

# Professional Combat Sports Amendment Bill 2009

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Western Australia

LEGISLATIVE ASSEMBLY

**Professional Combat Sports Amendment  
Bill 2009**

**A Bill for**

**An Act to amend the *Professional Combat Sports Act 1987*.**

The Parliament of Western Australia enacts as follows:

**s. 1**

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1   **1.     Short title**

2           This is the *Professional Combat Sports Amendment Act 2009*.

3   **2.     Commencement**

4           This Act comes into operation as follows —

- 5           (a)   sections 1 and 2 — on the day on which this Act  
6                receives the Royal Assent;
- 7           (b)   the rest of the Act — on a day fixed by proclamation,  
8                and different days may be fixed for different provisions.

9   **3.     Act amended**

10          This Act amends the *Professional Combat Sports Act 1987*.

11   **4.     Long title amended**

12          In the long title delete “**professional**”.

13   **5.     Section 1 amended**

14          In section 1 delete “*Professional*”.

15   **6.     Section 3 amended**

16          (1)   In section 3 delete the definitions of:

17                ***contest***

18                ***contestant***

19                ***industry participant***

20                ***professional combat sport***

21                ***sham contest***

22          (2)   In section 3 insert in alphabetical order:

23

24                        ***capacity***, in relation to an industry participant, means a  
25                        capacity prescribed for the purposes of the definition of  
26                        ***industry participant*** in this section;

- 1                    **contest** means a contest or exhibition of a combat  
2 sport —
- 3                    (a) that is organised, arranged or promoted for  
4 profit; or
- 5                    (b) that is conducted for public entertainment; or
- 6                    (c) to which the public is invited,
- 7 unless it is prescribed not to be a contest for the  
8 purposes of this Act;
- 9                    **contestant** means a person who participates in a  
10 contest, whether for reward or not;
- 11                    **industry participant** means a person who, otherwise  
12 than as a contestant, is involved, in a capacity that is  
13 prescribed, in conducting or assisting to conduct a  
14 contest;
- 15                    **prescribed** means prescribed by the regulations;
- 16                    **sham contest** means a contest —
- 17                    (a) in which the contestants are stalling or  
18 posturing or pretending or feigning to fight or  
19 otherwise compete; or
- 20                    (b) the result of which is arranged by the  
21 contestants or by a person involved in  
22 controlling, judging or promoting the contest.
- 23
- 24                    (3) In section 3 in the definition of **combat sport** delete  
25 paragraph (b) and insert:
- 26
- 27                    (b) any other martial art, sport or activity that  
28 involves 2 or more participants whose primary  
29 objective is to do any or any combination of the  
30 following —
- 31                    (i) grapple with, punch, kick or throw each  
32 other; or

**s. 7**

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- 1 (ii) strike or hit each other, whether or not  
2 with a weapon,  
3 unless it is prescribed not to be a combat sport  
4 for the purposes of this Act;  
5

6 **7. Part II heading replaced**

7 Delete the heading to Part II and insert:

8

9 **Part II — Combat Sports Commission**

10

11 **8. Section 4 amended**

12 (1) In section 4(1) delete “Professional”.

13 (2) After section 4(1) insert:

14

15 (2A) The Commission is a continuation of the body  
16 previously called the “Professional Combat Sports  
17 Commission” and the “Western Australian Boxing  
18 Commission”.

19

20 (3) In section 4(2):

21 (a) delete “8 members” and insert:

22

23 9 members

24

25 (b) in paragraph (a) delete “7 persons” and insert:

26

27 8 persons

28

29 (c) in paragraph (a)(vi) delete “boxing; and” and insert:

30

31 boxing;

32

- 1 (d) after paragraph (a)(vii) insert:  
2  
3 (viii) one person shall be a person who in the  
4 opinion of the Minister has knowledge  
5 of the industry relating to combat sports  
6 known as mixed martial arts;  
7

8 **9. Section 8 amended**

9 In section 8(4) delete “3 members” and insert:

10

11 5 members

12

13 **10. Section 10 amended**

14 (1) In section 10(1):

15 (a) in paragraphs (b) and (c) delete “professional” (each  
16 occurrence);

17 (b) in paragraph (d) delete “a professional combat sport.”  
18 and insert:

19

20 contests.

21

22 (2) In section 10(2) delete “professional” (each occurrence).

23 **11. Section 12 amended**

24 (1) In section 12(1) delete “Professional”.

25 (2) After section 12(1) insert:

26

27 (2A) The Combat Sports Commission Account is a  
28 continuation of the account previously called the  
29 “Professional Combat Sports Commission Account”  
30 and the “Western Australian Boxing Commission  
31 Account”.  
32

**s. 12**

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1   **12.     Section 16 replaced**

2           Delete section 16 and insert:

3

4           **16.     Applying for registration**

- 5           (1) A person who desires to be registered as a contestant  
6               must apply to the Commission to be registered.
- 7           (2) An application made under subsection (1) must —  
8               (a) be in a form approved by the Commission; and  
9               (b) be accompanied by any medical information  
10              about the applicant that is prescribed; and  
11              (c) be accompanied by the prescribed fee.
- 12          (3) The Commission may ask the applicant to give the  
13              Commission any additional information the  
14              Commission needs to decide an application under  
15              section 17.
- 16          (4) The Commission may refuse to decide an application  
17              until it has received the information it needs to decide  
18              the application under section 17.

