to this Part, a licence issued or renewed under this section remains in force for a period of three years.

Conditions attached to licences

7. (1) A licence issued or renewed under this Part may be subject to conditions determined by the Minister.

(2) The Minister may, at any time, vary or revoke the conditions on which a licence was issued or renewed under this Part.

(3) The holder of a licence issued or renewed under this Part must comply with any conditions that apply to the licence and of which the person has been given written notice.

Maximum penalty: \$10 000 or imprisonment for 12 months.

Duties of promoter

8. A licensed promoter must ensure, in respect of every professional or public boxing or martial art event that he or she promotes—

- (a) that the event is conducted in accordance with rules approved by the Minister under Part 3; and
- (b) that the contestants are registered in relation to, or otherwise authorised to participate as contestants in, events of that kind as required under Part 4; and
- (c) that the contestants have been found to be fit to participate in the event under Part 5.

Maximum penalty: \$10 000 or imprisonment for 12 months.

Suspension or cancellation of licence

9. The Minister may, by written notice to the holder of a licence, suspend or cancel the licence if satisfied that the holder of the licence—

- (a)* has contravened this Act or a provision of a law of another State or Territory that corresponds with a provision of this Act; or
- (b)* has engaged in conduct in another State or Territory that would, if engaged in in this State, constitute a contravention of this Act; or
- (c)* is not, or is no longer, for any reason a fit and proper person to hold the licence.

PART 3
APPROVAL OF RULES

Minister to approve rules for conduct of events

10. (1) The Minister will approve rules applicable to the conduct of professional or public boxing or martial art events.

(2) Approved rules may be comprised of, or may incorporate, adopt or operate by reference to, any specified code, standard or other document (with or without modification) as in force from time to time or as in force at a particular time.

(3) If a code, standard or other document is applied, adopted or incorporated in approved rules—

- (a) a copy of the code, standard or other document must be kept available for inspection by members of the public, without charge and during normal office hours, at an office determined by the Minister; and
- (b) in any legal proceedings, evidence of the contents of the code, standard or other document may be given by production of a document apparently certified by or on behalf of the Minister as a true copy of the code, standard or other document.

(4) The Minister may—

- (a) approve an amendment of approved rules; or
- (b) revoke any approved rules.

(5) The Minister must give notice in the *Gazette* of—

- (a) the approval of any rules; or
- (b) the approval of an amendment of approved rules; or
- (c) the revocation of any approved rules.

(6) Rules approved under this section and any approved amendment to such rules will come into operation on the day on which the notice of approval is published in the *Gazette* or on such later day as may be specified in the notice.

PART 4
REGISTRATION OF CONTESTANTS

Person must not compete unless registered

11. (1) Subject to subsection (2), a person must not be a contestant in a professional or public boxing or martial art event unless the person is currently registered under this Part as a contestant in relation to events of that kind.

Maximum penalty: \$5 000.

(2) Subsection (1) does not apply to a person who is registered in relation to, or otherwise authorised to participate as a contestant in, events of that kind by a recognised authority of another State or Territory unless the person has been given a written notice by the Minister stating that subsection (1) applies to the person.

(3) In this section—

"recognised authority" means a person or body in another State or Territory of the Commonwealth recognised by the Minister as exercising a power equivalent to the power given to the Minister by this Act to register persons as contestants.

Application for registration

12. (1) An application for registration as a contestant or for renewal of registration as a contestant must—

- (a) be made to the Minister in the manner and form approved by the Minister; and
- (b) be accompanied by the fee fixed by regulation; and
- (c) state whether the person applying seeks registration to participate as a contestant in boxing events or in martial art events of a specified kind; and
- (d) be accompanied by a medical certificate that—
 - (i) certifies that the person is fit to participate as a contestant in events of that kind; and
 - (ii) is signed by a medical practitioner; and
 - (iii) is, according to its terms, based on an examination of the person conducted by the medical practitioner within 14 days before the date of the application.

(2) A person is entitled to be registered as a contestant or to have his or her registration as a contestant renewed if the Minister is satisfied that the application has been properly made under this section.

(3) An applicant for registration as a contestant or for the renewal of registration as a contestant must provide the Minister with any information required by the Minister for the purposes of determining the application.

(4) Subject to this Part, registration under this section remains in force for a period of three years.

Suspension or cancellation of registration

13. (1) If it appears to the Minister, from a medical practitioner's certificate or declaration, that a registered contestant is not fit to participate as a contestant in events of the kind in relation to which he or she is registered, the Minister must, by written notice to the contestant, suspend or cancel the person's registration as a contestant.

(2) The Minister may, by written notice to a registered contestant, suspend or cancel the contestant's registration if satisfied that the contestant—

- (a) has contravened a provision of this Act or a provision of a law of another State or Territory that corresponds with a provision of this Act; or
- (b) has participated as a contestant in a professional or public boxing or martial art event after a medical practitioner had declared the contestant to be unfit to participate in the event.

