PROFESSIONAL COMBAT SPORTS AMENDMENT BILL 2009

Consideration in Detail

Resumed from 19 May.

Clause 1: Short title —

Debate was adjourned after the clause had been partly considered.

Mr R.H. COOK: I thank the minister for bringing this debate back on. It has been some time since we had an opportunity to chat and I am very pleased that we are now at least starting to progress this important piece of legislation. Under this clause I ask the minister to bring the house up to date and enlighten members in broad terms about the nature of the amendments that he will be moving today. I ask this on the basis that since this bill was introduced to Parliament, members would be aware of the issue around the Danny Green–Paul Briggs fight. My understanding is that the minister wanted to reflect on the implications that that fight had for this legislation. Perhaps clause 1 will provide the minister with a good opportunity to familiarise the house in general terms with the intent of the amendments on that issue.

Mr T.K. WALDRON: I am happy to briefly do that, but I did that in the second reading speech and I did it again when I replied to members opposite.

Mr R.H. Cook: When was that? What date was that?

Mr T.K. WALDRON: It was a little while ago! This legislation was introduced originally by the Minister for Sport and Recreation in the previous government, which legislation we supported. This is all about the health and safety of participants, particularly participants in amateur combat sports. The bill was read in and then some issues happened with the Danny Green–Paul Briggs fight, which we covered at great length last time we debated this bill. I thought that the legislation introduced by the previous minister was good legislation and I supported it, and obviously I supported it when we reintroduced it. Since then some issues were raised and I thought that while the bill was in front of the house, it made sense to put forward these amendments, which the opposition has had notice of for some time and which we will refer to today, each of which I will go through as we come to them.

Clause put and passed.

Clauses 2 to 5 put and passed.

Clause 6: Section 3 amended —

Mr T.K. WALDRON: I move —

> Page 3, after line 14 — To insert —
>
> > ***medical practitioner*** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

This is an amendment to include the definition of "medical practitioner" for the purposes of the Combat Sports Commission's recruitment. As the amendment says, under this legislation a "***medical practitioner*** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession". In other words, we are including the definition of "medical practitioner".

Mr R.H. COOK: Obviously this is an issue that has some contemporary concerns. Members may recall seeing in the newspaper this morning an article that referred to the relationship between the government and the Australian Medical Association, which previously, under the original iterations of this legislation, was required to submit the name of a medical practitioner who could serve on the Combat Sports Commission to advise the commission on medical and health-related issues. I am looking for some sort of explanation from the minister that this is an appropriate definition of "medical practitioner". I have always been uncomfortable with the concept of the AMA providing the name of someone to the commission. It is not consistent with the AMA's charter or its values. I am curious about what would happen if no such medical practitioner came forward and nominated for the Combat Sports Commission. Obviously the medical practitioner would play an incredibly important role in the deliberations of the commission. If the commission cannot avail itself of that medical advice, what would happen to the nature of its decisions?

Mr T.K. WALDRON: I thank the member for Kwinana for raising the issue, as it gives me an opportunity to clarify what happened. Originally when the commission was formed, the legislation stipulated that the AMA must nominate a medical practitioner to be on the commission. That provision is still in the legislation. The term of the previous doctor who served on the commission had expired. He was keen to continue, as a matter of fact, but he has gone overseas for work. The AMA then contacted the Department of Sport and Recreation and said

that it no longer wished to supply a medical practitioner. That is the AMA's call and I respect that call. I felt as minister that it was my obligation to write to the AMA—even though it had met with the department and knew—to inform it that it was obliged under the legislation to nominate someone, albeit that this proposed amendment will remove that need. I want to clarify that because it was said that I was bullying the AMA et cetera. Can I just read the letter?

Mr R.H. Cook: Yes; I would love to hear it.

Mr T.K. WALDRON: This is a letter I sent to Associate Professor David Mountain —

> **PROFESSIONAL COMBAT SPORTS COMMISSION … AMA REPRESENTATIVE**
>
> I understand that Mr Ron Alexander and Ms Jennifer Riatti from the Department of Sport and Recreation met with you on 22 June 2011.
>
> One matter discussed was the provision of a nominee by the Western Australian branch of the Australian Medical Association (AMA–WA) to the Professional Combat Sports Commission … as stated within section 4(2)(a)(iii) of the Professional Combat Sports Act 1987.
>
> Following the AMA–WA informing the PSCS in writing that, 'it will not be nominating one of its members to sit on the PCSC due to the fact the AMA does not support combat sport in any form,' this position was clarified at the mentioned meeting.
>
> As the Minister with responsibility for the PCSC, together with the terms of the Act, I am obliged to continue to request that you do provide a nominee. I am also required to advise you that failure to provide a nominee is a breach by the AWA–WA of a statutory duty placed on it by the Western Australian Government.

That is, through the legislation. The letter continues —

> I would once again, respectfully request that the AMA–WA provides a nominee for the PCSC.
>
> As you may be aware, amended legislation to the Professional Combat Sports Act 1987 is before Parliament and this new legislation has addressed the issue of an AMA–WA nominee.
>
> Yours sincerely
>
> HON TERRY WALDRON MLA
> MINISTER FOR SPORT AND RECREATION

When the commission needs advice from a medical practitioner in the absence of an AMA representative on the commission, the commission will contract a qualified medical practitioner to provide that advice. The commission has a panel of medical practitioners who are very keen to continue working with the commission and the combat sports industry. The State Solicitor's Office advice is very clear that the commission can continue to operate with a vacancy for an AMA representative. However, this amendment will open up the legislation so that the commission can appoint its own doctor who will make recommendations to me as the minister. That person may well be an AMA doctor, but it may well not be an AMA doctor. That does not matter as long as there is a qualified person.

Mr R.H. Cook: Not all doctors are members of the AMA.

Mr T.K. WALDRON: That is right. That is what I am saying: that person may or may not be a member of the AMA. I therefore believe that is all quite clear. If the commission feels there is a need for a medical practitioner in the intermediate time, it will contact someone.

Dr J.M. WOOLLARD: Could the minister clarify that point? One of the reasons I believe the AMA does not wish to nominate a medical practitioner is its concern at disability that may arise from some of these sports. Will the government provide professional indemnity cover for the person selected as the medical practitioner, who under this amendment will be "a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession"? That person may make decisions, particularly in relation to young children who are involved in these sports, and I hope we will discuss later the requirement for parental consent for participation in these sports. There is no requirement currently for parental consent. Will the government provide professional indemnity cover when a very upset parent hears that their child has become disabled because the doors have been opened for children's participation in some of these very violent sports?

