

**PROFESSIONAL BOXING CONTROL ACT,
1980, No. 129**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 129, 1980.

An Act to control the conduct of professional boxing and to provide for the prohibition of professional boxing contests at certain places. [Assented to, 9th December, 1980.]

See also Theatres and Public Halls (Professional Boxing Control) Amendment Act, 1980.

Professional Boxing Control.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Professional Boxing Control Act, 1980".

Commence- **2.** (1) This section and section 1 shall commence on the date
ment. of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the *Gazette*.

Arrange- **3.** This Act is divided as follows :—
ment.

PART I.—PRELIMINARY—ss. 1–4.

PART II.—BOXING ADVISORY COMMITTEE—ss. 5–15.

DIVISION 1.—*Constitution*—ss. 5–7.

DIVISION 2.—*Functions*—ss. 8, 9.

DIVISION 3.—*Inquiries*—ss. 10–15.

PART III.—REGISTRATION OF BOXERS—ss. 16–25.

PART IV.—REGISTRATION OF INDUSTRY PARTICIPANTS—ss.
26–36.

PART V.—APPEALS—ss. 37–42.

Professional Boxing Control.

PART VI.—MEDICAL RECORD BOOKS—*ss.* 43–50.

PART VII.—BOXING CONTESTS—*ss.* 51–71.

DIVISION 1.—*Permit to Promote or Arrange a Boxing Contest—ss.* 51–55.

DIVISION 2.—*Attendance of Certain Persons at a Boxing Contest—s.* 56.

DIVISION 3.—*Physical Examinations of Boxers—ss.* 57–69.

DIVISION 4.—*Record of Boxing Contest—ss.* 70, 71.

PART VIII.—PROHIBITION OF BOXING CONTESTS AT CERTAIN PLACES—*s.* 72.

PART IX.—MISCELLANEOUS—*ss.* 73–77.

SCHEDULE 1.—PROVISIONS RELATING TO MEMBERS AND PROCEDURE OF COMMITTEE.

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpre-
tation.

“box” means engage in fist fighting or sparring;

“boxing contest” means any contest, display or exhibition of boxing between persons—

(a) in which those persons engage for a monetary prize or other reward in money or money’s worth;
or

(b) in which one or more of those persons has or have, at any time, engaged for a monetary prize or other reward in money or money’s worth,

but does not include—

(c) sparring, other than sparring by way of public entertainment;

(d) a prescribed contest, display or exhibition of boxing;

Professional Boxing Control.

- (e) a contest, display or exhibition of boxing of a prescribed class or description; or
- (f) a contest, display or exhibition of boxing between persons, not being persons to whom paragraph (b) applies, in which those persons engage for a prescribed prize or a prize of a prescribed class or description;

“Committee” means the Boxing Advisory Committee established under section 5;

“Department” means the Department of Sport and Recreation;

“Director” means the Department Head of the Department or any person acting as Department Head of the Department;

“functions” includes powers, authorities and duties;

“industry participant” means any person who, otherwise than as a boxer, engages in or is employed in any profession, occupation or trade, whether on a full-time, part-time or casual basis, in relation to boxing;

“registered” means—

- (a) in relation to a boxer, registered under section 18 (1) or (4) or section 22 (1) or (4); and
- (b) in relation to an industry participant, registered under section 29 (1) or section 34 (1);

“regulations” means the regulations made under this Act;

“Tribunal” means the Boxing Appeals Tribunal established under section 37.

(2) A reference in this Act to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

Professional Boxing Control.

PART II.

BOXING ADVISORY COMMITTEE.

DIVISION 1.—*Constitution.*

5. There is hereby established a Boxing Advisory Committee. Establishment of the Committee.
6. The members of the Committee shall be appointed by the Minister by instrument in writing and shall consist of— Appointment of members.
- (a) a medical practitioner nominated by the Australian Sports Medicine Federation, New South Wales Branch;
 - (b) a member of the police force of or above the rank of inspector nominated by the Commissioner of Police;
 - (c) a person nominated by a prescribed body, being a body representative of amateur boxers in New South Wales; and
 - (d) such other persons as the Minister thinks fit,
- who has or have not attained the age of 70 years.

7. Schedule 1 has effect.

Provisions relating to members and procedure of Committee.

DIVISION 2.—*Functions.*

8. (1) The principal function of the Committee is to advise the Minister on matters relating to professional boxing. Principal function.
- (2) The Committee in the exercise of its principal function—
- (a) shall furnish reports and make recommendations to the Minister in respect of matters referred to it by the Minister; and

Professional Boxing Control.

(b) may initiate and refer to the Minister reports and recommendations relating to—

- (i) the promotion and arrangement of, and the contestants in, any proposed boxing contest;
- (ii) the conditions to which the registration of any boxer or industry participant is to be subject;
- (iii) the rating or competitive standing of any boxer;
- (iv) courses of training for industry participants;
- (v) the administration of this Act;
- (vi) the making, altering or repealing of any regulation; and
- (vii) any other matter relating to professional boxing.

Functions—
generally.

9. (1) The Committee may, in addition to its principal function under section 8, exercise such other functions as are conferred or imposed on it by or under this or any other Act.

(2) The Committee may do all such supplemental, incidental and consequential acts as may be necessary or expedient in the exercise of its functions.

DIVISION 3.—*Inquiries.*

Direction
of
Minister
to conduct
inquiry.

10. (1) The Minister may direct the Committee to conduct an inquiry into any matter relating to professional boxing.

(2) Where so directed, the Committee shall conduct an inquiry in accordance with the Minister's directions and with this Division.

Authorisa-
tion by
Committee.

