

# LEGISLATIVE ASSEMBLY

Read 1° 7 May 1986

*(Brought in by Mr Trezise and Mr Wilkes)*

## A BILL

to provide for controls over the martial arts and for other purposes.

### **Martial Arts Control Act 1986**

The Parliament of Victoria enacts as follows:

#### **PART 1—PRELIMINARY**

##### **Purposes.**

1. The purposes of this Act are—
  - 5 (a) to provide for standards of safety for persons involved in the martial arts; and
  - (b) to provide for the control of martial art contests to meet the interests of persons involved in the martial arts.

##### **Commencement.**

- 10 2. This Act comes into operation on a day or days to be proclaimed.

##### **Definitions.**

3. In this Act—
  - 15 “**Accredited medical officer**” means a medical practitioner appointed as an accredited medical officer under section 9.
  - “**Amateur martial art (full contact) contest**” means any contest, display or exhibition of a martial art in which each

contestant is required, in performing the martial art, to strike, kick, hit or punch the other contestant and—

- (a) which is not conducted for private profit; and
- (b) in which the contestants do not participate for a monetary prize or reward; and 5
- (c) to which the public is admitted without payment of a fee or charge for admission other than any fee or charge—
  - (i) which is for a public charitable purpose; or
  - (ii) which is made by an association recognised 10  
by the Board as an amateur association, if the fee or charge is for the purposes of the administration of the association.

**“Board”** means the Martial Arts Board established under section 11. 15

**“Judge”** means a person who determines the points scored by each martial art contestant during a professional martial art contest or an amateur martial art (full contact) contest.

**“Manager”** means a person who enters into a written contract with a martial art contestant for the purpose of arranging professional martial art contests or amateur martial art (full contact) contests, carrying out financial negotiations for the contestant and acting as an agent for any other martial art business concerning that contestant. 20

**“Martial art”** means— 25

- (a) Ju-Jitsu;
- (b) Karate;
- (c) Kung Fu;
- (d) Kendo;
- (e) Judo; 30
- (f) Aikido;
- (g) Tae Kwondo;
- (h) Kick boxing;
- (i) Thai boxing;
- (j) Savate; or 35
- (k) any derivative of a sport referred to in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) which employs any technique used in any of those sports.

**“Martial art contestant”** means a person who participates in a professional martial art contest or amateur martial art (full contact) contest. 40

**“Martial art instructor”** means a person—

- (a) who for payment gives instruction or tuition in martial art to any person; or

(b) who for payment supervises the training of or giving of instruction or tuition to a martial art contestant or accompanies a martial art contestant into the area used for a professional martial art contest or an amateur martial art (full contact) contest to give assistance or advice to the contestant before or during the contest.

**“Professional martial art contest”** means any contest, display or exhibition of a martial art—

- (a) which is conducted for private profit; or
- (b) in which the contestants participate for a monetary prize or reward; or
- (c) to which the public is admitted upon payment of a fee or charge for admission—
  - (i) which is not for a public charitable purpose; and
  - (ii) which is not made by an association recognised by the Board as an amateur association if the fee or charge is for the purposes of the administration of the association.

**“Promoter”** means a person who conducts a martial art promotion.

**“Promotion”** means one or more contests, displays or exhibitions of martial arts between persons, if any of those contests, displays or exhibitions is a professional martial art contest or an amateur martial art (full contact) contest and includes any preliminary arrangements except those which are made subject to the grant of a permit for a promotion.

**“Referee”** means a person who controls the conduct of contestants during a professional martial art contest or an amateur martial art (full contact) contest.

**“Training hall”** means a hall, dojo, gymnasium or other premises where martial art contestants train or receive instruction or tuition in a martial art.

## PART 2—LICENCES

### Minister may license persons involved in certain martial art contests.

4. (1) A person, not being an exempt person or a person who is deemed to be licensed under this section—

- (a) must not act as a promoter, manager, referee or judge in respect of—
  - (i) a professional martial art contest; or
  - (ii) an amateur martial art (full contact) contest; and

(b) must not act as a martial art instructor—  
unless the person holds a licence under this section authorizing the person to so act.

