PROFESSIONAL COMBAT SPORTS AMENDMENT BILL 2009

Second Reading

Resumed from 1 September.

HON KEN TRAVERS (North Metropolitan) [3.16 pm]: Members opposite will be pleased to know that the opposition supports the Professional Combat Sports Amendment Bill 2009 in policy—but not in detail. I will take a few minutes of the time of the house to explain why.

This bill seeks to amend the Professional Combat Sports Act 1987. When this bill is passed, it will be known as the Combat Sports Act. It is intended to introduce a number of changes that go back to about 2005, when a review was conducted into the act to look at the whole question of the way in which combat sports are administered in the state. That review resulted in a number of recommendations and this bill seeks to pick those up. Secondly, it seeks to increase harm minimisation in combat sports by placing the same health and safety requirements on amateur contests as are currently enforced at the professional level. It seeks to provide the minister with the ability to approve or deny rules for combat sports contests held in Western Australia. Members may recall some years ago the significant debate about whether or not we should allow what is commonly called cage fighting or mixed martial arts in Western Australia. There was a strong debate within our community about those sports and whether or not they should take place. I note that these events are now seen on television and are beamed into households right across Western Australia on a fairly regular basis. Finally, there are some clarification and simplification provisions.

The process to amend this bill commenced under the previous Labor government and was picked up by the new government and continued along that path, with some drafting changes. As a result of what occurred after this bill was introduced in the other place, this bill now seeks to make some amendments to address what occurred with the Danny Green–Paul Briggs fight. Members will recall that it was found to be a sham. I note that the minister is smiling as he recalls all the questions I asked at that time. At some point he accused me of having a fixation —

Hon Simon O'Brien: I am just wondering whether you had any money on the outcome; that's all! You seemed very interested in it all.

Hon KEN TRAVERS: This is a very serious issue; I can assure the house I did not have any money on it!

Hon Simon O'Brien: There we are; we got the answer, that's good!

Hon KEN TRAVERS: I can also assure the house that I take this matter very seriously, because it is my view that that fight left a stain on Western Australian combat sports that has still not been eradicated, and I would hope that as a result of the passage of this bill, we may finally be able to eradicate that stain from combat sports in Western Australia. When this bill was first introduced, combat sports were not something that I personally had had anything to do with in my life, and I sought to start doing some research. One thing I did was to go with the now shadow Minister for Sport and Recreation, Roger Cook, and his then fiancée—I am not sure whether Carly was his fiancée; it is so long ago she may have just been his girlfriend—to an amateur boxing competition. Carly had organised to take Roger and I so that we could see firsthand what happened in boxing. Neither Roger nor I had been exposed to boxing, but Carly was a keen participant in amateur boxing. I have to say that I was pleasantly surprised; I did not think I would enjoy it. I was not necessarily predisposed to the whole concept of combat sports, but when I went to watch that match I saw a lot of skill involved from the different participants. The fights were particularly well run in terms of their administration, the referees and the medical support staff. I saw that there was significant protection provided to the different contestants; they were wearing head protection and a range of other things. From my view, and from talking to other people there, I came away thinking that it was very much a sport based as much on physical expertise and skill as any other sport that we would see. In fact, I do not know what the medical history of the sport is, but I suspect that the evidence is that a well-run professional combat sport, in which protections are put in place, does no more harm or damage to participants than many other sports. I left that match as, I would not say a complete devotee, but someone who was incredibly impressed and who recognised boxing as a legitimate sport.

The other thing I did was to seek to engage with the stakeholders, because one of the things this bill will mean is that the regime for professional combat sports will now apply to every combat sport in Western Australia. When we get into the Committee of the Whole stage, I want to go through the definitions of combat sport, because it is very widely cast. I understand why the government may seek the definition to be widely cast, but the way the bill is structured is that the definition is broadly cast to capture just about anything—in fact, I would argue that gradings at the local karate club will be captured—and the bill then seeks to exempt a number of things by regulation. First, the bill will seek to exempt sporting organisations that have their rules approved and that are considered by the minister to be well run and administered. The other thing is that certain acts or events could

also be exempted by the nature of the act; therefore there are two methods of exemption. I might add that the clause in question borders on a Henry VIII clause, and maybe we can get into the policy and the detail about whether a clause that sets a definition that is so wide and then tries to narrow it by regulation does not in some way go close to being a Henry VIII clause, but I will leave it for others to have that debate.

Hon Norman Moore: Which number is that?

Hon KEN TRAVERS: That is the definition of a combat sport.

Hon Norman Moore: You don't have the number off the top of your head?

Hon KEN TRAVERS: It comes under clause 3 actually, I will have to get my notes, but I will come back to that. Certainly when we get into the committee stage, I will be more than happy to raise that with the Leader of the House.

The other way in which things will be administered under this bill is that a peak combat sports body can be exempted and allowed to self-manage, for want of a better term, and not be required to get permits and approvals for their contests on an ongoing basis. I sought to engage with the stakeholders and I found that although for some of the sports it was quite easy to identify stakeholders and the management, for a number of the sports my office had great difficulty tracking down who the current administrators of that sport are in WA. The electorate officers would ring them up and they would say, "No, no; we are no longer involved in that"—I will not repeat some of the language or terms used by some of the groups that my electorate officer reported back to me!—and "We are not involved with that group; you need to speak to so and so." The officers would ring "so and so", and they would say that they were not involved and that the officer would need to speak to someone else. Therefore, it was quite a difficult process. I raised that point because to me this means that, although I support the principles of what the government is trying to do, it will be fairly resource-intensive to build up the capacity of a number of those peak organisations to be taking over the running of the administration of their sport in a proper way without there having to be approvals all the time. I am not sure whether a budget has been applied by the government for the implementation of this legislation, but I suspect that there will need to be a significant budget granted to bring up the capacity of the stakeholders to be able to self-administer. Another thing I learnt was that although many of these combat sport seem similar—they have their different streams—the intention in this bill is to have only one recognised peak body per sport—an idea, I think, that comes down from the International Olympic Committee through the Australian Sports Commission. Again, we will see a lot of tension in a number of sporting areas through arguments about which body that peak body is. If those bodies that are not picked up as peak bodies are required to go through and get everything approved by the department every time they have a contest, it will be very labour-intensive for the department and very difficult for those amateur sporting groups.

