



**Regulation Review Committee
Parliament of New South Wales**

**REPORT ON THE BOXING AND WRESTLING
CONTROL REGULATION 2000**

**Report No 21/52
November 2001**

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REGULATION REVIEW COMMITTEE

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THE FUNCTIONS OF THE REGULATION REVIEW COMMITTEE

The Regulation Review Committee was established under the *Regulation Review Act 1987*. A principal function of the Committee is to consider all regulations while they are subject to disallowance by Parliament. In examining a regulation the Committee is required to consider whether the special attention of Parliament should be drawn to it on any ground, including any of the following:

- (a) that the regulation trespasses unduly on personal rights and liberties;
- (b) that the regulation may have an adverse impact on the business community;
- (c) that the regulation may not have been within the general objects of the legislation under which it was made;
- (d) that the regulation may not accord with the spirit of the legislation under which it was made, even though it may have been legally made;
- (e) that the objective of the regulation could have been achieved by alternative and more effective means;
- (f) that the regulation duplicates, overlaps or conflicts with any other regulation or Act;
- (g) that the form or intention of the regulation calls for elucidation; or that any of the requirements of sections 4, 5 and 6 of the *Subordinate Legislation Act 1989*, or of the Guidelines and requirements in Schedules 1 and 2 to that Act, appear not to have been complied with, to the extent that they were applicable in relation to the regulation.

The Committee may, as a consequence of its examination of a regulation, make such reports and recommendations to each house of Parliament as it thinks desirable, including reports setting out its opinion that a regulation ought to be disallowed.

A further function of the Committee is to report from time to time to both Houses of Parliament on the program for the staged repeal of regulations under the *Subordinate Legislation Act 1987*. Under this legislation, all regulations currently in force in NSW are being re-examined, on cost benefit and cost effectiveness principles, starting on a chronological basis with the oldest of the regulations.

The staged repeal process involves the automatic repeal of existing regulations (except where exempt) made before 1 September 1990 in a staggered process commencing on 1 September 1991. Regulations made after 1 September 1990 are automatically repealed (unless their repeal is postponed) five years after they are made. The Boxing and Wrestling Control Regulation 2000 was made in connection with this process.

GLOSSARY OF ABBREVIATIONS

RIS	Regulatory Impact Statement
NCP	National Competition Policy
MRI	Magnetic Resonance Imaging
CAT or CT	Computerised Axial Tomography
EEG	Electro Encephalogram
ECG	Electrocardiogram

CHAIRMAN'S FOREWORD

This Report sets out the Committee's consideration of the Boxing and Wrestling Control Regulation 2000. The terms of reference of the inquiry were to examine compliance by the Minister with the provisions of the Subordinate Legislation Act 1989 in the making of this regulation; the Regulatory Impact Statement (RIS) for the regulatory proposal and the *consultation* conducted in respect of it; and the adequacy of the existing regulatory controls and related matters.

The Committee held a public hearing into the regulation on 13 September 2001.

Departures from the requirements of the Subordinate Legislation Act

It appeared to the Committee that there had been some significant departures from the Subordinate Legislation Act 1989 in the making of this regulation and that the RIS and the consultation program undertaken on the regulation were inadequate.

The RIS states that two options were considered: to continue the regulation in exactly the same form or to have no regulation. This was an insufficient assessment of all the realistic options available which ranged from different levels of self regulation and co-regulation through to considering principal legislation and specific options introduced in other States of Australia such as the specification of Magnetic Resonance Imaging (MRI) brain scans for boxers.

The Committee found that this inadequate process was largely a repeat of the defective process undertaken by the Department in 1995 in respect of the Boxing and Wrestling Control Regulation 1995, which the present regulation replaces. The Committee pointed out the defects in the RIS for the 1995 regulation at that time.

Inadequacies of Consultation

As with the 1995 regulation, it appears that the only body consulted in the preparation of the impact statement was the NSW Boxing Authority.

No medical practitioners or persons involved in boxing and wrestling were consulted. This is contrary to section 5 of the *Subordinate Legislation Act* which requires consultation with appropriate representatives of consumers, the public, relevant interest groups and any sector of industry or commerce likely to be affected by the proposed statutory rule. It would be desirable to reintroduce the Department's previous approach of holding seminars with the industry and sport on major regulatory issues.

Assessment of Costs

The Committee noted that the RIS states that the costs of the regulation is ten times greater than the revenue. Schedule 1 of the *Subordinate Legislation Act* states that the alternative option that involves the greatest net benefit or the least net cost to the community should normally be chosen. Any Government subsidy should have been clearly identified and evaluated in the RIS so that those members of the public who wished to express a view on its merits could do so.

National Competition Policy Review

While a National Competition Policy (NCP) Review of the Act and Regulation is under way, and has been since 1995/6, this cannot make up for these departures as the NCP review is by no means as specific as the RIS requirements of the *Subordinate Legislation Act*, and indeed has a different emphasis.

It would appear that the Department is not only relying on the NCP Review to make up for the deficits in the assessment of the regulation under the *Subordinate Legislation Act* but relying on the Regulation Review Committee's own inquiry process to address both that and the NCP review.

In any event the staged repeal of the 1995 regulation could have been postponed to enable the Department to complete the NCP review first. The Premier's Memorandum No 98-34 was made specifically to cover such reviews. Among other things it states that generally, consideration will only be given to requests for postponement where Cabinet has approved a review, including a NCP review, of either the principal legislation and/or the regulations themselves and that the review may extend over several years, if postponements are applied for on a year by year basis.

As the matter stands it will be at least another five years before the regulation will be required to be assessed in the degree of detail required under the Subordinate Legislation Act.

National Scheme Legislation

The Committee noted that a *National Boxing Commission Act* is being introduced in the United States to try to bring uniformity among the States. There is a similar movement towards national scheme legislation in Australia. A national working party has been established through the Standing Committee on Recreation and Sport at the Federal level, with representatives from the States and Territories discussing how such a national system might be established. The Committee considers that a national approach to boxing regulation in Australia is desirable and should be expedited.

The Department considers there is sufficient consistency between the regulations of New South Wales and Victoria to recognise the registration of boxers in either State, despite the fact that MRI scans are required only in Victoria. South Australia is in the process of introducing legislation that is based on the Victorian system but the activity in other States is considered to be minimal.

The evidence disclosed that while the competition rules for Amateur Boxing are stricter than those for Professional Boxing (for example they require the use of head guards) Government regulatory controls on Amateur boxing are minimal and are enforced through permit conditions under section 62 B of the Act.

Wrestling contests also require permits under that section and amateur wrestlers are satisfied with the level of regulation under that provision. The Committee nevertheless considers that the option of making provision requiring serological testing of wrestlers should be carefully evaluated.

Entry Age to Amateur Boxing

While the permit system has the advantage of greater self regulation it has the disadvantage of the Minister being able to amend conditions without consultation. Such an amendment occurred in 1998 when the minimum age for amateur boxers was raised from 10 to 14. This

amendment is considered to have had an adverse effect in the Aboriginal Community where competition in boxing in those critical years was considered to be an important agent in raising the self esteem of young boys and in crime prevention. Evidence tendered to the Committee indicates there is no medical evidence linking potential damage from boxing to any particular age group. The Committee supports a reduction in the entry age for amateur boxing from 14 years to 10 years.

A handwritten signature in black ink, appearing to read 'G Martin', with a large, stylized flourish at the end.

