

No. 24 of 1991.

Professional Boxing Control Board Act 1991.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. 24 of 1991.

Professional Boxing Control Board Act 1991.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Professional Boxing Control Board Act 1991,

Being an Act to—

- (a) establish a professional Boxing Control Board; and
- (b) control professional boxing to reduce the risk of malpractice; and
- (c) promote safety in the boxing industry; and
- (d) make provisions for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice published in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act—

“**accredited medical officer**” means a registered medical practitioner appointed as an accredited medical officer under Section 10;

“**adult person**” means a person of or over the age of 18 years;

“**Board**” means the Papua New Guinea Professional Boxing Control Board established under Section 2;

“**agent**” means a person who secures engagements for boxers in professional boxing contests;

“**building**” includes any booth, tent or temporary structure;

“**boxing**” means fist-fighting;

“**Commonwealth**” means the Commonwealth of Nations of which Papua New Guinea is a member;

- “gymnasium”** means any premises where professional boxers train or receive instruction in professional boxing;
- “judge”** means a person who determines the points scored by each boxer during a professional boxing contest;
- “manager”** means a person who contracts with a professional boxer in relation to any business concerned with professional boxing;
- “match-maker”** means a person who acts on behalf of a promoter to arrange professional boxing contests between particular professional boxers;
- “place”** includes a public place and a building;
- “prescribed”** means prescribed in the Regulations;
- “professional boxer”** means a boxer who boxes in any professional boxing contest or acts as a sparring partner assisting a professional boxer;
- “professional boxing”** means boxing which takes place in the course of a professional boxing contest;
- “professional boxing contest”** means any contest or display of boxing or exhibition of sparring which is conducted for private profit or for a monetary prize or reward but does not include a contest, display or exhibition which is organized by or conducted under the control of the Papua New Guinea Amateur Boxing Association or the Amateur Boxing Union in Papua New Guinea;
- “promoter”** means any person who promotes a professional boxing contest;
- “promotion”** means an event consisting of one or more contests, displays or exhibitions of boxing where any one of those contests, displays or exhibitions is a professional boxing contest and includes any preliminary arrangements in connection with an event but does not include any preliminary arrangements which are made subject to the grant of a permit for a promotion;
- “referee”** means a person who controls the conduct of boxers during a professional boxing contest;
- “ring announcer”** means a person who introduces boxers and makes other public announcements during a professional boxing contest;
- “second”** means a person who assists a trainer in a contestant’s corner of a boxing ring during a professional boxing contest;
- “time-keeper”** means a person who regulates the number and length of rounds and the interval between rounds of a professional boxing contest;
- “trainer”** means a person who supervises the training of a professional boxer or accompanies a professional boxer into the boxing ring to give assistance or advice during a professional boxing contest.

PART II. – PROFESSIONAL BOXING CONTROL BOARD.

2. PROFESSIONAL BOXING CONTROL BOARD.

(1) There is hereby established a Papua New Guinea Professional Boxing Control Board.

(2) The Board shall consist of–

- (a) a Chairman; and
- (b) nine other members,

appointed by the Minister.

(3) The Minister shall, before making an appointment under Subsection (2), satisfy himself that the person to be appointed has sufficient knowledge of professional boxing.

(4) An appointment under Subsection (2) is for a term of three years, and the appointee is eligible for reappointment, but if–

- (a) he is declared bankrupt or insolvent by a court of Law; or
- (b) a qualified medical practitioner issues a certificate stating that the person is mentally unfit; or
- (c) he is convicted of an offence under an Act; or
- (d) for any other cause, he is incapable of performing his duties; or
- (e) he is absent from three consecutive meetings of the Board; or
- (f) he ceases to be a member of the Board; or
- (g) he gives a month's notice in writing to the Chairman of the Board or, in the case of the Chairman, to the Minister of his intention to resign and his resignation is duly accepted by the Board or the Minister as the case may be; or
- (h) at a general meeting of the Board, the Board resolves that he be removed from office,

the Minister may terminate his appointment.

3. FUNCTIONS OF THE BOARD.

(1) The functions of the Board are–

- (a) to advise the Minister on all matters relating to professional boxing; and
- (b) to exercise the powers and perform the duties and functions conferred on it by or under this Act or, pursuant to this Act, the powers and functions of the Minister, delegated to it by the Minister; and
- (c) to administer this Act and, at its discretion, remove or suspend or otherwise take other disciplinary action on an officer of the Board.