I now want to turn to the Danny Green fight. I do not think we need to recount to members in great detail the circumstances of what occurred. There are a number of other more detailed questions we can deal with in the committee stage, but I want to go through and talk about the Danny Green fight. Can I say at the commencement that I have no personal issues with any of the people involved; I do not think that I have met Danny Green in my life. In fact, I recall once calling for the state government to provide funding for a Danny Green fight, when Eventscorp was not supporting it, because I thought it would give better returns than a number of events that it was supporting at that time. I think that the fight that occurred with Danny Green is a stain on boxing in Western Australia, and that stain has not been lifted. I do not think the amendments that have been moved by the government with this bill will do enough in that regard. For a start, to put it bluntly, I think the whole way in which the event was approved and the process that was followed was shoddy. It was a very poor process: there was not accurate record-taking, there was not a great deal of detail, and the Western Australian Boxing Commission itself did not even meet to approve the fight; it did it by what is called "circular resolution". We can go into a debate in the committee stage. It is my view that the legislation does not even provide for circular resolutions, but that is how the approval occurred. Later, I will go through some of the problems that occur when something is done by what we would call circular resolution—because a report was done, and I will come to it. Another issue with the fight was the way medical evidence was treated. Again, because of the way in which this fight was approved, although the commission has a medical practitioner on its board, when it approved this fight, the medical practitioner who was supposed to sit on the board did not participate. Yet, a key issue about whether this fight should have been approved was around the medical condition of one of the fighters. The other thing that occurred in this case, as members will recall, is that this fight was originally scheduled to occur in New South Wales. The New South Wales Combat Sports Authority ruled that the fight would not proceed there, and one of the reasons it ruled that the fight would not proceed was that it had concerns about the health and welfare of one of the fighters. How is it that the New South Wales Combat Sports Authority could work that out, but the Western Australian Boxing Commission could not? Post the event, it became very clear that that fighter was not fit and proper and ready to fight. Therefore, a problem was with the process. I think a range of people both in the Green camp and in the boxing commission were just blinded because of previous criticism of the government about not attracting Danny Green fights to this state. From Danny Green's point of view, there was a lot of

money to be made out of this fight, and he was keen for it to progress and was frustrated when that did not occur. He was looking to have this fight no matter what. It is our job to hold that back and to have a system that really questions that and ensures that we approve those fights only when it is safe for them to occur. It is amazing that the Sword Boys were able to have a plunge on this fight and to pick that it would end in the first round, yet the body that we set up to sanction these events was not able to pick that that fight should have been stopped before it even commenced.

I understand that Danny Green would have put a lot of time and effort into training and into presenting this event and that he did not want it to be stopped. Therefore, he would have tried to get this event up come hell or high water. I am a bit critical of Danny Green, because I think he went into an event against an opponent who was not ready to fight him. Some responsibility must be put back onto fighters at that professional level to engage in fights only when they are confident that the other fighter is ready, fit and physically prepared for a fight against them. That is the first issue. The second issue is that we need protective mechanisms in the legislation to ensure that fights that should not occur do not occur.

The final issue in which I believe there was a complete and utter failure was that after all this happened, when it came to the point at which an examination of what went wrong with this fight was needed, there was never a properly created and approved independent inquiry into it. The only inquiries that occurred were those commissioned by the Professional Combat Sports Commission itself. Regardless of the quality of the people who are selected to be members of the commission, I do not think that is a good way of establishing an inquiry into what went wrong. Even after those inquiries, in a range of areas there are still questions that should and can be asked about this event.

One of the reviews that was conducted was the review of the approval process for the Green–Briggs boxing contest on 21 July 2010.The report of the review is a Professional Combat Sports Commission document, which I believe was produced by Geoffrey Miller, QC, and it seeks to allay some of the concerns about what happened with the fight. In my view, there were some interesting issues with the way in which that was written up at the end of the day. Page 8 of that report refers to "The Deliberations of the PCSC", which is the Professional Combat Sports Commission, and states —

> The member of the PCSC with knowledge of the boxing industry was Mr John ("Bill") Fanderlinden.

It then states —

> He can be taken to have understood whether or not there was a need for Briggs to have had undertaken warm-up contests before fighting Green.

The way in which this report refers to the fight is fascinating. It suggests that we put all the onus back onto one person. For those members who are not aware, the membership of the commission is composed of a range of people, many of whom are appointed from different areas of expertise. Certainly, one of them is a person with a knowledge of boxing. There are also people with a knowledge of combat sports other than boxing, and there are also people who have registered as contestants. I believe it is flawed logic to come back and say that it is down to only one person and one person alone who is expected to understand whether there was a need for Briggs to have undertaken the warm-up contests before fighting Green. It should have been a collective decision of the commission. One of the problems that we had was that we did not get that collective decision because it was done by a circular resolution, which was just an email sent out, with everyone saying whether or not they agreed. Imagine if we did our legislation or our committee meetings purely by email, without people getting together and discussing whether they have concerns. My understanding is that members of that commission had concerns. Some of them were overseas and were not able to be contacted. Others did get the email and tried to send back their response, but it was not included in the conclusions. The report tries to suggest that it all came back onto one person, being the sole person responsible for making that decision, and I believe that is wrong.