**Mr Gerard Martin MP
CHAIRMAN**

FINDINGS AND RECOMMENDATIONS

RECOMMENDATION ONE: PREPARATION OF THE REGULATION & TRAINING IN REGULATORY IMPACT STATEMENT PROCEDURES

a) The Committee finds that the regulatory impact statement accompanying the regulatory proposal was insufficient in that it failed to consider alternative options by which the objectives of the regulation could be achieved. The Department of Sport and Recreation also failed to adequately consult relevant interest groups in accordance with the *Subordinate Legislation Act* (SLA). These departures from the SLA were similar to those that occurred when the 1995 regulation was remade. On that occasion too, the Department had been reminded of its obligations by the Committee. The Regulation Review Committee has accordingly resolved to put the Department of Sport and Recreation on notice that in the event of a further major departure from the SLA, on the next occasion of the remaking of the regulation, that the Committee will recommend to Parliament that the regulation be disallowed.

b) The Committee recommends that the Minister for Sport and Recreation should instruct the Department to prepare, within six months, a project management plan covering all steps in connection with the further making of the regulation in the year 2005 and that a copy of the plan be forwarded to the Regulation Review Committee.

c) The Committee further recommends that the NSW Cabinet Office should arrange for the relevant officers of the Department of Sport and Recreation to be given suitable instruction in the preparation of regulatory impact statements.

d) The Committee also recommends that the Department re-introduce the practice of holding seminars with the industry and sport on major regulatory issues.

RECOMMENDATION TWO: CONSULTATION

The Committee recommends that the Minister put in place guidelines to ensure that the public are adequately consulted and given time to make submissions and comments on future regulatory proposals.

RECOMMENDATION THREE: BOXING DATABASE

The Committee finds that there is a need for the establishment by the Boxing Authority of a database to gather medical statistics, particularly on brain injury arising from boxing and that the relevant authorities from Victoria and Western Australia be invited to participate.

RECOMMENDATION FOUR: STANDARDS ASSOCIATION

The Committee recommends that the Standards Association of Australia should be invited to examine the padding requirements for headgear, gloves and footpads used in boxing and kickboxing to determine their efficiency and that a national standard be developed.

RECOMMENDATION FIVE: ENTRY AGE FOR AMATEUR BOXERS

The Committee finds on the evidence taken at the inquiry that the entry age for amateur boxing should be reduced from 14 to 10 years.

RECOMMENDATION SIX: PERMITS UNDER SECTION 62B

The Committee recommends that where there is a permit issued under s62B of the Act, any subsequent change in the conditions of it be subject to the requirement of notice and consultation with the permit holder.

RECOMMENDATION SEVEN: CONSENT PROCESS

The Committee recommends that the Boxing Authority put in place administrative procedures for a formal, informed consent process to

ensure that all participants understand fully the risks and alternatives to boxing.

RECOMMENDATION EIGHT: MRI PILOT PROGRAM

The Committee recommends that the Boxing Authority establish a three year pilot program for assessing the costs and benefits of the use of MRI scans. That program, to be conducted on a voluntary basis, should provide for all frequently competing professional boxers and each senior frequently competing amateur boxer to undergo an MRI scan each year.

The cost for each scan is approximately \$522 (less a \$392 Medicare rebate) and requires specialist referral. There are currently between 130-150 frequently competing amateur boxers and between 190-220 frequently competing professional boxers. The Committee estimates the total cost of these brain scans to be in the vicinity of \$41,600 and \$48,100 once the Medicare rebate has been taken into account.

This cost of these scans should, during the pilot program, be met by the Authority. At the conclusion of the program a report evaluating the costs and benefits of it should be tabled in Parliament by the Minister.

RECOMMENDATION NINE: SEROLOGICAL TESTING OF WRESTLERS

The Department of Sport and Recreation should evaluate the option of making a regulation to require the serological testing of wrestlers. On the basis of the evidence presented to the Committee it would seem appropriate controls should be introduced in this area.

BOXING AND WRESTLING CONTROL REGULATION 2000

On 23 November 2000 the Regulation Review Committee resolved to inquire into and report to the Parliament on the Boxing and Wrestling Control Regulation 2000. The regulation deals with the following matters:

- (1) The registration of boxers, including classes of boxers that may be registered
- (2) The registration of industry participants, including classes of industry participants that may be registered
- (3) Matters relating to boxing contests, including medical controls for the protection of contestants
- (4) Miscellaneous matters, including classes of places at which boxing contests may not be held, the form of medical record cards issued to boxers under the *Boxing and Wrestling Control Act 1986* and the replacement of medical record books and cards required to be kept by boxers.

The inquiry was conducted as part of the Committee's function, under section 9 (2) of the Regulation Review Act 1987, of reporting to Parliament from time to time on the staged repeal program. That program requires the periodic review of existing regulations to ensure they continue to effectively meet the objectives of the Act under which they are made.

The terms of reference of the inquiry were as follows:

- (a) to examine the compliance by the Minister with the provisions of the *Subordinate Legislation Act 1989* in the making of this regulation, the RIS for the regulatory proposal and the consultation conducted in respect of it
- (b) the adequacy of the existing regulatory controls
- (c) related matters.

These terms of reference were listed in two advertisements calling for submissions to this inquiry, published on 23 November 2000 in the *Sydney Morning Herald* and the *Daily Telegraph*.

The Committee held a public hearing into the regulation on 13 September 2001 at which the following persons gave evidence:

Mr Robert Ridley	Manager, Industry Development, Department of Sport and Recreation
Mr Dave Moreland	– Executive Officer of the Boxing Authority & Industry Consultant, Combat Sports, Department of Sport and Recreation
Mr Bart McCarthy	Secretary, Professional Boxing and Combat Sports Board of Victoria
Dr Ray Newcombe	Neurosurgeon
Mr Michael Mann	Cabinet Office
Mr Warwick Warn	President, NSW Amateur Boxing Association
Mr Arthur Tunstall	Secretary, NSW Amateur Boxing Association
Mr Greg Eadie	Amateur Boxer
Mr Garry Trindall	Trainer
Mr Ian Dennis	Trainer
Mr John Anderson	Executive Officer, NSW Sporting Injuries Insurance Scheme
Mr John Garbutt	Acting Chairman, Sporting Injuries Committee, NSW Sporting Injuries Insurance Scheme
Mr Alan Kemp	Sport Scientist
Mr John Saul	President, NSW Wrestling Association
Mr Alex Zaslavsky	Amateur Wrestler
Mr Leonid Zaslavsky	Amateur Wrestler

FAILURE TO CONSIDER ALTERNATIVES TO THE REGULATORY PROPOSAL IN THE REGULATORY IMPACT STATEMENT

Objectives of the Proposed Regulation

Schedule 2 to the Subordinate Legislation Act 1989 states that an RIS must include, among other things, a statement of the objectives sought to be achieved by a regulatory proposal, the reasons for them and an identification of the alternative options by which those objectives can be achieved (whether wholly or substantially).

Defects in the Preparation of the Regulation

In 1995 the Regulation Review Committee also considered the Boxing and Wrestling Control Regulation. The 1995 regulation was essentially a re-make of the Boxing Authority Regulation 1986. The Committee found that the RIS accompanying the regulation was inadequate in that it failed to consider the alternative options by which the objectives of the regulation could be achieved.

The Committee pointed out the defects in the RIS for the 1995 regulation at that time. However last year the Department once more re-made the regulation in what appears to be a repeat of the 1995 exercise.

The RIS states that only two options were considered: to continue the regulation in exactly the same form or to have no regulation. This was an inadequate assessment of all the options available which ranged from different levels of self regulation and co-regulation through to considering principal legislation and specific options introduced in other States of Australia.

The Officers of the Department and the Authority conceded that there were other options that could have been considered and that the Boxing Authority would itself like to see some changes to the legislation but that this will be considered under the current NCP review.

They said there were many considerations, not only in terms of safety and health, but in terms of penalties involved and in just clearing up some of the anomalies that appear in the legislation.

None of these considerations were set out in the RIS. The Department instead appeared to be relying on the NCP review to address these issues. Mr Moreland was requested to supply the Committee with details of the changes to the legislation currently contemplated by the Boxing Authority.

Impact of National Competition Policy

The Committee noted that at the time the 1995 regulation was made the Act was listed for NCP review in the years 1995-96. The 1995 regulation went through its five-year life span and a new one was made last year, yet the review of the Act had still not been completed.

While the NCP review of the Act is under way, and has been since 1995/6, this cannot make up for these departures as the NCP review is by no means as specific as the RIS requirements of the Subordinate Legislation Act and indeed had a different emphasis. The Minister, in his letter to the Committee dated 3 November 2001, says that the review was broadened to allow interested parties to voice other concerns.