Mr T.K. WALDRON: Under the current Professional Combat Sports Act anyone involved with the commission is covered for professional indemnity. Bear in mind that the person the commission will recommend to me—as the AMA has previously recommended to the commission—will be someone who has a distinct knowledge of the sports areas. Parental consent will be covered through regulations.

Dr J.M. Woollard: But it is not there yet, is it?

Mr T.K. Waldron: It will be inserted.

Mr R.H. COOK: Can the minister clarify how the panel will work under the new arrangements? Obviously, if the minister contracts, for want of a better description, his own medical advice, would he still have the panel in place in the absence of the medical practitioner?

Mr T.K. WALDRON: The contracting of a practitioner will be an interim move until this bill comes into force. Under the new legislation, the practitioner will not be nominated by the Australian Medical Association. The commission will recruit a practitioner who it will recommend to me and I will sign off on it. In the meantime, because there is no medical practitioner on the commission at this stage—we must remember we are talking about the medical practitioner on the commission—the commission will contract one if, in the interim, it feels there is a specific need. Once this becomes law, the commission will not need to do that because a medical practitioner will be on the commission.

Dr J.M. WOOLLARD: As the minister was replying to me earlier, rather than the Speaker, for the sake of the record, will he restate that parental consent will be required under regulations?

Mr T.K. WALDRON: It is one of the recommendations to be considered under the regulations.

Dr J.M. Woollard: Considered?

Mr T.K. WALDRON: Yes; it will be considered under regulations.

Dr J.M. Woollard: Haven't you made a determination; it is still only to be considered?

Mr T.K. WALDRON: I think it is more than likely to happen. The regulations have not been drawn up yet, so I do not want to say categorically that it will be required. I know what the member is getting at, when we get to the part about ages et cetera I have all the detail for the member on the ages, as I said I would get last time.

Dr J.M. Woollard: Thank you, minister.

Mr R.H. COOK: I want to clarify the status of the medical practitioner. This will be the person who will be on the commission. Will that practitioner be able to proxy to another medical practitioner in their absence or will the commission revert to its current arrangement? Will it be a medical practitioner position that is appointed or will an individual be appointed?

Mr T.K. WALDRON: It will operate exactly the same as it has done under the current act. If the medical practitioner is absent for some reason, he cannot delegate to another doctor. But if he is absent, the commission would be able to contract to a doctor if it felt it was necessary.

Mr R.H. Cook: Will that be clarified in regulations?

Mr T.K. WALDRON: We can consider that, yes. That has not changed. The only change is that the doctor who goes onto the commission will not have to be nominated, as occurs under the current act. Everything else will remain the same.

Mr R.H. COOK: I want to thank the minister for reading out the contents of his letter to the AMA, and wonder whether he would be prepared to table it.

Mr T.K. WALDRON: I am happy to table the letter.

[See paper 3803.]

Dr A.D. BUTI: Can I add a couple of points to the part of the clause prior to the insertion of the amendment, before the amendment is passed?

The SPEAKER: We are dealing with the minister's amendment at this point, which is to insert words. Member for Armadale, you might like to fashion a question around that, which may give you appropriate answers.

Dr A.D. BUTI: It is relevant to the clause, minister. The wording in clause 6 is "industry participant means a person" but later the legislation refers to a "natural person". For instance, on page 12, clause 25 refers to "natural person". Is that deliberate? Is there a legal difference between person and natural person?

Mr T.K. WALDRON: I will have to clarify that for the member as we go through the bill. The industry participants are listed to include referees, judges, timekeepers et cetera. I am not sure about that definition. I will get the advisers to look at it and perhaps at a later date I can clarify that for the member.

The SPEAKER: Member for Armadale, it might be more productive to deal with that at clause 25 and we deal now with the minister's amendment seeking that the words to be inserted be inserted.

Dr A.D. BUTI: Okay.

Mr R.H. COOK: I have questions about other aspects of clause 6. I take it I will not be stopped from pursuing those after the amendment has been passed.

The SPEAKER: Absolutely not. I thought the member for Armadale might have a query that was based around the words being inserted.

Amendment put and passed.

Mr T.K. WALDRON: I move —

> Page 3, lines 17 to 19 — To delete the lines and substitute —
>
> (a) during the whole or a part of which any contestant is, for any reason, including an injury or illness, or a bribe, promise or threat by another person, not competing to the best of his or her ability; or

This amendment revises the definition of a sham contest. We did this in association with the State Solicitor's Office to ensure that we could broaden the definition of the scope of a sham contest, and therefore make it easier for the commission to prosecute. Previously, the legislation outlined a fairly narrow range of conduct that constituted a sham contest and probably made it difficult to prosecute when an individual competed knowing they could not genuinely compete for whatever reason. The revised definition broadens the scope of conduct that constitutes a sham, and addresses some of the issues encountered during the Green–Briggs inquiry and Paul Briggs–Billy Hussein appeal, which is still before the State Administrative Tribunal. We got legal advice about the interpretation of the definition of a sham contest. The new definition is clearer and will provide certainty and clarity to the industry. I think that is what the industry wanted and we needed, hence the reason I have moved this amendment.

Mr R.H. COOK: I think when the minister said the industry was looking for clarification, he made an enormous understatement. I think the industry was looking for almost a complete overhaul of that particular sham contest provision. It is very important that we do not miss the opportunity with this legislation to ensure that we send a very clear message out, firstly, that we will not stand for this sort of thing, and, secondly, that it will in fact address those issues. The question does not go strictly to the form of words in this amendment, but one of the things that I think gave people disquiet around that particular contest was, I guess, the shadowy figures who seemed to be orbiting around that particular contest. In supporting this amendment, I ask whether the minister could provide us with some clarification of the concept of "industry participant". It is fair to say that the range of people who had influence over the outcome of that fight went way beyond just the trainers, promoters or the contest officials. But there were people involved in that fight, in the very broadest sense, who seemed to have some influence on the outcome. How will these words in this amendment and the definition of industry participant allow us to capture these people and hold them to account?

Mr T.K. WALDRON: I do not think the Green–Briggs fight was a good thing for sport in Western Australia. I was away at the time and when I heard about it, we jumped straight onto it and inquiries were held and a report was provided on the process, which I tabled. The inquiry itself found Green to be clear of any wrongdoing. But it was found to be a sham contest and Hussein and Briggs received penalties. One of the problems was the definition of "sham contest", and that is the very reason why we have tightened it up. I could have just gone ahead and whacked the bill through as it had been put forward by the previous government and as I had put forward. I thought it was reasonably good legislation that the previous minister put forward, but we thought this was the opportunity to do something.

