

Mr Roger Cook; Mr John Hyde; Mr John McGrath; Mr John Bowler; Mr John Kobelke; Dr Janet Woollard; Mr
Chris Tallentire; Mr Peter Watson; Mr Martin Whitely; Mr Terry Waldron

PROFESSIONAL COMBAT SPORTS AMENDMENT BILL 2009

Second Reading

Resumed from 18 May.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [10.09 am]: Before I was so rudely interrupted by two other pieces of business of the Parliament, I was discussing a range of issues in relation to this bill. In particular, as I was saying, Labor is concerned to make sure that some of the episodes that took place around the Danny Green–Paul Briggs fight are not repeated and that we do not see a repeat of history in relation to that. Two elements are of particular concern. One is the process by which the Professional Combat Sports Commission—soon to become the Combat Sports Commission—made its decision to provide a permit for that fight to take place; and whether that process was even within the scope of this legislation. The commission made that decision to assign the permit inside 21 days without holding a meeting. They made that decision by circular resolution, which is another way of saying the decision was made by a series of emails. The other concern, which is an unfortunate aspect of that decision-making process, was that it did not involve the participation in any way, shape or form of the member of the commission who was appointed by the minister as the nominee of the Australian Medical Association—that is, the doctor who sits on the commission. Under this bill, that will not necessarily be someone who is nominated by the AMA but can be a doctor with some experience in this area. The AMA-nominated commissioner, a medical physician, was not involved in the decision on the Green–Briggs bout. While it is easy for us to be wise in hindsight about that bout, we can see that the commission made the decision to sign this permit in great haste and under dubious governance arrangements and that it came out with a decision that looked particularly suspect. We want to hear how the minister believes this amendment bill will improve the decision-making process in the commission. I know that the minister and his team have put some thought into this and we look forward to that explanation.

The opposition is concerned about the governance arrangements. Indeed, the whole area of the oversight of combat sports becomes murkier when we see the interplay of promoters of significant influence inside this state and we see the prospect of, essentially, punch-drunk retirees coming out of retirement and being allowed to participate in a very high standard bout. As a result of that, we are concerned about the way the commission made its decision and we want to know that that situation will never occur again. The new Combat Sports Commission is about to receive a significantly increased range and scope of responsibilities, so we have to have absolute confidence in that process.

One of the responsibilities that the Combat Sports Commission will receive is the oversight of all combat sports in this state. Members of Parliament need to be aware that this will include any form of combat sport, including mixed martial arts, which is a new challenge for combat sports anywhere. Mixed martial arts is a very extreme element of martial arts, involving a range of disciplines, and people in the community have a right to be particularly concerned about mixed martial arts and how we will control its proliferation. I am not pretending in some sort of holier than thou way that we should stop it. There is no doubting the success and the popularity of this sport. But, at some point, the regulators of combat sports have to draw a line. Ultimately, if we extrapolate the development of mixed martial arts, we could say it is heading towards the return of gladiatorial battles in which people will be looking for more and more extreme elements of violence with more and more acute levels of injury.

I was drawn to an article in the *Newcastle Herald* that profiled cage fighting. The journalist draws a particularly strong picture of cage fighting. In his blog on cage fighting in Newcastle, the journalist noted that the event was sold out in record time, indicating a huge level of popularity for mixed martial arts. In commenting on the article, the journalist observed —

Fighters were shown appearing to punch crouching or prone opponents, and a reading of what passes as the rules for cage fighting established that punching a crouching or prone opponent is a fine thing. Indeed, punching a head that is on the ground is a technique that has its own name, ground and pound. Using a knee to stomp the body of a prone opponent is fine too, and imagine for a moment the injury that could be caused by such a low act. Kneeing the head of a crouching opponent is good too, but only if he has more than two points, say two knees, on the ground. Stomping on the head is outlawed by the rules of the organisation ... Bending, and perhaps breaking, fingers and toes is against the rules, unless —

Of course! —

you bend or break at least three at once.

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As I said, Hon Ken Travers, a North Metropolitan Region member in the other place, gave me a very graphic description of blood pouring from the head of a combatant that he saw on the telly on the weekend, which he insists he saw only while channel surfing. However, that underscores that these are very violent forms of combat, so it is important that we make sure the Combat Sports Commission has every legislative instrument at hand so that it can regulate these things. I do not for a minute think that we are going to stop the increase in popularity or the development of cage fighting, by the way. To do so would drive the whole activity underground, and that would be even more regrettable.

This legislation is incredibly important because the popularity of that sport will take us down that path, and we have to be confident that these contests are safe. I am not sure; perhaps we could guarantee the safety of contestants in these sorts of sports, but we are entering murky waters in deciding what is not safe for participants.

There are some very complex issues surrounding this legislation. Firstly, we need to be sure that the bill takes us in the direction we want to see combat sports in this state proceed in. As I said, the Labor opposition is of the view that the bill represents a pretty good approach in broadening the scope of the commission to encapsulate all combat sports and by making sure there is a good, safe regulatory regime. However, there have been subsequent amendments to this bill to take into account the events of July last year, and we want to be convinced that those events will never occur again. The minister cannot convince this Parliament that that was not a sham contest. Indeed, as I perused *Hansard* recently on this issue, I read the comments of the minister's colleagues in the other place, and they have said that on a number of occasions. The penalties for participating in and promoting such a sham contest need to be extreme. They need to be strong and we need to make sure they are executed by a commission which operates under good principles of governance and which operates lawfully and in a manner that will deter this behaviour. That is not an easy proposition because the people promoting these events are very influential, and it is very difficult for the commission to push back some of this stuff. I can imagine that when the Professional Combat Sports Commission was approached on 7 July last year about a major fight that was going to be staged on 21 July of last year, it was under intense pressure. We need to be convinced that these subsequent amendments will ensure that those situations do not occur again. To be so convinced, we could and will consider moving a motion that this bill be referred to a committee for further investigation because it involves some very complex issues. We understand that the minister has not had the opportunity to provide us with full details of those subsequent amendments because when he gave his second reading speech some time ago, none of these events had occurred. We will wait to hear his reply and then form a view. We will have some amendments that relate to the health and safety of contestants. We want to rectify that oversight, which, disturbingly, enabled a medical practitioner not to be involved when permits were issued for the Green–Briggs fight. We want to ensure that a medical practitioner and people with appropriate qualifications and experience are involved in that decision-making process.

We look forward to discussing this bill in great detail with the minister as this legislation progresses. The minister has our assurance that we agree with the philosophical approach. It is good that the legislation is proceeding in this manner but we want the opportunity to cross-examine it and ensure that we can come to a full appreciation of the effects of the amendments that were introduced by the government subsequent to the introduction of the initial bill. We look forward to ensuring that this legislation provides safe and comprehensive oversights of combat sports in this state.

I invite the member for Balcatta to offer his comments. As I said, he is a former Minister for Sport and Recreation in this state and obviously has a very good appreciation of this topic and has done some work in this area. I acknowledge his experience and the work that he did as the former Minister for Sport and Recreation.

MR J.N. HYDE (Perth) [10.22 am]: I am a very big supporter of martial arts in Western Australia. I have had a lot of experience in the very broad range of well-run martial arts activities that occur in this state. My concern with the Professional Combat Sports Amendment Bill 2009 is that the Minister for Sport and Recreation is taking on a range of non-professional sports and is seeking to put the hand of Big Brother onto them. The minister has to justify through this legislation that he will resource his department adequately so that amateur sports get the same attention and resourcing as professional sports. My concern is that some professional sports within the combat sports area will not be given the attention that they deserve and the easy work will be done by the volunteers and organisers—those who support grassroots amateur sport in this state—rather than tackling the shonks and those who see professional sport as a way to make money, not as a sporting endeavour.

My biggest concern with this legislation is with proposed section 54B. Conservative Liberal governments have a track record when it comes to section 54B. Section 54B is the horrendous section that was inserted to amend the Police Act 1892. The amendment to that legislation was introduced by Charles Court in 1979 to stop three or more Western Australians from gathering for a chinwag. Proposed section 54B in this legislation will give police the ability to stop Western Australians meeting in a ring for healthy exercise and to play sport. I have real concerns with proposed section 54B in this —

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Mr T.K. Waldron: Could you run over that again quickly? Somebody was talking to me and I missed the first part of what you said. Sorry, member for Perth.

Mr J.N. HYDE: I have a media release on it, too, so that will make it easier. Section 54B of the Police Act prohibits more than three people gathering for a meeting. Proposed section 54B of this bill will give the Commissioner of Police incredible powers. He does not have to reveal why a group should not be authorised to undertake a sporting activity. He is able to keep that information secret. He does not have to justify his decision to the people concerned and they do not have a right of appeal.

Mr J.E. McGrath: Do you mean to run a sporting event or to run around the park?

Mr J.N. HYDE: I refer to anybody who needs licensing from the commission. My great concern is that the government is taking on all the amateur sports.

Mr T.K. Waldron: Do you support our doing that?

Mr J.N. HYDE: I support the government doing it in professional sport in an area in which money is involved in betting and everything else. My great concern is that unless the minister can justify that he will put on extra staff within the department, the very small number of people—the bureaucrats involved—will be going for the soft targets. The soft targets will be some of the amateur sports that perhaps do not have the ability to gain political support, to gain media support or to gain high-profile support.

Mr T.K. Waldron: It is actually about trying to help those sports and protect them. I am not quite sure where you are coming from.