The staged repeal of the 1995 regulation could have been postponed to enable the Department to complete the NCP review first. The Premier's Memorandum No 98-34 was made specifically to cover such reviews. Among other things it states that generally, consideration will only be given to requests for postponement where Cabinet has approved a review (including a NCP review) of either the principal legislation and/or the regulations themselves and that the review may extend over several years, if postponements are applied for on a year by year basis.

The NCP Review inadvertently had the effect of weakening the significance and effort accorded to the review under the *Subordinate Legislation Act*

Issue of Postponement

The issue of postponement is a vexed one. The Committee has for some time been endeavouring to obtain early notice of decisions made on the postponement of the staged repeal of regulations. It sometimes considers that the postponement may not be justified or that it requires further time and further evidence on the reasons for postponement to state its view and to properly discharge its function under the Regulation

Review Act of overseeing the Staged Repeal Program. It is still discussing the issue of early notice with the Premier.

It nevertheless appears that the NCP review was itself postponed to take advantage of the Committee's own inquiry. Mr Ridley said as follows: "Probably with the timing of both this inquiry and the conducting of the National Competition Policy review we actually delayed issuing the issues paper on the NCP review until quite recently. We were hoping again to use some of the intelligence that may be gathered from this inquiry to incorporate within the process of the NCP review. Also, during the remaking of the regulation with the process of the NCP review under way it was seen that the ability to provide comment from the public on the Act itself, as opposed to only the regulation, would in some way assist the review in its entirety."

It would therefore appear that the Department is not only relying on the NCP review of the Act to make up for the deficits in the assessment of the regulation under the Subordinate Legislation Act, but relying on the Regulation Review Committee's own inquiry process to address both that and the NCP review.

Regulatory Controls in other Jurisdictions

When asked what examination was made of the merits of regulatory controls of sport in other Australian jurisdictions and whether boxing is regulated better in other States Mr Moreland said that the boxing authority is in constant contact with the Victorian and Western Australian regulatory authorities and exchanges views and information continually. He also advised that the Department and the Authority were in regular contact with persons engaged in boxing, wrestling and kickboxing. However it was clear to the Committee that none of that information was fed into the regulation making process through the RIS in the form of alternative options for assessment.

The Committee's own invitation for submissions to its inquiry elicited submissions which raised a number of options with respect to the regulation. For example Mr Kemp, a sports scientist, in his submission said that the current conditions on registration of industry participants should be extended to include matchmaker and managers to ensure that they have an understanding of the hazards and risks associated with poor matchmaking. He recommended provision for first aid courses, and made recommendations with respect to the weigh-in provisions of regulation 14 and particulars recorded by boxing inspectors under

regulation 15. These suggestions should be considered by the Boxing Authority.

The fact that the Department and Authority have seen fit to roll the NCP and Subordinate Legislation Act reviews together can only serve to broaden the range of alternatives for consideration.

Brain Scans

The Committee noted that a significant issue in professional boxing was the Victorian approach of requiring Magnetic Resonance Imaging (MRI) brain scans for Boxers. No evaluation of this alternative as compared with other scans had been carried out.

Mr Moreland said that in professional boxing if complaints are made to the Authority they are generally directed at people within the industry concerning payments. This raises the issue of whether the Authority should have a role in overseeing the contracts between promoters and boxers to make sure that the boxers are not being exploited.

The opinion of the Authority in the past has been that financial matters are purely the responsibility of management, not something that the Authority regulates. Mr Moreland said that the Authority's main concern is the safety and well-being of the contestants and trying to establish some credibility of the sport in general. However the issues of credibility and prevention of exploitation have been found to be inextricably connected in regulation of professional boxing in the United States.

In amateur boxing the major area of complaint is the age limit that has been placed on junior participation. A number of options for different age limits and different forms of competition at younger ages could have been considered and evaluated.

If the Committee in its own inquiry can identify a significant number of alternative options for regulating boxing and wrestling then the Department and the Authority, which maintains long standing and regular contacts with participants in New South Wales and with the regulatory authorities in other States, have no excuse for having failed to identify and assess alternative options in the RIS.

CONSULTATION ON THE REGULATORY PROPOSAL

Section 5 of the *Subordinate Legislation Act* contains both the requirements for publicising a regulatory proposal and for consultation on it. Though related, these are separate obligations. Under the Act, consultation has to commensurate with the impact likely to arise for consumers, the public, relevant interests groups and any sectors of industry or commerce. The provisions in the *Subordinate Legislation Act* relating to the preparation of regulatory impact statements (Schedule 2) require a statement of the consultation program to be undertaken.

The regulatory impact statement for the proposal did not contain any program of consultation, just advice that consultation with the boxing industry in the development of the regulation would take place during the exhibition period of the proposed regulation and RIS. That consultation with industry did not take place.

In 1995 the Committee found that the consultation program in the RIS accompanying the 1995 regulation was insufficient particularly because:

- (1) the only body consulted, in the preparation of the impact statement, was the NSW Boxing Authority;
- (2) no medical practitioners were consulted; and
- (3) no industry participants were consulted.

The Department had essentially, only consulted itself.

As with the 1995 regulation, it appears that when the 2000 regulation was made the only body consulted, in the preparation of the impact statement, was the NSW Boxing Authority. No medical practitioners or persons involved in boxing and wrestling were consulted. This is contrary to section 5.

Yet this may not have always been the case. Seminars on regulatory issues were apparently held in the past. Mr Moreland said that when the HIV and hepatitis situation first arose the Boxing Authority arranged a

public forum to get the ideas of the industry on compulsory blood testing and that the industry was 100 per cent behind the introduction of it.

In the case of the current RIS however the officers advised that all communication with the various boxing and wrestling associations went through a Legal Officer of the Department who is no longer employed there. Despite the claim of the Department and the Authority that they are in regular contact with participants, the Amateur Boxing Association and the Amateur Wrestling Association advised the Committee they had not been informed of the RIS.

If there were in fact ongoing dialogue it would be reasonable to assume that such an important issue as the regulation of the professions and the sports of boxing and wrestling would have been raised by the Department and the Authority.

Mr Ridley said that he believed that the Department had the full record of the review process and the way in which it was conducted, notwithstanding that he did not have that information with him at the hearing. He said that if he had been able to have advance notice of the Committee's need for such information he would have been able to provide it.

While the Committee agreed to the Department taking that question on notice, the Acting Chairman said that the Committee expects people who appear before it for the purpose of speaking about the RIS and the regulation to have some knowledge of them and how they were made. She said that as the Committee's terms of reference for the inquiry were to examine the compliance by the Minister with the provisions of the Subordinate Legislation Act 1989 in the making of this regulation, the RIS for the regulatory proposal and the consultation conducted in respect of it, the Committee was not being onerous or unusual in its expectation that he would come prepared to answer those questions.

Following these remarks by the Acting Chairman, a letter dated 3 November 2001 was received by the Committee from the Minister for Sport and Recreation. It provided to the Committee additional details relating to the matters that had been raised in evidence at the inquiry¹. One of these centres on the adequacy of the consultation process,

¹ The letter, dated 3 November 2001, from the Minister for Sport and Recreation is appendix No. 5 of his report

particularly in relation to the claim by Mr Turner, Vice President of the NSW Amateur Boxing Association, that it had not been consulted on the regulatory proposal.

The Minister said that Dr L. Lewis, the then State President of the NSW Amateur Boxing Association, had been sent a copy of the Regulatory Impact Assessment and draft regulation on 13 June 2000 with an invitation to comment on these documents but no submission had been made.

In this letter the Minister also said that the Boxing and Wrestling Control Authority deals essentially with professional boxing controls and that the Amateur Boxing Association has no formal relationship or responsibility in this area.

It is correct that many of the clauses of the regulation have a practical operation solely in relation to professional boxing. However this is not true in the case of that division of the regulations governing industry participants, including promoters, matchmakers, referees, trainers, judges and timekeepers. Those provisions relate back to section 27 of the Act which prohibit any such person carrying on the business of an industry participant without registration.