The definition of "industry participant" reads —

> ***industry participant*** means a person who, otherwise than as a contestant, is involved, in a capacity that is prescribed, in conducting or assisting to conduct a contest;

The definition of the term "industry participant" will change to allow the regulations to prescribe those roles that require registration under the act, including promoters, referees, judges and timekeepers. These roles probably have the greatest effect on the health, safety and fairness of the contest. Remember, this legislation is all about the health and safety of the contest for participants. That is the very reason why the previous minister brought it forward. I think it was good legislation. This change will also allow the commission to prescribe the roles that should be registered by registration classes, which will reduce the commission's workload, but still allow the commission to include additional classes should the need arise. It will give some flexibility. We could look at a manager's assistant or a second–second, for instance, but that will be done in regulations. Mainly, we are looking at promoters, referees, judges and timekeepers. There could be others, and we can prescribe them in regulations. The whole intent—we got the State Solicitor's advice, we spoke to the industry et cetera—is to try to make sure that we got the definition of "sham contest" right, so that if a situation arises, we have got it well in hand.

Dr A.D. BUTI: The minister just mentioned the definition of "industry participant". That also has to be read in line with what is meant by "contest". There is a three-part description of "contest". Let us say that the South Fremantle Football Club put on a not-for-profit boxing match, and it did not necessarily invite members of the

public, but people from the club were there and it also had gambling on the boxing match; would that be covered under this legislation?

Mr T.K. WALDRON: As I understand it, that would have to be covered under the gaming act if there were gambling at the event. It would have to get a permit to do that.

Dr A.D. Buti: What about if you don't have gambling?

Mr T.K. WALDRON: It would be covered under the act; that is the idea. The idea of this legislation is to cover amateur bouts et cetera that are not covered under the Professional Combat Sports Act. Members opposite can be political and have a bit of fun with this, but we have to keep in mind what this legislation is trying to do. I remember when we talked about this with the previous minister. If we do not cover amateur bouts and we let it go on and there is no regulation, proper management, control, health standards or refereeing standards, we will get mismatches, someone will get badly hurt, it will be driven underground and we will have some real problems. That is what it is about.

Dr A.D. BUTI: I totally agree, minister. I know what the minister is trying to do—cover amateur sport. But my question is: how will this legislation cover a boxing contest in a not-for-profit football club?

Mr T.K. Waldron: It is covered under this legislation.

Dr A.D. BUTI: I am not sure how it is covered under this legislation.

Mr T.K. Waldron: It is.

Mr R.H. COOK: I object to the minister saying that we are undertaking a political exercise here. If he is not interested in his legislation being properly scrutinised and if he thinks that all we are doing is standing up and stalling legislation, he is very wrong. I know that this legislation in its original form was brought to this place by the previous government, but that is irrelevant. What we have had since this legislation was brought to this place are some of the most despicable acts in sport that brought combat sports not only in this state, but also in the country generally into incredible disrepute. If the minister feels that we are simply holding up the show, we can demonstrate how we can hold up the show and we can be here all day. We have a very real appetite to make sure that we understand this legislation. We want it to be in good shape. We have indicated to the minister that we support the legislation, but we want to make sure that we can clarify in our own minds how this will ensure that that situation that occurred never happens again.

Mr T.K. WALDRON: I might not have chosen my words well. I was trying to say that all amateur bouts will be covered under this legislation. I probably chose my words poorly. I want to give members every opportunity to scrutinise this legislation; I have no problem with that. The member just referred to the situation with that fight. I acknowledged that at the time. That is why we had the review et cetera, and that is why we have changed this legislation in a genuine effort to make it better. I just want to make sure that we stick to the amendments so that if we need to improve anything, we can do it.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Section 4 amended —

The SPEAKER: Minister, you have an amendment to clause 8 on the notice paper. I provide you with the information that you do not need to read out the entire amendment; you can just tell members in this place that it stands in your name on the notice paper. But if you prefer to read it all out, minister, the opportunity is yours.

Mr T.K. WALDRON: I thank you for your wise advice and counsel, Mr Speaker. I move —

> Page 4, after line 28 — To insert —
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> (ca) delete paragraph (a)(iii) and insert:
>
> (iii) one person shall be a medical practitioner who in the opinion of the Minister has knowledge of injuries suffered by contestants;

We spoke about this a short time ago. This amendment will remove the requirement for the Australian Medical Association to nominate a medical practitioner to sit on the commission and will allow the minister to appoint any medical practitioner as defined in section 3, "Interpretation", who has knowledge of injuries common to combat sports. This amendment addresses issues created under the previous legislation when the AMA had to nominate a medical practitioner. The AMA has now chosen not to do so. The Deputy Leader of the Opposition made this point earlier. This amendment will potentially allow the minister to appoint a more suitable medical practitioner to the commission by allowing him to consider medical practitioners who might be registered with

Sports Medicine Australia, rather than just the AMA. At the end of the day, it does not matter whether the medical practitioner is with the AMA, as long as they are the appropriate person and the best person to do the role.

Amendment put and passed.

Mr J.C. KOBELKE: The paragraph at the top of page 5 of the bill seeks to include a person who in the opinion of the minister has knowledge of the industry relating to combat sports known as mixed martial arts. I would like the minister to comment on the inclusion of that proposed paragraph and also the principle of having this sectorial representation. We have many times had legislation in which sectorial representation is seen as being a valuable element to get the various sectors of the industry involved and to have some ownership of the process, but we have also had many examples—in fact, there is legislation that the government is currently proceeding with in another area—that move away from that sectorial representation. I would like the minister to make some comment on the strength he sees in sectorial representation of the various types of martial arts or combat sports and also why this particular one is being included.

Mr T.K. WALDRON: If I understand the question correctly, the sectorial paragraph will make sure that mixed martial arts have some buy-in to this. As the member knows, the number of persons appointed to the commission by the minister will change from seven to eight. This is to reflect an additional industry member with knowledge of mixed martial arts. The additional mixed martial arts appointee is essentially to allow the commission to effectively regulate, to utilise that knowledge and to address this fast-growing area. That is why that has been stipulated along with combat sports. The mixed martial arts sector is growing very fast. We need to make sure, either the commission or myself as minister, that in making decisions we have advice from that sector. It is to utilise the expertise of people on the ground. That is why that is there.

Mr J.C. KOBELKE: Does the minister have any information on the number of contests or people currently participating in mixed martial arts?