Penalty: 40 penalty units or imprisonment for twelve months or both. 5

(2) A person must not assist—

(a) a promoter; or

(b) a manager; or

(c) a referee; or

(d) a judge; or 10

(e) a martial art instructor—

if the person referred to in paragraph (a), (b), (c), (d) or (e) is not an exempt person or is not licensed or deemed to be licensed under this section.

Penalty: 20 penalty units or imprisonment for six month or both. 15

(3) Unless the Minister otherwise directs in a particular case, a person of or over eighteen years who is resident in a State or in a Territory of the Commonwealth outside Victoria and—

(a) who is licensed or registered—

(i) in any capacity referred to in sub-section (1) (a) (except that of a promoter) in respect of professional martial art contests or amateur martial art (full contact) contests; or 20

(ii) as a martial art instructor—

in that State or Territory under provisions corresponding to this section; or 25

(b) who is not required to be licensed or registered—

(i) in any capacity referred to in sub-section (1) (a) (except that of a promoter) in respect of professional martial art contests or amateur martial art (full contact) contests; or 30

(ii) as a martial art instructor—

in that State or Territory—

is deemed to be licensed in the corresponding capacity under this section. 35

(4) In this section, “**exempt person**”, unless the Minister otherwise directs in relation to a particular person, means—

(a) a person resident outside the Commonwealth who is nominated by a martial art body outside the Commonwealth to act as a referee or judge for a professional martial art contest or amateur martial art (full contact) contest to be held in Victoria; or 40

- (b) a manager or instructor accompanying a martial art contestant if the contestant—
  - (i) is resident outside the Commonwealth; and
  - (ii) is registered or deemed to be registered as a martial art contestant under this Act; and
  - (iii) is in Victoria to be a martial art contestant in a professional martial art contest or an amateur martial art (full contact) contest.

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10 (5) A person of or over eighteen years may apply in the prescribed form to the Minister for a licence or for the renewal of a licence authorizing that person to act—

- (a) as a promoter, manager, referee or judge in respect of—
  - (i) professional martial art contests; or
  - (ii) amateur martial art (full contact) contests; or
- (b) as a martial art instructor.

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(6) The application—

- (a) must be accompanied by the prescribed fee for that kind of application; and
- (b) must set out—
  - (i) the applicant’s experience in or in relation to the martial arts; and
  - (ii) any other information prescribed for that kind of application.

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25 (7) If the Minister is satisfied that the applicant is a fit and proper person and competent to hold the licence the Minister may issue or renew the licence.

(8) The Minister may not issue a licence to act as a referee or judge unless the Minister is satisfied that the applicant has complied with any prescribed pre-requisites for the issue of the licence.

30 (9) The Minister may refuse to issue or renew a licence if the applicant has been convicted of an offence under or has contravened this Act or the regulations.

(10) Unless the Minister otherwise approves, a person must at any time hold only one licence under this section.

35 **PART 3—PERMITS**

**Minister may issue permit to conduct martial art promotion.**

5. (1) A person must not conduct a martial art promotion unless the person is a licensed promoter who holds a permit for that promotion.

40 Penalty: 40 penalty units or imprisonment for twelve months or both.

(2) A licensed promoter may apply in the prescribed form to the Minister for a permit authorizing the promoter to conduct a martial art promotion specified in the permit on the day specified in the permit.

(3) The Minister may, on receipt of an application and on payment by the applicant of the prescribed fee, issue the permit to the applicant. 5

(4) The Minister must not issue a permit unless the Minister is satisfied that the applicant has complied with any prescribed pre-requisites for the issue of the permit.

#### PART 4—LICENCES AND PERMITS GENERALLY

##### Licences and permits. 10

6. (1) A licence or permit—

(a) must be in the prescribed form; and

(b) in the case of—

(i) a licence, remains in force for one year from the date of issue; and 15

(ii) a permit, remains in force for the day specified in the permit; and

(c) is subject to the conditions—

(i) prescribed for that type of licence or permit; and

(ii) determined by the Minister for that particular licence or permit; and 20

(d) in the case of a licence, may be renewed for successive periods of one year.