The definition of industry participant includes all persons engaged or employed (other than boxers) in relation to boxing. The Amateur Boxing Association would have a very relevant interest in the suitability of these provisions.

But there is a more general reason why the Amateur Boxing Association should have been consulted. The reason is that the RIS should have examined the appropriateness of the current arrangements governing amateur boxing and whether any of those should be supported by regulatory controls.

It would seem to the Committee that it would have been proper, at least, to consider for inclusion in the regulations, provisions relating to the entry age for amateur boxers. This would have given Parliament an opportunity to weigh up the viewpoints on this issue.

As a general principle, the obligation imposed by the *Subordinate Legislation Act* to consult is not satisfied by merely publishing a regulatory proposal and waiting to see if there is any correspondence on

it within the period fixed in the notice. A more active approach than this is required. The Committee recommends that the Minister put in place guidelines to ensure that the public are adequately consulted and given time to make submissions and comments on future regulatory proposals.

COST EFFECTIVENESS OF THE REGULATION

Costs and Options

The Committee noted that the RIS states that the costs of complying with the regulation are minimal and that staff costs and ancillary costs are approximately \$110,000 per annum while income from the issuing of permits in 1999 was only \$11,630.00.

Schedule 1 to the Subordinate Legislation Act, which applies to all regulatory proposals (not only those which require an RIS) states that the alternative option that involves the greatest net benefit or the least net cost to the community should normally be chosen from the range of alternative options available. The Committee therefore questioned whether the regulation was cost-effective.

It asked the Department and the Authority how, in line with the policy of user pays, it could narrow the gap without a huge increase in permit fees.

Mr Moreland said this would be difficult because the industry is very small to begin with. He said that one of the promises that was made to the industry when the Act was first established was that the cost involved in establishing the Authority would not impact greatly on the sport. He said that raising revenue through permits has certainly been looked at but it was seen as something that would impact on the industry fairly heavily.

Mr Saul, President of the NSW Amateur Wrestlers Association, was concerned that the Regulations indicate a move to "User Pays" for the cost of the regulatory framework, which means increased costs to Freestyle and Greco Roman Wrestling, a sport that is already battling under rising costs from other areas such as rising insurance costs. He said "while Clause 5.1 (of the RIS) claims the cost of the preferred option would not impact significantly on the industry, indicative figures on revenue and costs, given in Clause 4.1, indicates an almost ten-fold increase in revenue is needed to break even. Higher fees could be an impost that drives the olympic styles of wrestling out of existence".

The option of increased fees was not considered in the RIS. Its impact should have been evaluated to test its practicability.

Subsidies and Fees

Mr Moreland agreed with the proposition that for the ongoing survival of the industry there needs to be some form of subsidy for the costs of running it.

If this is the case then the option for the subsidy by the Government should have been clearly identified and evaluated in the RIS so that those members of the public who wished to express a view on its merits could do so. Indeed an attempt should have been made to differentiate between the costs of the amateur and professional codes, as it may have been found that the professionals could have borne an increase in fees.

Mr Ridley said that while the regulation does not impose any fee for the permits for amateur boxing or wrestling that are issued to the respective associations to conduct events, those associations nevertheless set their own fees for competitions. The amounts raised by those fees would have to be offset against any proposed subsidy by the Government in the analysis of this option.

THE ADEQUACY OF THE EXISTING REGULATORY CONTROLS FOR PROFESSIONAL BOXING

Medical Examinations

The officers of the Department and the Boxing Authority indicated that professional boxers had to undergo pre and post-fight medical examinations. They said that there is also a doctor at ringside and at any time the authority, on advice from a doctor, can request whatever medical examination it feels is appropriate for a particular fighter. If a doctor felt it was necessary that a fighter should have a scan of whatever type or any other medical examination, that can be ordered by the authority.

By contrast in Victoria boxers have to undertake an MRI every three years and tests can be ordered from time to time.

In August a delegation from the Committee met with boxing authorities in North America. Its findings are set out in report 20 of the 52nd Parliament. The delegation found that MRI (Magnetic Resonance Imaging – brain scans) were considered quite expensive and were not mandatory in Ontario or the United States. In Ontario CAT scans are, however, required on the initial examination and the promoter is required to pay for this.

In the United States an EEG and an ECG examination is required before a boxer can be registered. Each year a comprehensive physical is also required, including a medical and ophthalmologist report.

In the United States on the day of the weigh-in each boxer goes through a vital signs report, and after each fight or knock-out a comprehensive medical examination is required. Minimum rest periods of sixty days are required after a knock-out.

The officers of the Department and the Authority consider that the sport is relatively small in Australia and that the information available on competitors is fairly good. They do not require a CAT scan or an MRI or other test after the event.

They say that on a number of occasions boxers have been called before the authority and ordered to undergo tests or their registration has been cancelled because of their history as a boxer.

They suggest that this is because the Authority has experts in boxing which are able to go to a boxing contest and look at a number of fighters and express concerns about the ability of those persons to defend themselves. That is immediately reported back and that person will be called before the Authority.

This approach based on the ability to defend would not of course have the necessary precision or indeed be early enough to disclose an evolving medical condition that may lead to brain damage.

As to the merits of the other types of scans Mr McCarthy, Executive Officer and Secretary to the Professional Boxing and Combat Sports Board of Victoria, said that specialists have advised the board that comparing a CAT scan to an MRI is like comparing a 1956 black and white television to the latest technology colour digital television. Neither will pick up the fact that someone will have a problem in the future but he understands the value of an MRI is that it will pick up lesions which currently exist.

In the past the board has required contestants to have CAT scans but that was prior to the MRI in its present form.

Mr McCarthy said that it is a condition of a contestant's registration in Victoria that as from 1 June 2001 any new applicant to be registered as a professional contestant shall have an MRI scan and on the first renewal of registration after 1 June.

Dr Newcombe, a neurosurgeon with specialist knowledge and expertise in the area of boxing said it is for politicians and society to take note of the fact that traumatic brain injury is an inevitable consequence of boxing and that no form of boxing can be made safe, with the exception of boxer tag, the junior sport that is promoted in which the head is not a target.

Dr Newcombe made several recommendations which the Committee supports. He said there is a need for a formal, informed consent process to ensure participants understand fully the risks and alternatives. The Committee's recommendations address this. He said there was a need

for better medical statistics and that the existing regulatory requirements for a medical examination could be used as a potential database. Recommendation 3 of the report covers this aspect.

He believed a professional boxer or a senior frequently competing amateur boxer, should be required to undergo an MRI each year. The Committee's recommendations support the introduction of a pilot program to assess the costs and benefits of such a requirement.

National Working Party

A national working party has been established through the Standing Committee on Recreation and Sport at a Federal level, with representatives from the concerned States and Territories to determine how such state variations can be minimised and how a national system might be established.

The Department advised that New South Wales and Victoria at the moment recognise the registration of boxers in either State. However South Australia is in the process of introducing legislation that is based on the Victorian system. Tasmania has very few events, as does Western Australia, and Queensland at the moment has no legislation particularly for boxing.

Mr McCarthy said that his Board and Department support national legislation and regulation within Australia and support the creation of a national database. He said that the standing committee on recreation and sport is moving slowly towards that.

Unequal Contests

On the issue of the mismatching of boxers, the Authority advised that they have national and state ratings which consider the past performance of boxers as against the level of the person that they are competing against.

THE ADEQUACY OF THE EXISTING REGULATORY CONTROLS FOR AMATEUR BOXING

Relative Safety of Amateur Boxing

Messrs Anderson and Garbutt said that the New South Wales Sporting Injuries Insurance Scheme has just completed a research project into boxing injuries. Over the past three years a retrospective study of 1,400 boxers, coaches and trainers across New South Wales was conducted concentrating on head injuries. The key finding is basically that the sport of amateur boxing in New South Wales is relatively safe in that it does not have serious injuries, and certainly with respect to head injuries there appears to be no evidence that the participants sustain serious head injuries that lead to lasting deficits at this point.