19

20   **13.     Section 17 replaced**

21           Delete section 17 and insert:

22

23           **17.     Registering contestants**

- 24           (1) If on an application made under section 16 the  
25              Commission is satisfied —  
26              (a) the applicant —  
27                  (i) is a fit and proper person; and  
28                  (ii) has reached the age prescribed for the  
29                  prescribed class of contestant for which  
30                  registration is sought; and

- 1 (iii) is medically and physically fit to be  
2 registered as a contestant in that class;  
3 and  
4 (iv) understands the duties that this Act will  
5 impose on the applicant if the  
6 application is granted;  
7 and  
8 (b) there is no reason, in the interests of the health  
9 and safety of the applicant or of any contestant  
10 with whom the applicant might participate in a  
11 contest, not to do so,  
12 the Commission must register the applicant as a  
13 contestant in the prescribed class of contestant for  
14 which registration is sought.
- 15 (2) If the Commission is satisfied an applicant has not  
16 attained the prescribed age required by  
17 subsection (1)(a)(ii) but otherwise complies with the  
18 requirements of subsection (1), the Commission may  
19 recommend to the Minister that the applicant be  
20 registered and the Minister may direct and authorise  
21 the Commission to register the applicant in terms of the  
22 recommendation or in such other terms as the Minister  
23 determines.
- 24 (3) When registering a contestant, the Commission may  
25 impose such conditions or restrictions on the contestant  
26 as it thinks fit.  
27

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1   **14.    Section 18 replaced**

2           Delete section 18 and insert:

3

4           **18.    Certificate of registration**

5           The Commission shall issue a person registered as a  
6           contestant a certificate of registration, in a form  
7           approved by the Commission, stating —

- 8                   (a)   that the person is registered as a contestant; and  
9                   (b)   the conditions and restrictions (if any) that  
10                  apply in relation to the person as a contestant.

11

12   **15.    Section 19 replaced**

13           Delete section 19 and insert:

14

15           **19.    Term of registration and application for renewal**

16           (1)   A certificate of registration issued under section 18 to a  
17           person has effect for 3 years as from and including the  
18           date of the certificate unless it is cancelled or  
19           suspended.

20           (2)   A person who is registered as a contestant may apply to  
21           the Commission for the renewal of the person's  
22           registration.

23           (3)   An application made under subsection (2) must —

- 24                   (a)   be in a form approved by the Commission; and  
25                   (b)   be accompanied by any medical information  
26                   about the applicant that is prescribed; and  
27                   (c)   be accompanied by the prescribed fee.

28

1 **16. Section 20 replaced**

2 Delete section 20 and insert:

3

4 **20. Renewal of registration**

5 (1) If on an application made under section 19 the  
6 Commission is satisfied —

7 (a) the applicant —

8 (i) is a fit and proper person; and

9 (ii) is medically and physically fit to be  
10 registered as a contestant in that class;  
11 and

12 (iii) has complied with any conditions and  
13 restrictions imposed on the applicant  
14 under this Part; and

15 (iv) understands the duties that this Act will  
16 impose on the applicant if the  
17 application is granted;

18 and

19 (b) there is no reason, in the interests of the health  
20 and safety of the applicant or of any contestant  
21 with whom the applicant might participate in a  
22 contest, not to do so,

23 the Commission must renew the applicant's  
24 registration as a contestant in the class sought in the  
25 application.

26 (2) When renewing a contestant's registration, the  
27 Commission may impose such conditions or  
28 restrictions on the contestant as it thinks fit.

29

**s. 17**

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1   **17.    Section 21 replaced**

2           Delete section 21 and insert:

3

4           **21.    Commission’s powers to ensure health and safety of**  
5           **contestants**

6           If the Commission is of the opinion that it is in the  
7           interests of the health and safety of a contestant, or of  
8           any other contestant with whom that contestant might  
9           participate in a contest, the Commission may —

- 10           (a)   cancel or suspend the contestant’s registration  
11                 as a contestant; or  
12           (b)   impose any conditions or restrictions on the  
13                 contestant it thinks fit; or  
14           (c)   vary or cancel any condition or restriction  
15                 imposed on the contestant under this Act.  
16

17   **18.    Section 22 deleted**

18           Delete section 22.

19   **19.    Section 23 replaced**

20           Delete section 23 and insert:

21

22           **23.    Disciplinary powers against contestants**

23           If the Commission —

- 24           (a)   is of the opinion a registered contestant —  
25                 (i)   is not a fit and proper person; or  
26                 (ii)  has committed an offence against this  
27                 Act; or