Mr T.K. WALDRON: I do not have any particulars here. It is interesting the member mentions that. I do not have much to do with mixed martial arts. I have a niece who is involved. Through her, I got a real surprise. I also have a next-door neighbour who is involved. A whole group of kids are involved in this. It is interesting to talk to them. I have actually taken the time to talk to them, to increase my own knowledge, because I have not been involved in that part of it. All I know is that it is a very fast-growing industry. I think some contests are going on that we do not know about, and the intent of the legislation is to make sure we can bring them under the banner so that we know what is going on. Generally, it seems to be managed pretty well. There are concerns with some pockets or areas. I have talked to these youngsters, and they are really committed to their sport; they love it. One boy I talked to said that his dad wanted to give him a twenty-first birthday. He said, "Dad, can you fly me and my mate to Sydney to see some of the contests over there?" I think I would have preferred to have the twenty-first birthday, but we are all different. These are good kids. They hold down jobs; they are studying at university while they are working jobs. This is their exercise, their club, their involvement. It is a growing sport. I do not have some stats. If I can get some stats for the member, I am happy to do that.

Clause, as amended, put and passed.

New clause 9 —

Mr T.K. WALDRON: I move —

Page 5, after line 7 — To insert —

9. Section 5 amended

In section 5(1)(e) delete "Governor" and insert:

Minister

This is a fairly simple amendment. Under this amendment, the minister actually replaces the Governor as the person with the authority to remove a member of the commission due to neglect of duty, behaviour or incompetence. It is a protracted time line to have the Governor remove a commissioner. Also, the minister is the person who appoints the commissioners. It makes sense to me and is good governance that he is also the one who has the power to remove them. That is that simple amendment.

Mr R.H. COOK: I assume we are discussing the changes to section 8 under clause 9 of the bill. Is that right?

Mr T.K. WALDRON: Yes.

Mr R.H. COOK: This goes to the conduct of the commission and the issue of a quorum. The substantive amendment under clause 9 regards the quorum for the commission. One of the comments that Geoffrey Miller, QC, provides in relation to events that led to the Green–Briggs fight was the unusual way in which the commission went about making its decision to allow that fight to proceed. The chair of the commission

essentially had to do a ring around so that none of the members of the commission would have been able to avail themselves of any sort of collective analysis about the merits or otherwise of allowing the fight to go ahead.

I have noticed that the minister has not brought forward any amendments to the bill in relation to how the commission goes about making its decision. I know he has given very careful consideration in response to the report of Geoffrey Miller, QC. I wonder whether the minister can provide some commentary about why there are not further amendments around the way in which the commission will meet.

Mr T.K. WALDRON: In relation to the quorum, changes to section 8(4) increase the number of members required to constitute a quorum from three to five. That is part of the bill. That brings the commission into line with generally accepted good governance. On the issue of where they had circular resolution, this is an accepted practice. Wherever possible, they will meet. These people have great expertise, and they are doing different things. Sometimes—I know it happens within my area of responsibility in liquor—there has to be circular resolution on some aspects. I do not want to inhibit decision making, because it is possible that there is a perfectly good set up but decisions are inhibited because people cannot be brought together. Generally, we try to the best of our ability; that is why I have not changed that. We have increased the quorum from three members to five members. That brings it into line with standards of good governance. I think that addresses the issue.

Mr R.H. COOK: I thank the minister. I accept that changing the numbers for a quorum is in the context of good governance and is an appropriate amendment to make. I am sure the minister and his staff would have greeted with some disquiet the haste with which the commission went about making a decision that was totally contrary to the decision of a commission in another part of the country, which made that decision in the cold, hard light of day, rather than within 24 hours after a ring-around. In the context of good governance, surely that must ring alarm bells for the minister who oversights the area. I simply make the observation again that it seemed like an extraordinary process. Would the minister be visiting the issue in relation to the regulations, given that he has not brought forward any amendments to the bill about the way the commission will go about its decisions?

Mr T.K. WALDRON: I understand the point the member is making. I think we talked a lot about it in the previous debate. I remind the member that we asked Geoffrey Miller, QC, to review the process. He endorsed it. I will read from his report —

> In my opinion, the decision of the PCSC to grant the permit on the 19 July 2010 for the boxing contest between Green and Briggs at Challenge Stadium Mount Claremont on 21 July 2010 was justified on the material which was then before it.

He made that endorsement. However, in these amendments we are making changes that give it a longer period and give it scope to get further information, whereas before—we will go through this a little bit later on—once it had the information up-front it could not request further information and could not change the permit once it was issued. That was a weakness that I do not think any of us really foresaw. Perhaps we should have. Sometimes in life things happen, and we learn from things that happen.

Mr R.H. COOK: I just want to be assured that we are learning from it.

Mr T.K. WALDRON: Yes. That is a really good point, in all seriousness. After all that happened, I said we have to make some changes here; otherwise, we are not doing our duty. That is what we are trying to do.

New clause put and passed.

Mr R.H. COOK: Did we consider the amendment?

The ACTING SPEAKER (Mr J.M. Francis): No, that takes us to existing clause 9. Existing clause 9 will become clause 10 when it is rewritten.

Clauses 9 to 12 put and passed.

Clause 13: Section 17 replaced —

Mr R.H. COOK: I move —

> Page 7, line 8 — To insert before "there" —
>
> > after the application is considered by the member of the Commission appointed under section 4(2)(a)(iii) of the Act and the Commission gives due consideration of a report from that member and

This relates to the registering of all contestants and the nature of their registration as combatants. We are trying to make sure that the commission, in reviewing the registration of the contestants, does so in the full possession of advice from the member of the commission who is appointed as the medical practitioner. We think this is an important amendment because the commissioners will be confronted with reports from medical practitioners, which may or may not be highly technical in nature, as to the fitness of a contestant. For instance, if it is about a

contestant's neurological capacity or their spine or whatever, the report furnished to the commissioners may be of a very highly technical nature. We want the commissioners to make a decision based upon learned medical advice and insight, so that one of their number can sit and consider the report and say, "Yes, what the practitioner is saying here is probably the case", and, "That word means this." We want the commissioners being subject to the advice of one of their number who has a background in medicine. The role of the medical practitioner on the Combat Sports Commission, as the minister has foreshadowed, is shaping up to be crucial, so we want to make sure that any decision that the commission makes subject to a medical report is a decision made only upon the advice of the commissioner appointed to that effect.

Mr T.K. WALDRON: I think I understand the intent of the member's amendment, but I actually do not think there is any need for what the member is putting forward because it is already covered. I will just go through these notes here and then make a couple of comments. According to my notes, after the application is considered by the member of the commission appointed under the act, the commission gives due consideration to the report of that member. The proposed amendment would alter the requirements for registering contestants, making it necessary for all applications for registration received by the commission to be reviewed and reported on by the medical practitioner. Under the current legislation, a contestant who is seeking registration with the commission needs to complete the relevant form, submit a clear serology report, have an extensive medical by the doctor, and be certified fit to compete by a registered doctor. Once they are certified to compete, that is done, and the commission does not need to consider that; there is no need to have any follow-up. If they are not certified, then they will not be issued a permit. The medical person is on the commission in case there is any doubt about anything. What the member is doing is just making a lot of work for no reason. I can see what the member is trying to do, but a requirement for registration is that they have to have that medical certificate and serology report et cetera signed off by a medical practitioner, and they go to the commission to show that that has been done by a registered medical practitioner.