11. The Committee may, by order in writing, authorise, on such terms and conditions as are specified in the order—

- (a) a sub-committee established under clause 9 of Schedule 1; or

Professional Boxing Control.

(b) with the approval of the Minister, any other person, to examine, and report to the Committee on, any matter in connection with an inquiry under this Division.

12. For the purposes of an inquiry under this Division, the Committee may, by notice in writing signed by one of its members and served on a person—

Attendance of witnesses and production of documents.

- (a) require the person to give to the Committee, within such reasonable time as may be specified in the notice, such information as may be required for the purposes of the inquiry and as may be specified in the notice, whether generally or otherwise; and
- (b) on a date and at a time and place specified in the notice, require the person—
 - (i) to attend as a witness at the inquiry for the purpose of giving evidence to the Committee; and
 - (ii) so to attend and to produce to the Committee any goods or documents which are specified in the notice, whether generally or otherwise, and which are goods or documents in his custody or under his control and are relevant to the inquiry.

13. The Committee may, subject to section 13 of the Oaths Act, 1900, require any evidence referred to in section 12 (b) (i) to be given on oath either in writing or orally, and for that purpose the person presiding at the inquiry may administer an oath.

Administration of oaths.

14. (1) A person shall not—

Offences.

- (a) without reasonable excuse, refuse or fail to do anything required of him by a notice served on him under section 12;

Professional Boxing Control.

(b) give any information or evidence under section 12 that is false or misleading in a material particular; or

(c) alter, suppress or destroy any goods or documents which he is required by a notice under section 12 to produce.

Penalty : \$500.

(2) It is a sufficient defence to a prosecution for an offence under subsection (1) (b) if the defendant proves that he believed the truth of the information or evidence given by him and that it was given in good faith.

Expenses. 15. The regulations may prescribe scales of expenses to be allowed to persons for attending an inquiry under this Division.

PART III.

REGISTRATION OF BOXERS.

Register. 16. (1) The Director shall keep or cause to be kept in the Department a register of boxers in which shall be recorded—

(a) the names and addresses of persons who are registered as boxers; and

(b) such other particulars as may be prescribed.

(2) A certificate purporting to have been signed by the Director, or by his delegate under section 74, and stating—

(a) that on a specified day or during a specified period, a specified person was, or was not, registered as a boxer;

(b) that on a specified day the registration of a specified person as a boxer had been cancelled under a specified provision of this Act;

Professional Boxing Control.

- (c) that the registration of a specified person as a boxer had been suspended under a specified provision of this Act for a period commencing on a specified day and ending on another specified day;
- (d) that the period of registration of a specified person as a boxer had been reduced under a specified provision of this Act and would end on a specified day; or
- (e) that the registration of a person as a boxer is due to expire, or expired, on a specified day,

is evidence of the truth of the statement.

17. (1) A person, being a male of or above the age of 18 years, may make an application to the Director to be registered as a boxer. Application for registration.

(2) An application under subsection (1) shall be—

- (a) in or to the effect of the prescribed form; and
- (b) accompanied by—
 - (i) a certificate of fitness for boxing in or to the effect of the prescribed form which has been given by a medical practitioner not more than 7 days before the date on which the application is made; and
 - (ii) the prescribed fee, which shall not exceed \$10.

18. (1) On receipt of an application under section 17 (1), the Director— Determination of application.

- (a) where he is satisfied that the application complies with the requirements of section 17 (2), that the applicant is a fit and proper person to be registered as a boxer and that, in the case of a subsequent application referred to in section 20 (2), the applicant has complied with any conditions imposed under that subsection in relation to his registration as a boxer—
 - (i) shall register the applicant as a boxer; or

Professional Boxing Control.

(ii) shall refer the application to the Minister to determine whether, in the opinion of the Minister, it is in the interests of the health or safety of the applicant to be registered as a boxer for a period of less than 12 months; or

(b) where he is not so satisfied, shall, subject to subsection (2), refuse to register the applicant as a boxer.

(2) The Director shall not refuse to register an applicant as a boxer on the ground that he is not a fit and proper person to be registered as a boxer, without the approval of the Minister.

(3) Where, under subsection (1) (a) (ii), the Director refers an application to the Minister, the Minister shall determine whether, in his opinion, it is in the interests of the health or safety of the applicant to be registered as a boxer for a period of less than 12 months and, where he determines that it is in those interests that the applicant be so registered, shall specify the period during which the registration shall remain in force.

(4) On being notified of the Minister's determination with respect to an applicant, the Director shall register the applicant as a boxer in accordance with that determination.

(5) The Director shall give notice to an applicant, in writing, of his registration as a boxer or of the refusal of the Director to register him as a boxer, as the case may be, within 7 days after the date of registration or refusal of registration.

(6) Where the Director refuses to register an applicant as a boxer on the ground that he is not a fit and proper person to be so registered, the Director shall, in the notice under subsection (5), so inform the applicant.

**Duration
of
registra-
tion.**

19. The registration of a boxer shall remain in force for—

(a) except as provided by paragraph (b)—the period of 12 months from the date of registration; or

Professional Boxing Control.

- (b) where the Minister has, under section 18 (3), specified the period during which the registration shall remain in force—that period,

unless—

- (c) sooner cancelled or suspended under section 20 (2) or (4); or
- (d) the period of his registration is reduced under section 20 (2).

20. (1) The Minister may, by notice in writing served on a boxer, require him to show cause, by a date and time specified in the notice (being a date not less than 14 days after the date of service of the notice), why his registration as a boxer should not be cancelled or suspended, or why the period of his registration as a boxer should not be reduced, as the case may be.

Cancellat-
ion,
suspension,
etc., of
registra-
tion.