(2) The Board may, from time to time, engage persons with special experience to enable the Board to carry out its functions.

4. MEETINGS OF THE BOARD.

The Board shall meet at the times and places fixed by the Chairman and—

- (a) at a meeting of the Board five is a quorum; and
- (b) the Board shall determine its own procedures.

PART III. – PROFESSIONAL BOXING CONTESTS.

Division 1.

Licences and Permits.

5. THE BOARD MAY LICENSE PERSONS INVOLVED IN PROFESSIONAL BOXING CONTESTS.

(1) A person, being an adult, who intends to act as a promoter, manager, trainer, match-maker, referee, agent, ring announcer, second, time-keeper or judge for the purposes of this Act may apply to the Board for a licence or a renewal of a licence in accordance with this Act.

(2) An application for a licence under Subsection (1) shall be in the relevant prescribed form accompanied by the prescribed fee and it shall set out–

- (a) the nature and extent of the applicant's experience; and
- (b) any other information prescribed in the regulations or required by the Board.

(3) The Board may issue or renew a licence to act as a manager, promoter, trainer, match-maker, referee, agent, ring announcer, second, time-keeper or judge if it is satisfied that the applicant is, by reason of his experience, knowledge, training and character, a fit and proper person to hold the licence for which he applied.

(4) A person shall not hold more than one type of licence without approval of the Board.

6. PERMIT TO CONDUCT A PARTICULAR PROMOTION.

(1) A licensed promoter may apply to the Board in the prescribed form for a permit to conduct a particular promotion.

(2) The Board may, if it is satisfied that the prescribed pre-requisites have been satisfied for the issue of the permit applied for, issue a permit on the payment of the prescribed fee.

7. UNLICENSED PERSONS, ETC.

(1) A person who acts as a promoter, manager, trainer, match-maker, referee, agent, ring announcer, second, time-keeper or a judge without a licence or permit is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(2) Unless the Board otherwise determines in a particular case–

- (a) a person resident outside the Commonwealth who intends to act as a referee or judge for a professional boxing contest in Papua New Guinea is not required to obtain a licence; and

- (b) a manager, promoter, trainer, agent or second who accompanies a professional boxer who is resident outside the Commonwealth but registered under this Act and is in Papua New Guinea to box in a professional boxing contest is not required to obtain a licence;
- (c) a person who is licensed or registered as a manager, promoter, trainer, match-maker, referee, agent, ring announcer, second, time-keeper or judge in respect of professional boxing contests in any other country is required to obtain a licence under this Act.

8. LICENCES AND PERMITS.

(1) A licence remains in force for 12 months and it may be renewed.

(2) A licence or permit may be subject to conditions as the Board determines and the Board may, at any time, vary or revoke the conditions.

(3) If a person who holds a licence or permit is convicted of an offence against this Act or contravenes the regulations, the Board may—

- (a) vary the conditions on which the licence or permit was issued; or
- (b) suspend the licence or permit for any period as the Board determines; or
- (c) cancel the licence or permit and disqualify the person from obtaining a further licence or permit for such period as the Board determines.

(4) If a person who holds licence or permit issued under this Act—

- (a) contravenes any provision of a law of another country which corresponds with a provision of this Act or the regulations made under this Act; or
- (b) does or omits to do an act in another country which, if done in Papua New Guinea, would contravene a provision of this Act or the regulations made under this Act,

the Board may take action under Subsection (4) as if it were a contravention of this Act.

(5) A person who is aggrieved by a decision of the Board under Subsection (3) or (4) may appeal to the Minister whose decision is final.

9. APPLICATION FOR REGISTRATION AS PROFESSIONAL BOXER.

(1) A person, being an adult person, who intends to engage in professional boxing may apply to the Board to be registered or to have a registration renewed, as the case may be, as a professional boxer.

(2) An application for a registration under Subsection (1) shall—

- (a) be in the prescribed form; and

(b) be lodged with the prescribed fee and a certificate of fitness for boxing issued, not more than 14 days before the application for registration is lodged, by an accredited medical officer.

(3) The Board may, if it is satisfied that the applicant is a fit and proper person to be registered, register the person or renew the registration, as the case may be.

(4) A registration remains in force for 12 months and it may be renewed.