As to the role of the medical practitioner on the commission, I was doing an interview this morning, I think it was, and people do not understand the different roles. The role of the commission medical practitioner—this is the person on the commission—is to provide the commission with a medical perspective when formulating policy, industry standards and rules. The commission medical practitioner will, obviously, also advise on medical issues when they arise, and offer medical opinion when necessary. It is not the role of the medical practitioner to sign off on every contestant registration received. The commission has in place processes, devised and endorsed by the commission medical practitioner, to ensure that contestants are fit when they register with the commission. I can see what the member's intent is; once again, the member is looking at safety and making sure that the person is all right, and I congratulate the member for that, but the processes in place cover that already.

Mr R.H. COOK: I thank the minister.

Mr T.K. Waldron: Can I say something just to help with this, if that is okay, through the Chair? I have some more information. The current medical certificate that is required was actually devised by the commission medical practitioner in the first place. This is a four-page report that needs to be completed prior to registration. The medical must be signed off by a medical doctor. So, it is very well covered. But go ahead; sorry.

Mr R.H. COOK: Obviously, what we are trying to do is to make sure that, I guess, no-one pulls the wool over the eyes of the commissioner. In the case of the Green–Briggs fight, there were any number of medical reports, all of which were contradictory. It would require someone who was medically competent to be able to form a value view about it; in some respects it is subjective, but obviously it would be based upon good science. There were medical reports from New South Wales that stated, "Not on your life", and there were medical reports from Western Australia that stated, "Box to your heart's content."

Mr T.K. Waldron: And now, under these amendments, they will be able to fix that.

Mr R.H. COOK: At some point the commission will have to form a view about whether one report is more accurate, thorough or comprehensive than another. The only way that can be done is if the language can actually be deciphered and a medical critique can be brought to those reports, and only then will the commissioners be in a position to form a view. I accept that in the vast majority of cases, the commission will confront very straightforward medical authorities from a general practitioner that someone is fit to box or to conduct some other form of combat sport, but there will be occasions—for instance, in a situation when a contestant is coming from the eastern states to Western Australia for a specific fight—when the commissioner will be under great pressure to certify that person ready to fight or box. Say the commission receives a report that states that the left cranial lobe has a shadow that indicates there may be something, something, something; it has to be able to form a view on that, as to whether one piece of medical advice that alerts them to that shadow on the left cranial lobe is more damaging than another report that states: "I believe this person can box." I just want to make sure that

the person sitting in the room informing the commission about that decision is someone who actually has a medical background.

Mr T.K. WALDRON: There are a few points to cover. I have talked about the role of the medical practitioner on the commission. The cases the member raised are provided for later on in the legislation. The problem we had before was that once the permit was issued, extra information that was provided could not be taken on board. We are changing that, so that if further medical information comes forward, it can then be taken into account. It is not the role of the medical practitioner on the commission to interpret. A process has to be gone through—the provision of a doctor's certificate—for the person to be able to fight. Once that is provided, that covers that, although there is a medical person on the commission to provide advice if there was a concern. The problem we had before—this is why we are making the changes—is that there was some later evidence, but under the legislation they could not change what had been done; the later amendments fix that. I understand what the member is saying, and that is what we are addressing. I understand the member's intent, but there is no actual need to do it because it is actually already done.

Mr R.H. COOK: I am in the peculiar situation of moving the amendment but actually asking the dissenter of the amendment about information in relation to it!

Mr T.K. Waldron: As long as we get it right.

Mr R.H. COOK: Yes.

In the case of the Green–Briggs fight, I think the medical practitioner on the board was actually overseas at the time, so that, ultimately, the commission made the decision about Paul Briggs on the basis of its own, I guess, knowledge of his medical condition. It did not actually avail itself of the opinion of the medical practitioner on the board. I am trying to get away from the situation of the commission making an unsafe decision.

Mr T.K. WALDRON: The fighter had his medical certificate and was approved by a medical practitioner as fit to fight. Therefore, there was no need for the commission to assess that. He was approved as fit to fight.

Mr R.H. Cook: A wealth of evidence suggested he was not fit to fight.

Mr T.K. WALDRON: Evidence later came forward. We are addressing that. This is the very point of later amendments. We are getting ahead of ourselves.

Mr R.H. Cook: Hang on. The commission knew why it was all of a sudden being confronted with having to have the bout in Western Australia; it was because the bout was rejected in New South Wales.

Mr T.K. WALDRON: I ask the member to remember the report of Geoffrey Miller, QC. The medical evidence was put forward to the commission and on the evidence in front of it, as Geoffrey Miller, QC, has said, the commission made the decision that it should have made. After that decision was made, further evidence et cetera came forward that under this legislation the commission would have been able to consider and it might have changed the decision. Under this legislation, if other medical information comes forward, the commission will have the right to rescind the permit. The commission did not have that right. What the member is saying is right. This is the very reason for making the changes. We are arguing the same thing, which is probably not a bad thing.

Mr R.H. COOK: We are arguing about the process, which in the context of legislation is probably a healthy thing.

Surely, even under the old legislation, if a medical practitioner was part of the decision-making process, red lights would have been flashing all over the place to prompt that person to say, "Hang on; this bout was not allowed to go ahead in New South Wales. Perhaps we should hold back and avail ourselves of further information. As a medical practitioner, I am unsure about what we are going through, because we already know that an application for this bout to take place was rejected. What other information do we need?"

I accept what Geoffrey Miller, QC, said and I accept that the minister is saying that the commission as it was assembled—as the minister knows, it was by circular resolution—and with the skills of its members, made the decision in that way because that was all we would expect those people to be able to do. If a medical practitioner was mandated to be involved in that decision-making process, I wonder whether that person with that background—we want them on the commission because of that background—would have said, "Hang on, everyone. We need to ensure that when we make this decision we make it on good grounds." Perhaps then the commission would never have had to be in a position to revisit the issue, because that person, given their background, would have been able to make that call.

Mr T.K. WALDRON: I hear the argument, but the simple point is that the fighter had been cleared by a medical practitioner as fit to fight. The information had been provided to the commission, and that is what it acted on.

Even if the doctor had been there, the role of the commission's medical practitioner is to provide the commission with a medical perspective when formulating policy, industry standards and rules. The rules state that he was passed as medically fit to fight. The changes to the act give the commission the opportunity to seek further information and other evidence. I cannot say it again. That is why we are doing it; we are fixing the problem.