(2) Where, by the date and time referred to in the notice under subsection (1), the boxer has not shown sufficient cause why his registration as a boxer should not be cancelled or suspended, or why the period of his registration as a boxer should not be reduced, the Minister may—

- (a) cancel the registration;
- (b) suspend the registration for such period as the Minister thinks fit; or
- (c) reduce the period of registration to or by such period as the Minister thinks fit,

and may impose such conditions as the Minister thinks fit with which the boxer must comply before any subsequent application by the boxer for registration, or renewal of registration, as a boxer may be dealt with under this Act.

(3) Where the Minister has, under subsection (2), cancelled or suspended a person's registration as a boxer or reduced the period of his registration as a boxer, the Director shall give

Professional Boxing Control.

notice to the person, in writing, of the cancellation, suspension or reduction, as the case may be, and of any conditions referred to in subsection (2), within 7 days after being notified thereof.

(4) The Minister may, where he is of the opinion that it is in the interests of the health or safety of a boxer to do so otherwise than in accordance with subsections (1), (2) and (3), by notice in writing served on the boxer, cancel or suspend his registration as a boxer.

(5) A notice under subsection (4) shall take effect from a date specified in the notice, being the date of, or a date after, service of the notice on the boxer.

(6) The Director shall record, or cause to be recorded, in the register kept under section 16 particulars of any cancellation, suspension or reduction of a period of registration, and of any conditions imposed under subsection (2) of which he is notified.

Application
for renewal
of registra-
tion.

21. (1) A person registered as a boxer may, not earlier than 56 days and not later than 21 days prior to the date of expiration of his registration as a boxer, make an application to the Director for the renewal of his registration as a boxer.

(2) An application under subsection (1) shall be—

- (a) in or to the effect of the prescribed form; and
- (b) accompanied by the certificate and fee referred to in section 17 (2) (b).

Determina-
tion of
application.

22. (1) On receipt of an application under section 21 (1), the Director—

- (a) where he is satisfied that the application complies with the requirements of section 21 (2), that the applicant is a fit and proper person to be registered as a boxer

Professional Boxing Control.

and that the applicant has complied with any conditions imposed under section 20 (2) in relation to the renewal of his registration as a boxer—

- (i) shall renew the registration of the applicant as a boxer; or
 - (ii) shall refer the application to the Minister to determine whether, in the opinion of the Minister, it is in the interests of the health or safety of the applicant to be registered as a boxer for a period of less than 12 months; or
- (b) where he is not so satisfied, shall, subject to subsection (2), refuse to renew the registration of the applicant as a boxer.

(2) The Director shall not refuse to renew the registration of an applicant as a boxer on the ground that he is not a fit and proper person to be registered as a boxer, without the approval of the Minister.

(3) Where, under subsection (1) (a) (ii), the Director refers an application to the Minister, the Minister shall determine whether, in his opinion, it is in the interests of the health or safety of the applicant to be registered as a boxer for a period of less than 12 months and, where he determines that it is in those interests that the applicant be so registered, shall specify the period during which the registration shall remain in force.

(4) On being notified of the Minister's determination with respect to an applicant, the Director shall renew the registration of the applicant as a boxer in accordance with that determination.

(5) The Director shall give notice to an applicant, in writing, of the renewal of his registration as a boxer or of the refusal of the Director to renew his registration as a boxer, as the case may be, within 7 days after the date of renewal of registration or refusal of renewal of registration.

Professional Boxing Control.

(6) Where the Director refuses to renew the registration of an applicant as a boxer on the ground that he is not a fit and proper person to be so registered, the Director shall, in the notice under subsection (5), so inform the applicant.

Duration of
renewal
of regis-
tration.

23. The renewal of registration of a boxer shall remain in force for—

- (a) except as provided by paragraph (b)—a further period of 12 months from the date on which the registration of the boxer would, but for the renewal, have expired; or
- (b) where the Minister has, under section 22 (3), specified the period during which the registration shall remain in force—that period,

unless—

- (c) sooner cancelled or suspended under section 20 (2) or (4); or
- (d) the period of renewal of his registration is reduced under section 20 (2).

Offence to
engage in
boxing
contest.

24. After the expiration of the period of 3 months that next succeeds the day appointed and notified under section 2 (2), a person shall not engage in a boxing contest—

- (a) if he is not registered as a boxer; or
- (b) while his registration as a boxer is suspended under section 20 (2) or (4).

Penalty : \$1,000 or imprisonment for 6 months, or both.

Offence to
engage in
sparring.

25. A person shall not engage in any sparring at any time during which his registration as a boxer—

- (a) is cancelled under section 20 (4); or

Professional Boxing Control.

(b) is suspended under section 20 (4).

Penalty : \$1,000 or imprisonment for 6 months, or both.

PART IV.

REGISTRATION OF INDUSTRY PARTICIPANTS.

26. For the purpose of registering industry participants, any class of industry participants may be prescribed. ^{Class} prescribed.

27. (1) Where a class of industry participants is prescribed ^{Register.} under section 26, the Director shall keep or cause to be kept in the Department a register of the class in which shall be recorded—

- (a) the names and addresses of such persons as are registered as industry participants of that class; and
- (b) such other particulars as may be prescribed.

(2) A certificate purporting to have been signed by the Director, or by his delegate under section 74, and stating—

- (a) that on a specified day or during a specified period, a specified person was, or was not, registered as an industry participant of a specified class prescribed under section 26;
- (b) that on a specified day the registration of a specified person as an industry participant of a specified class prescribed under section 26 had been cancelled under a specified provision of this Act;
- (c) that the registration of a specified person as an industry participant of a specified class prescribed under section 26 had been suspended under a specified provision of this Act for a period commencing on a specified day and ending on another specified day;

Professional Boxing Control.