Mr J.N. HYDE: I am talking about the legislation. I am a bit concerned that perhaps the minister has not read proposed section 54B, “Confidential police information”, which sets out the powers that are proposed to be given to the police. The Minister for Police will be able to say to the Professional Combat Sports Commission, “I’m not going to give you the information” or “If I do give you the information, it has to be kept confidential.”

Mr J.E. McGrath: What’s wrong with that? It might be a very undesirable person.

Mr J.N. HYDE: These are the very arguments that we dealt with when we discussed section 54B of the Police Act under the Charles Court government. The sports minister is asking people to trust the government, which can say that somebody should not be able to undertake a lawful activity. It will totally put the kybosh on people and not give them the right to information or the right to know why they are being banned. We have enough powers in this state that if somebody is acting in a way that is unlawful, action can be taken against them. Why do we need to use confidential information that has not even reached the threshold of a charge being laid? We could understand it if somebody had been convicted of match fixing or if they had previous issues, but why would that information need to be confidential and protected? This proposed section allows seediness and a grain of innuendo to creep back into combat sport. The minister has to be able to justify the situations in which he thinks the police commissioner will be called upon to give him confidential information to eliminate somebody from participating in a sport.

It is very, very clear that combat sports in particular are a growing activity in Western Australia.

Mr J.E. McGrath: Do you participate in combat sports?

Mr J.N. HYDE: Not in the ring. But combat sports training, as a means of keeping fit, is certainly a very healthy activity to undertake.

The minister noted that, according to the 2006 census, there were more participants in martial arts in Western Australia than in lawn bowls, fishing, dancing, weights training and even soccer. It astounds me that we always seem to raise the issue of cage fighting as an example to try to tar the entire area of combat sports. By and large, combat sports in Western Australia are healthy activities. In fact, there are other statistics to show that soccer is more dangerous than combat sports, if we are looking at —

Mr T.K. Waldron: Member, that is what this is designed to do—to give them that integrity. That is what they have asked for themselves, to give them that protection and integrity. If there are any at the bad end, this will enable us to weed them out.

Mr J.N. HYDE: That is accepted, but let us look at the real world, in which this regulation is a cost impost on the sport. If we have empirical evidence that soccer is more dangerous than Muay Thai, why are we not doing the same things to soccer? Why are we not ensuring that there is a doctor at every soccer match, if we have evidence that there are more injuries?

Mr J.E. McGrath: There are!

Mr J.N. HYDE: Every junior soccer match in the state? No. What we are doing here is —

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Mr J.J.M. Bowler: Member for Perth, will you take an interjection?

Mr J.N. HYDE: Always, from the member for Kalgoorlie!

Mr J.J.M. Bowler: Are you saying that if we had the same number of participants in Muay Thai as soccer, soccer would still be more dangerous?

Mr J.N. HYDE: The statistics show that there are more injuries in soccer.

Mr J.J.M. Bowler: Well, you know what they say about statistics, don't you? Lies, damned lies and statistics.

Mr J.N. HYDE: No, not at all, because soft tissue tears and other injuries are included in combat sports statistics to try to show that it is more dangerous, but they are not included in soccer statistics. This is the prejudice that combat sports suffer from in Western Australia, so I applaud —

Mr T.K. Waldron: They're asking for this so that we can give them integrity and give them support.

Mr J.N. HYDE: Correct, but they are also asking for funding so that the minister will support them and they will not have to pay for it. We all know—even before the doctors pulled their support—how difficult it was to get doctors to attend professional combat sports such as boxing events in Western Australia. By extending this into all the amateur sports, we will be applying added pressure. The proposal by the shadow Minister for Sport and Recreation to send this bill to a committee is very, very well intentioned. It is certainly a committee that I would like to be involved with, if it is not a standing committee.

The minister keeps saying that the industry wants recognition, and I accept that; many people in the industry do, but the combat sports community is a very diverse community. It is one of the most multicultural sporting areas in Western Australia, and for many of the sports there is no one single voice speaking for the entire sport. The minister acknowledged in his speech that there are more participants in combat sports in Western Australia than there are in lawn bowls, fishing, dancing and even soccer, so it is fair to ask why Lotterywest and Healthway are not funding the various combat sports to the same degree that they fund other, less popular sports. Again, it goes back to who has the political clout in this state, who knows how to work the system, and who has the media and other sectors on side. I think there is potential for the minister to direct Lotterywest to treat martial arts equally with lawn bowls clubs, for example, and other activities that are less popular than combat sports. That may be a way for the minister to achieve the oversight he seeks, with proper funding.

The minister also acknowledged that this bill will increase the number of events that are overseen by the Professional Combat Sports Commission. Perhaps it will emerge in the budget later today that there will be an \$80 million boost to the Combat Sports Commission, to enable the minister to ensure that the increased number of events are properly overseen! The point is that if we bring in legislation that makes it difficult for organisations to get licences, while making it easier for the police commissioner and others to put the kybosh on them, we will be driving things underground. That will be a real risk if we do not provide the financial and staffing support to back the important health considerations and other proposals included in this legislation.

The minister said that, under the amended legislation, each combat sport would have to submit a set of rules to be approved by the minister. As I said while the minister was speaking to his advisers, combat sports are among the most multicultural sports in the Western Australian community. By their very nature as emerging sports, there is rarely just one representative voice for each sport, so we need to exercise a great degree of sensitivity in attempting to achieve this with each combat sport. Many of the combat sports have subtle differences. There are variations in the rules of the combat sports that are approved for the Southeast Asian Games, the Asian Games and the Olympic Games, and in the various peak bodies that are approved in those different venues. The Australian Olympic Committee in Sydney has a very bad track record in combat sports; it is very much involved in the politicking involved in getting a vote at the AOC level, and it often means that it is currying favour with particular parts of the martial arts sector while ignoring others. I encourage the minister to not bother with Sydney and to make sure that he is talking to local people who are involved in combat sports in Western Australia, so he is not distracted by the agendas of people involved in the AOC in Sydney and elsewhere. We need to make sure this is Western Australian legislation and that we are, by and large, serving the needs of the Western Australian non-professional sporting community.

In his own notes, the minister used the term “police intelligence provision”. He said that this will increase the integrity of the sport. I caution the minister about giving very nebulous powers to the police, and the way this is written is very nebulous and involves the police commissioner, at his own discretion, deeming something to be confidential. Speaking as someone who has followed very closely the development of anticorruption legislation in this state and the various interactions of police services and other bodies with anticorruption bodies, I can say that when a police service has a high suspicion but is unable to prove a particular activity, it is often easier to use some of these powers to indicate that somebody is not a fit and proper person. In 99 per cent of cases, that may be correct; the police may have great suspicions about somebody's activities as a result of wiretapping and other

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inadmissible evidence, but the Minister for Sport and Recreation should be very, very careful to ensure that he is looking after sport and not running the agendas of other agencies.

Mr T.K. Waldron: That is what it is there for; I take your point.

Mr J.N. HYDE: The minister acknowledges in his second reading speech that this will represent a significant change to the way the groups operate in Western Australia. They need financial support and they need encouragement.

Proposed section 54 contains a proviso that the commission give the person a reasonable opportunity to be heard on the matter. I am very interested in the minister's comments on what is "a reasonable opportunity" for a person to be heard on the matter. It is better that we deal with these issues up-front rather than suddenly get a migrant participant from Kazakhstan whose name was perhaps misspelt and suddenly, under confidentiality provisions, is stopped from participating in a sport and we find out after going through the Supreme Court or elsewhere that it was due to a mere misspelling of his name and the wrong person was doxed in. When these provisions are in legislation—we have seen them often before—it is better to get things right from the very beginning.

I think there is some irony in one of the other parts of proposed section 54B where the police commissioner can confidentially rule out someone because he believes an activity may endanger a person's life or physical safety. On those grounds the police commissioner could close down perhaps most of the sporting activity in Perth. I believe it is very loosely worded and we need information from the minister on what he believes are circumstances that would "endanger a person's life or physical safety" under proposed section 54B(1)(c).

I think the intent of the bill is important and should be supported. But, again, I think the details are so nebulous and the issue of funding is so important that it needs to be sent to a committee for further work.

MR J.E. McGRATH (South Perth) [10.42 am]: I am sorry; I did not realise the member for Kalgoorlie was going to rise.

I rise to support the bill. As members of the chamber will know, I have had some experience covering sport as a journalist. I must admit I have never been involved in combat sports as a participant. However, I have covered boxing at Olympic and Commonwealth Games. I have always been a great supporter of boxing, despite the medical association wanting it banned. I think boxing, especially in amateur ranks, is a very well-controlled sport. I remember as a young reporter at *The West Australian* that I had to cover the amateur fights at the Perth Town Hall. People would throw coins into the ring if it was a good bout. They used to get good crowds. The kids fighting were young kids who were sometimes coached by their fathers or relatives, or they came from local Police Boys Clubs. It was a good way for them to learn discipline and how to take a bit of punishment. It was a tough sport and they had to be very fit. I think a lot of young people grew into quite responsible citizens as a result of that.