- 1 (iii) has not complied with any condition or  
2 restriction imposed on him or her under  
3 this Act;
- 4 or
- 5 (b) after conducting an inquiry under section 48A,  
6 is of the opinion a registered contestant has  
7 participated in a sham contest,
- 8 the Commission may do any of the following —
- 9 (c) vary or cancel any condition or restriction  
10 imposed on the contestant under this Part;
- 11 (d) impose any conditions or restrictions on the  
12 contestant it thinks fit;
- 13 (e) cancel or suspend the registration of that person  
14 as a contestant.  
15

16 **20. Section 24A inserted**

17 After section 23 insert:  
18

19 **24A. Cancelling registration on contestant's request**

20 The Commission must cancel the registration of a  
21 contestant if the contestant asks the Commission to do  
22 so.  
23

24 **21. Section 24 amended**

25 In section 24 delete the Penalty and insert:  
26

27 Penalty: a fine of \$6 000.  
28

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1   **22.     Section 25A inserted**

2             At the end of Part III insert:

3

4             **25A.     Commission may vary or cancel conditions and**  
5                   **restrictions**

6                   The Commission may at any time vary or cancel a  
7                   condition or restriction imposed under this Part in  
8                   respect of the registration of a contestant.

9

10   **23.     Section 25 deleted**

11             Delete section 25.

12   **24.     Section 26 replaced**

13             Delete section 26 and insert:

14

15             **26.     Register of industry participants**

16                   The Commission shall cause to be kept a register of  
17                   industry participants in which are recorded —

18                   (a)   the name and address of each person registered  
19                   as an industry participant; and

20                   (b)   the capacity in which he or she is registered as  
21                   an industry participant; and

22                   (c)   any prescribed particulars.

23

24   **25.     Sections 27 and 28 replaced**

25             Delete sections 27 and 28 and insert:

26

27             **27.     Applying to be registered**

28                   (1)   A person who desires to be registered as an industry  
29                   participant must apply to the Commission to be  
30                   registered.

- 
- 1           (2) Only a natural person can apply to be registered as an  
2 industry participant.
- 3           (3) An application made under subsection (1) must —  
4               (a) be in a form approved by the Commission; and  
5               (b) be accompanied by the prescribed fee.
- 6           (4) The Commission may ask the applicant to give the  
7 Commission any additional information the  
8 Commission needs to decide an application under  
9 section 28.
- 10          (5) The Commission may refuse to decide an application  
11 until it has received the information it needs to decide  
12 the application under section 28.

13       **28. Registering industry participants**

- 14           (1) If on an application made under section 27 the  
15 Commission is satisfied the applicant —  
16               (a) is a fit and proper person; and  
17               (b) understands the duties that this Act will impose  
18 on the applicant if the application is granted,  
19 the Commission must register the applicant as an  
20 industry participant in the terms sought in the  
21 application.
- 22           (2) When registering an industry participant, the  
23 Commission may impose such conditions and  
24 restrictions in relation to the participant as the  
25 Commission thinks fit.  
26

1   **26.    Section 29 replaced**

2           Delete section 29 and insert:

3

4           **29.    Certificate of registration**

5           The Commission shall issue a person registered as an  
6           industry participant a certificate of registration, in a  
7           form approved by the Commission, stating —

- 8                   (a)   that the person is registered as an industry  
9                   participant; and
- 10                   (b)   the capacity in which he or she is registered as  
11                   an industry participant; and
- 12                   (c)   the conditions and restrictions (if any) that  
13                   apply in relation to the person as an industry  
14                   participant.

15

16   **27.    Section 30 replaced**

17           Delete section 30 and insert:

18

19           **30.    Term of registration**

20           A certificate of registration issued under section 29 to a  
21           person has effect for 3 years as from and including the  
22           date of the certificate unless it is cancelled or  
23           suspended.

24

25   **28.    Section 31 amended**

26           Delete section 31(1) and insert:

27

- 28                   (1)   A person who is registered as an industry participant  
29                   may apply to the Commission for the renewal of the  
30                   person's registration.

31

1   **29.   Section 32 amended**

2           Delete section 32(1) and insert:

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

- (1) If on an application made under section 31 the Commission is satisfied the applicant —
- (a) is a fit and proper person; and
  - (b) has complied with the conditions and restrictions imposed on the applicant under this Part; and
  - (c) understands the duties that this Act will impose on the applicant if the application is granted,
- the Commission must renew the applicant's registration as an industry participant in the terms sought in the application.