- (d) that the period of registration of a specified person as an industry participant of a specified class prescribed under section 26 had been reduced under a specified provision of this Act and would end on a specified day; or
- (e) that the registration of a person as an industry participant of a specified class prescribed under section 26 is due to expire, or expired, on a specified day,

is evidence of the truth of the statement.

Application
for registra-
tion.

28. (1) A person may make an application to the Director to be registered as an industry participant of a class prescribed under section 26.

(2) An application under subsection (1) shall be—

- (a) in or to the effect of the prescribed form; and
- (b) accompanied by the prescribed fee, which shall not exceed \$100.

Determi-
nation of
application.

29. (1) On receipt of an application under section 28 (1), the Director—

- (a) where he is satisfied that—
 - (i) the application complies with the requirements of section 28 (2);
 - (ii) the applicant has complied with any conditions imposed under section 30 in relation to his registration; and
 - (iii) the applicant is a fit and proper person to be registered as an industry participant of the class prescribed under section 26 in respect of which the registration is sought,

shall register the applicant as such an industry participant; or

Professional Boxing Control.

(b) where he is not so satisfied, shall, subject to subsection (2), refuse to register the applicant as such an industry participant.

(2) The Director shall not refuse to register an applicant as an industry participant of the class prescribed under section 26 in respect of which the registration is sought, on the ground that he is not a fit and proper person to be so registered, without the approval of the Minister.

(3) The Director shall give notice to an applicant, in writing, of his registration as an industry participant of a class prescribed under section 26 or of the refusal of the Director to register him as such an industry participant, as the case may be, within 7 days after the date of registration or refusal of registration.

(4) Where the Director refuses to register an applicant as an industry participant on the ground that he is not a fit and proper person to be so registered, the Director shall, in the notice under subsection (3), so inform the applicant.

30. The regulations may prescribe, in relation to a class of industry participants prescribed under section 26, conditions (including the passing of any courses of training) with which an applicant for registration, or renewal of registration, as an industry participant of that class must comply before he may be so registered or, as the case may be, before his registration may be renewed. Conditions of registration.

31. The registration of a person as an industry participant of a class prescribed under section 26 shall, unless sooner cancelled or suspended under section 32 (2), remain in force for the period of 12 months from the date of registration. Duration of registration.

Professional Boxing Control.

Cancellation or suspension of registration.

32. (1) The Minister may, by notice in writing served on an industry participant of a class prescribed under section 26, require him to show cause, by a date and time specified in the notice (being a date not less than 14 days after the date of service of the notice), why his registration as such an industry participant should not be cancelled or suspended, as the case may be.

(2) Where, by the date and time referred to in the notice under subsection (1), the industry participant has not shown sufficient cause why his registration should not be cancelled or suspended, the Minister may—

- (a) cancel the registration; or
- (b) suspend the registration for such period as the Minister thinks fit.

(3) Where the Minister has, under subsection (2), cancelled or suspended a person's registration as an industry participant, the Director shall give notice to the person, in writing, of the cancellation or suspension, as the case may be, within 7 days after being notified thereof.

Application for renewal of registration.

33. (1) A person registered as an industry participant of a class prescribed under section 26 may, not earlier than 56 days and not later than 21 days prior to the date of expiration of his registration as such an industry participant, make an application to the Director for the renewal of his registration as such an industry participant.

(2) An application under subsection (1) shall be—

- (a) in or to the effect of the prescribed form; and
- (b) accompanied by the fee referred to in section 28. (2) (b).

Professional Boxing Control.

34. (1) On receipt of an application under section 33 (1), the Director—

Determina-
tion of
applica-
tion.

(a) where he is satisfied that—

- (i) the application complies with the requirements of section 33 (2);
- (ii) the applicant has complied with any conditions imposed under section 30 in relation to his registration; and
- (iii) the applicant is a fit and proper person to be registered as an industry participant of the class prescribed under section 26 in respect of which the renewal of registration is sought,

shall renew the registration of the applicant as such an industry participant; or

(b) where he is not so satisfied, shall, subject to subsection (2), refuse to renew the registration of the applicant as such an industry participant.

(2) The Director shall not refuse to renew the registration of an applicant as an industry participant of the class prescribed under section 26 in respect of which the renewal of registration is sought, on the ground that he is not a fit and proper person to be so registered, without the approval of the Minister.

(3) The Director shall give notice to an applicant, in writing, of the renewal of his registration as an industry participant of a specified class prescribed under section 26 or of the refusal of the Director to renew his registration as such an industry participant, as the case may be, within 7 days after the date of renewal of registration or refusal of renewal of registration.

(4) Where the Director refuses to renew a person's registration as an industry participant on the ground that he is not a fit and proper person to be so registered, the Director shall, in the notice under subsection (3), so inform the applicant.

Professional Boxing Control.

Duration
of
renewal
of
registration.

35. The renewal of registration of an industry participant of a class prescribed under section 26 shall, unless sooner cancelled or suspended under section 32 (2), remain in force for a further period of 12 months from the date on which the registration of the industry participant would, but for the renewal, have expired.

Offence.

36. (1) Where a class of industry participants is prescribed under section 26, a person shall not, after the expiration of the period of 6 months that next succeeds the coming into force of that prescription, carry on the business of, or be employed as, an industry participant of that class—

- (a) if he is not registered as an industry participant of that class; or
- (b) while his registration as an industry participant of that class is suspended under section 32 (2).

(2) The regulations may, in respect of a class of industry participants prescribed under section 26, prescribe a penalty for a contravention of subsection (1) in respect of that class.

PART V.