The other thing is that page 7 of the report states —

> However, it can be seen from the reports to which I have made reference that the question before the PCSC was not one that required any additional medical input.

The interesting question about that is: who was consulted about that question before this report was tabled? We know that the doctor who was appointed to the commission did not express a view because he was not contacted as part of the approval processes, even under the circular resolution process. If we go through all the medical details, parts of which are outlined in the report, again they are scant and difficult to follow. However, it would appear that, certainly at one stage, only the medical evidence that was provided to the New South Wales Combat Sports Authority was relied on; and, with that medical evidence, that authority chose to not approve this fight. There is a clear suggestion that at least some of those medical people were saying that further magnetic

resonance imaging and computerised tomography scans should have been conducted to determine whether this fighter was fit.

The other issue is whether the fighter had maintained a blue book. Again, my understanding is that a professional fighter is supposed to maintain what is called a blue book, which is a complete record of that person's fight history and medical history. I will go through some of the media commentary which came out post this event and which makes me wonder whether the material that became available afterwards was or was not in the blue book. We do not know whether that occurred, and the reports that we have received do not identify that. In my view, none of these concerns that I am raising are addressed in any way in the bill that we are dealing with today, yet they should be addressed in this bill before we approve it. We will be a complicit party if we approve a bill that is so clearly inadequate that it does not address the concerns that were raised.

I will quote from the letter that was sent by the commission, which is quoted on page 4 of the report. The report states —

> … the Combat Sports Authority of NSW wrote to Mr Pember on the 7 July 2010 indicating that the Authority would not sanction the proposed bout between Green and Briggs. The letter contains the following advice:
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>> "Notwithstanding the medical reports supplied by you from Doctor Armin Mohamed and Doctor George Ioannou relating to Mr Paul Briggs fitness to compete in a scheduled contest with Mr Danny Green, the Authority members have declined to sanction this contest in New South Wales with concern for the health and welfare of Mr Briggs."

That was provided to the promoters of the Danny Green fight on 7 July—the very same day that they turned up at the offices of the chairman of the Professional Combat Sports Commission and sought approval of the fight in Western Australia. That fight was then approved. This is another interesting question that comes out of this whole process. This report refers to the fight being approved. Again, I quote from page 8 —

> Members of the PCSC resolved on or before 19 July 2010 to issue the permit for the contest at Challenge Stadium Mount Claremont on 21 July 2010.

It states "on or before". That is interesting wording—very interesting wording. I asked a question of the Minister for Sport and Recreation on this matter on 10 August 2010 when the application was received. We know that it was on Wednesday, 7 July, which was the day the fight was knocked back in New South Wales. The application was circulated on 7 July to all professional combat sports commissioners. Then, the answer provided by the Minister for Sport and Recreation—he or his representative has never come into this place and corrected this answer—to the question I asked, "On what date did the board approve the application?" was, "Thursday, 8 July 2010." That is the day after. That shows that there was very little medical evidence, but it also highlights again that as a result of the way in which these circular resolutions are done, there is clearly no accurate recordkeeping. The inquirer who was set up by the commission to ascertain on what date the fight was approved was unable to give us a date, yet the representing minister came into this house and clearly said that the fight was approved on 8 July. Which is the correct answer? I suspect that the problem is that no-one can accurately know because of the processes that were followed. That is why I am moving some amendments to this bill today. If we are going to have this circular resolution, which I think is a bad practice, and the government insists on proceeding with it, these amendments will at least let us create a framework so that when decisions are taken, it is very clear who takes those decisions and how they are taken. The fact that we do not know the answer to the question of what date the fight was approved, says to me that there is a major problem with the way in which this bill is drafted and the way in which these things operate.

As an aside, I find it fascinating that a fight on 21 July was approved, according to the report of Mr Miller, on or before 19 July, but one of the conditions was that the organiser had to notify the local hospitals at least five days before the fight. The fight was not approved until 19 July, three days before the fight, yet one of the conditions of approval was that they had to notify the hospitals five days before the fight. That is interesting. I think the reality is that the fight was approved and the commitments were given back on 8 July, because we know that preparations for the fight proceeded and that the fight went ahead.

The other questions about all this concern whether Mr Briggs was fit to fight. Some serious question marks are around that and those question marks were known to a range of people before the fight. An interesting article appeared in, of all places, *The Sydney Morning Herald* on 18 September 2010. It refers in quite extensive terms to the history of Mr Briggs. I do not know, and it is not mentioned, whether the Professional Combat Sports Commission of Western Australia ever sought to get a copy of Mr Briggs' blue book, but if it had, we would expect it to refer to some of these matters, such as, to quote the article —

> Almost two months after the biggest farce in Australian boxing history, Paul Briggs has come clean on his health problems. Suffering a brain haemorrhage five years ago was not enough to keep him out of the ring.

The article goes on to refer to a naturopath who treated him and she said that he had similar symptoms to a victim of a letter bomb. A woman had been treated for the symptoms of opening a letter bomb, which had left her nervous system in ruins. Mr Briggs said that the naturopath —

> said I had the same symptoms as that lady.
>
> "They have told me my brain looks like it's been in consecutive car crashes every day for the last eight years."

I find this direct quote fascinating —

> "A doctor told me before the fight, 'You have serious neurological issues.' I said: 'What are you going to do, call off the fight?' He signed the paper and I was allowed to fight. I won't blame anyone else for my decision to get into the ring."

The article goes on to state —

> It was known that Briggs had problems with his nervous system, forcing his retirement in 2007, but he has never spoken of the cause.

He might have had the right to get into the ring, but the point of having regulation of this sport is to stop people who are medically unfit from getting into the ring. It is clear from those quotes that Mr Briggs should have been, at the very least, sent for further testing before this fight was approved. Again, we have no protection in all that.

