

Professional Boxing and Martial Arts (Amendment) Bill

Circulation Print

EXPLANATORY MEMORANDUM

Clause Notes

- Clause 1 states that the main purposes of the Act are—
- (a) to rename the **Professional Boxing and Martial Arts Act 1985** as the **Professional Boxing and Combat Sports Act 1985**;
 - (b) to enable a person registering as a contestant under the Act to be able to compete in both boxing and combat sports; and
 - (c) to provide statutory immunity to members of the Professional Boxing and Martial Arts Board for acts done in good faith.
- Clause 2 provides for the commencement of the Act.
- Clause 3 changes the name of the **Professional Boxing and Martial Arts Act 1985** in section 1 of the Act to the **Professional Boxing and Combat Sports Act 1985**. Note that the year of the Act remains unchanged.
- Clause 4 amends the purpose in section 3 of the Act by substituting "combat sports" for "martial arts" to reflect the professional activities covered by the Act.
- Clause 5 amends the definitions in section 5 of the Act by—
- (a) inserting definitions of "combat sport" and "professional combat sport contest" to reflect the professional activities covered by the Act;
 - (b) substituting references to "Martial Arts" in the definition of "Board", with "Combat Sports";

- (c) substituting references to "martial art" in the definitions of "gymnasium", "professional contest" and "professional contestant" with "combat sport";
- (d) repealing the definition of "martial art" which is superseded by the definition of "combat sport";
- (e) substituting for paragraph (c)(ii) in the definition of "professional boxing contest" under section 5 of the Act a new paragraph which enables an event organised by, or under the control of, an amateur boxing association recognised by the Minister under section 5A to be exempt from the provisions of the Act;
- (f) repealing the definition of "professional martial art contest" which is superseded by the definition of "professional combat sport contest".

Clause 6 inserts a new section 5A into the Act. The new section 5A enables the Minister to recognise any properly constituted amateur association for the purposes of paragraph (c)(ii) of the definitions of "professional boxing contest" and "professional combat sport contest" in the Act in writing, upon receipt of advice from the Professional Boxing and Combat Sports Board. Similarly, the Minister may withdraw recognition of an amateur association by notice in writing.

Clause 7 does the following—

- (a) amends section 8(2)(a) of the Act by substituting the words "martial art" with "combat sport" to reflect the professional activities covered by the Act;
- (b) substitutes in the heading of Division 5 of Part 2 in the Act "Combat Sports" for "Control";
- (c) amends section 14(1) of the Act by substituting the words "Combat Sports" for "Martial Arts Control" to change the name of the Board to the "Professional Boxing and Combat Sports Board";
- (d) amends section 14(2A) of the Act by substituting the words "of the martial arts" with "combat sports" to enable the Board to consist of members who in the opinion of the Minister, have a good knowledge of boxing, or one or more combat sports.

Clause 8 does the following—

- (a) repeals section 10A(2)(b) of the Act to remove the need to register twice when a contestant competes in both professional boxing and professional combat sports contests;
- (b) substitutes "participation in professional" for "boxing or participation in martial art" in sections 10A(2)(d) and 10C of the Act to enable a single certificate of fitness to be provided for participation in professional contests.

Clause 9 inserts a new section 14A into the Act. The new section 14A provides a statutory immunity to the Board when acting in good faith, in respect of legal action arising from administering, registering, licensing and penalty decisions.

Clause 10 substitutes "Regional Development" for "Development" in section 15(1) of the Act to reflect the correct name of the Department.

Clause 11 inserts a new Part VIII into the Principal Act. The new Part VIII comprises new sections 24 to 28, which are simply machinery in nature.

New section 24 deems a reference to the **Professional Boxing and Martial Arts Act 1985** to be a reference to the **Professional Boxing and Combat Sports Act 1985**.

New section 25 provides that, despite changing the name of the Board, no act, matter or thing is affected by that change.

New section 26 provides that a person who was registered under the Act to compete in professional boxing contests or in professional martial arts contests immediately before this amendment are to be treated as if they were registered to compete in professional contests.

New section 27 ensures continuity in that Kyokushin Karate is to be treated as if it had been determined by the Minister to be a combat sport, for the purposes of the Act under paragraph (b) of the definition of "combat sport". The new section 27 also empowers the Minister to withdraw the determination by notice in the Government Gazette if required.

New section 28 ensures continuity in the recognition of the Victorian Amateur Boxing Association and Amateur Boxing Australia as amateur boxing associations by the Minister under section 5A(1)(a) of the Act.