16   **30.   Section 33A inserted**

17           After section 32 insert:

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**33A.   Disciplinary powers**

If the Commission —

- (a) is of the opinion a registered industry participant —
  - (i) is not a fit and proper person; or
  - (ii) has committed an offence against this Act; or
  - (iii) has not complied with any condition or restriction imposed on the person under this Part;

or

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---

- 1 (b) after conducting an inquiry under section 48A,  
2 is of the opinion a registered industry  
3 participant has participated in a sham contest,  
4 the Commission may do any of the following —  
5 (c) vary or cancel any condition or restriction  
6 imposed on the participant under this Part;  
7 (d) impose any conditions or restrictions on the  
8 participant it thinks fit;  
9 (e) cancel or suspend the registration of that person  
10 as an industry participant.  
11

12 **31. Section 33 replaced**

13 Delete section 33 and insert:  
14

15 **33. Offence**

16 A person must not be involved in the conduct of a  
17 contest in a capacity that is prescribed for the purposes  
18 of the definition in section 3 of *industry participant*  
19 unless he or she is registered as an industry participant  
20 in that capacity.

21 Penalty:

- 22 (a) for a first offence, a fine of \$2 000;  
23 (b) for a subsequent offence, a fine of \$10 000.  
24

1 **32. Section 34A inserted**

2 After section 33 insert:

3

4 **34A. Commission may cancel or vary conditions or**  
5 **restrictions**

6 The Commission may at any time vary or cancel a  
7 condition or restriction imposed under this Part in  
8 respect of the registration of an industry participant.

9

10 **33. Part V deleted**

11 Delete Part V.

12 **34. Part VI heading replaced**

13 Delete the heading to Part VI and insert:

14

15 **Part VI — Contestant record books**

16

17 **35. Section 35 replaced**

18 Delete section 35 and insert:

19

20 **35. Books to be issued to registered contestants**

21 (1) The Commission, on the first registration of a person as  
22 a contestant, must issue the person a contestant record  
23 book, in a form approved by the Commission, that —

24 (a) states —

25 (i) such personal details about the  
26 contestant as are prescribed; and

27 (ii) such information about the registration  
28 of the contestant as is prescribed;

29 and

**s. 36**

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- 1 (b) provides for the recording of —  
2 (i) such other information about the  
3 registration of the contestant as is  
4 prescribed; and  
5 (ii) such medical information about the  
6 contestant as is prescribed; and  
7 (iii) such information about the contests in  
8 which the contestant participates as is  
9 prescribed.
- 10 (2) If a person, having been registered as a contestant —  
11 (a) ceases, for any period, to be so registered; and  
12 (b) is, after the registration ceases, again registered  
13 as a contestant,  
14 the Commission must issue the person a contestant  
15 record book that —  
16 (c) conforms with subsection (1); and  
17 (d) contains the same information as was contained  
18 in any contestant record book or other book  
19 previously issued under this Act to that person.  
20

21 **36. Section 36 replaced**

22 Delete section 36 and insert:  
23

24 **36. Altering books**

- 25 (1) A person shall not enter or alter information in a  
26 contestant record book unless the person is authorised  
27 to do so under this Act.
- 28 (2) A person who enters or alters information in a  
29 contestant record book must initial the book  
30 immediately adjacent to the information.  
31 Penalty: a fine of \$6 000.  
32

1   **37.     Section 37 deleted**

2             Delete section 37.

3   **38.     Section 38 replaced**

4             Delete section 38 and insert:

5

6             **38.     Damaging books**

7                     A person must not wilfully damage or deface a  
8                     contestant record book.

9                     Penalty: a fine of \$6 000.

10

11   **39.     Section 39 replaced**

12             Delete section 39 and insert:

13

14             **39.     Surrender of books**

15                     If under Part III the registration of a contestant is not  
16                     renewed by the Commission, is cancelled or is  
17                     suspended, the contestant must give his or her  
18                     contestant record book to the Commission within 7  
19                     days after being notified of the fact.

20                     Penalty: a fine of \$500.

21

22   **40.     Section 40 amended**

23             In section 40 delete “medical record book to a” and insert:

24

25                     contestant’s contestant record book to the

26

**s. 41**

---

1     **41.     Section 41 replaced**

2             Delete section 41 and insert:

3

4             **41.     Issuing additional books**

5             If a contestant's contestant record book is full, the  
6             Commission must issue the contestant another  
7             contestant record book that conforms with  
8             section 35(1).

9

10     **42.     Section 42 replaced**

11             Delete section 42 and insert:

12

13             **42.     Replacing books**

14             If a contestant satisfies the Commission that his or her  
15             contestant record book has been spoilt, lost or  
16             destroyed the Commission must, on payment of the  
17             prescribed fee, issue the contestant a duplicate  
18             contestant record book, stamped with the word  
19             “Duplicate”.

20

21     **43.     Section 44 replaced**

22             Delete section 44 and insert:

23

24             **44.     Applying for permits to conduct contests**

25             (1) A person who desires to conduct a contest must apply  
26             to the Commission for a permit for the contest.