APPEALS.

Establishment
of
Tribunal.

37. There is hereby established a Boxing Appeals Tribunal.

Constitution
of
Tribunal.

38. The Tribunal shall consist of a District Court Judge appointed by the Minister upon the recommendation of the Attorney General.

Grounds
of
appeal.

39. (1) Any person—

- (a) who has been registered as a boxer for a period of less than 12 months upon a determination under section 18 (3) or 22 (3);

Professional Boxing Control.

- (b) in respect of whom conditions are imposed under section 20 (2);
- (c) whose registration has been cancelled or suspended under section 20 (2) or (4) or section 32 (2) or the period of whose registration is reduced under section 20 (2); or
- (d) whose application for registration or renewal of registration as a boxer or an industry participant has been refused on the ground that he is not a fit and proper person to be so registered,

may, within 21 days after the registration, renewal of registration, imposition of conditions, cancellation, suspension, reduction or refusal, as the case may be, appeal, in accordance with the regulations, to the Tribunal against the decision to impose the conditions, or to cancel, suspend, reduce the period of or refuse registration or renewal of registration.

(2) A decision appealed against under subsection (1) continues to have effect pending determination of the appeal.

40. (1) The Tribunal shall be the only body to which an appeal against the registration, renewal of registration or imposition of conditions or a cancellation, suspension, reduction or refusal referred to in section 39 (1) shall lie. Tribunal is sole arbiter.

(2) The decision of the Tribunal in respect of an appeal under section 39 (1) shall be final and shall be deemed to be the decision of the Director or Minister, as the case may require.

41. Proceedings on an appeal under section 39 (1) shall be held before the Tribunal as in open court. Proceedings.

42. The regulations may make provision for or with respect to— Regulations respecting appeals

- (a) the procedure to be followed at or in connection with appeals under section 39 (1);

Professional Boxing Control.

- (b) the payment of fees and costs in respect of appeals under section 39 (1); and
- (c) any matters incidental to or connected with appeals under section 39 (1).

PART VI.

MEDICAL RECORD BOOKS.

Issue. **43.** (1) The Director shall issue each person on first registration as a boxer with a medical record book containing medical record cards each of which—

- (a) is consecutively numbered;
- (b) contains the name and address of the boxer; and
- (c) is in or to the effect of the prescribed form.

(2) Where a person—

- (a) who has been registered as a boxer; and
- (b) who has ceased, for any period, to be so registered,

is, after the date on which he so ceased to be so registered, registered as a boxer, the Director shall issue the person with a medical record book—

- (c) which contains medical record cards, each of which complies with subsection (1) (a), (b) and (c); and
- (d) which contains the same information as was contained in any medical record book previously issued under this Act to that person.

Alterations. **44.** (1) A person shall not endorse or alter a medical record book or medical record card unless he is—

- (a) a person authorised under this Act to endorse the medical record book or medical record card; or

Professional Boxing Control.

(b) the Director or his delegate under section 74.

Penalty : \$2,000 or imprisonment for 12 months, or both.

(2) Where a person makes an alteration under subsection (1) to a medical record card, he shall initial the alteration immediately adjacent to the alteration.

45. A person shall not endorse on a medical record card any information that is false or misleading in a material particular or alter any information on a medical record card so that it is false or misleading in a material particular. Offence of false information.

Penalty : \$1,000.

46. A person shall not wilfully damage or deface a medical record book or medical record card or remove a medical record card from a medical record book. Offence of damaging medical record book, etc

Penalty : \$1,000 or imprisonment for 6 months, or both.

47. A boxer shall surrender his medical record book to the Director— Surrender of medical record book.

- (a) where he has not at the date and time of expiration of his registration applied for his registration to be renewed—immediately upon that expiration;
- (b) where his registration has been cancelled or suspended under section 20 (2)—immediately upon receipt of the notice under section 20 (3); or
- (c) where his registration has been cancelled or suspended under section 20 (4)—immediately upon receipt of the notice under that subsection.

Penalty : \$500.

Professional Boxing Control.

Reissue. **48.** The Director shall reissue a medical record book to a boxer—

- (a) where the book is surrendered under section 47 (b) or (c) as a consequence of the suspension of the boxer's registration and no appeal is made by the boxer against the suspension—as soon as practicable after the expiration of the period of the suspension; or
- (b) where the book is surrendered under section 47 (b) or (c) and an appeal made by the boxer against the Minister's decision to cancel or suspend his registration as a boxer is upheld—as soon as practicable after the upholding of the appeal.

Where
medical
record
book full.

49. (1) Immediately upon the completion of all medical record cards in the medical record book of a boxer, the boxer may make an application to the Director for the issue of additional medical record cards.

(2) On receipt of an application under subsection (1), the Director shall issue to the boxer additional medical record cards each of which complies with section 43 (1) (a), (b) and (c).

Where
medical
record
book or
card lost,
etc.

50. (1) Where a boxer satisfies the Director by statutory declaration that his medical record book or medical record card has been spoilt, lost or destroyed, the Director shall, on payment by the boxer of a prescribed fee, issue the boxer with a duplicate medical record book or medical record card, as the case may require.

(2) A medical record book or medical record card issued under subsection (1) shall be clearly marked or printed with the words "Duplicate Copy".

Professional Boxing Control.

PART VII.

BOXING CONTESTS.

DIVISION 1.—*Permit to Promote or Arrange a Boxing Contest.*

51. In this Division, this section excepted, a reference to a boxing contest is a reference to—

Interpretation:
Pt. VII,
Div. 1.

- (a) a single boxing contest; or
- (b) 2 or more boxing contests, where the contests are conducted on the one occasion and at the same venue.

