

**PROFESSIONAL COMBAT SPORTS AMENDMENT BILL 2009**

*Third Reading*

**MR T.K. WALDRON (Wagin — Minister for Sport and Recreation)** [2.55 pm]: I move —

That the bill be now read a third time.

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [2.55 pm]: I rise to make some comments on the third reading of this important legislation. The minister was right to leave this bill on the table for the period that he did so that he and his department could review the legislation to make sure that it was an adequate response not only to the needs of the act in the modern context, but also —

**The SPEAKER:** Members, we have a third reading in front of the place. I have given the call to the member for Kwinana; I have not given the call to anybody else. I would like to hear from the member, I am sure the minister would like to hear from him, and there might be other members in this place who would like to take part in the third reading as well.

**Mr R.H. COOK:** As the minister explained to this place, a number of amendments were brought forward to try to update this legislation to ensure that it could respond to the circumstances around the Briggs–Green fight that occurred last year. I think the minister and his department have done a fair job in tightening up the legislation to ensure that the Combat Sports Commission has a legislative capacity to put the sort of restrictions upon fights and make sure they are not sham fights. That includes provisions around the definition of a “sham fight”, amendments around the powers of the commission to revisit previous decisions to allow a fight to proceed, and the powers of the commission to withhold prize moneys when appropriate.

However, I continue to have misgivings in relation to this legislation. It is not just a failure of the legislation in relation to the Briggs–Green fight. As we can see from the report of Geoffrey Miller, QC, into that fight, there was intense pressure not only from Paul Briggs’ team, but also from Danny Green’s team and the promoters of that event to ensure that they got the necessary permits to ensure that the fight went ahead in Western Australia. The application for this fight had already been rejected in New South Wales, and for good reason, as we now know. But the Professional Combat Sports Commission came under intense pressure and was required to approve the fight—the minister might want to correct me here because my memory is starting to fail me in terms of the series of events—and it was almost, I think, within 24 or 48 hours of the application being received that the Professional Combat Sports Commission gave a permit for the Briggs–Green fight. The commission did not convene formally as a group at all; the decision was made by way of a ring-around or a circular resolution, as it is described, and we all saw, I think to our and the rest of Australia’s dismay, the very false or shambolic nature of that particular fight.

It may be that that comes down to a question of strength of character—not the strength of legislation, but the strength of character of the people on the Professional Combat Sports Commission, and perhaps the strength of character and toughness of the minister himself. I do not know whether, if I was in the minister’s place, I, too, would have looked Danny Green in the eye and said, “I know that you and your promoters have invested many millions in promoting this fight and getting the wheels under it, but we are now going to say no”. From the evidence we have now seen, Paul Briggs was not in a fit state to fight.

As the minister has pointed out, a lot of the evidence that we now know surrounded the Paul Briggs–Danny Green fight came to light after the event; that is, after the Professional Combat Sports Commission had made its decision. There is some ambiguity around whether, under the old legislation, the Professional Combat Sports Commission had the capacity to revisit a decision. That has now been tightened up in this legislation, and it is one of the good amendments that the minister has brought forward to significantly reform this legislation. However, there is still a concern that, although we have made some legislative changes around the governance of combat sports in Western Australia, the same people are still in place, and the same people will be making the decision if they are put in the same position in the future.

An important aspect of this legislation is that it extends beyond professional sports, because it will capture all combat sports, both amateur and professional. That is a very important and worthwhile amendment, and it is one of the key reasons that we on this side of the chamber will be supporting this legislation. As I mentioned before, I have had some contact with the amateur boxing community. I must say that I think the rigour with which amateur boxing governs its sport seems to outshine the rigour with which professional boxing governs its sport.

This legislation will be governing martial arts. This legislation will also be governing mixed martial arts whenever that inevitably makes its way to the west coast. During the second reading debate, a number of members repudiated mixed martial arts and said they hoped we would never legalise that in this state. I guess it is now for the minister and his team at the Combat Sports Commission to rigorously meet the challenges that will arise from mixed martial arts. I do not pretend to have all the answers in relation to that. But I share the

minister's view that it is much better to try to manage these things than to try to have them outlawed. These things will happen. People, for better or for worse, and for good reasons or not, will choose to try to arrange organised fights. I think it is very sensible that we as a Parliament try to design laws that will bring these associations and these fight clubs into a regulatory regime that will enable us to ensure the health and safety of the combatants.

As the minister has observed on a number of occasions during the debate on this legislation, in particular in consideration in detail, this legislation is about the health and wellbeing of the contestants in combat sports. It is most appropriate, therefore, that we put in place a system that will ensure that only contestants who are fit and able to undertake combat sports without causing undue harm to themselves can be registered to engage in those sports.

The Labor opposition moved a number of amendments that would have increased the rigour and strength of this legislation. We appreciate that the minister has a contrary view. However, we believe that the legislative changes that we proposed would have strengthened the ability of this legislation to achieve what the minister says he wishes to achieve—that is, to ensure that the health and wellbeing of the contestants is uppermost.