Later on I covered some professional boxing in Perth. I remember sitting alongside Laurie Flanders when I was sports editor of *The West Australian*, and I was invited to sit ringside. It was real ringside seating, right on the apron of the ring. Two boxers were going for it and blood was going everywhere. I was hoping one of the boxers did not have HIV! We were all getting a bit showered. Laurie Flanders made the point to me when he said, "If these two guys were not doing this sport, they would probably be in jail." It gave young men whose lives had gone down the wrong path an opportunity to get out and do under proper rules and with proper refereeing what they would probably be doing outside a pub anyway. Despite some of the things said about the fight game, it is something that, properly controlled, can offer something to young people in the community.

Some of those fighters have become state champions, Australian champions or world champions. Even in Western Australia we have produced fighters such as Danny Green. Lionel Rose passed away recently. What a great Australian story his was about a young Indigenous person who ended up fighting Harada in Tokyo for the world title. I think, unfortunately, Lionel died broke, as do a lot of great world champion boxers. But that is the nature of the sport. I think it is a sport that is still recognised as an Olympic sport and I think it will be around for a long time. One thing I would not like to see is the fight game or combat sport go underground, as the member for Perth mentioned. I agree with a lot of the things he said.

I have discussed this issue with the minister. I think the minister is genuinely trying to move forward with a change to the format of what was once known as the Professional Combat Sports Commission by establishing the Combat Sports Commission. I think the minister understands the growth in combat sports and is trying to put together a better framework. The drafting of this bill might have been in progress by the Department of Sport and Recreation when the Danny Green–Paul Briggs fight was held. We all know that was a disappointing night for boxing. If it was not a sham, it was a fix. I suspect that irrespective of how fit Paul Briggs was on the night, he was always going to go down in the first round. The problem was there was a big betting plunge on that fight for it to end in the first round. Another problem was that a bikie gang had been involved in betting on the fight.

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The member for Perth referred to proposed section 54B, which is one area about which we need to be fairly vigilant. Boxing is a bit like horseracing; it attracts that element of society. When we go to the races at Ascot or Belmont, we probably see a lot of fairly nefarious characters. It would be the same at the fights if we looked around to see who was there. A lot of movers and shakers from the Perth underworld are probably big supporters of the fight game. We have to be careful —

Mr R.H. Cook: Does that suggest, therefore, that perhaps the Professional Combat Sports Commission is not the best body to oversee other forms of combat such as martial arts and so forth because their experience is placed in the realm of boxing? You are right; it has its own particular culture and personalities.

Mr J.E. McGRATH: I too will be interested to hear what the minister says when he gives his response. I think he said those amateur bodies will be able to continue to run under their own associations. I think that is the way it should be because they are run by people who have a genuine interest in combat sports, whether it be taekwondo, wrestling or whatever. I hear about the number of participants, but I am not sure there are as many as we are told. I know for a fact that there are 20 000 lawn bowlers in Western Australia, but I am not sure there are 20 000 people involved in these combat sports. I am interested to know that. I heard what the shadow Minister for Sport said about some sort of parliamentary inquiry looking into it. I am not totally against that because it is an important area. It is all right for people to come into this place and throw statistics around, but we all know about statistics. The Hawthorn Football Club had 30 000 members, but it found out that some of the families were registering their dogs and cats and things like that. Therefore, statistics can be very misleading.

The minister is saying that we need to have strong controls, especially as a result of that last fight, which was a blight on sport and boxing and even on the reputation of Danny Green, maybe through no fault of his own. I am interested to hear what the minister says about the suggestion to have a parliamentary committee set up to look at the matter. I will be open to the minister's advice. I used to discuss this a bit when the Liberal Party was in opposition and the late Trevor Sprigg was the shadow Minister for Sport and Recreation. The issue of cage fighting came up and I was contacted by a couple of people who I know who have been in the boxing game for a long time, and they were totally against cage fighting. I am also against it. I know the sport is very popular in the United States and on television, but it goes against the type of fight that we who like boxing want to see.

I have discussed cage fighting with the minister and there is a view that cage fighting is really just boxing in a cage, but I do not think that is the case. I think it is a bit more than that. People are hit when they are on the ground and stamped on and things like that. We can accept that sort of behaviour in wrestling because we know a lot of it is staged, but we do not need this sort of violence when we already have problems in our society to put up with, such as those in Northbridge. What sort of chance are we giving our generation of tomorrow if young kids are influenced by this sort of violent behaviour? I personally would like to see a ban on cage fighting. I have discussed cage fighting with the minister and he will talk about it later when he gives his speech. I believe there is something in the regulations or the act—I will ask the minister to explain it—that says that if someone wants to bring a cage fight to Perth, the minister can decide whether to accept it.

Mr T.K. Waldron: Not at the moment, but I will explain what this new legislation does.

Mr J.E. McGRATH: I would like the minister to explain it, because I think he will find concern out there among people about it. That is one aspect of the issue. People are prepared to accept that boxing will be here for a long time. The sport is fairly well controlled; participants in amateur boxing now wear helmets, which they never used to wear, and there are a lot of medical checks. Questions were raised about the medical checks on Paul Briggs, but I am told that he did pass medical checks. In New South Wales the issue was that he had not had a fight leading up to the contest that he wanted to participate in over there. Sometimes boxers come back from very long layoffs and they do the hard work on the road and in the gym and they can prepare for a fight. That was hopefully a one-off situation and we certainly would not want to see that happen in Western Australia. As long as we have those sorts of checks and balances and the proper medical checks, it should not happen here.

It is disappointing that the Australian Medical Association of WA will not put anyone on the commission. I think it should do that. The AMA should not be pig-headed about the matter and it should realise that boxing is an Olympic sport. Boxing is accepted as a sport at the Olympic Games and at the Commonwealth Games. It is a sport that a certain percentage of young people are very happy to be involved in. They do not have to become boxers; most young kids do not, but some kids do. I remember when Michael Regan played for East Fremantle Football Club. The member for Rockingham is probably far too young to remember him.

Mr T.K. Waldron: I remember him. He used to box on the field!

Mr J.E. McGRATH: He fought on and off the field. The East Fremantle Football Club decided to take a bit of the sting out of him and sent him down to the then Fremantle Police Boys Club to do a bit of boxing. The Fremantle Police Boys Club contacted the football club and said, "We want to make him a boxer. This guy has a

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great career.” Michael was a premiership player at East Fremantle, but he got into a lot of trouble with the tribunal because he used to like a bit of biff on and off the field. That was the way Michael was. Many young kids who are that way inclined will end up in the ring. Some of them get sat on their backside and it is a good lesson for them. Maybe the sport has helped some young people.

Mr M. McGowan: Were you ever a boxer?

Mr J.E. McGRATH: I was never a boxer. I was a lover, not a fighter.

Mr M. McGowan: You look like a boxer.

Mr J.E. McGRATH: I hope that I do not look younger than the Leader of the Opposition did in *The West Australian* today; I thought that was a very flattering photo. He is the only man I know who 10 years later looks younger than he looked in 2002.

Mr M. McGowan: Grow a moustache! The secret is in growing a moustache.

Mr J.E. McGRATH: I have never grown a moustache.

I support the Professional Combat Sports Amendment Bill 2009. Some members of the opposition have made some good points and with the right intent, but I also know that the minister understands sport very well. The minister understands the sport of boxing and he is trying to do something here that will be of benefit to all these combat sports, both professional and amateur. I support the bill.

MR J.J.M. BOWLER (Kalgoorlie) [10.56 am]: I rise to support this legislation, but I also raise some concerns. I would like to see the bill go further and totally ban outright mixed martial arts and cage fighting right from the start. I do not believe that any of that has a place in a civilised society. The member for South Perth alluded to the days of Laurie Flanders, when boxing was held in Western Australia. Who would have thought that by now, 2011, we would even have trouble with legalised boxing; that there would be a push on through the Australian Medical Association and others to ban boxing because it did not believe that boxing, even with covered gloves and the Marquess of Queensberry rules, should exist in a civilised society?

I support boxing; my wife does not and she cannot understand why I like the sweet science. I believe that while that has a place, certainly mixed martial arts and cage boxing should be totally and categorically named in this legislation to be banned. The minister assures me that, in a way, the legislation will give him that authority. I do not believe that programs such as *The Ultimate Fighter* should even be on our television sets. It is legalised brutality. Young guys watch *The Ultimate Fighter*; my sons watch it and when I go to the gym I see all the young guys and even some of the women watching it. I believe that is one of the reasons why the assaults in our society these days seem to be more vicious and brutal than in the past. We grew up in a society in which, when someone was knocked to the ground, that was the end of the contest. We only knew boxing and that was the rules of boxing; when someone was knocked to the ground, the contest was over. There were a lot of fights in Kalgoorlie when I was growing up there, but as soon as someone went down, if the winner then went to put the boots in or hit the person on the ground, everyone around would jump on him and he knew it. Nowadays it seems that when someone goes down that is the first phase of the fight. The next phase is to put the boots in or hit someone when they are down; that is when the real damage gets done. Why do people do that? Because that is what they see on the television sets with the cage fighting and mixed martial arts. The Australian government should ban that sort of combat sport from our television sets. That is why I support this legislation; the minister says it will give him the authority to ensure that the rules are not set for those contests so that we do not have those live contests here in Western Australia. Because of the self-defence nature of the sport, the discipline that it teaches and the fitness levels alluded to by the member for Perth, there is a place for the individual martial arts. In all those martial arts, all the teachers, coaches and mentors will always say that as soon as they see any of their students initiating combat or a fight, those students will be kicked out of the class. They will be barred from the class. They are taught a lot of discipline, and it really is all about self-defence. That is why those various eastern combat sports have a place in society. However, when we pit one against the other, the only result—and the reason the contest is held in the first place—is to see the other person maimed, knocked out or viciously hurt. That is why Senator John McCain led a campaign in the United States against the first phase of cage fighting and mixed martial arts. It led to some cleaning up—if I can call it that—of the contests in the United States. It was a small step forward but I do not think it goes anywhere far enough. The trouble is that typically in America, once someone is making a lot of money out of anything, it is very hard to stop it because there are vested interests to make sure it continues.