Mr Anderson said that one key factor in this is that the level of self-regulation that is imposed in amateur boxing certainly contributes to the sport being safer in the amateur ranks than the professional ranks. He said that if the controls in place for amateur boxing were to be applied in the same context to professional boxing, professional boxing would probably have similar results.

Need for Ongoing Research

However, the project report points out that there needs to be ongoing research, and certainly ongoing surveillance of the sport in this area. One of the key findings or recommendations of the report is that there be ongoing surveillance of boxing injuries in New South Wales in the amateur ranks. Mr Anderson said that the preliminary findings will probably be released publicly towards the end of November.

Protective Equipment

While the competition rules for Amateur Boxing are stricter than those for Professional Boxing, for example they require the use of head guards, Government regulatory controls on Amateur boxing are minimal and are enforced through permit conditions under section 62 B of the Act.

Mr Tunstall said that the specifications of the head guards and the boxing gloves, are determined at the international level by a medical

commission. Dr Newcombe nevertheless recommended that the Standards Association should be invited to examine the padding requirements for gloves and headgear. The Committee supports that approach.

Medical Examinations

Mr McCarthy said that the Victorian Amateur Boxing Association and the Victorian Amateur Boxing League are specifically exempt from the provisions of the Professional Boxing and Combat Sports Act . However both bodies have agreed that they will ask their contestants to undergo the same MRI as done by the professional body.

Minimum Age for Participation

While the Government regulatory controls through permit conditions gives amateurs the advantage of greater self regulation it has the disadvantage of the Minister being able to amend conditions without consultation. Such an amendment occurred in 1998 when the minimum age for amateur boxers was raised from 10 to 14. This amendment is considered to have had an adverse effect in the Aboriginal Community where competition in boxing in those critical years was considered to be an important instrument in raising the self esteem of young boys and in fighting crime.

Mr Tunstall said that the New South Wales Amateur Boxing Association's sole concern was the age limit of junior boxers. He said the former Minister for Sport decided almost overnight to ban boys under 14 years of age from boxing.

He said every other State allows boys to box: "We are handicapped to an enormous extent in New South Wales. The life-blood of any organisation starts with junior boxers, wrestlers or whatever. This law has had a great effect on promoting amateur boxing in New South Wales, especially in country areas. Every Saturday night young kids liked to get into the ring and show their abilities. That is now gone. What happens to those kids? They go out on the street and get into trouble. That is a proven fact."

Mr Gary Trindall (Trainer, NSW Amateur Boxing Association, Walgett) said that he was speaking on behalf of many people in the rural community around Walgett. Opportunities to participate in sport (even

football) were few and far between. He personally supported lowering the age of entry, into amateur boxing, to ten years of age: based on experiences with his own sons. One started training at seven, the other at eleven. The first became a national champion and won a Junior Citizen of the Year Award in Walgett. The second won a Junior Sportsman of the Year Award. He felt that, in both cases, participation in boxing had laid the basis for their capacity to play a greater part in the community around them.

Mr Ian Dennis (Trainer, NSW Amateur Boxing Association, Walgett) said that he was speaking as someone who had worked in the community around Walgett as a police officer. Many young Aboriginal people become waylaid into substance abuse. Attraction into amateur boxing is both a useful distraction and a means of character development. Until 1998 he had been training about 25 boys who were aged 13 and younger. At the end of 1998 the Minister announced that children under 14 would not be permitted to box. Mr Dennis said that, once the children could not continue boxing, they drifted back towards anti-social behaviour.

The change in the age limit was made by Ministerial press release dated 25 November 1998. In it the Minister announced that permits for fights involving children under 14 would no longer be issued.

Neither the Association nor the Aboriginal communities were consulted on the change. Mr Trindall said that at the time, he had 25 boys under the age of 14 training and that since the change about 15 of them have been charged with assault, break and enter, car stealing and other crimes. He said by the time they turned 14, they had got themselves into trouble².

² *Indigenous Boxing Program on Palm Island (North Queensland)*

There is at least one other indigenous community in Australia which runs a boxing program (with the same objectives) similar to that in Walgett: that is the community on Palm Island (near Townsville). The program was begun in 1999, and is run by Ray Dennis who first started training boxers at Moree. Palm Island Boxing Club has more registered boxers than any other boxing club in Queensland. Some days there are as many as 50 young people attending training sessions after school. The aim of the program is to steer Indigenous youth away from drugs, alcohol and anti-social behavior. This program has the opportunity to intervene among indigenous youth, at an early age because (under the rules in Queensland) participation in amateur boxing contests is permitted at the age of 12. Since the program began, two Palm Island boxers have won Queensland state titles and five have won silver medals. Ray Dennis asserts that the program builds up self-esteem and increases the level of confidence amongst the young people in the community.

Mr Trindall and Mr Dennis' concerns are echoed in the findings of the Royal Commission into Aboriginal Deaths in Custody. Recommendation 62 states that "governments and Aboriginal organisations recognise that the problems affecting Aboriginal juveniles are so widespread...that there is an urgent need for governments and Aboriginal organisations to negotiate together to devise strategies to reduce the rate at which Aboriginal juveniles are involved in the welfare and criminal justice systems". Further, Recommendation 236 states that "in the process of negotiating with the Aboriginal communities and organisations, in the devising of youth programs, governments should recognise that local community based, and devised, strategies have the greatest prospect of success".

Officers for the Department of Sport and Recreation and the Boxing Authority did not address this issue in the course of the inquiry because it was raised by the Amateur Boxing Association after those officers had completed their evidence. On 30 October 2001 the Chairman therefore sought a written submission from the Department on this issue so as to ascertain the grounds in which the age limit of 10 years had been determined. On 20 November 2001 the Minister for Sport and Recreation wrote to the Committee advising that this issue was being examined in the context of the current National Competition Policy Review and that it was not appropriate to comment on it at this stage.

The Regulation Review Committee has stated elsewhere in this report that the RIS could have examined the existing arrangements governing amateur boxing to see whether any of them should have been supported by regulatory controls. The issue of entry age for junior boxers could have appropriately been considered by Parliament in the regulatory context as a matter of public interest, particularly in connection with indigenous persons. At present it is dealt with in the permit conditions imposed by the Department, through the Minister, without public input or parliamentary review.

Evidence tendered to the Committee indicates that there is no medical evidence linking potential damage from boxing to any particular age group. The Committee supports a reduction in the entry age for amateur boxing from 14 years to 10 years.

Entry level ages for amateur boxing

Australia

State	Age	Means of Regulation
ACT	12	Self regulated
Northern Territory	10	Self regulated
Queensland	12	Self regulated
South Australia*	10	Self regulated
Tasmania	10	Self regulated
Victoria	12	Self regulated
Western Australia	10	Self regulated
New South Wales	14	Act

* currently considering an increase to 12 years

Internationally

Country	Age
Canada	11
England	11
Ireland	11
New Zealand	10
USA	8
Wales	11

Olympic Participation: 17-34 years

THE ADEQUACY OF THE EXISTING REGULATORY CONTROLS FOR AMATEUR WRESTLING

The Committee noted that while the Act and Regulation ostensibly regulate both boxing and wrestling the emphasis is on boxing, particularly in relation to medical checks. Amateur wrestling has its own criteria for registration, which includes medicals. The Department has been satisfied in the past that the NSW Wrestling Association can satisfactorily administer wrestling and simply provides a few additional guidelines in the conditions of permits under Section 62 B of the Act.

Initially the Act was drafted to regulate professional boxing but later amateur boxing, amateur wrestling and professional wrestling were included following the repeal of other legislation governing those separate activities.

In addition to the broad permit conditions imposed by the Department the New South Wales Wrestling Association self regulates the amateur codes of Olympic freestyle and Greco-Roman styles of wrestling. They have no affiliations with professional wrestling which is regarded as entertainment rather than a sport.

The Association prefers a no-regulation model as it is satisfied that there are adequate controls imposed for all categories of competition under the Federation Internationale Luttés Associées [FILA] international rules. In order for athletes to compete at the international level and ultimately at the Olympic level it is necessary for them to take part in competitions that are governed by the FILA rules.

Medical Examinations

The FILA rules require medical examinations for competitions at the national level. At the state level and below medical examinations are not required due to the high cost involved.