When Mr Briggs turned up for the weigh-in, it was clear that he was not in a physically fit condition to go into the fight; he was overweight and all the rest of it. At any of these stages, in my view, this fight should have been called off, but it was not. It should have been called off by the promoters, Mr Briggs, the Professional Combat Sports Commission or any of the doctors who looked at him before the fight. Maybe the doctor who looked at him before the fight should have called it off. We do not know who that was, but quotes show that other doctors came out after the event and admitted that they had their doubts. An article dated 5 November 2010 is headlined "Green fight doctor admits he had doubts". I will not go through all the details, but that article refers to one of the doctors who passed Mr Briggs as fit to fight. Any one of those people should have been involved in stopping this fight.

The end result was that the fight went ahead. The fighter fell over within 29 seconds of the fight starting and after that there was a plunge in the betting across the northern suburbs of Perth. The fight stopped with a knockout on Mr Briggs. I have watched the replays; he barely gets going and it is all over. The other thing that amazes me is that after all that, people walked away from this contest with money in their pockets—not only the people who did the betting, but the people who participated in all this. The commission found that Mr Green did not engage in a sham contest. Of course, the difficulty is that the commission would have had to be critical of itself to find that Mr Green had engaged in a sham contest. If we take the logic that Mr Green should have known the fight should not go ahead and therefore he was engaging in a sham contest, the commission should have also known that it was a sham contest and called it off, but it did not. Whilst the commission was the inquirer on this whole matter and its actions were implicit in this whole affair, it was never going to find that Mr Green had engaged in a sham fight. I am not saying that Mr Green engaged in a sham fight, but the problem is that we have never had a proper inquiry to satisfy ourselves whether that was the case. The commission would never have found that, because it would have had to implicate itself in the whole process leading up to the finding. Therefore, all we ended up with was Mr Briggs being found to have engaged in a sham contest.

It is my view that the act is written in a way that provides that if someone engages in a sham contest, they should not get any material reward for that contest. A contestant should, potentially, not only be fined for engaging in a sham contest, but also not pocket any money from the purse. Mr Briggs was getting a purse of $200 000. In my view, the way in which the act is written means that that purse of $200 000 should have been confiscated from him. The Professional Combat Sports Commission took $75 000 of the $200 000. Despite all this and despite engaging in an absolute sham, Mr Briggs still put $125 000 into his pocket, left the state and said, "Thank you very much. I came to get some money. I did not get the full amount that I wanted, but I still did pretty well." What deterrent will that ever be for people to not engage in sham contests in the future if a contestant can still walk away with $125 000? I do not know about members on the opposite side; maybe $125 000 does not mean much to them. For me, I am not sure whether even I would get into a ring with Paul Briggs or Danny Green for $125 000, but if I had a few more skills and knew how to take a dive, I just might!

Hon Robyn McSweeney: I would like to see that!

Hon KEN TRAVERS: I am happy to get into the ring with anyone on the other side of the chamber to make a bit of money on the side outside the chamber! I am sure we can organise that at some point.

Laughing aside, this is a very serious matter. What message does it send when people can come over here and participate in an absolute sham contest and still walk away with money in their pockets? I do not agree with the interpretation of the Professional Combat Sports Commission and the government. My view is that I still would have taken the money and said, "See us in court," and at least made him spend a bit on lawyers. If the government is right that there is absolutely no legal basis for taking the full purse off him, at the very least, we should amend this bill today to ensure that in future fights, if someone is found to have engaged in a sham contest, they lose the whole lot.

One of the amendments that I will be moving in the house today is to make it very clear that if someone comes to WA or lives in WA and participates in a sham contest, they will lose the whole purse.

Hon Nigel Hallett: Do you remember Stewart's troupe boxing tent?

Hon KEN TRAVERS: Yes, I do. In fact, the member has reminded me; I think the first time I ever went to a boxing tent was to see one of those fights. I was probably underage and I somehow managed to sneak in. The member has brought back a memory for me! When I said I had not been to any boxing matches before, I think I had. What was his name?

Hon Norman Moore: George Stewart.

Hon KEN TRAVERS: George—lovely bloke! *The Enforcer*, I think his novel was called. I met George a number of times. He was a councillor for the Shire of Pinjarra. Is he still around, Sally, do you know?

Hon Sally Talbot: No. Dwellingup was the last one.

Hon KEN TRAVERS: Yes, Dwellingup, but he was on the Shire of Pinjarra. He was a lovely bloke. I think he was illiterate.

Hon Robyn McSweeney: She never goes out of Mandurah. How would she know who George Stewart was?

Hon KEN TRAVERS: She would know George Stewart.

Hon Sally Talbot: You didn't have to go to Mandurah to know George.

Hon KEN TRAVERS: George was a fantastic character. I remember going to a fight of his. The member has brought back a memory. That was the only other time that I had ever seen boxing. It was in the boxing tents at the Royal Show, so I do not know whether it was one of George's, but I suspect it probably was. The fighter blew water into the face of the other fighter and then proceeded to pummel him. I always thought that that did not seem very fair. I guess it is a good analogy of what we come back to here today in the whole way in which sports such as this need to be regulated. I appreciate the member's injection for that. George Stewart was a fantastic bloke. Again, he was someone you would not want to have an argument with, but he had a heart of gold at the same time—an absolutely fantastic bloke. What he achieved is worth remembering. He was illiterate and he became a multimillionaire. The member has brought back some fond memories for me, because I met George and always had a very high regard for him.

It makes the point, but I do not know what the point of the member's interjection was other than to waylay me.

Hon Nigel Hallett: There were a lot of characters there, and accusations were made that a few blokes took a dive then. A few people were supposed to have taken a dive in those days.