I implore the Minister for Sport and Recreation, while he is in control of this legislation, to never allow cage sports in Western Australia. In fact I implore him, when he has ministerial meetings in Canberra or elsewhere with other ministers, to urge the federal government to bar programs such as *The Ultimate Fighter* from our television sets. There is no doubt in my mind that such programs lead to more vicious attacks. Police statistics

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indicate fewer assaults in the state, but we all know that the assaults these days sadly result too often in death or serious injury.

I therefore support this legislation. I believe it should go even further. The minister assures me that it gives him the authority to refuse to provide rules for this contest and that if he does not provide rules, the promoters cannot hold a contest. My worry is that at some time in the future people with vested interests in these contests will get to the minister of the day and we may see these contests in Western Australia. I hope that does not happen. Until then, I commend the bill to the house.

MR J.C. KOBELKE (Balcatta) [11.01 am]: I rise to speak in support of the Professional Combat Sports Amendment Bill 2009. Most of the provisions of the bill were developed when I was Minister for Sport and Recreation under the Carpenter government. Of course, we are now in opposition. The party may take a different view but I am personally committed to the provisions contained in the bill, although the implementation has a lot of loose ends that I want to discuss. Secondly, since we lost government a range of issues have arisen in the wake of the Green–Briggs fight. Again, this bill should be an appropriate vehicle for doing something about those issues. As we are aware, there are some amendments standing in the minister’s name on the notice paper, which he placed there after his second reading speech. Like other speakers, I will wait for the minister to elaborate on his intentions with some of those amendments. Also, as foreshadowed, we believe that referring the matter to a committee would be a way of tying all these issues together.

I will start with a bit of history and go to the key issues covered by the bill, and then get down to some of the detail. The current act was formerly the Boxing Control Act 1987. However, Alan Carpenter, as sports minister back in 2003, made amendments to extend the act to cover a range of combat sports, including a change to the title to the “Professional Combat Sports Act”. As I said, when I was the sports minister my attention was drawn to some real concerns that professional fights were being advertised as amateur fights in order to get around the controls in the act. There was real concern that promoters wishing to make money were advertising a fight and attracting a considerably large crowd, but the fight was not controlled by the act because it purported to be an amateur bout. It was not an amateur bout. There were under-the-lap payments for those involved; the fight was not conducted according to the rules that were established under the Professional Combat Sports Act, and the contest was going underground. Other members have already alluded to these fights going underground. We want to make sure that we do not drive them underground. However, the concern that was expressed to me was that an underground sport was going on that was really a professional bout but was escaping the controls of the act because the promoters were purporting it to be an amateur bout. We therefore needed to take action. I was shown some videos of some of these illegal fights in which there was no control over the amount of blood spattered around. The fights went on until one contestant gave in to the other. People here in Perth were paying to watch these fights. I therefore thought it important to make sure appropriate controls were in place to prevent those fights. At that time I do not believe we were in the midst of an economic boom. However, it is a factor that Perth is acknowledged in a range of areas now as having a fair amount of disposable wealth. Of course, that does not apply to everyone, but people who are in good jobs are willing to pay big money to engage in a range of activities. One of those activities is attendance at a contest of boxing or other martial arts. Promoters, therefore, will look more and more to Perth to provide the opportunity to make money by conducting contests that go outside the rules. Cage fighting is just one example of that. Another driver to taking action was the likelihood of more professional promoters moving into the Western Australian market, given that there are enough people with disposable income to drive that market. Again, that was a reason for wanting to act.

I also put on the record a bit of the personal frustration I had. Wanting to take advice from people who understood the issues and who I thought would give me good advice on what should be done, I asked the Western Australian Professional Combat Sports Commission—then the Western Australian Boxing Commission—to give me further advice on the technical details of the sport. It was very slow in doing that, and I put that on the record as a form of criticism. As the minister, I made it clear that there were certain aspects that had to be fixed and I gave direction as to the way I thought it would best be done; but I waited for month after month after month for advice back from the commission. I formed the judgement that the commission really did not want to support the regulatory controls I wanted to put in place, which are largely reflected in this legislation brought forward by the minister. In 2008 we had the legislation in a reasonable form but, of course, we lost government. Now in 2011 the minister has brought on that legislation, which in large part was legislation developed back in 2007–08.

I turn to some of the key matters contained in the bill. The bill will extend the control from only professional contests to the control of all contests. That, again, is something we needed to do but, because of all the implications of control, the issue is how to do it. I will come back to that and talk about it in a moment.

Secondly, the bill deals with the issue of new combat sports and existing combat sports that have gone through a range of variations and have changed from the combat sports as they were accepted in the past. How do we

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handle those? As the member for South Perth said, in 2003 the issue was cage fighting when he brought in a private member's bill that we did not support. I was personally against allowing cage fighting. We wanted the bill to be part of a comprehensive package, which is what we have now in the bill before the house, rather than a bill that dealt with cage fighting only.

There is also the issue of the picture that the title "cage fighting" paints: it is about people fighting in a cage. That, of itself, for me is not the primary issue. The primary issue is the lack of rules for the damage the contestants can inflict on each other, rather than the fight taking place in a cage. Although I do not find the cage attractive, that is not the primary issue. A mechanism is needed to specify the rules by which a contest is allowed, whether it is called cage fighting or not. As I said, I do not support cage fighting in its current form. The issue of this legislation—the minister has room to move on this—is to be able to specify a set of rules that will be allowed or not allowed. Therefore, ruling out cage fighting can be done via the provisions contained in this amending bill, but if a particular combat sport wanted some sort of barrier around the ring, which might be called a cage, that in itself may not be something totally ruled out; it would depend on the full set of rules signed off via the provisions contained in this amending legislation. The third element I raise is the tightening up of how we ensure that criminal elements do not become intimately involved in the conduct of these sports, and I perhaps have a bit of a difference of opinion from my colleague the member for Perth on those issues. Those are the three key areas covered by this amending bill and I will now talk a bit about them.

The issue of amateur fights and the staging of illegal fights by calling them amateur when they are not, means that we want to cover all events and have the means of regulating them, and licensing the people engaged in them. That is done in the amending bill. But that creates a whole lot of other problems, which the minister has alluded to. We need to get more detail on how the bill will work and what its implications are, and particularly—I think the member for Perth alluded to this—whether the bill will have a negative impact on a whole range of amateur sports bodies, which will find that the cost structures involved in the level of compliance required by the regulations will make it very difficult for them to conduct their sports. I know the minister, with his very long history in amateur sports, is very much aware of the fact that when we seek to improve standards, and when we regulate sports for all the right reasons, we put a huge burden on the thousands of volunteers who run these sports. Therefore, it is always a balancing act between increasing standards and at the same time providing support for the amateurs and volunteers who ensure that these very healthy sports can run and give the opportunity for people to participate in them. We need to deal with how the bill will actually work in this instance.

Another issue that comes out of this bill is the requirement to be able to close down a bout. This would especially apply to the fights that are on the fringe of what we might or might not like to see, which may be held in a factory unit or an-out-of-the-way gymnasium and conducted by people seeking to make money from them who have sold tickets at a reasonable price, and have not fulfilled the requirements to conduct such a bout or set of contests under the regulations. The minister introduces extra penalties in his amendments and, to touch on one of those, it states —

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.

I see the value in that amendment and we want to put extra pressure on referees, as we do on judges and people in other positions, to drive them to ensure that when they know something is going on that is outside the rules, whether it is a sham contest or a major problem dealt with without proper medical advice, they close down the fight. As I said a moment ago, it may not be a good decision for public safety to close down a fight in a gymnasium or a factory unit containing several hundred people, who are perhaps fuelled by alcohol consumed before the event. There may not be a police presence; therefore things get much more complicated.

A provision I pushed as a minister was to require organisers of professional bouts to put up a bond. As I said, that is not contained in this legislation. The need to put up a bond may inhibit some professional promoters from being able to stage a contest—I see that as a possible negative. If fight organisers are responsible managers of these sorts of events and have a track record of running them, they should put up a bond; the point being that if during or after a contest it is found that they did not stick to the rules, that they did not have the proper medical supervision, that they allowed a sham contest to proceed and were aware of it, or any other thing that could go wrong because money is involved, there would be financial control over them. It would provide another option in addition to the quite correct requirement the minister has that a referee or judge close down a fight when they see something that is really wrong. However, there are management issues in dealing with a lot of people who are perhaps fuelled by alcohol, are overenthusiastic, and who may not handle the decision to close down the fight mid-way in a peaceful way. The option of a fine is good, but I certainly would have liked to have seen the ability

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for the Professional Combat Sports Commission to require a bond, and quite a substantial bond. In the case of a promoter without a track record in Western Australia or a poor one because he had broken the rules in a previous set of contests, holding a fight, it would have been possible for the commission to put quite a considerable bond as a requirement for that contest or set of contests. That was something I was pushing for in the early development of this legislation, but it is not reflected in the amending bill we have before us.