52. (1) A person seeking to promote or arrange a boxing contest may make an application to the Minister, not less than 21 days before the date of the proposed contest, for permission to promote or arrange the contest.

Application.

- (2) An application under subsection (1) shall be—
 - (a) in or to the effect of the prescribed form; and
 - (b) accompanied by the fee, if any, as prescribed.

53. On receipt of an application under section 52 (1) in respect of a boxing contest, the Minister may—

Issue.

- (a) direct the Director to issue a permit to the applicant in respect of the contest, subject to such conditions as the Minister thinks fit; or
- (b) refuse to issue a permit in respect of the contest.

54. Where the Director issues a permit under section 53, he shall, as soon as practicable thereafter, notify the Commissioner of Police of the date, time and place of the boxing contest in respect of which the permit is issued.

Notification of
Commissioner of
Police.

Professional Boxing Control.

Offence. **55.** A person shall not promote or arrange a boxing contest unless a permit has been issued under section 53 in respect of the contest.

Penalty : \$2,000 or imprisonment for 12 months, or both.

DIVISION 2.—Attendance of Certain Persons at a Boxing Contest.

Attendance
of certain
persons
at
weigh-in
and
contest.

56. A person who promotes or arranges a boxing contest is guilty of an offence against this Act and liable to a penalty not exceeding \$1,000 unless—

- (a) within the prescribed period before the commencement of the contest, a weigh-in of the contestants is carried out;
- (b) there is present at the weigh-in for the contest, where that weigh-in is carried out otherwise than immediately before the contest—a member of the police force authorised to attend the weigh-in by the Commissioner of Police; and
- (c) there is present at the contest (including any weigh-in carried out immediately before the contest)—
 - (i) a member of the police force authorised to attend the contest by the Commissioner of Police (which authorisation shall be deemed to include an authorisation to attend any such weigh-in); and
 - (ii) a medical practitioner engaged by the person promoting or arranging the contest to exercise the functions of a medical practitioner under sections 68 and 70 in relation to a boxer who engages in the contest and the contest in which he is engaged.

Penalty : \$500.

Professional Boxing Control.

DIVISION 3.—Physical Examinations of Boxers.

57. A boxer shall not engage in a boxing contest unless he has, within the prescribed period before the commencement of the contest, submitted himself for the weigh-in for the contest.

Boxer to submit to weigh-in before contest.

Penalty : \$500.

58. (1) A boxer shall, at the weigh-in for a boxing contest in which he is a contestant, produce his medical record book to the member of the police force present at that weigh-in.

Recording of boxer's weight, etc., at weigh-in.

Penalty : \$500.

(2) The member of the police force referred to in subsection (1) shall, on the production to him of a medical record book in accordance with that subsection, record in the book—

- (a) the boxer's weight at the weigh-in; and
- (b) such other particulars as may be prescribed for completion by the member of the police force so referred to.

59. A boxer shall not engage in a boxing contest unless he has, not earlier than 24 hours before the contest, requested a medical practitioner to exercise, in relation to him, the functions referred to in section 61 (a), (b), (c) and (e) and, as the case may require, section 61 (d) and has submitted himself for examination by the medical practitioner so as to enable the medical practitioner to exercise those functions.

Boxer to submit to medical examination before contest.

Penalty : \$1,000.

60. (1) The Minister may, by notice in writing served on a boxer, direct the boxer to submit himself before a date specified in the notice to a medical examination by a medical practitioner so specified.

Minister may direct medical examination of boxer.

(2) Where a notice under subsection (1) is served on a boxer, the boxer shall not engage in a boxing contest unless he has complied with the direction in the notice.

Penalty applying to this subsection: \$1,000.

Professional Boxing Control.

(3) The Minister may request a medical practitioner to whom a boxer is directed to submit himself in accordance with this section to exercise, in relation to the boxer, the functions referred to in section 61 (a), (b), (c) and (e) and, as the case may require, section 61 (d), or such other functions relating to the health or safety of the boxer as the Minister may specify in his request.

Functions
of
medical
practitioner
engaged by
boxer.

61. The functions referred to in this section of a medical practitioner in relation to a boxer who proposes to engage in a boxing contest are—

- (a) to conduct such examination of the boxer as is prescribed;
- (b) to record the prescribed particulars in the boxer's medical record book;
- (c) to certify in the boxer's medical record book whether or not, in the opinion of the medical practitioner, the boxer is medically fit to engage in the proposed contest;
- (d) subject to his having certified under paragraph (c) that the boxer is not medically fit to engage in the proposed contest and to his considering it to be in the interests of the health or safety of the boxer to do so—to certify in the boxer's medical record book that, in his opinion, the boxer should not engage in—
 - (i) any boxing contest; or
 - (ii) any boxing contest or any sparring, before a specified date; and
- (e) where he has given a certificate under paragraph (c) or (d), forthwith—
 - (i) to notify the boxer and, where the examination was carried out immediately before the proposed contest, the member of the police force present, pursuant to section 56 (c), at the contest of the matters as to which he has certified; and

Professional Boxing Control.

(ii) to prepare and forward to the Director a report of his examination.

62. Except to the extent that the Minister, on the advice or recommendation of a medical practitioner or after considering the report of a medical practitioner, otherwise directs—

- (a) where a medical practitioner certifies under section 61 (c) that, in his opinion, a boxer is not medically fit to engage in a proposed boxing contest—the boxer shall not engage in that contest;
- (b) where, following a medical examination under section 60, a medical practitioner gives, in relation to a boxer and a proposed contest, a certificate that, in his opinion, a boxer is not medically fit to engage in that contest—the boxer shall not engage in that contest;
- (c) where a medical practitioner gives, in relation to a boxer, a certificate under section 61 (d)—the boxer shall not, before the date specified in the certificate, engage in any boxing contest or any sparring, or both, as may be specified in the certificate; or
- (d) where, following a medical examination under section 60, a medical practitioner gives, in relation to a boxer, a certificate to the same effect as a certificate under section 61 (d)—the boxer shall not, before the date specified in the certificate, engage in any boxing contest or any sparring, or both, as may be specified in the certificate.