Mr R.H. COOK: The leader of opposition business asked me prior to this debate how long this debate could go on for. I said, "Mate, we are talking about sport; we could argue forever." I think we have made our points and we will allow the vote to proceed on that basis.

Amendment put and negatived.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Section 19 replaced —

Mr R.H. COOK: I am revisiting very old written notes, so I shall talk slowly. Clause 15 inserts replacement section 19, "Term of registration and application for renewal". The bill stipulates that a certificate of registration issued under this section will have effect for three years and that a person who is rejected as a contestant may apply for renewal of their registration. An aspect of this bill that I am keen to clarify is how we go about re-registering contestants to make sure that they are still fit to fight. I want to check with the minister whether a contestant would be required to get a fresh medical certificate for re-registration. If so, are we saying that a contestant has to have a fresh medical certificate every three years? Also, what is the mechanism by which a contestant would be compelled by the commission to get a fresh medical certificate to hold on to their registration? For instance, if someone goes into a bout and gets the living daylights beaten out of them in a particularly bruising and public way, what trigger would the commission use to say that it has evidence in front of it to lead it to the belief that that person is no longer fit to be registered as a contestant and the commission needs a new medical certificate? What is the process by which that would happen? How does this particular part of the proposed section, which states a contestant is registered for three years, impact on the ongoing medical care of a contestant?

Mr T.K. WALDRON: The member asked a few questions; I will do my best to answer. The period for registration has been increased from 12 months to three years, partly to reduce administration costs. With all the amateurs coming under this bill, the commission will have to do a whole heap more and support is required to do that. Being registered for three years means that the contestants do not have to re-register every year. We find that people forget to re-register.

The commission has the ability to withdraw registration at any time. Each contestant has to fill in a medical record book after each bout. The member mentioned a fairly good example; if someone is fighting and getting pummelled, that will be recorded. The commission might say that it needs to re-examine that person because it is concerned about that person's wellbeing. That is the type of thing that will present.

Contestants have to have a fresh medical every 12 months. I will provide this detail. They have to provide serology reports every six months and have pre and post-fight medicals. Registration can be revoked at any time due to concerns regarding the health and safety of a contestant. Those mechanisms are in the bill to keep tabs on contestants.

As I said at the start, the whole idea is that this legislation is designed to make sure that we do not have someone contesting and putting themselves at risk. I think that has answered the member's questions.

Mr R.H. Cook: Is that stipulated in the regulations or is that part of the current act?

Mr T.K. WALDRON: Yes, it is in the regulations. When we move the amendment to clause 51, I will cover more of that.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Section 21 replaced —

Dr A.D. BUTI: Clause 17 seeks to insert new section 21 into the act. I suppose this clause really goes to the nub of what the minister has been saying about wanting to ensure the health and safety of contestants. Presumably that is the purpose of this new section. The Green–Briggs matter was examined by Geoff Miller, QC. As we know, the New South Wales boxing authority did not give permission for this fight to happen. However, as the minister rightly pointed out, it appears that at that time the medical evidence did not necessarily support the authority's decision on the neurological aspect. However, as was mentioned by Geoffrey Miller, QC, the authority's concern may have been that Briggs was not in a fighting-fit state to take on a world champion. Of

course, that presents its own health problems. However, the Western Australian authorities allowed the boxing match to take place. What I am concerned about is that the pressure will always be on the commission to allow a contest to proceed, especially when it involves someone of Danny Green's stature. Where in the legislation, or even under this clause, is there a guarantee that the health and safety issue is the predominant issue, particularly when, from my understanding, the medical practitioner on the commission does not have a veto power? As long as the boxer has a certificate of medical health, they prima facie are able to fight. However, the commission gives the final approval.

As anyone who has worked in the personal injuries area would know, there is an issue of forum shopping—a person goes to a doctor who is going to give him the opinion that he wants. Therefore, the boxer goes to the doctor who he knows will give him the opinion that he wants, even if there are medical problems. The medical practitioner on the commission knows there are problems, but the other commissioners understand the pressures from the public for the contest to take place, and they override the medical practitioner on the commission. How are we going to safeguard against that scenario?

Mr T.K. WALDRON: The member can cite the Briggs fight. The decision was made by the commission to allow the fight to proceed. It looked at all the evidence in front of it—not just medical evidence, but all the evidence—and it made that decision. I repeat again that I was concerned, so I had that decision reviewed, because I wanted to make sure that the process and everything that the commission did was right. That decision was reviewed by Geoffrey Miller on the evidence he had. I think the doctor's side of things is fine. What concerned me was that other information might come to light during the training. We thought that the period was too short and that once the registration had been granted, we should be able to make changes if other information came forward. That is what these amendments do. We have also extended the time in which that can happen. Previously, it could not happen, and a person had to register within 21 days. That has now been extended to 42 days. With that extension to 42 days, we can now consider further information, whether it be medical information or whether we have been watching the person practise and he does not seem up to it et cetera. We could not do that before. We have to remember that the person who makes the decision is a medical practitioner, who has his ethics and so on, so I would respect the decision of the medical practitioner on the medical condition of the person. I think I have said that quite a few times; I cannot say any more than that. What we are doing now gives us the ability, which we did not have before, if any further information comes to light, to make a decision, which may well have happened in that case if this legislation had been in place. I am not blaming anyone. None of us foresaw it. Maybe I should have and maybe the previous minister should have, but we did not. We have learnt, and that is why I have changed the legislation.

Dr A.D. BUTI: I agree, and the amendments that the minister is putting in place will hopefully overcome any of the problems encountered in the Green–Briggs scenario. However, the point remains that without giving the medical practitioner on the commission a veto power, is the minister not still allowing an opening for the pressures of the public to override a possible health and safety concern?

Mr T.K. WALDRON: No, I do not think we are, and that is why I have extended the time period. Recently, there was a fight that was not allowed to go ahead—the Erin McGowan fight—and that all worked well. So, no, I do not agree with that.

Clause put and passed.

Clause 18 put and passed.

Clause 19: Section 23 replaced —

Mr R.H. COOK: This clause deals with disciplinary powers against contestants. Obviously, sham contests are an important aspect of this. I am wondering about the scope of this power. Does it include sham contests that take place outside Western Australia?

Mr T.K. WALDRON: No; this legislation applies to Western Australia; it is Western Australian legislation.

Mr R.H. COOK: There may be a scenario in which a contestant goes to another state and clearly participates in a sham contest. If it is a broadcast fight for all Australia to see, that person will still be able to continue competing in Western Australia even though, from what the commission has seen go on in another state, it is patently obvious, upon examination, that that particular contestant participated in a sham contest.