[Member's time extended.]

Mr J.C. KOBELKE: The bill will require the registration of all contestants and industry participants, and Combat Sports Commission oversight of every contest. There is also clearly provision for the commission to step back and allow self-regulation by an amateur organisation of a well-governed sport—whether it is a boxing, judo or karate organisation—with a clear set of rules for the members of that organisation and the contestants to abide by. This is a way of ensuring that we keep the costs down for the amateurs involved, particularly at the junior and lower levels of the sport. However, in major professional contests in which a lot of money is involved, the requirements can be put in place to ensure that there is proper control of those bouts.

Mr T.K. Waldron: I missed the first part of what you said.

Mr J.C. KOBELKE: The model the minister has is the one I was pushing; that is, we want to allow police and citizens youth clubs or amateur boxing gyms to manage their own affairs within the rules by being certified members of that relevant association, whether it be boxing or karate or whatever it is; we should leave them to manage their own affairs. However, in the professional area we want to ensure that we have a much higher standard of regulation and oversight because of all the things that can go wrong when money is involved. There is obviously a clear cut-off in the bill that the rules allow to be managed, because it might be found that a PCYC is charging people \$10 or \$20 to get in to watch an amateur fight, but people know that that money is being used to send the team away to the national championships, and the club is raising money. In that sense, the fight is not really professional, but the organisers are asking for money. We want to be able to give back to amateur sports organisations the opportunity to do those sorts of things, which are very different from professional fights organised by professional promoters seeking to make money.

As I said earlier, one of the drivers that led to the initiation of this legislation in 2006 was the abuse of the boundary between professional and amateur to conduct professional fights while calling them amateur. Through this legislation we are regulating the whole of the industry and its many different codes, but giving flexibility between the amateur and professional fights. The difficulty I see is that as all contestants and industry participants will now be registered, that the process will become much more bureaucratic and will throw back more responsibility on to amateur sport organisations, using volunteers, to comply with what is required. As the member for Perth said earlier, where is the money going to come from so that those sports are not in a situation in which it is plain difficult to maintain their participants because of the cost involved? We do not want an extra cost back on young boys or girls who are involved in karate, boxing, judo or whatever it is because now their sport has to meet these higher standards of registration and administration. That is a real issue—how the provisions will be implemented and what costs will be involved. The question will become: who is going to pay for it? The intention is one which I totally support, but we do not want to have a negative impact on a range of these sports by increasing the cost structures through the regulatory revisions we are putting in place.

The issue also applies to the administration of the commission, because it will now have to extend its powers much more widely. In fact, the minister's second reading speech states —

Although this bill will initially significantly increase the number of events that are overseen by the Combat Sports Commission members, it will rely on having the flexibility to ensure that it remains relevant and workable during the implementation stages.

That sentence does not touch on the fact that an increase in the number of events will be a resourcing issue for the Combat Sports Commission and its members. How will that be managed to make sure that there are people on the commission who actually have the time? Will it require extra remuneration for the people to conduct their roles and to supervise at events? I understand there are perhaps 30 events a year that could be judged professional, but that may go up with these new regulations. As I said, the way our economy is going, it becomes a marketplace, so more people move into the market. The issue then is: what is the extra resourcing of the commission? I do not know whether the minister has got his head around that. In his reply he can give some answers on whether there is actually a budget increase through the Department of Sport and Recreation to make sure the commission can perform this role, or whether it will be left to the commission to put up the fees on all the participants in the sport to cover that cost. The issue of who pays is quite critical to the implementation of these changes and the effect that they will have.

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The second key issue is how new sports or major variations to a sport will be catered for. Obviously we are putting this in legislation. Legislation does not get changed all that frequently, so in part it is through regulation, but the structure of the amending legislation actually contains how this would work. The issue is that the commission will then make recommendations to the minister, and the minister then has to sign off on the actual rules that will apply. Proposed section 62A, under “Rules for contests”, states in part —

- (1) The Minister on the advice of the Commission must, for each combat sport, approve rules to be observed in any contest in that sport.

That was the model in 2006–07. Existing sports such as boxing, karate, judo et cetera that already have a well-established set of rules should have no trouble putting those rules to the commission for the minister to agree to them. It also means that if there was a significant change to the rules of any of those sports, they would have to come back through the commission to the minister to get agreement to that change of rules. We can make sure that people are not setting up new combat sports and trying to use the title of an existing sport when they are really doing something different with a totally different set of rules. I think it is very important that the minister has that ability.

In relation to cage fighting, the people who wish to conduct those so-called events would have to put up a set of rules to the commission and through to the minister, and if the view of the minister and the government was that they did not want to allow cage fighting, clearly the minister would not approve it and the various provisions in the legislation would take effect and make it illegal, and various penalties would apply if people were to go ahead and conduct bouts that were not licensed and registered. To me, that is a very workable model. I am not sure how this would function. Proposed section 62A(4) also gives the minister the ability, on the advice of the commission—I emphasise “advice”—to approve an amendment to rules or to cancel any approved rules.

Proposed section 62A(5) contains a reference to the Interpretation Act. I do not have that act in front of me, and I am not a lawyer, but I would like the minister when he sums up to advise whether the minister can only accept or reject the advice of the commission. In both those provisions it says the “minister on the advice of the commission” may do certain things. Does that mean that if the commission proposes something that the minister wanted to make a major variation to, the minister at the time can make that variation, or is the minister limited to either accepting or rejecting the advice they have been given by the commission? My personal view is the minister should have reasonable room to move. I think the minister is responsible and the minister should have those powers, but I do not know whether the wording in this legislation gives those powers to the minister or whether the minister is bound to either accept or reject the advice provided by the commission in those various areas.

The third area concerns some provisions that I think tighten just slightly provisions relating to people who may have criminal records or be involved in organised crime. Again, I differ from the member for Perth. It might be because I have been infected by the fact that I was the police minister that I see the need for that. I also know from a colleague many years ago that organised crime has in the past used combat sports as a front for recruiting people to be involved in organised crime. We also know that many people involved in gyms and different aspects of combat sports work as crowd controllers. Crowd controllers are an issue for police, as they are very keen to keep crowd controllers away from selling drugs and other illegal activities. There is a propensity for people who are involved in illegal activity and who may have connections to organised crime to have an interest in combat sports. They may be on the periphery or they may be directly involved. Because we now require this quite extensive licensing of all industry participants, the commission will have to make a judgement about whether someone is a fit and proper person to be registered or licensed to participate in any capacity in a combat sport. The police may have evidence that a person has associations with an outlaw motorcycle gang or some other organised criminal organisation. They may not want to show their hand publicly in terms of the evidence they have on this person, but they may be willing to disclose it to the Combat Sports Commission so that it is better informed when it makes a judgement on whether to license a participant. Although I understand that we are now giving considerable power there, because it is something that is done behind closed doors, something that is kept secret, I think the potential for organised crime to get involved is such that police really need that power to provide information and for that information to be kept confidential.

One of the earlier speakers alluded to the fact that one of the groups which seemed to make a lot of money by betting on the Green–Briggs fight at the last minute and which seemed to know that the fight was likely to finish in the first round was connected to an organised crime gang. Again, it is further evidence that we need to be very guarded in this area. Those are the three key elements in the legislation that I have touched on some aspects of.

The final point I wanted to make is that the legislation was designed by the Carpenter government, and is largely here today in the same form, with a couple of little differences that I have mentioned. What has happened since then is the Green–Briggs fight, which clearly sits within the responsibility of the Professional Combat Sports

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Commission, which following these amendments will become the Combat Sports Commission. The scope of the legislation is also extended to amateurs.

I personally am not satisfied that these provisions can deal with that issue. The scenario was that Danny Green organised a fight a year or two back and he had sought to fight in Western Australia. Danny Green is not only a champion athlete, but someone who is highly regarded in the Western Australian community. He or his promoters gave the government a hard time because it would not put up money to hold the fight in Perth rather than Sydney. Therefore, when the Briggs fight was proposed, I assume there was incredible pressure on the commission—not necessarily political pressure, but from the community that is interested in boxing—to have that bout in Western Australia. From the evidence that I have before me, which is largely from the media and from the report of Hon Geoffrey Miller, QC, I do not see how the commission could have approved that bout. The commission knew that the bout had been rejected by the New South Wales Combats Sports Authority, and that evidence is set out on page 4 of Mr Miller’s report, which reads —

“Notwithstanding the medical reports supplied by you from Doctor Armin Mohamed and Doctor George Ioannou relating to Mr Paul Briggs fitness to compete in a scheduled contest with Mr Danny Green, the Authority members have declined to sanction this contest in New South Wales with concern for the health and welfare of Mr Briggs.”

Danny Green was a world title holder. Mr Briggs had retired two or three years before, and had not had a fight since then. The fact that someone could make a medical judgement that a person who had not had a fight since he had retired and who had health issues—even though he was now cleared—could step into the ring with Danny Green for a title fight shows that the Professional Combat Sports Commission was not fulfilling its responsibility.

We hope that the minister is going to be a bit more forthcoming about what is contained in his amendments to this bill that will ensure that the commission lives up to its responsibilities and that we do not have the situation, through pressure from the industry and the amount of money involved, that the commission does not do its duty. From the evidence available in the case of the Green–Briggs fight, the commission—which I had respect for in my time in government as I thought it was trying to do good—has been found very much wanting. The opposition hopes this legislation will make improvements so that we will not see a repetition of the events of the Green–Briggs fight ever again in Western Australia.