27             (2) An application made under subsection (1) must —

28             (a) be in a form approved by the Commission; and

- 
- 1 (b) include the names of each person who will  
2 participate in the contest; and  
3 (c) include any prescribed information; and  
4 (d) be made not less than 42 days before the  
5 proposed date of the contest unless the  
6 Commission allows otherwise; and  
7 (e) be accompanied by the prescribed fee.
- 8 (3) The Commission may ask the applicant to give the  
9 Commission any additional information the  
10 Commission needs to decide an application under  
11 section 45.
- 12 (4) The Commission may refuse to decide an application  
13 until it has received the information it needs to decide  
14 the application under section 45.  
15

16 **44. Section 45 replaced**

17 Delete section 45 and insert:  
18

19 **45. Issuing permits for contests**

- 20 (1) If on an application made under section 44 the  
21 Commission is satisfied —  
22 (a) that any requirement that, under the regulations,  
23 must be complied with before a permit can be  
24 issued has been complied with; and  
25 (b) that the requirements under this Act as they  
26 apply in relation to the contest referred to in the  
27 application will be complied with,  
28 the Commission may issue a permit for the contest.
- 29 (2) The Commission may issue a permit for a contest  
30 subject to any terms, conditions and restrictions the  
31 Commission thinks fit.

**s. 45**

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- 1           (3) A permit issued for a contest must include the  
2           following information —  
3                 (a) the date, time and place of the contest;  
4                 (b) the name of each person who will participate in  
5                 the contest;  
6                 (c) any terms, conditions or restrictions imposed  
7                 under subsection (2);  
8                 (d) any other information that is prescribed.
- 9           (4) The Commission may refuse to issue a permit for a  
10           contest if it is of the opinion that it is necessary to do so  
11           in the interests of the health and safety of any person  
12           who would participate in the contest if the permit were  
13           issued.
- 14           (5) The Commission, on the application of the holder of  
15           the permit or on its own initiative, may at any time  
16           vary a permit for a contest.  
17

18 **45. Section 47A inserted**

19           After section 46 insert:

20  
21 **47A. Suspending or cancelling a permit**

- 22           (1) The Commission, at any time before or during a  
23           contest for which a permit has been issued under  
24           section 45, may suspend or cancel the permit if it is  
25           satisfied —  
26                 (a) that any term, condition or restriction to which  
27                 the permit is subject has not or is not being  
28                 complied with; or  
29                 (b) that it is in the interests of the health or safety  
30                 of any contestant in the contest to do so.

- 1 (2) Before it suspends or cancels a permit, the Commission  
2 must give the permit holder a reasonable opportunity to  
3 be heard unless, in the time needed to do so, the health  
4 or safety of any contestant in the contest may be  
5 jeopardised.
- 6 (3) To suspend or cancel a permit, a person authorised by  
7 the Commission, or a member, must give the permit  
8 holder, or the referee of the contest, oral or written  
9 notice —
- 10 (a) that the Commission has suspended or  
11 cancelled the permit, as the case requires; and
- 12 (b) if the permit is suspended, of the term of the  
13 suspension, whether by referring to an event  
14 that may occur or to a period of time.
- 15 (4) If oral notice is given to a person under subsection (3),  
16 written confirmation of the notice must be given to the  
17 person within 7 days after the date on which the oral  
18 notice was given.
- 19 (5) If a permit is suspended, the Commission may at any  
20 time cancel the suspension for good reason.
- 21 (6) A written notice or a written confirmation of a notice  
22 given orally under subsection (3) must state the reasons  
23 for suspending or cancelling the permit.  
24

25 **46. Section 47 amended**

- 26 (1) Delete section 47(1) and (2) and insert:  
27
- 28 (1) A person must not conduct a contest unless a permit  
29 has been issued under this Part for the contest.  
30 Penalty: a fine of \$12 000.

**s. 47**

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- 1           (2A) A person must not conduct a contest the permit for  
2                        which is suspended or has been cancelled under  
3                        section 47A.  
4                        Penalty: a fine of \$12 000.
- 5           (2B) A person who conducts a contest for which a permit  
6                        has been issued under this Part must comply with any  
7                        term, condition or restriction to which the permit is  
8                        subject.  
9                        Penalty: a fine of \$12 000.
- 10          (2) A person shall not —  
11                        (a) participate in or agree to participate in a sham  
12                                contest; or  
13                                (b) be involved in any capacity in conducting a  
14                                sham contest.  
15                        Penalty: a fine of \$12 000.
- 16
- 17          (2) At the end of section 47(3) insert:  
18                                Penalty: a fine of \$12 000.  
19  
20
- 21          (3) Delete section 47(4), (5) and (6).
- 22      **47. Section 48A inserted**  
23                        After section 47 insert:  
24
- 25      **48A. Sham contests, inquiries into**  
26                        (1) If the Commission is of the opinion (whether or not as  
27                                a result of a report made by the referee of the contest)  
28                                that a contest is a sham contest the Commission shall  
29                                inquire into the promotion, arrangement and conduct of  
30                                the contest.