Mr Saul said that as numbers of competitors in New South Wales are probably in the order of 200 they often can not be matched according to the FILA regulations and so arrangements are made for special bouts. The tournament organisers must also agree with the coaches and athletes who wish to have a special match.

Insurance

Mr Saul said that because of these small numbers it is difficult to fund such matters as public liability and professional indemnity insurance even though on an actuarial basis the sport has had very few major injuries in the past which would justify the premiums required.

Injuries

The common injuries in wrestling are soft tissue damage, bruises, scratches, skin abrasions. At the weigh-in the weigh master, who is always a qualified FILA referee, checks the competitors to ensure that they have no skin infections. However unlike boxing the sport does not require wrestlers to have examinations for serological diseases such as HIV and hepatitis B and C.

The Committee considers that the option of making regulatory provisions requiring serological testing of wrestlers should be carefully evaluated by the Department. On the basis of the evidence presented to the Committee it would seem that appropriate controls should be introduced in this area.

The Committee also considered the conditions imposed under section 62B of the Act for the regulation of wrestling matches in New South Wales. It asked the Department and the Authority what action could be taken in the event that the conditions were breached.

Permits

Mr Moreland said that If there is any breach of conditions the Minister may refuse to issue permits to the promoter. It was not clear whether the permit could be withdrawn or cancelled as the Act only says that the Minister may issue permits subject to conditions. The Committee considers that this issue should be clarified in the current review.

THE ADEQUACY OF THE EXISTING REGULATORY CONTROLS FOR KICK BOXING

The Committee noted that under clause 36 of the regulation boxing gloves had to comply with detailed specifications as to weight, lacing and padding. However, the requirements for kickboxer's foot padding under clause 40 are minimal. Mr Moreland advised that when the requirement for foot padding was introduced, kickboxing was a fairly new sport. However he agrees the matter should be looked at.

No Holds Barred Events

The Committee was informed about a new form of wrestling called shoot wrestling, which originated in Japan that permits punching, kicking, kneeling to the torso, head and legs while standing, as well as any throw or take down, and chokes and joint locks on the ground.

Mr Moreland advised that shoot wrestling would be subject to the same permit arrangements as kickboxing. He said a number of sports have evolved from kickboxing that all have their own different name such as "tough man contests". He said they would have to be looked at individually as to their rules to see whether they would be permitted in New South Wales.

A clearer means of definition would appear to be contained in the Professional Boxing and Combat Sports Act of Victoria. Under the term "combat sports" it specifies kickboxing and any other sport or discipline in which the contestants are required to strike, punch, kick, hit, throw or grapple with each other and is declared by the Minister to be a sport for the purposes of the Act.

The only sport that has been declared for the purposes of the Act is kyokushin karate, which is accepted as a full contact form of karate.

Medical Issues

Dr Newcombe said that in his view there was very little regulation of kickboxing and that blows to the head with the feet are clearly just as injurious from a neurosurgical point of view as a blow with the fist.

The Committee believes that the regulatory options for kickboxing require careful re-evaluation. This is another area which might benefit

from an assessment by Standards Australia as to the specification of types of padding required in the sport.

APPENDIX ONE

2000 No 452



New South Wales

Boxing and Wrestling Control Regulation 2000

under the

Boxing and Wrestling Control Act 1986

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Boxing and Wrestling Control Act 1986*.

JOHN WATKINS, M.P.,

Minister for Sport and Recreation

Explanatory note

This Regulation replaces the *Boxing and Wrestling Control Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation deals with the following matters:

- (a) matters relating to the registration of boxers, including classes of boxers that may be registered, particulars to be noted in the register, forms for registration and registration fees,
- (b) matters relating to the registration of industry participants, including classes of industry participants that may be registered, particulars to be noted in the register, forms for registration, registration fees, conditions of registration and penalties for acting as an industry participant while unregistered,
- (c) matters relating to boxing contests, including the form of application to promote or arrange a boxing contest, application fees and requirements to be observed in the conduct of boxing contests,
- (d) miscellaneous matters, including classes of places at which boxing contests may not be held, the form of medical record cards issued to boxers under the *Boxing and Wrestling Control Act 1986* and the replacement of medical record books and cards required to be kept by boxers.

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Boxing and Wrestling Control Regulation 2000

Explanatory note

The new Regulation does not include the provisions of the *Boxing and Wrestling Control Regulation 1995* concerning appeals to the Boxing Appeals Tribunal because the Act now provides for applications for review of decisions to be made to the Administrative Decisions Tribunal.

This Regulation is made under the *Boxing and Wrestling Control Act 1986*, including section 72 (the general regulation-making power) and various other sections referred to in the Regulation.

Boxing and Wrestling Control Regulation 2000

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Boxing and Wrestling Control Regulation 2000

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Boxing and Wrestling Control Regulation 2000

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Boxing and Wrestling Control Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

Note. This Regulation replaces the *Boxing and Wrestling Control Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

attending member, in relation to a boxing contest or weigh-in for a boxing contest, means the member of the Authority present at the contest or weigh-in in accordance with section 46 (c) of the Act.

boxing inspector, in relation to a boxing contest or weigh-in for a boxing contest, means the boxing inspector present at the contest or weigh-in in accordance with section 46 (c) of the Act.

the Act means the *Boxing and Wrestling Control Act 1986*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

(3) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Clause 4 Boxing and Wrestling Control Regulation 2000

Part 2 Registration of boxers and industry participants

Division 1 Boxers

Part 2 Registration of boxers and industry participants

Division 1 Boxers

4 Classes of boxers

For the purposes of section 6 of the Act, the following classes of boxers are prescribed:

- (a) boxers (fist fighting),
- (b) boxers (kick boxing).

5 Register

For the purposes of section 7 (1) (b) of the Act, the following particulars are prescribed in relation to each person registered as a boxer:

- (a) the name of the person and the name the person uses for boxing purposes,
- (b) the person's date of birth,
- (c) a passport-size photograph of the person,
- (d) the person's registration number as a boxer,
- (e) the date of expiry of the person's registration as a boxer,
- (f) particulars of any cancellation or suspension of the person's registration as a boxer in New South Wales or elsewhere,
- (g) the results of a serology test for HIV, hepatitis B and hepatitis C.

6 Registration of boxers

- (1) For the purposes of sections 8 (2) (a) and 12 (2) (a) of the Act, the prescribed form for an application for registration or renewal of registration as a boxer is Form 1.
- (2) For the purposes of section 8 (2) (b) (i) of the Act, the prescribed form for a certificate of fitness for boxing given by a medical practitioner is Form 2.
- (3) For the purposes of section 8 (2) (b) (ii) of the Act, the prescribed fee to accompany an application for registration as a boxer is \$40.

Division 2 Industry participants**7 Classes of industry participants**

For the purposes of section 17 of the Act, the following classes of persons are prescribed as industry participants:

- (a) promoters (fist fighting)—persons who promote fist fighting contests,
- (b) promoters (kick boxing)—persons who promote kick boxing contests,
- (c) matchmakers (fist fighting)—persons who are responsible for the matching of fist fighters in any proposed fist fighting contests,
- (d) matchmakers (kick boxing)—persons who are responsible for the matching of kick boxers in any proposed kick boxing contests,
- (e) referees (fist fighting)—persons who referee fist fighting contests,
- (f) referees (kick boxing)—persons who referee kick boxing contests,
- (g) managers (fist fighting)—persons who manage fist fighters,
- (h) managers (kick boxing)—persons who manage kick boxers,
- (i) trainers (fist fighting)—persons who train fist fighters,
- (j) trainers (kick boxing)—persons who train kick boxers,
- (k) seconds (fist fighters)—persons who act as seconds to fist fighters in fist fighting contests,
- (l) seconds (kick boxing)—persons who act as seconds to kick boxers in kick boxing contests,
- (m) judges (fist fighting)—persons who judge fist fighting contests,
- (n) judges (kick boxing)—persons who judge kick boxing contests,
- (o) timekeepers (fist fighting)—persons who time the rounds of a fist fighting contest,
- (p) timekeepers (kick boxing)—persons who time the rounds of a kick boxing contest.