(5) Where it appears to the Board from the certificate of an accredited medical officer that a registered professional boxer is not fit to engage in professional boxing contests, the Board shall suspend that boxer's registration for such period as the Board thinks fit or cancel that boxer's registration.

(6) Where a registered professional boxer contravenes any provision of this Act or the regulations, the Board may suspend the boxer's registration for such period as the Board thinks fit or cancel that boxer's registration.

(7) Where a professional boxer's registration has been suspended or cancelled under Subsection (5), the boxer may be re-registered upon production to the Board of certificates from two accredited medical officers issued within the previous seven days that the boxer is again fit to engage in professional boxing contests, and upon the payment, if any, of the prescribed fees.

(8) For the purposes of deciding whether a boxer may be re-registered under Subsection (7), the Board may order that the boxer undergo any additional medical examinations as the Board thinks fit.

(9) Where a registered boxer—

(a) contravenes any provision of a law of another country which corresponds with a provision of this Act or the regulations made under this Act; or

(b) does or omits to do an act in another country which, if done in Papua New Guinea, would contravene a provision of this Act or the regulations made under this Act,

the Board may cancel or suspend that boxer's registration.

(10) Any person, who is aggrieved by a decision of the Board under Subsection (5), (6) or (9) may appeal to the Minister whose decision is final.

Division 2.

Medical Examinations before Contests.

10. APPOINTMENT OF ACCREDITED MEDICAL OFFICERS.

(1) After consultation with the Board or the Department responsible for health matters, the Board may, in writing, appoint registered medical practitioners to be accredited medical officers for the examination of professional boxers.

(2) An accredited medical officer shall be paid by the promoter concerned such fees and travelling or other expenses and allowances as are prescribed.

(3) A medical practitioner acting for the purposes of this Act shall not be subject to the *Public Services (Management) Act 1995* merely because of his appointment as an accredited medical officer.

11. BOXERS TO SUBMIT TO MEDICAL EXAMINATION.

(1) A registered professional boxer shall submit himself to an examination by an accredited medical officer within 24 hours before and 24 hours after a professional boxing contest, or at any other time before a contest as the Board may direct in a particular case.

(2) An accredited medical officer shall conduct a full and proper medical examination as required under this Act and record the results as are prescribed, and issue a certificate to that effect.

(3) If an accredited medical officer finds a registered professional boxer to be unfit to engage in any proposed boxing contest, the medical officer shall—

- (a) declare the boxer unfit for the purpose; and
- (b) as soon as is practicable, notify the boxer, the promoter of that contest and the Board, or some person nominated by the Board for the purpose, of the results of the examination; and
- (c) complete and forward to the Board a report in writing of the examination.

(4) If an accredited medical officer declares a boxer to be unfit in relation to a particular boxing contest and the boxer engages in that contest, the Board may suspend that boxer's registration for such period as the Board thinks fit or cancel his registration.

(5) If a boxer is aggrieved by the decision of the Board under Subsection (4), he may appeal to the Minister whose decision is final.

Division 3.

Duties of Promoters.

12. DUTIES OF PROMOTER.

(1) A promoter shall, in respect of every professional boxing contest which he promotes, ensure that—

- (a) the professional boxers participating are registered professional boxers and have been found under Section 11 to be medically fit for engaging in that contest; and
- (b) all persons, not being persons referred to in Section 7(2), who are associated with the promotion or contest in a capacity for which a licence may be issued, hold such a licence; and
- (c) the provisions of the regulations with respect to promoters, contracts, buildings, furnishings, fittings and equipment are complied with; and

(d) an accredited medical officer is in attendance.

(2) A promoter who breaches any of the provisions of this section is guilty of an offence.

Penalty: A fine not exceeding K200.00.

PART IV. – POWERS OF THE MINISTER.

13. MINISTER MAY DELEGATE HIS POWERS.

(1) The Minister may, by written instrument, delegate to the Board any of the powers, duties or functions of the Minister under this Act other than this power of delegation and those powers under Section 8(2), 9(10), 11(5), 14 and 16(2).

(2) An instrument of delegation issued under section shall specify–

- (a) the time during which the delegation may be exercised; and
- (b) the conditions or limitations, if any, attached to the delegation.

(3) The Minister may, at any time by notice in writing, vary or revoke a delegation.

(4) A power, duty or function delegated by the Minister–

- (a) shall be exercised or performed in accordance with the instrument of delegation; and
- (b) may continue to be exercised or performed by the Minister.