Hon KEN TRAVERS: That is my point exactly—if that was the allegation. As I say, in the fight that I saw, one fighter blew water into the other fighter's face and then the fight started. I never thought that was a particularly fair fight. I agree that if we are going to regulate these things, they need to be properly regulated. As I say, I think I was probably below the age I should have been when I went into the fight. I managed to work my way in there somehow. Even at that age I took it that the event might have been a stage-managed affair.

Think of WWE. I do not want kids to read this and be disappointed to find out that a bit of stage management might go on in WWE. Although, I think if the wrestlers were challenged on that, they would say, "There might be a bit of stage management, but the pain is definitely still there." If we are going to call it theatre, let us call it theatre and make sure that everyone knows it is theatre. If it is supposedly a professional combat sport in which two combatants are going head to head, and people are putting money on it, we need to ensure that, to the best of our ability, we are maintaining the integrity of that. If we are going to do that, at the very least, part of maintaining integrity must be that if a person is caught participating in a sham contest, they make no money. If it was a perfect world and I was left to be the benevolent dictator of it all, I would probably apply a rule that said that if one person was found participating in a sham, the other person would also miss out other than for their costs. If the fight was not a genuine fight, nobody should be profiting. If somebody has put money in, they

should get their costs back and the rest of the money should all go to a charity. In fact, nobody should get any money out of it.

For the purpose of today, I am happy to move an amendment so that if a person is found to have engaged in a sham contest, whether that is the manager, the fighter or a promoter, that person should not in any way benefit—not one cent—from having participated in that event. It is just receiving money under false pretences, and it is just wrong that they do make money from that. As I say, although I do not agree with the government—I think it could have done that under the existing act—I am assured from the briefings I have received that the government's best legal advice was that it could not do that. If that is the case, what we can do today is change the act to ensure that in the future no-one else will benefit, so that if anyone around the rest of the country is thinking, "I'll go over and engage in a sham contest in WA and I'll still walk away with $125 000 in my pocket," they know that if we catch them, they will not profit. They will go home without a single dollar in their pocket.

With those comments I think I have probably covered enough for the second reading debate. This is one bill that I want to see go to the committee stage, because I have amendments and there are some further points that I want to tease out in committee. In summary, on the general policy, the opposition is happy to support the bill. We, however, believe that some of the wording is not necessarily the best and will cause problems. In particular, the government will need to put significant resources into the department and the Combat Sports Commission to make this legislation work. It will need to put significant resources both into the offices to manage it and to bring up the capacity of those combat sports that will be allowed, by regulation, to exempt themselves from the administration of this act as is proposed. Finally, if we are to truly remove the stain of the Danny Green fight from Western Australian combat sports, we need to make more amendments to this legislation than have been proposed.

HON GIZ WATSON (North Metropolitan) [3.56 pm]: I would just like to make a few comments on behalf of the Greens on the Professional Combat Sports Amendment Bill 2009. It is a bill that amends the Professional Combat Sports Act 1987 and aims to ensure that the same health and safety controls are available to amateurs in combat sports as are currently available to professionals. It also aims to tighten those controls. Similar to Hon Ken Travers, we will support the bill, although we have probably got quite a few reservations about combat sports. The rationale in this bill is that at least it puts in place some controls in areas where they are currently inadequate.

The changes to the act include expanding it to cover newer combat sports—for example, kickboxing and mixed martial arts—and to cover participants who are professional or amateurs, including children. The Professional Combat Sports Commission is to become the Combat Sports Commission; that is, it will now cover amateurs as well. The legislation will enable a new member to represent mixed martial arts in addition to members from the fields of medicine, police, the Department of Sport and Recreation and other varieties of combat sports. Commission members will attend professional events to check for health and safety measures—for example, medical supervision, competency of officials, safety of the environment and the registration of participants. State sporting associations with a good history of self-regulation will be able to exempt themselves from commission oversight of each event, but they will have to abide by the rules for their sport as approved by the minister.

The minister will have the power in the public interest or in line with community expectations to refuse to provide rules or to require the rules to be modified. The present minister has indicated, for example, that he opposes cage fighting, so it is unlikely that this minister at least will approve rules for this particular sort of contest. I support him in that position.

The changes also increase penalties for breaches of the act, and broaden the meaning of a "sham contest" to mean not only faking fights but also any contest in which a contestant is for any reason, including medical reasons, for all or part of the time, not competing to the best of his or her ability. The AMA's responsibility under the act to provide a representative on the commission will be removed, and, instead, a medical practitioner with knowledge of the sort of injuries suffered by contestants will be appointed. I think it is worth noting the AMA's position in declining to participate, and acknowledging the AMA's outright opposition to boxing. That is something that we support.

The medical evidence is that there is no way boxing can be made to be a safe activity. It is linked to causing a significant amount of damage to the brain in particular, which I will talk about in a minute. The amendments to the Professional Combat Sports Act will also mean that the Combat Sports Commission members can be removed from office by the Minister for Sport and Recreation instead of the Governor on the grounds of neglect of duty, behaviour or incompetence. The reason for this is that it is the minister who appoints members of the commission under section 4 of the Professional Combat Sports Act and also that the process involving the Governor is said to take around six months, which is a concern given the commission's responsibilities for the safety of contestants. The act will also be amended to clarify that the commission can not only vary a conditional restriction related to the registration of a contestant or industry participant, but also impose any conditional restriction that it thinks fit. Also, the bill inserts a provision that enables the commission, even after a permit for

contest has been granted but before the contest has been held, to require the permit holder or participant or person conducting the contest to provide the commission with further information relevant to the contest. There is a penalty of up to $6 000 for failing to do that. The bill inserts a provision that enables the commission to suspend or cancel a permit for a contest if the commission is satisfied that the contest will be a sham contest. A provision will also be inserted that imposes a $12 000 fine for people who either agree to participate or actually participate in a contest knowing that it is a sham. In addition, judges or referees who suspect but do not know that a contest is a sham must advise the commissioner. Again, there is a $12 000 penalty for failure to comply. If the commission forms the opinion that a contest is a sham, it is required to conduct an inquiry, and if after the inquiry it is satisfied on the balance of probabilities that the contest was indeed a sham, it can put a hold on the contestants from being paid and order the money payable to a contestant or industry participant to be paid to the commission. Again, the penalty for failure to comply is a fine of up to $12 000. This is in addition to any offence relating to disciplinary proceedings. Instead, the bill will insert provisions enabling regulations for the saving or transitional effect to be made, if appropriate.