DR J.M. WOOLLARD (Alfred Cove) [11.33 am]: I am very concerned about the ramifications of this bill. The Professional Combat Sports Amendment Bill 2009 was introduced following a review of the act undertaken by the combat sports working group, members of the Professional Combat Sports Commission and members of the industry. I appreciate that in introducing this bill the minister wants to make this area safer.

Members know that we already have a lot of aggression in the community. My concern with this bill is that it will allow the involvement of more children in these combat sports, particularly boxing. When I talk about boxing, I can talk firsthand from my role as a nurse in caring for people who had boxed for many years—for some people 10 or 20 years. Sadly, in many cases I was looking after people who had had all sense knocked out of them. Unfortunately, they were like those people in the community who have Alzheimer’s disease: they could not tell me who they were or where they lived, and they needed carers. Unfortunately, this bill is going to widen support for boxing as a sport; more schools may open to support boxing as a sport at school. We know that the minister has been contacted by the Australian Medical Association, which has expressed its concerns with boxing and has stated that it does not want a medical representative to be part of that commission because of the effects of boxing. In a media release the AMA stated —

“It is time that we as a community moved on from trying to convince ourselves that two people hitting each other with extreme violence is a legitimate activity, sometimes even sponsored by the State Government,” ...

When I read this bill, I recalled the debate in the media last year over parents hitting their children, when the government said that parents should not hit their children. Yet this bill will amend the Professional Combat Sports Act to broaden the definition of combat sport to include —

any other martial art, sport or activity that involves 2 or more participants whose primary objective is to do any or any combination of the following —

- (i) grapple with, punch, kick or throw each other; or
- (ii) strike or hit each other, whether or not with a weapon,

unless it is prescribed not to be a combat sport for the purposes of this Act;

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We are seeing increasing levels of violence on our streets and that violence is often associated with alcohol abuse. My concern is that this industry will blossom for minors as a result of the introduction of this legislation. Again I go back to a debate that we had last year and what the government said about assaults on minors and that parents should not hit minors. I wondered who should look at this issue because of the serious health consequences of combat sports. Under the functions and powers of the Community Development and Justice Standing Committee of the Legislative Assembly, the committee is able to look at the adequacy of legislation and regulations within its jurisdiction. The areas of responsibility of that committee include sport and recreation and child protection. As this bill is likely to result in more minors taking up these combat sports, this Parliament, or one of its committees, needs to have a close look at this bill. Whilst I appreciate that the minister is introducing this bill to try to prevent the damage that is occurring through unsupervised combat sports, the Parliament needs to make sure that we are not opening up a can of worms and that clubs will not be opening up all over WA in which young people will become more violent. I know that a lot of the clubs currently in existence are run by the police. Members of this house know that I have nothing but admiration for the police, and I would like the police to be more involved in this area.

Whilst appreciating the minister's intent in introducing this bill, we need look very closely at what could be an unintended consequence of the bill. As I said before, schools could introduce boxing as a sport. I am pleased that my children did not do boxing as a sport at school. We could see, because an unlimited number of new clubs could open up as a consequence of this bill, a lot more young children becoming involved in combat sports. We know from research conducted last year that 70 per cent of children aged between 14 and 18 years had consumed alcohol. We know that more and more children are getting hold of alcohol nowadays. I had only one brief discussion with the minister. Again, I apologise to the minister for being unwell when we had that meeting. I hope to have enough opportunities to put the facts for the introduction of a bill to amend legislation to try to safeguard our children from purchasing alcohol and being given alcohol. These terrible fights often start when children and young people consume alcohol, particularly when young people leave clubs, pubs and hotels. I am concerned that as a result of the passing of this legislation, we might see an escalation in venues teaching our young children how to be more aggressive.

I missed the comments made by the opposition spokesperson on sport and recreation earlier today. I am aware that he will be moving a motion to refer this bill to the Community Development and Justice Standing Committee. This bill has sat on the table of the house for two years. I ask that the minister allow the bill to sit on the table a bit longer so that it can be sent to that committee for a close look, particularly those provisions that will have flow-on effects to our children and our youth.

MR C.J. TALLENTIRE (Gosnells) [11.42 am]: I rise to speak on the Professional Combat Sports Amendment Bill 2009. I begin by saying that one thing that constituents consistently raise with me is their abhorrence at the amount of violence in our society. People in our community—I am sure it is the same in many other, if not all, electorates represented by members in this chamber—abhor the level of violence in our society. Maybe that is a perceived level of violence and not necessarily a statistically accurate reflection of the level of violence. By their very nature, combat sports are violent. They may have some historical tradition. Some have organised structures and well-coded bodies of rules and regulations. Some offer support in the way that clubs provide useful things such as mentoring, coaching and the imparting of notions of self-discipline, which is commendable. But I struggle with the notion that our society, which condemns violence, wants to see sports that are violent by their very nature. People are right to be concerned about the increasing prevalence of one-punch hits, king hits, and the consequences of them. We hear and see those reports and we are aware that there is a problem.

In our society today we have a culture that could be characterised as the “quick to anger”, nasty Australian side in which we sometimes want to lash out in response to a minor bump or a minor spillage of beer in a night venue, for example. That “quick to anger” behaviour is something that we need to come down on and repudiate. I do not think that encouraging combat sports is necessarily a way of encouraging people to curb their behaviour towards a much more positive Australian response; that is, a calmer attitude and a more dignified spirit that is more understanding and reflective so that when there is a bump in the bar, the person involved says, “Are you all right, mate?” and the situation does not immediately flare up into a lashing out of fists. I have concerns about the nature of what we have been discussing in this chamber. I do not believe that there has been enough condemnation of the essence of combat sports.

We have heard some excellent speeches. The member for Balcatta outlined why we need good regulation for an activity that, unfortunately, we are not in a position to ban. We are not about to ban amateur or professional boxing in the near future. We need to recognise that it is with us; therefore, we need appropriate regulation that deals with issues such as the involvement of organised crime, the betting frenzies that go on around different events and the administration of sporting groups, boxing clubs and the like. That is essential.

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I want to look at some medical advice surrounding the whole issue of boxing. The Australian Medical Association speaks very strongly against boxing, as does the British Medical Association. The British Medical Association has worked on this issue for many years. It has joined a number of other medical associations from other countries, including Canada, Denmark, Finland, New Zealand, Ireland, Norway, Nigeria and South Africa. Many medical associations around the world have looked at the evidence before them and come to a conclusion about their position on the sport of boxing. They have been unequivocal. They are clear about it. They do not believe that boxing has a place in our suite of sporting activities. They believe that there is sufficient medical evidence that reveals the risk of an acute injury. There is also the risk of chronic brain damage, which can be sustained in a way that perhaps does not reveal itself instantly but is something that stays with someone for the rest of their years and manifests itself slowly. The British Medical Association says it may take many years before boxers and ex-boxers find out whether they are suffering from brain damage. That is a problem with this type of sport. The British Medical Association extended its call for a complete ban on amateur and professional boxing to include mixed martial arts competitions. It is something that these organisations have looked at very closely. In 2005 the World Medical Association stated —

Boxing is a dangerous sport. Unlike most other sports, its basic intent is to produce bodily harm in the opponent. Boxing can result in death and produces an alarming incidence of chronic brain injury. For this reason, the World Medical Association recommends that boxing be banned.

I have touched on the aspect of the damage being cumulative rather than as a result of any one recorded instance. The BMA stated —

In addition to causing some major acute injuries, boxing can lead to chronic damage following repeated trauma. Each time someone is hit on the head they may sustain a minor degree of brain injury. Once damaged, the brain is increasingly susceptible to further damage. Boxing also damages the eyes, ears and nose — in some cases there may be permanent sight or hearing loss.

Doctors are gravely concerned about the risk of serious impairment to those who survive a career in boxing. These are the post-traumatic brain diseases which can result in a progressive failure of brain function. In the last few years fighters have been left wheelchair bound, blind and comatose after going into the ring. All boxers are at risk of acute and chronic brain and eye injuries. Boxing, therefore, cannot be justified on health and safety grounds as an appropriate or legitimate ‘sport’.

The evidence that has led organisations such as the World Medical Association, the British Medical Association and the Australian Medical Association to reach those sorts of very clear, strong positions is compelling, and we need to be aware of that in this place. When we combine medical evidence with the sorts of events that we saw with the Paul Briggs–Danny Green fight, and the general desire in the community to see much less violence and the community’s general abhorrence of violence, there is a good case to be made against boxing. However, I accept that, for the time being, community sentiment seems to be that we should be tolerant of boxing, but that we should seek to regulate it in a way that will minimise all the unsavoury aspects of it, such as the connections with bikie gangs and organised crime. I accept the legislation before us; it needs to be sent off to a committee for examination, but that will also be a useful exercise.

I will conclude my remarks by saying that the organisers of the sport of boxing and other combat sports need to realise that they are on notice. The medical evidence is there that they are dangerous sports. They cause neurological damage and increases in dementia, Parkinson’s disease and all sorts of memory problems. Evidence of these serious medical conditions add to the body of evidence that supports the argument that these sports need to be put on notice.