In the consideration in detail stage, the opposition sought to have this piece of legislation referred to a committee. We believe that some very powerful forces will be brought to bear in relation to the rigour and strength of this legislation. The government used its numbers to defeat the referral of this bill to a committee, as is its right. But let it be said that the legislation therefore lives, and, indeed, dies, upon the confidence that the minister expresses in it. The minister has said that he is confident that the shambolic events of the Danny Green–Paul Briggs fight will never occur again in Western Australia. We believe that further investigation and inquiry by a parliamentary committee, with the advice of experts in this field, would have enabled this Parliament to move forward with greater confidence on this bill. Therefore, although we accept that the government had the numbers to defeat the referral of this bill, we regret that the Parliament did not have the benefit of further information that it could have brought to bear in order to strengthen this legislation.

We will be supporting this legislation. We wish the minister, and the Combat Sports Commission as it will be constituted under this reform legislation, all the best in governing combat sports in this state. We think this is a very necessary reform. As the minister has observed on a number of occasions, this legislation was previously brought forward by the member for Balcatta in his role as Minister for Sport and Recreation, and the member for Balcatta has brought forward amendments since that time to further improve the legislation. We wish the legislation well, to the extent that we can; and, with our reservations and qualifications in mind, we commend the bill to the house.

**DR A.D. BUTI (Armadale)** [3.06 pm]: I rise to add to some of the words expressed by the member for Kwinana on the Professional Combat Sports Amendment Bill 2009. As the member for Kwinana has said, we are generally supportive of this legislation. I would like to thank the minister and his advisers for the consideration that they gave to the concerns that we raised during the consideration in detail stage. Of course we would have liked some of our proposed amendments to have received approval, but that was not to be. However, I do thank the minister for considering them.

This bill in many respects is influenced by the Briggs–Green fiasco, which I do not need to repeat at this stage. This legislation seeks to ensure that the holding of sham boxing and other combat events is not repeated in this state. It also seeks to ensure, more importantly, the health and safety of the participants. We are not talking just about boxing. But that is the most high profile contest that this legislation will be dealing with. There are many views about whether we should even allow boxing to take place. I have a personal view. But I cannot allow my personal view to necessarily dictate state public policy on this matter. Many people in the community believe that boxing is such a dangerous sport that no matter what safeguards we put in place, eventually, if people stay in the sport for long enough, significant brain damage will result. Often people use the example of Muhammad Ali, probably the greatest boxer, or greatest boxing personality, of all time, to confirm their views about why boxing should not take place. But the other side of the story, which is often utilised, is that boxing has provided an opportunity for many people from the so-called wrong side of the tracks to get a lift up in life. That is why I have always had a hard time deciding where I sit on this matter. But I will leave my personal views for another day.

We are supportive of this legislation. As I mentioned during the consideration in detail stage, there are some inconsistencies in the legislation with regard to the language that is utilised; for instance, the definitions of “natural person” and “person”. However, the minister did explain what he thought those words meant.

I want to raise one other issue which I would have liked to be included in the bill, but for which we did not put up an amendment. The legislation does tighten up the operation of the commission, and I applaud the minister for that. However, I would have liked the medical personnel on the commission to be given the final veto with regard to whether an event should be permitted to take place on the basis of the health and safety of the participants.

All in all, I believe this legislation should be passed by this house, because it deals with some very important public policy and health issues.

**MR T.K. WALDRON (Wagin — Minister for Sport and Recreation)** [3.10 pm] — in reply: I thank members for their support of the Professional Combat Sports Amendment Bill 2009 and for their contributions. There has been a bit of debate during the second reading stage and consideration in detail. We probably covered a lot of ground two or three times but it was good. I thank in particular the member for Kwinana, the member for Armadale, the member for Balcatta and the member for Alfred Cove for their input during consideration in detail.

I wish to acknowledge the former Minister for Sport and Recreation, the member for Balcatta, for his work and knowledge in this area and for setting the groundwork for this bill. I would also like to thank the Department of Sport and Recreation, especially Greg McGuire, Evan Stewart, Jennifer Riatti, Ron Alexander and all the other staff involved. A lot of work has been done on this bill. Quite a lot has been said about the Green–Briggs fight. We all know about that fight; we have gone over it many times. It put those officers from the department under a lot of pressure. They handled it very well under fairly trying circumstances.

This is important legislation. It is about the health and safety of the contestants and the integrity of combat sports. The bill was first started by the previous minister. The bill was not as a result of the Green–Briggs fight but the amendments were. We learnt and we have covered to the best of our ability the possibility of the situation arising again. I am confident that this bill will further tighten things. We can never say that another situation might not arise one day that will make us look at further provisions because that is what happened on this occasion.

I look forward to the bill going to the upper place and becoming law for the benefit of our combat sports, but more particularly for the benefit of everyone involved in the area and for the integrity of the sport. I thank everyone for that. I look forward to combat sports being run particularly well, providing a safe environment and delivering lots of benefits to our community.

Question put and passed.

Bill read a third time and transmitted to the Council.