The second reading speech indicates that the number of participants involved in combats sports is growing significantly in Western Australia and that Western Australia is one of the most active states in Australia in promoting and holding combat sports events. Almost every weekend Western Australians are participating in combat sports contests in both the metropolitan and regional areas. In the other place, the Minister for Sport and Recreation referred to the 2006 census that shows more Australians participated in combat sports than in lawn bowls, fishing, dancing, weight training or even soccer, which surprised me.

By way of background, the precursor to this bill was the Boxing Control Act 1987, which was the starting point. In 2003, the former government introduced and passed through Parliament the Boxing Control Amendment Bill, which amended the act to cover a range of combat sports, not just boxing. Interestingly, given the content of the present bill, during the debate on the Boxing Control Amendment Bill, the Greens (WA) sought confirmation on whether eventually amateurs as well as professionals would be covered by legislation. At that point the answer was no. The then government was satisfied with the existing regulations relating to amateur sports. It is interesting to see that now, not much further down the track, we are dealing with the regulation of amateurs as well. In 2006, the former government set up to review the act the Combat Sports Working Group, comprising members of the Professional Combat Sports Commission, the Department of Sport and Recreation and the industry. According to its final report, the working group had difficulty eliciting much response from the stakeholders. Only 11 responses were received from 62 invitations to provide feedback. Similarly, I found it hard to find many stakeholders in this area who had a view on this bill. The working group's recommendations included proposals to amend the Boxing Control Act. The former government started working on an amending bill, but that had not been finished by the time there was a change of government. The current government continued that work and the Professional Combat Sports Amendment Bill was introduced in 2009. The bill incorporates the recommendations of the working group. The boxing match that Hon Ken Travers spoke about at length was held on 21 July 2010, before the bill was debated.

Hon Ken Travers: I spoke for longer than the fight itself!

Hon GIZ WATSON: Considerably longer. As the member said, the match is reported to have lasted 29 seconds.

Following that fight there were three separate review processes. The Professional Combat Sports Commission conducted an inquiry and the commission also engaged Geoffrey Miller, QC, to review the commission's approval process. The third process was to engage an independent consultant to review the commission's legislative processes and responsibilities. Interestingly, the report from that review is not publicly available. In the other place, the minister declined to table that report on the grounds that it was an internal audit, but he said that the bill, as amended, reflects the outcomes of that review. I do not think it is ideal to not have access to that report, although probably not a lot hangs on it. In addition, on or about 22 June 2011, the WA branch of the Australian Medical Association advised the Department of Sport and Recreation that it would no longer nominate members to sit on the Professional Combat Sports Commission on the grounds that the AMA does not support combat sport in any form. Arising out of those three review processes and the position taken by the AMA, the government moved several amendments to the bill, which has resulted in the bill with which we are now dealing.

I have a number of comments that I will leave to the committee stage. However, I want to touch on the question of the impact on health, especially of children. Even if one accepts the contention made by some that the risk of injury is higher for sports such as soccer than it is for combat sports, it is not seriously in doubt that participating in combat sports can have very serious health impacts. As one example, in a media release from the AMA in March 2011, the President of the Western Australian AMA stated —

> "Boxing is a very dangerous activity, has damaging health effects, both immediate and over the longer term, and has been responsible for a significant number of deaths and many major brain injuries," …

The media release continues —

> There is an increasing body of medical evidence showing that severe debilitating conditions such as traumatic brain injury, dementia and Parkinson's are a consequence of boxing …

That is why, as a matter of policy, we do not support boxing. We are debating a bill that provides stronger controls and regulations, so we are happy to support the bill. I indicate that we certainly support the AMA's position. However, if people will engage in this activity regardless of the effect on their health, regulations can at least provide some protection rather than the activity going underground without any safety regulation at all. That is certainly a concern for activities such as cage fighting.

I understand that the act covers professionals only and therefore does not apply to child contestants, who in this state cannot compete professionally. The bill proposes broadening the act's scope in a way that would cover child contestants, amongst others. One of the act's requirements is that the person has reached the age prescribed for the prescribed class of contest for which registration is sought. I understand that the minister's intention is to insert in the regulations a minimum age of 10, except when the contest is exempt under the regulations. I also understand that consideration has been given to include a regulation that will require consent by a parent or guardian before a child can compete. In addition, I understand that the certificate of fitness form that contestants must provide before they compete is to be modified for child contestants. I might ask the Leader of the House, when he responds, if he could confirm whether my understanding in regard to child contestants is accurate, because they are the sorts of details that we are concerned about being adequately covered under the regulations to ensure that the minimum age and consent requirements are prescribed in that way. We support the bill and look forward to the committee stage.

HON COL HOLT (South West) [4.09 pm]: I rise briefly on behalf of the Nationals to offer our support for the Professional Combat Sports Amendment Bill 2009 and our colleague, the Minister for Sport and Recreation. Interestingly, the bill addresses a number of issues raised by those members who have already spoken. Obviously, the bill moves to make these sports happen in a safer environment. I have never been to a boxing match. If I ever get the chance to sit at home to watch television, I am a classic channel surfer who goes through all the channels. If I come to a channel showing cage fighting or other combat sports, I immediately flick to the next channel. I am not very keen on combat sports. Actually, I do not even like tennis, but we would not outlaw that.