Mr T.K. WALDRON: I am sure that if someone wanted to fight in Western Australia and there was evidence from another state that they competed in a sham contest, the commission, in its consideration of whether it would issue a permit, would take that into account and make a decision.

Mr R.H. Cook: Can it do that?

Mr T.K. WALDRON: Yes, of course it can.

Clause put and passed.

Clause 20 put and passed.

Clause 21: Section 24 amended —

Dr A.D. BUTI: This clause provides for a fine of $6 000, and other clauses also provide for a $6 000 fine. I want to know how the minister arrived at that figure. In some circumstances, I would think that that would be a fairly minor fine because, as we know, large sums of money can be exchanged during boxing contests. Therefore, why is $6 000 the magic number?

Mr T.K. WALDRON: The whole idea of increasing the fines is that we are trying to make this a safe industry, so we want people registered. We do not want unregistered people fighting. Therefore, the penalty levels in the act have been reviewed by the State Solicitor and parliamentary counsel. The new penalties have been set at the appropriate levels in the context of modern sentencing. We sought advice. People can always argue about penalties, but I think we have the penalties about right. Obviously, as time goes on, we might want to review them at some stage. However, that is how they have been arrived at.

Clause put and passed.

Clause 22: Section 25A inserted —

Mr T.K. WALDRON: I move —

> Page 12, line 8 — To delete "contestant." and substitute —
>
> > contestant or impose any condition or restriction on the registration of a contestant that it thinks fit.

The inclusion of this proposed section will allow the commission to vary or cancel—I have already spoken about this, but I will take members through it quickly—any restrictions or conditions imposed on a contestant's registration. It also clarifies that the commission may impose or cancel any of these conditions or restrictions on a registration at any time, rather than just on the application or renewal. That is what we have been talking about. That has caused us lots of problems. This amendment addresses previously encountered issues whereby the commission had no power to impose new conditions on a contestant between registration and renewal. The new wording clarifies the commission's authority to make the issue clearer for the industry. I think that sums it up in a nutshell.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 23 put and passed.

Clause 24: Section 26 replaced —

Dr A.D. BUTI: This goes simply after my earlier query, when the minister thought I was trying to politic over the clause, and I am not.

Mr T.K. Waldron: I probably misunderstood you.

Dr A.D. BUTI: That is fine. My concern is that a football club may have boxing contests that are not-for-profit, but that would be in the environment of the football club. That would not seem to come under the minister's definition of "contest". Therefore, my concern is that football clubs may not be industry participants, and if they are not industry participants, they will not come under the jurisdiction of this legislation, which has many good parts to it, and the aim of which, as the minister has said himself, is to try to ensure the health and safety of the people concerned.

Mr T.K. WALDRON: My information is that if a football club conducts a bout such as that, it will be illegal if it is not overseen by the Combat Sports Commission or overseen by a body that is exempt, such as Boxing WA. The club would be running the event for the entertainment and viewing of other people; therefore, it comes under the legislation. The member has raised a fair point, but I am very confident that it is covered.

Clause put and passed.

Clause 25: Sections 27 and 28 replaced —

Dr A.D. BUTI: This relates to the earlier issue about the definition of "person" and "natural person". A "natural person" would not include a club if it was not incorporated. An incorporated club is a legal identity, but an unincorporated club is not a legal identity. What is meant by "natural person" when in an earlier part of the legislation there is reference to "person"? This may be pedantic, but these may become very important issues.

Mr T.K. WALDRON: I think, and I will try to confirm this for the member, that we used to be able to register organisations as industry participants, but now we only register individuals. I think that is why there is reference

to a "natural person" being able to apply to be registered, whereas before we could register organisations. That is why that term is there. The member makes a fair point.

Clause put and passed.

Clauses 26 to 29 put and passed.

Clause 30: Section 33A inserted —

Dr A.D. BUTI: I wonder why proposed section 33A, "Disciplinary powers", on page 16 of the bill says —

> the Commission may do any of the following —

That is not mandatory, it is discretionary; I would have thought that if the opinion was that the person was not fit and proper et cetera, it would be mandated that the person would not be able to be involved in the sport.

Mr T.K. WALDRON: I think that is simply the wording of parliamentary counsel. A body may make a decision either way. It is not stated that the body can or cannot consider it; the body can consider it and may —

Dr A.D. Buti: The minister is saying that it has the power to; okay.

Mr T.K. WALDRON: Yes.

Clause put and passed.

Clauses 31 put and passed.

Clause 32: Section 34A inserted —

Mr T.K. WALDRON: I move —

> Page 17, line 8 — To delete "participant." and substitute —
>
> > participant or impose any condition or restriction on the registration of an industry participant that it thinks fit.

Proposed section 34A allows the Combat Sports Commission to add, vary or cancel any conditions or restrictions on a registered industry participant at any time. Previously, once again, the commission could only vary conditions on registration renewal. I think I have been through this quite a bit today. For example, the commission may wish to restrict a promoter to conducting events in one combat sports discipline in which they have significant experience. This proposed section covers all industry participants prescribed in the regulations. That is basically it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 33 to 44 put and passed.

Clause 45: Section 47A inserted —

Mr T.K. WALDRON: I move —

> Page 22, after line 20 — To insert —
>
> **47AA. Commission may require information**
>
> (1) At any time after it issues a permit under section 45 for a contest and before the contest has taken place, the Commission, by giving the person a written notice, may require any or all of these persons —
>
> (a) the person who holds the permit;
>
> (b) a person who will participate in the contest;
>
> (c) a person who will be involved in conducting the contest,
>
> to give the Commission the information specified in the notice, being information relevant to the contest.
>
> (2) A person given a notice under subsection (1) must obey it.
>
> Penalty: a fine of $6 000.

Proposed section 47AA is an inclusion that, after a permit has been issued, compels the permit holder, contestant or any other individual involved in a contest to provide the Combat Sports Commission with requested information relevant to the contest. Once again, this allows the commission, if further information comes to be known, to be able to request even further information, which it could not do before. It allows the commission to request information necessary to determine if a permit should be cancelled or suspended or whether any additional conditions should be imposed. This is what I have been covering throughout the discussions today.

Amendment put and passed.

Mr T.K. WALDRON: I move —

Page 22, after line 30 — To insert —

; or

(c) that the contest will be or is a sham contest.