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Clause 8 Boxing and Wrestling Control Regulation 2000

Part 2 Registration of boxers and industry participants

Division 2 Industry participants

8 Register

For the purposes of section 18 (1) (b) of the Act, the following particulars are prescribed in relation to each person registered as an industry participant:

- (a) the person's date of birth,
- (b) the person's registration number as an industry participant,
- (c) the date of expiry of the person's registration as an industry participant,
- (d) particulars of any cancellation or suspension of the person's registration as an industry participant in New South Wales or elsewhere.

9 Registration of industry participants

- (1) For the purposes of sections 19 (2) (a) and 24 (2) (a) of the Act, the prescribed form for an application for registration or renewal of registration as an industry participant is Form 3.
- (2) For the purposes of section 19 (2) (b) of the Act, the prescribed fee for an application for registration as an industry participant (irrespective of the number of classes of which a person is applying to be registered as a participant) is:
 - (a) \$60—if any class the subject of the application is the class of promoter, matchmaker, referee, judge or timekeeper, or
 - (b) \$40—in any other case.

10 Conditions of registration

For the purposes of section 21 of the Act, the following conditions are prescribed:

- (a) a person seeking first registration as a promoter must have passed the appropriate examination conducted by or on behalf of the Authority,
- (b) a person seeking first registration in any class of industry participants other than a promoter must have completed a boxing medical accreditation course conducted by or on behalf of the Authority,

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Boxing and Wrestling Control Regulation 2000

Clause 10

Registration of boxers and industry participants
Industry participants

Part 2
Division 2

- (c) a person seeking registration or renewal of registration in any class of industry participants listed in Column 1 of Schedule 2 must not be registered in any class of industry participants listed in Column 2 of Schedule 2,
- (d) a person seeking registration or renewal of registration in any class of industry participants listed in Column 2 of Schedule 2 must not be registered in any class of industry participants listed in Column 1 of Schedule 2.

11 Penalty

- (1) For the purposes of section 27 (2) of the Act, the prescribed penalty for all classes of industry participants is 20 penalty units.
- (2) In this clause, *industry participant* means an industry participant prescribed by clause 7.

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Clause 12 Boxing and Wrestling Control Regulation 2000

Part 3 Boxing contests

Division 1 Promoters and weigh-ins

Part 3 Boxing contests

Division 1 Promoters and weigh-ins

12 Application for permission to promote or arrange boxing contest

For the purposes of section 42 (2) (a) of the Act, the prescribed form for an application for permission to promote or arrange a boxing contest is Form 4.

13 Promotion fee

For the purposes of section 42 (2) (b) of the Act, the prescribed fee to accompany an application for permission to promote or arrange a boxing contest is \$50.

14 Weigh-in time

For the purposes of sections 46 (a) and 47 of the Act, the prescribed period is:

- (a) the period of 24 hours before the scheduled start of the contest if the promoter of the contest has made a written application to the Authority for the period in this paragraph to apply and:
 - (i) the Authority considers that the contest is of international significance (that is, its outcome could affect a contestant's international ranking), or
 - (ii) the contest is for an Australian championship, or
 - (iii) the Authority is satisfied that the contest is an international contest being held under the auspices of an international body recognised by the Authority, and the international body requires the period in this paragraph to apply, or
- (b) the period from 8 hours to 30 minutes before the scheduled start of the contest, in any other case.

15 Particulars to be recorded by boxing inspector or member

For the purposes of section 48 (2) (b) of the Act, the following particulars are prescribed for completion by the boxing inspector or attending member:

- (a) the name and address of the boxer,
- (b) the type of contest,
- (c) the date of the contest,
- (d) the venue of the contest,
- (e) the name of the opponent,
- (f) the scheduled length of the contest.

16 Boxer to furnish information in certain cases

A boxer whose last contest took place outside New South Wales and who submits himself for examination by a medical practitioner in accordance with section 49 of the Act before engaging in a contest in New South Wales must:

- (a) inform the medical practitioner that his last contest took place outside New South Wales, and
- (b) fully and correctly supply any information relating to that contest that is requested by the medical practitioner.

Maximum penalty: 5 penalty units.

17 Pre-contest medical examination of boxer

- (1) For the purposes of section 51 (a) of the Act, the prescribed examination is a medical examination sufficient for the completion of Form 5.
- (2) For the purposes of section 51 (b) of the Act, the particulars included in Form 5 after its completion in relation to a boxer are prescribed as particulars to be recorded in the boxer's medical record book.

18 After-contest medical examination of boxer

- (1) For the purposes of section 58 (a) of the Act, the prescribed examination is a medical examination sufficient for the completion of Form 6.
- (2) For the purposes of section 58 (b) of the Act, the particulars included in Form 6 after its completion in relation to a boxer are prescribed as particulars to be recorded in the boxer's medical record book.

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Clause 19 Boxing and Wrestling Control Regulation 2000

Part 3 Boxing contests

Division 1 Promoters and weigh-ins

19 Clothing at weigh-in

A boxer's weight for the purposes of a boxing contest is taken to include the weight of boxer's boxing shorts but no other clothing.

20 Weigh-in scales

A person must not use scales for the purpose of weighing-in a boxer unless the scales are platform scales of a type approved by the National Standards Commission or a type approved by the boxing inspector or member present at the weigh-in.

Maximum penalty: 5 penalty units.

21 Boxer's announced weight

A person must not, before a boxing contest, announce or cause to be announced the weight of a contestant as being any weight other than that recorded in the boxer's medical record book at the weigh-in for the contest.

Maximum penalty: 5 penalty units.

Division 2 The contest

22 Contest specifications

- (1) A person must not promote a boxing contest unless the provisions of this clause are complied with.

Maximum penalty: 5 penalty units.

- (2) A boxing contest, not being a championship boxing contest, must comprise a number of rounds, not exceeding 10, each of a duration not exceeding:
- (a) in the case of a fist fighting boxing contest—3 minutes, or
 - (b) in the case of a kick boxing contest—2 minutes.
- (3) A championship boxing contest must comprise a number of rounds, not exceeding 12, each of a duration not exceeding:
- (a) in the case of a fist fighting boxing contest—3 minutes, or
 - (b) in the case of a kick boxing contest—2 minutes.

- (4) There must be a rest period of one minute's duration between each round of a boxing contest.
- (5) The number of rounds of a boxing contest, or the duration of rounds or rest periods during a boxing contest, may be varied from those prescribed by this clause, but only in accordance with the prior written consent of the Authority.

23 Stretcher

A person who promotes a boxing contest must ensure that a stretcher is kept at ringside during the contest.

Maximum penalty: 5 penalty units.

24 Medical practitioner may stop contest

- (1) The attending medical practitioner may direct the referee to stop the contest if, in the opinion of the medical practitioner, a contestant is exhausted or injured to such an extent as to be unable to defend himself or to continue the contest.
- (2) The referee must comply with such an instruction immediately after the instruction is given.

Maximum penalty: 5 penalty units.

- (3) In this clause, *attending medical practitioner* means the medical practitioner who is present at the boxing contest in accordance with section 46 (c) of the Act.

25 Application of 8 second count

The referee of a boxing contest:

- (a) must apply a compulsory 8 second count if a boxer is knocked down during the contest, and
- (b) may apply a compulsory 8 second count if, in the opinion of the referee, the boxer is temporarily unable to defend himself or to continue the contest.

Maximum penalty: 5 penalty units.

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Clause 26 Boxing and Wrestling Control Regulation 2000

Part 3 Boxing contests

Division 2 The contest

26 Stopping contest

- (1) The referee must stop a boxing contest if:
- (a) in the referee's opinion, a contestant is exhausted or injured to such an extent as to be unable to defend himself or to continue the contest, or
 - (b) a contestant suffers 3 knock downs in any one round of the contest.
- (2) For the purposes of this clause, a standing 8 second count (as described in clause 25 (b)) is taken to be a knock down.

27 Boxing result sheet

For the purposes of section 60 (2) (a) of the Act, the prescribed form for a boxing result sheet is Form 7.