(2) The Minister may at any time vary or revoke any of the conditions determined by the Minister to which the licence or permit is subject. 25

(3) If a person who holds a licence or permit is convicted of an offence against this Act or the regulations or contravenes the Act or the regulations or a condition of a licence or permit, the Minister may—

(a) suspend the licence for such period as the Minister thinks fit; or 30

(b) cancel the licence or permit and disqualify the person from obtaining a further licence or permit of any kind for such period as the Minister thinks fit.

(4) A— 35

(a) variation or revocation of a condition; or

(b) suspension of a licence or cancellation of a licence or permit—

takes effect seven days after the date of a notice from the Minister informing the holder of the variation, revocation, suspension or cancellation. 40

**Contraventions outside Victoria.**

7. If a person who holds a licence or permit—

(a) contravenes any law in another State or in a Territory of the Commonwealth which corresponds with a provision of this Act or the regulations; or

(b) does or omits to do an act or thing in another State or in a Territory of the Commonwealth which, if that person had done or omitted to do that act or thing in this State, would have constituted a contravention of this Act or the regulations or of a condition of the licence or permit—

the Minister may suspend that person's licence or cancel that person's licence or permit as if the person had been convicted of an offence under this Act or the regulations or had contravened the Act or the regulations and this Act, with such adaptations as are necessary, applies to that suspension or cancellation.

**PART 5—REGISTRATION OF CONTESTANTS****Minister may register martial art contestant.**

8. (1) A person, not being a person who is deemed to be registered under this section, must not engage in a professional martial art contest or an amateur martial art (full contact) contest unless the person is registered under this section.

Penalty: 40 penalty units or imprisonment for twelve months or both.

(2) Unless the Minister otherwise directs in a particular case, a person of or over eighteen years who is resident in a State or in a Territory of the Commonwealth outside Victoria and—

(a) who is licensed or registered as a martial art contestant in that State or Territory under provisions corresponding to this section; or

(b) who is not required to be licensed or registered as a martial art contestant in that State or Territory—

is deemed to be registered under this section.

(3) A person of or over eighteen years may apply in the prescribed form to the Minister for the registration or for the renewal of the registration of that person as a martial art contestant.

(4) An application must be accompanied by the prescribed fee and by a certificate of fitness for martial arts given by an accredited medical officer within fourteen days before the making of the application.

(5) If the Minister is satisfied that the applicant is a fit and proper person and competent to be registered, the Minister may register the applicant or renew the applicant's registration.

(6) The Minister may refuse to register the applicant or renew a registration if the applicant has been convicted of an offence under this Act or the regulations or has contravened this Act or the regulations.

(7) A registration under this section—

(a) remains in force for one year from the date on which it was made; and 5

(b) is subject—

(i) to the condition that the Minister may at any time direct that the martial art contestant must submit to a medical examination by an accredited medical officer; and 10

(ii) to any other conditions prescribed for registrations generally or determined by the Minister for that particular registration; and

(c) may be renewed for successive periods of one year. 15

(8) The Minister may at any time vary or revoke any of the conditions determined by the Minister to which the registration is subject.

(9) If a registered martial art contestant is convicted of an offence against this Act or the regulations or contravenes this Act or the regulations or a condition of that person's registration, the Minister may— 20

(a) suspend the registration for such period as the Minister thinks fit; or

(b) cancel the registration and disqualify the contestant from being re-registered for such period as the Minister thinks fit. 25

(10) If it appears to the Minister from the certificate of an accredited medical officer that a martial art contestant is not fit to engage in professional martial art contests or amateur martial art (full contact) contests, the Minister must suspend that person's registration for such period as the Minister thinks fit or cancel the registration. 30

(11) A—

(a) variation or revocation of a condition; or

(b) suspension or cancellation of registration—

takes effect seven days after the date of a notice from the Minister informing the holder of the variation, revocation, suspension or cancellation. 35

(12) If a registered martial art contestant—

(a) contravenes any law in another State or in a Territory of the Commonwealth which corresponds with a provision of this Act or the regulations; or 40

(b) does or omits to do an act or thing in another State or in a Territory of the Commonwealth which, if that person had



done or omitted to do that act or thing in this State, would have constituted a contravention of this Act or the regulations or of a condition of the registration—

5 the Minister may suspend or cancel that contestant’s registration as if the contestant had been convicted of an offence under this Act or the regulations or had contravened the Act or the regulations and this Act, with such adaptations as are necessary, applies to that suspension or cancellation.