This amendment allows the Combat Sports Commission to cancel a permit if it is satisfied that the contest that the permit relates to will be a sham contest. The commission may be advised that something has happened that leads the commission to think that there may be a sham contest; this amendment enables it to take that action and cancel the permit. This probably, once again, gets to the crux of what we have been talking about.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 46: Section 47 amended —

Mr T.K. WALDRON: I move —

Page 24, lines 10 to 14 — To delete the lines and substitute —

(2) A person must not —

(a) agree to participate, whether as a contestant, judge or referee or in some other capacity, in a contest that he or she knows will be a sham contest; or

(b) participate, whether as a contestant, judge or referee or in some other capacity, in a contest that he or she knows is a sham contest; or

(c) be involved in any capacity in organising, arranging, promoting or conducting a contest that he or she knows will be or is a sham contest.

This amendment clarifies offences. Proposed section 47(2) is being amended to clarify and better define who can be prosecuted in relation to the conducting of a sham contest. This amendment clarifies that contestants, judges, referees and anyone else involved in some capacity with a contest shall not agree to participate in, arrange, or organise and promote a sham contest. That is the amendment.

Amendment put and passed.

Mr T.K. WALDRON: I move —

Page 24, lines 17 to 21 – To delete the lines and substitute —

(2) Delete section 47(3) to (6) and insert:

(3) A referee of a contest who, knowing it is a sham contest, does not stop it or gives a decision in it commits an offence.

Penalty: a fine of $12 000.

(4) A judge of a contest who, knowing it is a sham contest, gives a decision in it commits an offence.

Penalty: a fine of $12 000.

(5) A judge or referee of a contest who suspects it will be or is a sham contest must report the matter in writing to the Commission as soon as practicable.

Penalty: a fine of $12 000.

Once again, this amendment clarifies offences. Section 47(3) has been amended to make it an offence for a referee who, knowing that a contest is a sham, does not stop the contest or gives a decision in that contest. The inclusion of this amendment is considered important as the referee has a direct impact on the conduct of the outcome of all combat sport contests and, as such, it is important to spell out that a referee commits an offence when they fail to stop a contest if they know it is a sham contest or they give a decision in a contest they know is a sham contest.

Mr J.C. KOBELKE: When I was driving it, the original legislation gave the commission the ability to require a bond, which could be a large amount. That relates to the issue that the minister has just addressed in this amendment. If the referee decides it is a sham contest, in most cases the referee, according to the requirement of this legislation, would then close the contest down. That is absolutely right and proper and that should happen. We know that there will be occasions in which there may be a large crowd and there may be elements in that

crowd that are hard to manage. Therefore, the government is creating not only a requirement for the referee to close the fight down when there is evidence that it is a sham but also a legal obligation to do that. When it comes to crowd control and the safety of people in the audience, the referee may decide that he or she will not close the contest down, even though there is good reason to do it. The larger question of control of the audience and the crowd and general safety might mean that it may be better to let it go another round and come to a conclusion naturally, even though it is a sham. I ask the minister to comment on how the act provides provisions in that circumstance, which we hope will not occur. Things being as they are, it is potentially possible that people may be in that crowd, whether they are bikies or others, who could cause mayhem and the referee, in deciding to close down a bout, is conscious of those wider responsibilities as well as the responsibility to stop a sham bout.

Mr T.K. WALDRON: I understand the point that the member is making. I would like to make a couple of points. There were some issues in the recent Erin McGowan fight. The fight was only allowed to proceed as an exhibition fight for that very reason. That is one option. Under the new legislation, a system requiring a bond or "for promotion" permit could be implemented either through the permit conditions under section 42(2) or through including this requirement in section 45(1)(a). The commission could apply a bond as part of the conditions of the fight. I guess it would look at each fight on its merits. I understand what the member is saying and there is pressure there. I think that would cover it.

With regard to the exhibition fight that I mentioned, the rules would change and it would be classed as an exhibition. It comes down to the competency of the referee. The referees are there to make that call. At the end of the day, it is about the safety of someone's health. It is like whether a footballer plays or not, or if the star player is taken off in the first two minutes. I take the member's point; it is valid. I think the member has spoken to me about the bond system before, and that is why I have these notes. The referees are aware of that proposal and that can be made part of the conditions of the bout.

Mr J.C. KOBELKE: I thank the minister for that. There are two elements I want to pursue, one to comment on and the other to ask a question about. I thank the minister for indicating that the commission can still impose a bond under the legislation through the use of regulations. I would see that bond as being potentially applicable if some element of the contest caused concern but on the surface was not sufficient not to approve the bout. It may be that the promoter has a mixed track record and there has been an incident in the past that causes concern. That promoter may give a range of undertakings and on the surface, again, they may be convincing to the commission, but if the commission still has an element of doubt, the use of a bond could put real pressure back on the promoter.

Mr T.K. Waldron: That's right, and now they can actually request further information as well.

Mr J.C. KOBELKE: There are those elements. There is a specific element I would like the minister to respond to. After planning and going through all the necessary precautions, it is still possible that a fight that was set up as a proper contest goes sour. The referee then thinks halfway through the bout that it is a sham bout. The clear direction I see in the legislation is for the referee to control the bout for the safety of the participants and to maintain the standards required under the legislation. That is the clear focus, as I see it, and which the minister was addressing. I am bringing in the extra element that if it looks as if the crowd could get out of control, the referee is in the difficult situation of saying, "If I follow the accepted standards in the legislation, I should close this bout down but I know I have a very large crowd that is perhaps fuelled by alcohol and could get a bit out of control." In that circumstance, what elements of the legislation would come into play for a person making a judgement at a later stage after the bout as to whether the referee made a fair or honest call? The section the minister just spoke about puts a clear onus on the referee to stop the fight, with penalties if he or she does not. If they are caught in a situation that hopefully we will not see happen—it is a potential hypothetical situation—what elements of the legislation would come into play if the referee could argue for the greater safety of the people in the venue and decided, even though it is a sham bout, to let that bout continue?

Mr T.K. WALDRON: I know what the member is saying. At the end of the day, the legislation is quite specific. The health and safety of the contestant is the number one thing that the referee has to take into consideration. There are penalties for him if he does not do that. I have great confidence that the referees would have the expertise to do that. If the referee made the decision and kept the bout going longer because he thought that would dissipate some of the problems in the crowd, it is up to the authorities to judge him on that. If a decision is made, he has a right of appeal and I guess that would play out. I guess that happens now in boxing. If a referee stops a big title fight in the first round, there is quite often a lot of argument about whether he should have let that fight go. It already happens. I understand what the member is saying. I understand that the referee would feel that pressure, as I think referees feel pressure from the crowd in most sports. The main concern of the referee, as is strongly put in this legislation, is the health and safety of those contestants, and I think that has to be his first consideration.

Amendment put and passed.

Clause, as amended, put and passed.

Debate interrupted, pursuant to standing orders.

[Continued on page 6507.]