- 1 (2) If the Commission, after its inquiry, is satisfied that a  
2 contest is a sham contest, the Commission may order  
3 that any money or money's worth paid or payable to a  
4 contestant or industry participant who, in the opinion of  
5 the Commission, has participated in, or been involved  
6 in any capacity in conducting, the contest be paid to the  
7 Commission and if not so paid may be recovered by  
8 the Commission in any court of competent jurisdiction.
- 9 (3) Nothing in subsection (2) prevents a person from being  
10 prosecuted for an offence under section 47 or prevents  
11 proceedings being taken under section 23 or 33A.  
12

13 **48. Section 48 replaced**

14 Delete section 48 and insert:

15  
16 **48. Pre-contest weigh-ins**

- 17 (1) Before a contest occurs each person intending to  
18 participate in the contest must attend and submit to a  
19 weigh-in.
- 20 (2) The following provisions apply to a weigh-in referred  
21 to in subsection (1) —
- 22 (a) the weigh-in shall take place at the time and  
23 place approved by the Commission;
- 24 (b) the weigh-in shall take place within 24 hours  
25 before the contest;
- 26 (c) in addition to the persons intending to  
27 participate, the following persons shall be  
28 present —
- 29 (i) the person who holds the permit for the  
30 contest or that person's agent;
- 31 (ii) a person appointed by the Commission  
32 (the *Commission's appointee*);

- 1 (d) each person intending to participate in the  
2 contest shall produce his or her contestant  
3 record book to the Commission's appointee for  
4 inspection and for the recording of prescribed  
5 information;
- 6 (e) the Commission's appointee shall ensure —  
7 (i) that the weigh-in and the recording of  
8 the weights of the contestants are  
9 properly carried out; and  
10 (ii) that this section is complied with.

11 **49A. Pre-contest medical examinations**

- 12 (1) Each person intending to participate in a contest must,  
13 within 24 hours before the contest —
- 14 (a) attend a medical practitioner approved by the  
15 Commission; and  
16 (b) submit to an examination by the practitioner;  
17 and  
18 (c) produce his or her contestant record book to the  
19 practitioner for inspection and for the recording  
20 of relevant information.
- 21 (2) The medical practitioner whom a person attends under  
22 subsection (1) must do the following —
- 23 (a) inspect the person's contestant record book;  
24 (b) carry out a medical examination of the person;  
25 (c) certify in the person's contestant record book  
26 such information as is prescribed;  
27 (d) record the results of the examination on a form  
28 approved by the Commission;  
29 (e) if the practitioner is of the opinion that the  
30 person should not participate in the proposed  
31 contest because of the person's medical  
32 condition, record the opinion in the form;

- 1 (f) give the form to the Commission's appointee  
2 referred to in section 48(2)(c)(ii).  
3 Penalty: a fine of \$12 000.
- 4 (3) If a form given by a medical practitioner to the  
5 Commission's appointee under subsection (2) states a  
6 person should not participate in a proposed contest  
7 because of the person's medical condition, the  
8 Commission's appointee —
- 9 (a) must inform the person who holds the permit  
10 for the contest, or that person's agent, of that  
11 fact forthwith; and
- 12 (b) give the person who holds the permit for the  
13 contest, or that person's agent, a copy of the  
14 form as soon as practicable.
- 15 (4) If the person who holds the permit for a contest, or that  
16 person's agent, is informed under subsection (3), the  
17 permit holder must ensure the person does not  
18 participate in the contest.  
19 Penalty: a fine of \$12 000.  
20

21 **49. Section 49 amended**

- 22 (1) In section 49(1) delete the Penalty and insert:  
23  
24 Penalty: a fine of \$12 000.  
25
- 26 (2) In section 49(2) delete the Penalty and insert:  
27  
28 Penalty: a fine of \$12 000.  
29

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1    **50.     Section 50 replaced**

2           Delete section 50 and insert:

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4  
5

**50.     Contestants not to compete without weigh-in and medical examination**

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- A person shall not participate in a contest unless —
- (a) he or she has attended and submitted to a weigh-in in accordance with section 48; and
  - (b) he or she has attended and submitted to a medical examination in accordance with section 49A; and
  - (c) his or her contestant record book contains the information that sections 48 and 49A require to be in it.

15  
16

Penalty: a fine of \$12 000.

17    **51.     Section 51 amended**

18           Delete section 51(1) and (2) and insert:

19  
20  
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- (1) A person who conducts a contest —
- (a) must not permit a contestant to participate in the contest unless the contestant has attended and submitted to a weigh-in under section 48 and a medical examination under section 49A; and
  - (b) must not engage a contestant for a contest if the Commission, after considering a medical report that a contestant is not medically fit, has directed a contestant not to participate in the contest; and

- 1 (c) must permit not more than 3 persons, being  
2 either persons authorised by the Commission or  
3 members, to be present at the contest  
4 unconditionally and for no charge for the  
5 purpose of ensuring the contest is conducted in  
6 accordance with this Act and any rules  
7 approved under section 62A that apply to the  
8 contest; and
- 9 (d) must not permit the contest to occur unless —  
10 (i) a medical practitioner approved by the  
11 Commission; and  
12 (ii) at least 2 persons referred to in  
13 paragraph (c),  
14 are present at the contest.