MR P.B. WATSON (Albany) [11.51 am]: I was not going to comment on this bill until the member for Alfred Cove stood and blamed boxing for alcoholism and everything else bad that could happen. I am not a great supporter of boxing but if we are going to have boxing and martial arts, we have to have someone to regulate them, and I think this bill will tighten things up. It is an interesting issue; we are talking about self-defence in some cases. In Albany, a lot of our young people, especially young girls, go to self-defence classes so that they can be safer in society, not so that they can go around belting people up. The young people in Albany who attend self-defence classes are probably the ones that we do not have trouble with on the streets. According to the member for Alfred Cove, when people go to boxing or self-defence classes, it makes them aggressive. Most of the problems we have now involve cowardly attacks—people bashing people from behind in the street or hitting them with bottles. Given the culture of violence we have at the moment, there should be more self-defence training for our young people to give them some discipline and confidence in themselves so that they do not have to go around belting people over the back of the head; they can instead stand up for themselves in any situation.

I am not in favour of cage fighting. I remember going to Pinocchio’s in my younger days, which was a long time ago!

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Mr P. Papalia: I remember it!

Mr P.B. WATSON: Some people can remember it, but I was actually there!

If there was a fight outside that nightclub, as soon as someone hit the ground, that was it. You would get up, help the other guy up and go home. Nowadays when someone hits the ground, they put the boot in or pull a knife. If they had the self-discipline that would result from attending self-defence courses, a lot of these problems would disappear. Some of the guys who hang around would probably come in and say, “Cut that out,” but we do not have that anymore. When one walks the streets at night, one does not feel as confident as one used to.

I had one fight when I was boxing—it was at the Sale Agricultural Show, when I was about 12 years old! It was when they had the Jimmy Sharman boxing troupe shows. One of my mates, Kelvin Hopkins, got up there and said, “Get Watto up!” So all my mates got me up there. We got into the ring; I do not know whether any members have ever tasted boxing troupe water, but I do not think they had changed the water in 25 years! I had a swig of water and I got out there, throwing my arms around. Unluckily for Kelvin Hopkins, I hit him right on the nose and knocked him over—blood everywhere! Afterwards we got about 10 quid, as it was in those days. Everyone threw in because they reckoned it was great fight! We had a great time at the show and spent all that money! That was my one and only fight, so whenever people talk to me about boxing I can say that I have had one fight!

I was lucky enough to go to the Olympics and see some of the top boxers fight. I saw George Foreman in Mexico in 1968; I have also seen Cassius Clay and all the other really good boxers fight. Boxing is a good sport, but events like the Green–Briggs fight have made people lose a lot of confidence in boxing. It would have been terrible if that guy had died; it would have put boxing back probably 10 or 15 years.

Mr J.E. McGrath: He was going to make sure that didn’t happen!

Mr P.B. WATSON: I know, but the trouble is that the Australian Medical Association has pulled doctors out as a result. It is a double-edged sword, and I cannot understand that sort of thing. I think this is good legislation, but as the member for Gosnells said, we have to keep an eye on it. I compliment the minister on this legislation; we are trying to make boxing safer, but in doing so we should not take away the self-defence dimension for our kids; that is very important. I want to make sure that my grandchildren have those opportunities, because society is changing and one cannot go out and have a good time anymore without encountering yobbos. I think that the discipline of martial arts can help make things better, and I compliment the minister for this legislation and I fully support it.

MR M.P. WHITELEY (Bassendean) [11.56 am]: I will make a very brief contribution and pick up on some comments made earlier by the member for Kalgoorlie, and a discussion I had with Paul Murray on today’s 6PR program, which relates to this issue.

Mr P. Papalia: Were you on 6PR today?

Mr M.P. WHITELEY: I was indeed! Of course, members were all in here so they would not have listened to it!

The member for Kalgoorlie observed that there had been a cultural change in the way that street fights are conducted these days, and that people are now inclined to put the boot in or fight two on one, and all sorts of other things that would have been socially unacceptable back in the days when we were a lot younger. He outlined the situation fairly accurately, saying that fights and alcohol-fuelled fights have always been around, but that in the past there had seemed to be some rules implied in such fights. He made the point that those rules were almost entirely inherited from the sport of boxing, because it was the only combat sport with which we were familiar. I have sympathy with the argument that boxing is barbaric and should be banned, but I also confess to enjoy watching it as a sport. I acknowledge the point made by the member for Kalgoorlie that boxing used to set the standard by which street fights were conducted. Now we have mixed martial arts and kickboxing, all of which extend the boundaries of what is regarded as normal and acceptable in a fight. Cage fighting, to me, is barbaric and can cause severe danger and severe damage. It is part of the reason that we have more violent street fights, resulting in increased damage. This legislation provides the minister with the capacity to set up a regulatory regime to actually regulate and possibly prohibit sports such as cage fighting, and it is a good step. To the extent this bill will set up a systematic way that can be achieved, this legislation is to be commended. I pick up on an article headed “Speed packs a violent punch” written by Paul Murray in last Saturday’s *The West Australian* that I think relates to this issue. He was highlighting the missing part of the debate; whereas, everyone is talking about alcohol-fuelled violence being a problem in our society. I think it is; it has always been a problem in our society. As the member for Kalgoorlie pointed out, a lot of booze-fuelled fights have long held the potential to see people damaged but not in the numbers we see these days. In his article, Paul Murray suggests that what is missing in this equation is the fact that a mixture of alcohol and amphetamines is creating an extra element.

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Two things have changed. One is that people are used to seeing fights in the media that involve kicking, gouging and elbow blows—basically anything goes. They are not restricted in the way we were. I remember as a young fellow when people had fights there was a sort of code of honour so that when someone fell on the ground no-one put the boot in. Fights were held one-on-one and when someone went down that was the end of the issue. I think, as the member for Kalgoorlie outlined, that was partly because we were used to boxing being the only combat sport we saw on television. There has been that change. There has also been a change in the sort of drugs people take. They are drinking alcohol and taking amphetamines. They often take amphetamines as a way of increasing their capacity to drink. Amphetamines, be they illicit or diverted prescription amphetamines, are stimulants and when a drunk person takes them they give the illusory feeling of not being drunk. People are convinced they are not drunk; they are uninhibited.

Mr J.E. McGrath: Have you tried them?

Mr M.P. WHITELY: No; I have heard this from several sources. Lots of young people have told me this anecdotally and I have researched it. I will not say I have tried amphetamines and alcohol together; no, thank you, member for South Perth.

Amphetamines give young people a sense of invincibility and an overblown sense of confidence. With the loss of inhibition that comes about through the use of alcohol, it creates a volatile cocktail that leads to increased violence. There is a change in the culture of fighting and more people are inclined to take more violent actions because they are fuelled up on alcohol and amphetamines.

I made contact with Paul Murray and said, “Look; you wrote a great article on Saturday but there’s an aspect that might be missing.” He was talking about the mix of methamphetamine and alcohol. I said, “I think you probably need to go and have a look at the 2009 Western Australian Stimulant Regulatory Scheme annual report to see what is the evidence of the diversion of prescription amphetamines, notably dexamphetamine, and how that is being used as a lifestyle drug, usually on weekends in conjunction with alcohol to allow people to binge drink for longer and harder and how it may be part of this multifaceted culture of violent street fights.” The evidence on page 39 of the report compares the proportion of the various drugs that are used to treat children and adults with attention deficit hyperactivity disorder. It indicates that 84 or 85 per cent of ADHD adults are on dexamphetamines; whereas for children the rate is less than 30 per cent. The other product is methylphenidate, more commonly known as Ritalin. It is a near-amphetamine and has the same effects. I am not suggesting it does not have the same sort of stimulant effects and does not have the same amphetamine base that dexamphetamine has. But we have a dexamphetamine culture in Western Australia. People fake the symptoms of ADHD and go to clinicians for dexies as a way of sourcing divertible drugs. I offer as evidence for that the fact that the proportion of patients taking dexamphetamines as opposed to Ritalin is much, much higher for adults. Eighty-two per cent of new adult patients are getting dexamphetamines, whereas 22 per cent of child patients take them. That culture of dexamphetamines has led to people who want a cheap source of divertible amphetamines going to various clinicians and getting prescribed dexamphetamines for ADHD. As I have said previously, it is very easy to fake the symptoms of ADHD, tick the right boxes, say the right things and get a prescription.

Since the introduction of the Stimulant Regulatory Scheme there has been a massive decline in the rate of stimulant prescriptions for children, but there has been a significant increase in the number of adults on stimulants. In fact, the first full report that came out in 2004 indicated that 6 304 adults—people over 18 years of age—were on prescribed stimulants in Western Australia. By 2009 that had increased by 27 per cent to 7 981 adults. Once the rate of children on prescribed dexamphetamines was higher, but there has been a massive fall in the rate of kids on them—in the order of 60 to 70 per cent—while there has been a significant increase in the rate of adults. I suggest that is not all to do with the ageing of the ADHD cohort—teenagers becoming young adults—it is also due to the fact that some adults are going to clinicians, faking the symptoms and getting a source of dexamphetamines.

Mr T.K. Waldron: Does this somehow relate to the bill?