10 (13) A martial art contestant whose registration has been suspended or cancelled under sub-section (10) may have that registration restored upon production to the Minister of certificates from two accredited medical officers who have examined the martial art contestant not more than seven days previously that the martial art contestant is again fit to engage in martial art contests and if the registration of that martial art participant has expired in the meantime is eligible to be again registered upon payment of the prescribed fee for the registration.

15 (14) For the purpose of deciding whether a martial art contestant under sub-section (13) may again be registered, the Minister may order that the contestant undergo any additional medical examination which the Minister thinks fit.

**PART 6—MEDICAL EXAMINATIONS**

**Appointment of accredited medical officers.**

25 9. (1) The Minister after consultation with the Minister administering the *Health Act* 1958 must in writing appoint legally qualified medical practitioners to be accredited medical officers for the examination of martial art contestants.

(2) Accredited medical officers may be paid by promoters the prescribed fees, expenses and allowances.

30 (3) Accredited medical officers are not by virtue only of their appointment as such subject to the *Public Service Act* 1974.

**Martial art contestants to submit to medical examination before and after contests.**

35 10. (1) A martial art contestant proposing to engage in a professional martial art contest or an amateur martial art (full contact) contest must submit to an accredited medical officer within 24 hours before and within 24 hours after a contest and at any other time before the contest as the Minister directs in a particular case for medical examination as to whether or not the martial art contestant is fit to engage in the contest.

40 (2) An accredited medical officer to whom a martial art contestant submits for medical examination must conduct a medical examination

of the martial art contestant in accordance with the regulations and must record particulars of the examination and the findings.

(3) If upon an examination an accredited medical officer finds a martial art contestant to be unfit for engaging in any contest proposed, the officer must declare the martial art contestant to be unfit and as soon as is practicable must notify the martial art contestant, the promoter of that contest and the Minister or some person nominated by the Minister of the findings on the examination and complete and forward to the Minister a report in writing of the examination. 5

(4) If an accredited medical officer declares a martial art contestant to be unfit in relation to a particular contest and the martial art contestant engages in that contest, the Minister may suspend that person's registration for such period as the Minister thinks fit or cancel the registration. 10

#### PART 7—MARTIAL ARTS BOARD 15

##### **Martial Arts Board.**

11. (1) There shall be a Martial Arts Board.

(2) The Board shall consist of no more than 7 members appointed by the Minister, of whom one shall be appointed Chairperson by the Minister. 20

(3) A member holds office subject to the terms and conditions of appointment for the period of not more than three years specified in that member's instrument of appointment, and is eligible to be re-appointed.

(4) The Minister may terminate a member's appointment at any time. 25

(5) The functions of the Board are—

- (a) to advise the Minister on all matters relating to martial arts;
- (b) to exercise the powers, duties and functions conferred on the Board under this Act or the regulations or by delegation from the Minister under this Act; and 30
- (c) to develop and administer rules for the conduct and control of professional martial art contests and amateur (full contact) martial art contests.

(6) Subject to the Minister's approval, the Board may, if it considers necessary, hire persons with special experience for the purposes of enabling the Board to carry out its functions. 35

(7) Subject to the regulations, the Board may regulate its procedure.

## PART 8—DELEGATION BY MINISTER

### Delegation by Minister.

5     12. The Minister may, by instrument, delegate to any person or body of persons any function, power or duty of the Minister under this Act or the regulations, other than this power of delegation.

## PART 9—REVIEW OF DECISIONS OF MINISTER

### Review of decision of Minister.

10     13. (1) In this section, “**Administrative Appeals Tribunal**” means the tribunal established by the *Administrative Appeals Tribunal Act* 1984.

(2) An application may be made to the Administrative Appeals Tribunal for review of a decision of the Minister or of a delegate of the Minister pursuant to this Act—

- 15     (a) refusing to issue or renew a licence or permit ; or
- (b) determining a condition to which a particular licence, permit or registration is subject or varying or revoking—
  - (i) that condition; or
  - (ii) any other condition to which the licence, permit or registration is subject; or
- 20     (c) suspending a licence or cancelling a licence or permit; or
- (d) disqualifying a person from obtaining a further licence or permit; or
- (e) refusing to register a person or refusing to renew a registration; or
- 25     (f) suspending or cancelling a registration.