15 Penalty: a fine of \$12 000.

- 16 (2) If a contest is not conducted in accordance with any  
17 rules approved under section 62A that apply to the  
18 contest, the person who conducts the contest, the  
19 person to whom a permit for the contest was issued,  
20 and the referee of the contest, each commits an offence.

21 Penalty: a fine of \$12 000.  
22

23 **52. Section 52 replaced**

24 Delete section 52 and insert:  
25

26 **52. Record of contest**

- 27 (1) Before a person participates in a contest, he or she shall  
28 produce his or her contestant record book to —  
29 (a) the medical practitioner approved by the  
30 Commission who is present at the contest; and

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- 1                   (b) a person appointed by the Commission who is  
2                   present at the contest.
- 3                   Penalty: a fine of \$6 000.
- 4                   (2) A person appointed by the Commission for that  
5                   purpose shall in relation to a contest —
- 6                   (a) cause a record to be made of the contest; and  
7                   (b) record the result of the contest in the record  
8                   referred to in paragraph (a); and  
9                   (c) return the record, as written up in accordance  
10                  with the directions of the Commission, to the  
11                  Commission; and  
12                  (d) record in each contestant's contestant record  
13                  book such information as is prescribed.  
14

15   **53. Part VIII A inserted**

16                   After Part VII insert:

17

18

**Part VIII A — Review**

19   **53A. Review by State Administrative Tribunal**

20                   A person aggrieved by a decision of the Commission or  
21                   the Minister made under Part III, IV or VII may apply  
22                   to the State Administrative Tribunal for a review of the  
23                   decision.  
24

25   **54. Section 53 replaced**

26                   Delete section 53 and insert:

27

28   **53. False or misleading information**

29                   A person must not include any information that is false  
30                   or misleading in a material particular in —

- 31                   (a) an application made under this Act; or

- 1 (b) any information given to the Commission under  
2 this Act other than in a statutory declaration; or  
3 (c) a contestant record book issued under Part VI.  
4 Penalty: a fine of \$12 000.  
5

6 **55. Sections 54A and 54B inserted**

7 After section 53 insert:  
8

9 **54A. Commission may get information from WA Police**

10 For the purposes of deciding under Part III or IV  
11 whether a person is a fit and proper person, the  
12 Commission may ask the Commissioner of Police to  
13 give the Commission information about the person.

14 **54B. Confidential police information**

- 15 (1) In this section —  
16 *confidential police information* means information the  
17 Commissioner of Police has certified is confidential  
18 police information under subsection (2);  
19 *court* includes the State Administrative Tribunal;  
20 *sensitive police information* means information in the  
21 possession of the Commissioner of Police the  
22 disclosure of which could reasonably be expected —  
23 (a) to prejudice criminal investigations or the  
24 operations of the Police Force; or  
25 (b) to enable the discovery of the existence or  
26 identity of a source of information relevant to  
27 law enforcement and confidential to the  
28 Commissioner; or  
29 (c) to endanger a person's life or physical safety.

- 1           (2) If the Commissioner of Police believes any information  
2           given by the Commissioner to the Commission is  
3           sensitive police information, the Commissioner, in  
4           writing, may certify the information is confidential  
5           police information.
- 6           (3) If the Commission receives confidential police  
7           information from the Commissioner of Police, then,  
8           despite any other provision of this Act, the  
9           Commission must not disclose it to any person  
10          except —
- 11               (a) a court;
- 12               (b) the Minister;
- 13               (c) the Parliamentary Commissioner for  
14               Administrative Investigations appointed under  
15               the *Parliamentary Commissioner Act 1971*;
- 16               (d) the Corruption and Crime Commission  
17               established under the *Corruption and Crime*  
18               *Commission Act 2003*;
- 19               (e) the Parliamentary Inspector of the Corruption  
20               and Crime Commission appointed under the  
21               *Corruption and Crime Commission Act 2003*;
- 22               (f) a person to whom disclosure has been permitted  
23               by the Commissioner.
- 24          (4) If the Commission under Part III or IV —
- 25               (a) refuses an application for registration or for a  
26               renewal of registration; or
- 27               (b) cancels a registration,
- 28          and the decision is made wholly or partly on the basis  
29          of confidential police information received from the  
30          Commissioner of Police, then, despite any other  
31          provision of this Act, the Commission need not give  
32          any reasons for its decision other than that it is made in  
33          the public interest.