Mr M.P. WHITELY: It relates to combat sports. I am suggesting that cage fighting and the loosening of etiquette and the rules for street fighting has led to people kicking when their opponents are down, fighting two on one, elbowing and scratching and gouging at the same time as the increase in alcohol and amphetamine-fuelled violence. I am suggesting minister, that it is great that the legislation will afford the capacity to change the culture of violence by creating the potential to outlaw cage fighting. If the minister wants to have a great effect on the issue of alcohol-fuelled violence, he needs to understand its link to amphetamines and then understand the link to the diversion of prescription amphetamines. There is a real problem. If he talks to young people, they will tell him that is what is happening on the streets. When I spoke to Paul Murray this morning he said that during the Friday free-for-all with Jane Marwick—I did not hear it—she had raised the issue of dexamphetamine diversion in the western suburbs. This WA Stimulant Regulatory Scheme report indicates that

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the Oceanic health district, which covers the western suburbs, has by far and away the highest rate of prescriptions for adults in Western Australia. We are hearing many stories of dexamphetamine diversion in the western suburbs and lots of stories of western suburbs alcohol and, I suggest, amphetamine-fuelled violence. We need a multipronged approach to the issue of violence. I think in a roundabout sort of way, one aspect of that multipronged approach is to try to change the culture. We should not in any way condone street fights. Street fights conducted by the Marquess of Queensbury rules are unacceptable. However, I suggest that, statistically, they are far less likely to cause harm than the free-for-alls we see as a result of people mimicking cage boxing. To the extent this legislation allows the minister to take that information on board, I suggest the minister do that. To the extent he is the minister responsible for liquor licensing and dealing with issues of alcohol-fuelled violence I suggest he also take on board the aspects to do with the diversion of amphetamines and the culture of amphetamine-fuelled violence that seems to be, unfortunately, common in our society. With those comments I commend the bill.

MR T.K. WALDRON (Wagin — Minister for Sport and Recreation) [12.08 pm] — in reply: I will start by thanking everyone for their input. It has been great to listen to their comments, and I appreciate them all. I will go over things generally and come back to individual comments. In particular, I congratulate and thank the member for Balcatta, the shadow minister, for his comments because he made some really good points. I acknowledge also the huge role he played in this issue. I took it over from him and that is what has driven it. There is no doubt the member for Balcatta has integrity and great knowledge in this area. I certainly value his comments very highly.

I start by giving a general outline from the explanatory memorandum to remind members what this bill does —

This Bill seeks to amend the Professional Combat Sports Act 1987 to:

- Implement a number of changes identified during a review of the Act conducted in 2005 by a combat sports working group, members of the Professional Combat Sports Commission and members of the industry;
- Increase harm minimisation in combat sports contests by placing the same health and safety requirements on amateur contests as are currently enforced at the professional level;

This is what it is all about —

- Provide the Minister with the ability to approve or deny rules for combat sports contests held in Western Australia; and

The member for South Perth raised that issue, and I will come to it later —

- Redraft a number of sections contained in the 1987 Act to simplify or clarify them.

The Professional Combat Sports Amendment Bill 2009 establishes a broader regulatory coverage of combat sports events in Western Australia, which the member for South Perth pointed out, by removing the term “professional” and ensuring that all combat sports contestants will enjoy the same level of health and safety controls that have been enjoyed by professional participants since the act was first passed in 1987. We are about ensuring that the combat sports contestants will enjoy the same level of health and safety controls, and the focus of this legislation is very much on the health and safety of our contestants. Most of the amendments in this bill reflect this focus. However, members on the opposite side and on this side have expressed concern about the outcome of the Danny Green–Paul Briggs title fight in July last year. We all had concerns about that fight. We commissioned two reports; those who prepared the reports did their job, and I will comment on that process further. Following that contest, two important investigations of the contest were undertaken. As a result of what came out of those investigations, I considered that it was prudent to revisit the bill. That process delayed the passage of the bill. I would have liked to have this bill through earlier, because while we are holding up this bill, contests are going on out there with no supervision et cetera. Therefore, I am very keen to get this bill through. However, I thought it was prudent to revisit the bill because we all learned different things from that contest. When we consider all the events that the commission oversees, we can see that this one probably caught everybody a little by surprise. We needed to have another look at this bill and not be stupid. We needed to open up and say, “Righto; what are some of the shortcomings in this bill?”, and then address those shortcomings. That is what I have done with these amendments. I would have been inept at my job if I had not done that.

I now mention a point that addresses some of the concerns raised by members present. In 2010, the Professional Combat Sports Commission of Western Australia agreed to engage an independent consultant to undertake an audit of the commission’s processes. Rather than the commission look at itself, it got an independent person in to go through the processes.

Mr R.H. Cook: When was that?

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Mr T.K. WALDRON: The commission did that in 2010. As a result of the new legislation et cetera, we thought it was prudent to do an audit. That audit has been done, and subsequently we had the Danny Green fight et cetera. The commission did that independently.

Mr R.H. Cook: So it was after July?

Mr T.K. WALDRON: Yes, they started the audit before July, and then the Danny Green fight happened, so it was very appropriate. It is a good thing. Had that audit not been underway, I would have been saying that the commission needed to do it. The Deputy Leader of the Opposition raised some concerns about some government processes. I do not necessarily agree with all that the member said, but the commission has had an independent person go through and look at the processes; that gives me a great deal of comfort. That audit was prompted by the legislation due to come before Parliament and the necessity to develop supporting regulations.

Importantly, this report included a review of the key commission processes—the very things that the Deputy Leader of the Opposition raised today. We have been in front of the game. I value what the member has raised: I understand it, and it is good to hear it and to refocus on those aspects. The review considered matters such as the promotional permits approval process, medical examinations, registration of contestants et cetera.

Mr R.H. Cook: Is a copy of that internal review available?

Mr T.K. WALDRON: I will have to check that.

Following the review of the findings from the Green–Briggs investigations, the Department of Sport and Recreation worked closely with the Professional Combat Sports Commission and the State Solicitor’s Office because I wanted to ensure we got this right. The Deputy Leader of the Opposition made the point very well that, in hindsight, we all know what should have happened. No doubt we will do everything that we think is right here, and we could have committees look at the issue for a number of years, but something will come up at some time in the future that we have not thought of. With the involvement of the commission, the State Solicitor’s Office and the Department of Sport and Recreation, we have been able to come up with amendments that put us in a position in which the Combat Sports Commission, as it will be known, will have much greater flexibility and access to much more information over a time to enable it to handle such situations.

I will run through what the amendments will do, because, as the Deputy Leader of the Opposition rightly said, it has been a while since I brought in these amendments. I will go through them. We will go through the amendments and clarify any issues during consideration in detail.

These amendments will clarify the definition of a “sham contest” and the roles and responsibilities of all industry participants in relation to competing in a contest, and doing so knowing that they could not genuinely compete, for any reason. The penalties associated with these actions and the punitive powers available to the commission are clearly spelled out in the bill to provide clarity to the industry.

As noted and supported by the Deputy Leader of the Opposition, in response to recent comments from the Australian Medical Association of WA concerning its role in the commission, I will move an amendment that removes the AMA’s responsibility to provide a commission representative. A medical practitioner will now be appointed to the commission on the basis that the practitioner has some knowledge of injuries suffered by contestants. I was pretty disappointed in the AMA. Members in this chamber have raised concerns about boxing et cetera, but I thought that that body would want to be involved. I think we will find that many of the doctors to be appointed to the commission will be members of the AMA anyway. The change will probably provide a bit more flexibility.

Mr R.H. Cook: But the other side of the coin is that the AMA’s philosophical existence is about preserving life. Therefore, they consider it a compromise to be involved in anything that in some way compromises life.

Mr T.K. WALDRON: I understand that, but I do not agree. It would be better if the AMA was represented on the commission.

These amendments will also provide the commission with the capacity to request additional information from an industry participant following the granting of a permit. I think this is where we got caught out a bit with the Danny Green fight, because under the old legislation, once the permit is done, that is it. I do not blame anyone for that. We did not foresee those things. This is a really critical amendment, which will address many of the issues raised.

Penalties will apply for failing to supply this information, and, importantly, the commission will have the power to suspend or cancel the permit if it has concerns about a particular contest. These amendments will also provide the commission with the power to impose conditions and/or restrictions on the registration of an industry participant after registration has been granted. Once again, other things can come to light. We will go into that aspect in more detail when we discuss this amendment during consideration in detail. The intent of this

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amendment is to ensure that the commission can impose conditions on a registration at any time rather than only on the application of the renewal, which was a bit of a weakness under the previous system. The weakness probably did not surface until something happened and someone thought, “Why did we not think of that before?” That is life; that happens all the time, and that is why we keep reviewing legislation in this place; otherwise, we would probably get it all right to begin with.

Essentially, these amendments are designed to provide clarity to the industry and to clearly underline the responsibilities of not only contestants, but also industry participants. That point is very important. Using the outcome of the Green–Briggs contest as a precedent, I am confident that these amendments provide greater surety to the industry and the broader community that engages with combat sports. The amendments also give the commission more flexibility and better control over contests. As indicated in comments made in this debate, that is a really important point.

Members on both sides have raised issues and concerns about cage fighting. I put on the record that this government and my strong position is that we do not support cage fighting. Many comments have been made today about mixed martial arts et cetera, and I will cover that matter in a little more detail.

I want to clarify the important point under this new legislation. The members for Kalgoorlie, South Perth and Balcatta raised this issue very well. Under the new legislation, the minister of the day will retain the right to approve rules for each combat sport. When a particular sport is deemed not to be in the public interest, the minister, to meet with community expectations, will be able to refuse to provide rules or to have them modified.

Debate interrupted, pursuant to standing orders.

[Continued on page 3761.]