(3) If a person's registration as a contestant has been suspended or cancelled under subsection (1), the Minister must not remove the suspension or re-register the person unless the person has given the Minister two medical certificates that—

- (a) certify that the person is fit to participate as a contestant in events of the relevant kind; and
- (b) have been signed by different medical practitioners; and
- (c) are, according to the terms of the certificates, based on examinations of the person conducted by the medical practitioners within seven days before the date of the person's application for removal of the suspension or re-registration.

PART 5
MEDICAL EXAMINATIONS

Compulsory medical examinations before and after events

14. (1) A contestant in a professional or public boxing or martial art event must submit himself or herself to a medical practitioner for examination within 24 hours before, and within 24 hours after, the event.

Maximum penalty: \$5 000.

(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.

Maximum penalty: \$5 000.

(3) If the medical practitioner conducting a medical examination under this section finds a contestant to be unfit to participate in the proposed event, the medical practitioner must—

- (a) declare the contestant to be unfit; and
- (b) as soon as practicable, notify the contestant, the promoter of the event and the Minister of the declaration; and
- (c) complete and forward to the Minister a report in writing of the examination.

Maximum penalty: \$5 000.

PART 6
REVIEW AND APPEALS

Review by Minister

15. (1) A person whose interests are affected by a decision made under Part 2 or 4 may, within 28 days after the day on which the decision is made, apply to the Minister for a review of the decision.

(2) The Minister may determine an application for review as the Minister thinks fit.

(3) A review must be determined within 28 days of the application being lodged with the Minister.

(4) If a review is not determined within that period, the Minister is to be taken to have confirmed the decision.

Appeal to District Court

16. (1) An applicant for a review under this Part who is not satisfied with the decision of the Minister on the review may appeal to the Administrative and Disciplinary Division of the District Court against the decision.

(2) Subject to subsection (4), an appeal must be instituted within one month of the making of the decision appealed against.

(3) The Minister must, if required by the applicant for the review, state in writing the reasons for the decision.

(4) If the reasons of the Minister are not given to the applicant for the review in writing at the time of making the decision and that person (within one month of the making of the decision) requires the Minister to state the reasons in writing, the time for instituting an appeal runs from the time at which that person receives the written statement of those reasons.

PART 7
MISCELLANEOUS

Exemptions

17. (1) The Minister may, by instrument in writing, or notice in the *Gazette*, exempt a person, or class of persons, from compliance with a specified provision of this Act.

(2) An exemption under this section—

- (a) may be granted or refused at the discretion of the Minister; and
- (b) operates for a period specified in the instrument of exemption; and
- (c) is subject to conditions specified in the instrument of exemption.

(3) The Minister may, at his or her discretion, vary or revoke an exemption granted under this section.

False or misleading information

18. A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or certificate or declaration given, under this Act.

Maximum penalty: \$5 000.

Prosecutions

19. (1) A prosecution for an offence against this Act cannot be commenced except by a person who has the consent of the Minister to commence the prosecution.

(2) In any proceedings, an apparently genuine document purporting to be a certificate of the Minister certifying consent to a prosecution for an offence against this Act will be accepted, in the absence of proof to the contrary, as proof of the authorisation or consent.

Evidence

20. In any proceedings, an apparently genuine document purporting to be a certificate executed by the Minister certifying—

- (a) that, on a specified date, a person was or was not licensed or registered under this Act; or
- (b) as to any matter relating to the licensing or registration of persons under this Act,

constitutes proof, in the absence of proof to the contrary, of the matters so certified.

Service of notices

21. A notice required or authorised by this Act to be given to a person may—

- (a) be served on the person personally; or
- (b) be posted in an envelope addressed to the person at the person's last known address; or

- (c) be left for the person at his or her place of residence or business with someone apparently of or over 16 years of age or in a letterbox to which it would have been delivered if sent by post.

Regulations

22. (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

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

- (a) fix fees for licences and registrations;
- (b) regulate the conduct and recording of medical examinations and the transmission of medical certificates and information relating to such certificates;
- (c) provide for the reporting of contestants in professional or public boxing or martial art events who are unfit to participate in such events;
- (d) provide for reviews by the Minister under Part 6;
- (e) fix expiation fees (not exceeding \$315) for alleged offences against the regulations;
- (f) impose penalties (not exceeding \$5 000) for offences against the regulations.

(3) Regulations under this Act—

- (a) may be of general application or limited application;
- (b) may make different provision according to the matters or circumstances to which they are expressed to apply;
- (c) may provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister.

SCHEDULE*Amendment of Summary Offences Act 1953***Amendment of s. 8—Challenges to fight and prize fights**

1. Section 8 of the *Summary Offences Act 1953* is amended by striking out subsection (2) and substituting the following subsection:

(2) Subsection (1) does not apply to a contestant in a professional or public boxing or martial art event, within the meaning of the *Boxing and Martial Arts Act 2000*, if—

- (a) the event is promoted by a person who is licensed or otherwise authorised to act as promoter of the event in accordance with that Act; and
- (b) the contestants participating in the event are registered in relation to, or otherwise authorised to participate as contestants in, events of that kind under that Act.