- 1 (5) In proceedings in a court relating to a decision referred  
2 to in subsection (4), the court —
- 3 (a) may decide whether information the  
4 Commissioner of Police has certified is  
5 confidential police information is sensitive  
6 police information; and
- 7 (b) may take evidence consisting of or relating to  
8 that information by way of an affidavit of a  
9 police officer of or above the rank of  
10 Superintendent; and
- 11 (c) if the Commissioner of Police so requests, must  
12 take all reasonable steps —
- 13 (i) to maintain the confidentiality of any  
14 information that the court is satisfied is  
15 sensitive police information; and
- 16 (ii) to prohibit the publication of evidence  
17 about that information.
- 18 (6) The Commissioner of Police must not delegate the  
19 function of certifying information as confidential  
20 police information except to a Deputy Commissioner  
21 of Police or an Assistant Commissioner of Police.  
22

23 **56. Section 54 replaced**

24 Delete section 54 and insert:  
25

26 **54. Refusing applications, imposing or varying**  
27 **conditions etc. and suspending or cancelling**  
28 **registrations, procedure for**

- 29 (1) The Commission must not —
- 30 (a) refuse a person's application for registration, or  
31 for a renewal of a registration, made under  
32 Part III or IV; or

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- 1 (b) impose or vary a condition or restriction on a  
2 person under Part III or IV; or
- 3 (c) suspend or cancel the registration of a person  
4 under Part III (other than under section 24A) or  
5 Part IV; or
- 6 (d) refuse a person's application for a permit made  
7 under Part VII; or
- 8 (e) impose or vary a term, condition or restriction  
9 in a permit issued under Part VII to a person,  
10 unless the Commission has given the person a  
11 reasonable opportunity to be heard on the matter.
- 12 (2) If the Commission decides to take any action described  
13 in subsection (2)(a) to (e) the Commission must give  
14 the person a written notice of the decision and of the  
15 reasons for it within 7 days after the date of it.
- 16 (3) A decision notice of which is given to a person under  
17 subsection (2) takes effect on the date on which it is  
18 given to the person or on any later date specified in it.  
19

20 **57. Section 56 deleted**

21 Delete section 56.

22 **58. Section 58 replaced**

23 Delete section 58 and insert:  
24

25 **58. Evidentiary certificates**

26 In any legal proceedings a certificate signed or  
27 purporting to be signed by an officer of the Department  
28 stating —

- 29 (a) that at a specified time a specified person was,  
30 or was not, registered as a contestant of a

- 1 specified class or as an industry participant in a  
2 specified capacity;
- 3 (b) that at a specified time the registration of a  
4 specified person as a contestant of a specified  
5 class or as an industry participant in a specified  
6 capacity has been cancelled;
- 7 (c) that the registration of a specified person as a  
8 contestant of a specified class or as an industry  
9 participant in a specified capacity had been  
10 suspended for the period specified;
- 11 (d) that the registration of a person as a contestant  
12 of a specified class or industry participant in a  
13 specified capacity is due to expire, or expired  
14 on a specified day,
- 15 is evidence of its contents.  
16

17 **59. Section 62A inserted**

18 After section 61 insert:

19  
20 **62A. Rules for contests**

- 21 (1) The Minister on the advice of the Commission must,  
22 for each combat sport, approve rules to be observed in  
23 any contest in that sport.
- 24 (2) Approved rules may consist of, or may incorporate,  
25 adopt or operate by reference to, any code, standard or  
26 other document (with or without modification) as in  
27 force from time to time or as in force at a particular  
28 time, as specified in the rules.
- 29 (3) If a code, standard or other document is applied,  
30 adopted or incorporated in approved rules —
- 31 (a) a copy of the code, standard or other document  
32 must be kept available for inspection by

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- 1 members of the public, without charge and  
2 during normal office hours, at a place  
3 determined by the Minister; and
- 4 (b) in any legal proceedings, evidence of the  
5 contents of the code, standard or other  
6 document may be given by production of a  
7 document apparently certified by or on behalf  
8 of the Minister as a true copy of the code,  
9 standard or other document.
- 10 (4) The Minister on the advice of the Commission may —  
11 (a) approve an amendment of approved rules; or  
12 (b) cancel any approved rules.
- 13 (5) The *Interpretation Act 1984* sections 41 and 42 apply,  
14 with any necessary changes, to any rules approved,  
15 amended or cancelled under this section.  
16

17 **60. Section 62 amended**

- 18 (1) In section 62(2):  
19 (a) delete “respect to —” and insert:  
20  
21 respect to any or all of the following —  
22  
23 (b) in paragraph (a) delete “professional”;  
24 (c) delete paragraph (c) and insert:  
25  
26 (c) titles that can be awarded to contestants;  
27  
28 (d) in paragraph (e) delete “contestants; and” and insert:  
29  
30 contestants;  
31

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(2) After section 62(2) insert:

(3) Without limiting subsection (1) regulations may prescribe persons who are taken to be registered under this Act, being persons who are registered or licensed under a law of a place outside the State, the purpose of which substantially corresponds with the purpose of this Act.

(4) Without limiting subsection (1) or the *Interpretation Act 1984* section 45A regulations made for the purposes of section 44 may prescribe a fee that will allow recovery of expenditure that is relevant to the Commission performing its functions under sections 44 and 48 and at contests.

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