Hon Peter Collier: You philistine!

Hon Ken Travers: Is it the sport or the people who play it?

Hon Peter Collier: My estimation of you has deteriorated considerably!

Hon COL HOLT: I do not mind playing tennis; I just cannot stand watching it.

I was going to say that in my opinion we could probably do without boxing and a lot of these sports, but there are people out there who want to play them and to be involved in them, and who choose to enter combatant contests for whatever reason. It is therefore our responsibility to try to make the contest environment as safe as possible, including through occupational health and safety protection, and to protect people from sham contests, as Hon Ken Travers termed them. Obviously, there were issues with the infamous Green–Briggs fight and some of those need to be addressed.

The Nationals support the bill and look forward to continuing the debate during the committee stage.

HON MATT BENSON-LIDHOLM (Agricultural) [4.11 pm]: I rise to make a few quick observations about the Professional Combat Sports Amendment Bill 2009. In most respects, the changes proposed in this amendment bill make eminent sense. I did not have much of an opportunity to listen to Hon Ken Travers this afternoon, but he certainly did make some point, when I was in the chamber earlier, about the Green–Briggs fight that seems to have precipitated a fair amount of the response in the chamber to this amendment bill.

There is also some very useful commentary in the minister's second reading speech; certainly about ensuring that all combat sports contestants enjoy the same level of health and safety controls that have been enjoyed by professional participants since the original Professional Combat Sports Act was passed in 1987. That is certainly a very relevant point.

I will not mention all the various combat sports that feature in this bill, but members will know exactly what they are. Certainly, the field of combat sports has changed remarkably over the years. When I was a young student, if it were not some sort of professional boxing, the only other thing that seemed to feature on television or in the newspapers was world championship wrestling. That was about the sum total of combat sports. Everything else that comes under that banner today is very much something that we did not see a heck of a lot of in those days. In terms of developing health and safety standards in our society, this bill is, I think, a good move.

The bill allows for the regulation of all contests from amateurs through to professionals; but I believe that some issues stem from that and will make mention of those in the committee stage. The commission has also successfully established a number of principles and processes that would effectively increase the level of professionalism and safety at combat sports events. Certainly, I could take a number of other issues from the second reading speech, however, the one issue that other members have already made mention of and that I wish to address is the definition of the term "sham contest".

Following those quick references to the second reading speech, I will now make a few observations. As far as I am concerned, there is a definite need to improve safety, particularly in relation to the combat sports that we are talking about. From what I have observed and read, the industry is quite fragmented, making it unlikely that voluntary regulatory regimes will ever consistently deal with these sorts of issues. With that in mind, I suggest that health, safety and welfare issues for combatants, being the serious concern that they are, will occur only with a more regulation-based approached. By definition, these sorts of contests can be quite brutal and I take on board Hon Col Holt's comments about cage fighting. I have not watched more than a minute of that type of event since I have had access to it on my television. It is not the sort of thing that I could possibly enjoy in any way, shape or form. Although I must be honest; I do not mind watching the Olympic or Commonwealth Games when boxers wearing headgear come out for three rounds of about two or three minutes each. I can handle that sort of thing. But grown adults in cages trying to belt—what is the right term?—the daylights, or something similar, out of each other is not my idea of fun.

Hon Norman Moore: That is a better phrase than you could have used.

Hon MATT BENSON-LIDHOLM: Leader of the House, I cannot think of any other way to describe it.

Hon Norman Moore: I can; but I couldn't use it here.

Hon MATT BENSON-LIDHOLM: If I were outside the chamber I could probably apply some fairly colourful language to that, but it is something that I find quite abhorrent.

Boxing is exempt from the relevant criminal codes—something that I think members need to bear in mind—and is left to individual states and organisations to regulate, as happens in Western Australia. I am certainly one person who believes in greater regulation because of the situations that sometimes come to pass.

I think Hon Giz Watson made mention of or alluded that in places like Sweden, Norway and Finland, these sorts of activities are completely banned. Am I right in saying that?

Hon Giz Watson: Yes.

Hon MATT BENSON-LIDHOLM: I do not think that will be a reality in Australia in this day and age; maybe down the track and in the fullness of time that will happen. However, I do not think too many of us hold out much hope of that. Basically, Hon Giz Watson also alluded to medical evidence proving beyond doubt that blows to the head—particularly in young people—may cause irreparable brain damage, as well as death in the ring. The solution in this day and age would simply appear to be better regulation. If that regulation did not occur in boxing and associated sports, they would go underground, and, in that case, we would end up with more problems than we could have ever dreamt of. Regulation is very much in the public interest. I suppose, on that score, as per the minister's second reading speech, intervention will be justified simply to protect the participants from harm, be it from boxing, wrestling, cage fighting or whatever else.

As governments invest a significant amount of funding in the promotion and development of sports of this kind, there is a keen interest in and concern about protecting a sport's reputation and good name. That reputation was very much tarnished by the Green–Briggs fight. I dare say that this legislation will hopefully address those sorts of issues. I suppose a problem area with all these sorts of sporting endeavours is that it comes with a win-at-all-costs mentality. By their very nature that is what combat sports are all about. The state needs to ensure the events are played out in a socially acceptable way.

In conclusion to this preamble, before we go into the committee stage, the days in which combat sports were amateur boxing and world championship wrestling are obviously well and truly gone. I put it that the new paradigm is for the presence of far more aggressive, open-style fighting with limited regulations, particularly if we give consideration to, as I have indicated, the development of this cage-fighting mentality. The previous regulations, in an old-fashioned combat sports world, such as we had with boxing and world championship–style wrestling, clearly do not apply any more. As a consequence, the new regulations provided through this bill will provide some certainty. From the introductory comments in the second reading speech, this bill will also enable participants to enjoy the same level of health and safety controls that has been provided in the past to professional participants, given this is now an all-encompassing field of sport. With those few words, I will resume my seat.