(5) An act done within the scope of a delegation–

- (a) has the same force and effect as if it had been done by the Minister; and
- (b) shall not be invalidated by reason of a revocation or variation of the delegation.

(6) A power, duty or function of the Minister which is purported to be exercised or performed by a delegate without complying with the instrument of delegation shall not be subsequently ratified or validated by the Minister.

14. APPEALS.

(1) An appeal against a decision of the Board–

- (a) refusing to issue or renew a promoter's licence; or
- (b) suspending or cancelling a promoter's licence; or
- (c) refusing to issue a permit for a promotion; or
- (d) cancelling a permit for a promotion; or
- (e) determining, varying or revoking a condition of a promoter's licence or permit for a promotion; or
- (f) disqualifying a person from obtaining a further promoter's licence or permit for a promotion,

may be lodged with the Minister.

(2) The Minister may vary or reverse a decision of the Board but his decision is final.

PART V. – OFFENCES, ETC.

15. OFFENCES.

(1) A person who contravenes any provision of this Act is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) A person who aids, abets, counsels or procures the commission of an offence against this Act is guilty of an offence.

Penalty: A fine not exceeding K200.00.

16. PROCEEDINGS FOR OFFENCE.

(1) The Board may, subject to Subsection (2), upon receiving a report that an offence has been committed under this Act, institute proceedings in a District Court.

(2) A proceeding for an offence against this Act shall not be instituted without the written approval of the Minister.

17. CERTIFICATES OF BOARD AND DOCUMENTS, ETC., AS EVIDENCE.

(1) In any proceeding for an offence against this Act, a certificate signed by the Board or the Board authorized in writing by the Minister is evidence and, in the absence of evidence to the contrary, proof of the facts stated in it.

(2) The production of a document which purports to be a copy of any document under this Act is evidence and, in the absence of evidence to contrary, proof of the existence of the document and of any fact contained in it.

PART VI. – REGULATIONS.**18. REGULATIONS.**

(1) The Head of State, acting on advice, may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular with respect to—

- (a) the forms of applications, notices, reports, licences, permits, certificates and other forms which may be necessary for the purposes of this Act; and
- (b) the accreditation under this Act of legally qualified medical practitioners; and
- (c) the fees, expenses and allowances which an accredited medical officer may be entitled to be paid under Section 10(2); and
- (d) the conduct and recording of medical examinations and the transmission of medical certificates and information relating to such certificates; and
- (e) rules for the conduct, inspection and supervision of professional boxing contests; and
- (f) the duties, powers and functions of persons involved in professional boxing contests; and
- (g) the safety of boxing rings, furnishings, fittings or equipment; and
- (h) venues for the holding of professional boxing contests; and
- (i) regulating the use, standards, facilities and inspection of gymnasiums; and
- (j) regulating the contractual relationships between trainers, managers, agents, promoters and boxers; and
- (k) the reporting of the fitness or otherwise of registered professional boxers; and
- (l) fees for licences, permits and registrations; and
- (m) information to be included in applications for licences and permits; and
- (n) the pre-requisites for permits and licences; and
- (o) fees, expenses and allowances (if any) of members of the Board; and
- (p) the manner and form of appeals to the Minister under Section 14.

(2) A regulation made under Subsection (1) may be general or restricted in operation as to time, place, persons or circumstances.

(3) Regulations made under this Act may impose a penalty not exceeding K200.00 for a contravention of any provision of the Regulations.

PART VII. – REPEALS, ETC.

19. PROVISIONS OF BOXING AND WRESTLING CONTROL ACT REPEALED.

(1) Sections 4 and 5 of the *Boxing and Wrestling Control Act* (Chapter 300) are to the necessary extent repealed.

(2) A permit granted under the provisions of the *Boxing and Wrestling Control Act* (Chapter 300) repealed under Subsection (1) is deemed to have been granted under this Act and anything done or action taken under those provisions in relation to that permit is deemed to have been done or taken and continued to be done or taken as if it was done or taken under this Act.

(3) Except as is provided in Subsection (1) and (2), the provisions of this Act are to be read in conjunction with the provisions of the *Boxing and Wrestling Control Act* (Chapter 300) and, in a case and to the extent where the provisions of this Act and the *Boxing and Wrestling Control Act* conflict, the provisions of this Act apply.

Office of Legislative Counsel, PNG