## PART 10—EVIDENCE AND PROCEDURE FOR OFFENCES

### Proceedings for offence.

30     14. The Minister or any person authorized in writing by the Minister for the purpose may institute proceedings for an offence under this Act or the regulations.

### Certificate of Minister is evidence.

35     15. In any proceedings for an offence under this Act or the regulations, a certificate signed by the Minister or any person authorized in writing by the Minister for the purpose is evidence, and in the absence of evidence to the contrary, is proof, of the facts stated in it.

**Document under this Act is evidence.**

**16.** The production of a document which purports to be a copy of any document under this Act or the regulations is evidence and, in the absence of evidence to the contrary, is proof, of the existence of the document and of any facts it contains.

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**PART 11—REGULATIONS**

**17.** (1) The Governor in Council may make regulations for or with respect to—

- (a) the forms of application for the issue of the different licences and permits and for the renewal of the different licences, the issue of the licences and permits and the conditions to which the licences and permits and to which registrations are subject; 10
- (b) the requirements for the accreditation of legally qualified medical practitioners and the pre-requisites for the issue of licences for referees and judges; 15
- (c) the fees, expenses and allowances which an accredited medical officer may be paid;
- (d) the conduct of medical examinations, the recording of such examinations and the transmission of medical certificates and information relating to such certificates; 20
- (e) the construction of areas or rings used or intended to be used for contests of or for the giving of instruction in the martial arts, materials to be used in the construction of such areas, and the furnishings, fittings or equipment to be attached to or provided with the areas; 25
- (f) the venues for the holding of professional martial art contests;
- (g) regulating the use of training halls, standards for the premises of and the facilities provided at training halls and the inspection of training halls; 30
- (h) providing for and regulating the contractual relationships between instructors, contestants, managers and promoters, in connexion with professional martial art contests and amateur (full contact) martial art contests; 35
- (i) the reporting of registered martial art contestants as unfit;
- (j) the fees to be paid for the issue and renewal of licences and permits and for registration and renewal of registration;
- (k) the information to be included in applications for a licence or permit or the renewal of a licence; 40
- (l) the pre-requisites for the issue of permits and the requirements for a licence as a martial art instructor;

- (m) the inspection and supervision of professional martial art contests and amateur martial art (full contact) contests and behaviour of persons involved with such contests;
- 5 (n) the powers, duties and functions of persons involved in professional martial art contests and amateur martial art (full contact) contests;
- (o) the powers, duties and functions of the Martial Arts Board;
- 10 (p) the approval by the Board of bodies or associations (whether corporate or unincorporate) for specific purposes under this Act or the regulations;
- (q) the fees, expenses and allowances (if any) to which members (including the Chairperson) of the Board and any person with special experience hired by the Board are entitled;
- 15 (r) the Board generally and, without affecting the generality of the foregoing, in particular with respect to the procedure, membership, occurrence and filling of vacancies, casting vote of the Chairperson, quorums, removal of members and acting members;
- 20 (s) the forms of applications, notices, reports, licences, permits and certificates authorized or required to be prescribed and any other forms which are necessary for the purposes of this Act; and
- 25 (t) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) Any regulation—
- (a) may be general or may be restricted in operation as to time, place, persons or circumstances; and
- 30 (b) may impose a penalty not exceeding 20 penalty units for any contravention of any provision of the regulations; and
- (c) may apply, adopt or incorporate (with or without modification)—
- 35 (i) the provisions of any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body whether as formulated, issued, prescribed or published at the time the regulation is made, or at any time before then; or
- 40 (ii) the provisions of any Act of the Commonwealth or of another State or of a Territory or the provisions of any subordinate instrument under any such Act, whether as in force at a particular time or from time to time; and

(d) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by any person or body or class or persons; and

(e) may confer powers or impose duties in connexion with the regulations on any person or body or class of persons.

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(3) Nothing in the regulations under this section limits or derogates from the application of the *Health Act 1958* and the regulations under that Act about public buildings.