Unfit boxer not to engage in contests, etc.

Penalty : \$2,000.

63. A person who promotes or arranges a boxing contest shall not permit a boxer to engage in that contest if the boxer has not complied with section 59 in relation to that contest.

Obligation of promoter—examination under s. 59.

Penalty : \$2,000 or imprisonment for 12 months, or both.

Professional Boxing Control.

Obligation of promoter—examination of medical record book. **64.** A person who promotes or arranges a boxing contest shall examine the medical record book of a boxer who proposes to engage in that contest after the time when the boxer has complied with section 59 in relation to that contest and before the time when the boxer is due to engage in that contest.

Penalty : \$500.

Obligation of promoter—unfit boxer. **65.** Unless the Minister, on the advice or recommendation of a medical practitioner or after considering the report of a medical practitioner, otherwise directs, where a medical practitioner certifies under section 61 (c) that, in his opinion, a boxer is not medically fit to engage in a proposed boxing contest, the person who promotes or arranges the proposed contest shall not permit the boxer to engage in that contest.

Penalty : \$2,000 or imprisonment for 12 months, or both.

Boxer to submit to medical examination after contest. **66.** A boxer shall, immediately upon the conclusion of a boxing contest in which he has been a contestant, except where he is medically examined under section 67, submit himself for a medical examination by a medical practitioner engaged by the person who promoted or arranged the contest to exercise, in relation to the boxer, the functions of a medical practitioner under sections 68 and 70.

Penalty : \$500.

Obligation of promoter—boxer rendered unconscious, etc. **67.** Where a boxer who engages in a boxing contest is rendered unconscious or otherwise appears to the person who promoted or arranged that contest to be unable to comply with section 66, that person shall forthwith arrange for a medical practitioner engaged by him to exercise, in relation to the boxer, the functions of a medical practitioner under sections 68 and 70 and such other functions as may be necessary in the circumstances of the case.

Penalty : \$2,000 or imprisonment for 12 months, or both.

Professional Boxing Control.

68. The functions referred to in this section of a medical practitioner in relation to a boxer who has engaged in a boxing contest are—

Obligations
of medical
practitioner
after
contest.

- (a) to conduct such examination of the boxer as is prescribed;
- (b) to record the prescribed particulars in the boxer's medical record book;
- (c) where he considers it to be in the interests of the health or safety of the boxer to do so, to certify in the boxer's medical record book that, in his opinion, the boxer should not engage in—
 - (i) any boxing contest; or
 - (ii) any boxing contest or any sparring, before a specified date; and
- (d) where he has given a certificate under paragraph (c), forthwith—
 - (i) to notify the boxer and the member of the police force present, pursuant to section 56 (c), at the contest in which the boxer was engaged of the matters as to which he has certified; and
 - (ii) to prepare and forward to the Director a report of his examination.

69. Except to the extent that the Minister, on the advice or recommendation of a medical practitioner or after considering the report of a medical practitioner, otherwise directs, where a medical practitioner gives, in relation to a boxer, a certificate under section 68 (c), the boxer shall not, before the date specified in the certificate, engage in a boxing contest or any sparring, or both, as may be specified in the certificate.

Unfit boxer
not to
engage in
contest,
etc.

Penalty : \$2,000.

Professional Boxing Control.

DIVISION 4.—*Record of Boxing Contest.*Boxing
result
sheet.

70. (1) For the purpose of instituting a record of a boxing contest, it is the duty of the member of the police force present, pursuant to section 56 (c), at the contest, and a function of the medical practitioner so present, to write up in duplicate, and, by an original signature, to sign each copy of, a boxing result sheet in relation to that contest.

(2) The boxing result sheet referred to in subsection (1) shall be—

- (a) in or to the effect of the prescribed form; and
- (b) written up in accordance with the directions on that sheet.

Forwarding
of infor-
mation.

71. (1) The member of the police force present, pursuant to section 56 (c), at a boxing contest shall forward—

- (a) the original of the boxing result sheet written up in relation to that contest, when completed, to the Director; and
- (b) the copy of that boxing result sheet to the Commissioner of Police.

(2) The Director shall cause the information contained in a boxing result sheet forwarded to him under subsection (1) to be filed in the Department for such time as he thinks fit.

(3) The Commissioner of Police shall cause the information contained in a copy of a boxing result sheet forwarded to him under subsection (1) to be filed in his records for such time as he thinks fit.

Professional Boxing Control.

PART VIII.

PROHIBITION OF BOXING CONTESTS AT CERTAIN PLACES.

72. A person shall not—

- (a) promote or arrange; or
- (b) engage in,

a boxing contest at—

- (c) a prescribed place; or
- (d) a place of a prescribed class or description.

Penalty : \$2,000 or imprisonment for 12 months, or both.

**Boxing
contests
prohibited
at certain
places.**

PART IX.

MISCELLANEOUS.

73. (1) The Minister may, by notification published in the *Exemptions.*
Gazette, exempt any person named in the notification or any class
or description of persons specified in the notification from the
operation of this Act or such of the provisions of this Act as are
specified in the notification.

(2) The Minister shall not, under subsection (1), exempt
a person who is ordinarily resident in New South Wales or a class
or description of persons who are ordinarily so resident.