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [4.21 pm] — in reply: I thank all members for their contributions to the Professional Combat Sports Amendment Bill 2009. A lot of the issues raised by members can be dealt with in more detail in the committee stage because that is the appropriate time. I do not intend to make a very long summing-up speech because we can deal with most of the fundamental issues that have been raised during the committee stage. I thank the opposition for its support of the policy of the bill, albeit it does not support all the detail. We have received today some amendments from Hon Ken Travers that are being looked at carefully. We will see whether we can give them the consideration they need. As the member pointed out, the process that led to this bill was commenced by the previous Labor government. At one stage I was actually the Minister for Sport and Recreation. I think it was back in the days of the Western Australian Boxing Commission prior to the Professional Combat Sports Commission. As an aside, I appointed Hon Bill Grayden as the chairman of the boxing commission —

Hon Ken Travers: He had a bit of a reputation, did he not?

Hon Matt Benson-Lidholm: Did he need any encouragement?

Hon NORMAN MOORE: Bill is an incredibly interesting character and a very intelligent person. I think Bill made a few dollars on the side at the George Stewart boxing ring at various times. He was alleged to have punched a policeman once. I thought that was probably a pretty good reason to make him chairman of the boxing commission! He did a good job. It is interesting that in the time I was minister for sport I do not think there was ever an issue of any consequence in relation to combat sports or boxing. It is interesting that the Green–Briggs fight has concentrated our attention on an area that has largely gone under the radar.

As Hon Ken Travers said, this process was commenced by the last government. This government has proceeded with those recommendations but has taken into account the situation with the Green–Briggs fight to bring in some amendments to the legislation to deal with sham fights. The member described the sham fight as introducing a stain on the sport in Western Australia—in a sense he is probably right—but we need, in this legislation, to demonstrate clearly that we do not regard these sorts of activities as acceptable. The bill contains measures to deal with sham fights. The member does not think it goes far enough, but we will talk about that when we deal with his proposed amendments.

The member raised an issue about a Henry VIII clause. I am looking to see if I can find that because I have a problem with Henry VIII clauses. When we get to that clause in committee stage, he might like to point it out to me and explain why it is a Henry VIII clause. That type of clause is something that, unless there is a very good reason for having one, should not be contained in legislation at all.

A couple of members mentioned the fragmentation of this industry—that is obvious. Part of the outcome of the bill will hopefully be to get some clarification of who is responsible for what and who is managing which particular sports within the state. Although I do not have a budget figure available of how much might need to be spent to achieve that, I have no doubt that if funds are required, they will be made available because we need to deal with the matters raised by the members who have spoken today and by people who are concerned about this industry.

Again, we might deal with this in more detail later, but let me just say that there were three reviews into the Danny Green fight. The first one was done by Verifact, an independent investigation firm engaged by the Professional Combat Sports Commission. It completed an investigation into the fight. The evidence that it adduced was presented to the commission as well as to the parties. The parties responded to the information provided by Verifact and that information was provided to the commission. The commission then, on the balance of probabilities, found that Briggs knowingly competed in a sham event and that Green did not knowingly compete in a sham event. I should make the point that this particular report has not been made public in view of the fact that the findings against Briggs are being appealed to the State Administrative Tribunal. That process is yet to be completed. The Minister for Sport and Recreation also engaged Geoffrey Miller, QC, to review the decision making by the commission to permit the fight to go ahead.

Hon Ken Travers: Are you sure it was the minister? I thought it was the commission that engaged Mr Miller.

Hon NORMAN MOORE: I will be corrected if that is the case. Geoffrey Miller was engaged to conduct an inquiry. He found that the evidence before the commission was such that it made the appropriate decision to allow the fight to proceed. I think that document is a public document at this point. The department and the minister also commissioned Mr Ross Elliot to internally review the whole process again, and to look at the way in which the fight was sanctioned, the way in which it was conducted and the way in which the commission went about assessing whether it was a sham event. Mr Elliot made a number of recommendations, which are being implemented with these amendments to the act. It is extraordinary, however, that the Green–Briggs fight lasted 29 seconds. I was a bit surprised it lasted that long when I looked at him! I watched the fight—I did not go to it but I saw it on television. I did not think Briggs got hit very hard. He just seemed to fall over, not having been hit

at all, but that is just an observation from a casual observer. I have not taken much interest in boxing but I did once pay a fee to Foxtel to see a fight. I think it might have been a Danny Green fight that was supposed to go for a couple of hours and went for about 30 seconds as well. It cost me $35 for 30 seconds worth of fight! I do not recommend that anybody pay Foxtel to watch a fight at any time.

Hon Ken Travers: Why would you pay when you can watch question time in this place, minister?

Hon NORMAN MOORE: It is not quite as exciting.

Hon Kate Doust interjected.

Hon NORMAN MOORE: I am happy to engage in that, if the member wishes.

We will deal during the committee stage with the issues with respect to when all these decisions were taken. Hon Ken Travers told us that the fight should never have proceeded in the first place, and that there was enough evidence available to indicate that should have been the course of action taken. As I have said, there have been three inquiries into this event and the inquiries have found that the appropriate decisions were taken at the appropriate time. All I can say is: hindsight is a wonderful thing. The good thing about hindsight is that we can look at what happened and see what could have been done better or differently, and that is fair enough. All that has happened has now led to us amending this legislation to make sure that sham events do not occur in the future.

Debate interrupted, pursuant to temporary orders.

[Continued on page 7724.]