(3) An exemption under subsection (1) may be granted
subject to such terms or conditions as are specified in the notifica-
tion by which the exemption is granted.

(4) The Minister may, by notification published in the
Gazette, revoke, alter or vary a notification referred to in sub-
section (1).

Professional Boxing Control.

Delegation. 74. (1) The Director may, by instrument in writing, delegate to any officer of the Department the exercise of such of the functions (other than this power of delegation) conferred or imposed on the Director by or under this Act as may be specified in the instrument of delegation and may, by instrument in writing, revoke wholly or in part any such delegation.

(2) A function, the exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation by the delegate to whom the exercise thereof has been delegated.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise of any of the functions delegated, or as to time and circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this section, the Director may continue to exercise all or any of the functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Director and shall be deemed to have been done or suffered by the Director.

(6) An instrument purporting to be signed by a delegate in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Director and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate.

Notices. 75. Where, under this Act, notice in writing is required to be given to or served on a person by—

- (a) the Minister;
- (b) the Director; or

Professional Boxing Control.

- (c) the Committee,
the notice may be given or served—
- (d) by delivering it to him; or
- (e) by sending it by prepaid post addressed to him—
- (i) where he has specified an address for the giving or service of notices under this Act—at that address; or
 - (ii) where no such address is specified—at his usual or last known place of abode or his last known place of business.

76. (1) Proceedings for an offence against this Act or the regulations may be taken by any person authorised in writing by the Minister. Proceedings.

(2) A penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate sitting in petty sessions alone.

77. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to— Regulations.

- (a) the procedure for the calling of meetings of the Committee and for the conduct of business at those meetings;
- (b) the construction of boxing rings and the fittings and equipment used in relation to that construction;
- (c) the equipment to be worn by boxers while contestants at boxing contests;
- (d) the persons required to be present at boxing contests;
- (e) the conduct of boxing contests; and

Professional Boxing Control.

(f) the granting of exemptions by the Minister under section 73.

(2) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

(3) A regulation may impose a penalty not exceeding \$500 for any offence against the regulation.

Sec. 7.

SCHEDULE 1.

PROVISIONS RELATING TO MEMBERS AND PROCEDURE OF COMMITTEE.

Interpre-
tation:
Sch. 1.

1. In this Schedule—

“Chairman” means the Chairman of the Committee;

“member” means a member of the Committee.

Chairman.

2. (1) One of the persons referred to in section 6 shall, in and by the instrument of his appointment as a member or another instrument executed by the Minister, be appointed as Chairman.

(2) The Chairman holds office as Chairman until he ceases to be a member and is eligible, if he is reappointed as a member, to be appointed or reappointed, as the case may be, as Chairman.

Nomina-
tions.

3. (1) A nomination of a person for appointment as a member shall be made within the time and in the manner determined by the Minister.

*Professional Boxing Control.*SCHEDULE 1—*continued.*PROVISIONS RELATING TO MEMBERS AND PROCEDURE OF COMMITTEE—
continued.

(2) Where a nomination referred to in section 6 (a), (b) or (c) is not made within the time or in the manner determined by the Minister under subclause (1), the Minister may appoint any person to be a member instead of the person required to be appointed on that nomination.

4. A member shall, subject to this Act, hold office for such period, not exceeding 4 years, as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment.

5. (1) Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

(2) The office of a member shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

6. (1) A member shall be deemed to have vacated his office if he—
- (a) dies;
 - (b) resigns his office by writing under his hand addressed to the Minister;
 - (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (d) ceases to hold a qualification by virtue of which he was appointed;
 - (e) is removed from office under subclause (2); or
 - (f) attains the age of 70 years.

Casual
vacancies

(2) The Minister may remove any member from office for any cause which appears to him sufficient.

(3) On the occurrence of a vacancy in the office of a member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to fill the vacant office for the balance of his predecessor's term of office, but, where the vacancy is in the office of a

Professional Boxing Control.

SCHEDULE 1—*continued.*PROVISIONS RELATING TO MEMBERS AND PROCEDURE OF COMMITTEE—
continued.

member referred to in section 6 (a), (b) or (c), the Minister shall not appoint a person unless he holds the same qualification (if any) and is nominated in the same manner (if any) as his predecessor.

Alternate member.

7. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member, a person who holds the same qualification (if any) and is nominated in the same manner (if any) as the person for whom he is the alternate member.

(2) An alternate member shall have and may exercise, while acting as a member, the functions, as such a member, of the person for whom he is the alternate member.

Meetings.

8. (1) The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings shall, subject to the regulations, be as determined by the Committee.

(2) The Chairman shall preside at all meetings of the Committee at which he is present and, in his absence, the members shall appoint one of their number to preside as chairman.

(3) The person entitled to preside as chairman at any meeting of the Committee shall have a deliberative vote, and, in the event of an equality of votes, shall have a second or casting vote.

(4) The number of members who shall constitute a quorum at any meeting of the Committee shall—

(a) where the Committee consists of an even number of members—be one-half of that number; and

(b) where the Committee consists of a number of members that is not an even number—be one-half of the even number next above that number.

(5) Questions arising at a meeting of the Committee shall be determined by a majority of votes of the members present and voting.

Professional Boxing Control.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO MEMBERS AND PROCEDURE OF COMMITTEE—
continued.

9. (1) The Committee may establish sub-committees for the purpose of advising the Committee upon such matters within the scope of the Committee's functions as may be referred to the sub-committees by the Committee. **Sub-com-
mittees.**

(2) A person may be appointed to a sub-committee whether or not he is a member of the Committee.

(3) Each member of a sub-committee shall be entitled to receive such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.