Division 3 The boxing ring

28 Ring specifications

A person must not promote a boxing contest on or in any structure other than a boxing ring that complies with the requirements of this Division.

Maximum penalty: 5 penalty units.

29 Area

A boxing ring must be a square having sides of not less than 4.9 metres and not more than 6.1 metres by measurements taken inside the line of the ropes.

30 Platform

The platform must:

- (a) be safely constructed, level and free from any obstructing projections, and
- (b) extend for at least 50 centimetres outside the line of the ropes, and
- (c) be fitted with 4 corner posts that are well padded or otherwise so constructed as to prevent injury to the contestants.

31 Platform mat

The entire platform must be covered with:

- (a) a layer of rubber, or other suitable material having the same quality of elasticity as rubber, that is:
 - (i) approved by the boxing inspector or attending member, and
 - (ii) of a thickness of not less than 1.5 centimetres, and
- (b) a layer of good quality felt placed over the layer referred to in paragraph (a), and
- (c) a clean sheet of stout canvas stretched tightly over the layer of felt and fixed to the outer edges of the platform.

32 Ropes

- (1) There must be 4 ropes of a thickness of not less than 3 centimetres and not more than 5 centimetres tightly drawn from the corner posts at heights of approximately 40 centimetres, 70 centimetres, 100 centimetres and 130 centimetres from the platform, respectively.
- (2) The ropes must be covered with a soft smooth material and must be joined:
 - (a) at each of 2 points on each side of the ring, being points equidistant from each other and from the corner posts on that side, and
 - (b) by a vertically hung piece of soft, smooth material:
 - (i) of a thickness of not less than 3 centimetres and not more than 4 centimetres, and
 - (ii) that must not slide along the rope.

33 Turnbuckle

Padding of a width of not less than 15 centimetres and a thickness of not less than 7.5 centimetres must cover each turnbuckle.

34 Steps

Properly constructed steps must be provided at diagonally opposite corners of the boxing ring for the use of contestants, seconds and officials.

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Clause 35 Boxing and Wrestling Control Regulation 2000

Part 3 Boxing contests

Division 3 The boxing ring

35 Seats

Seats of a type that can be removed during the rounds of a contest must be provided for the use of contestants between rounds at the corners at which steps are provided.

Division 4 Protection of contestants

36 Gloves

- (1) A person must not promote a boxing contest unless the provisions of this clause with respect to contestants' gloves are complied with.

Maximum penalty: 5 penalty units.

- (2) Each glove must have a mass of not less than:

- (a) 227 grams (8 ounces) in the case of a contestant from the middleweight division or a lower weight division, or
(b) 283 grams (10 ounces) in the case of a contestant from any other weight division,

except if the Authority has, before the contest, otherwise approved in writing.

- (3) Each glove must contain padding, the bulk of which is distributed over the top side of the glove, having a mass of not less than 114 grams.
- (4) A glove of a type the use of which has been prohibited by the Minister by notification published in the Gazette or that has been rejected for use under clause 38 must not be used.
- (5) Padding in gloves must not be displaced, broken or imperfect in any way.
- (6) Glove laces must be tied on the outside of the back of the wrists, and the portions of laces tied on the wrists must be covered with surgical adhesive tape that is 7.6 centimetres wide.
- (7) Gloves must be in a clean and serviceable condition.
- (8) Unless otherwise approved in writing by the Authority before the contest, gloves must be placed on the hands of the contestants only after they have entered the ring and immediately before the contest.

37 Padding

- (1) A person must not promote a kick boxing contest unless the provisions of this clause with respect to contestants' padding are complied with.
Maximum penalty: 5 penalty units.
- (2) Each contestant must wear foot pads and shin pads that comply with clause 40 (2) and are approved by the referee before the contest.

38 Inspection of gloves and padding

The boxing inspector or attending member:

- (a) must inspect the contestants' gloves and padding before the commencement of the contest, and may inspect them at any time between rounds of the contest or after the contest, and
- (b) may reject any glove or padding that is unfit for use in the contest.

39 Bandages

- (1) Except where the Authority has otherwise approved in writing before a contest, the attending member or boxing inspector (or, if neither is present, the referee) must inspect the bandages and taping before the contest and ensure that they conform with this clause.
Maximum penalty: 5 penalty units.
- (2) Bandages used on each hand of a boxer in a boxing contest must be of a width of not less than 5 centimetres and a length of not more than 5 metres for each hand and must be clean and of a soft surgical type.
- (3) Adhesive tape must be used to secure the bandages on each hand.
- (4) The total length of adhesive tape used on each hand must not exceed 2.5 metres and the tape must not be more than 2.5 centimetres wide.
- (5) Bandages and adhesive tape must not be affixed in a way detrimental to an opponent.

40 Boots, shorts, protector and mouth guard

- (1) A person must not box in a fist fighting contest unless the person wears:
 - (a) light boots without spikes and heels or, with the permission of the referee, is bare foot, and

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Clause 40 Boxing and Wrestling Control Regulation 2000

Part 3 Boxing contests

Division 4 Protection of contestants

- (b) boxing shorts, and
- (c) a fully padded groin protector, and
- (d) a mouth guard, except where the medical practitioner in attendance at the contest otherwise directs, and
- (e) gloves.

Maximum penalty: 5 penalty units.

(2) A person must not box in a kick boxing contest unless the person wears:

- (a) foot pads that cover the top of the foot including the instep and ankle but not the sole of the foot, and
- (b) shin pads that are secure and cover the shin, and
- (c) long trousers of light material or boxing shorts, and
- (d) a cup (groin) protector, and
- (e) a mouth guard, except where the medical practitioner in attendance at the contest otherwise directs, and
- (f) gloves.

Maximum penalty: 5 penalty units.

(3) If the referee becomes aware that a contestant has ceased wearing a mouthguard during a round, the referee:

- (a) must stop the contest at the first appropriate time and call time out, and
- (b) must ensure that the contestant's mouthguard has been cleaned and replaced before continuing the contest, and
- (c) must issue a warning to the contestant if the referee is of the opinion that the contestant deliberately ceased wearing the mouthguard.

(4) The referee must deduct a point from a contestant each time that the contestant, in the opinion of the referee, deliberately ceases wearing a mouthguard during a round after being warned by the referee under subclause (3).

41 Foreign substances

- (1) Before the commencement of a boxing contest, the referee must inspect each contestant, each contestant's gloves and any padding to ensure that no foreign substances have been applied to either the body of the contestant, the gloves or any padding to the detriment of the contestant's opponent.

Maximum penalty: 5 penalty units.

- (2) The referee may permit a contestant in a boxing contest to use a protective covering of a non-abrasive type to protect the contestant's eyebrows.
- (3) The referee must not permit a contestant in a boxing contest to wear straps, buckles or metal objects that may cause any injury.

Maximum penalty: 5 penalty units.

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Clause 42 Boxing and Wrestling Control Regulation 2000

Part 4 Miscellaneous

Part 4 Miscellaneous

42 Medical record card

For the purposes of section 33 (1) (b) (ii) of the Act, the prescribed form for a boxer's medical record card is Form 8.

43 Replacement of spoilt, lost or destroyed books or cards

For the purposes of section 40 (1) of the Act, the prescribed fee for the issue of a duplicate medical record book or medical record card is \$20.

44 Prohibited venues

For the purposes of section 62 (d) of the Act, licensed premises within the meaning of the *Liquor Act 1982*, other than licensed premises at the following places, are prescribed:

- (a) State Sports Centre,
- (b) Sydney Entertainment Centre,
- (c) Star City Casino,
- (d) any exhibition or convention centre within the Darling Harbour Development Area (within the meaning of the *Darling Harbour Authority Act 1984*),
- (e) the Sydney Superdome.

45 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Boxing and Wrestling Control Regulation 1995*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Forms

(Clause 3 (2))

Form 1 Application for boxer's registration or renewal of registration

(Boxing and Wrestling Control Regulation 2000, clause 6 (1))

Important notes for applicant

- 1 You must complete ALL sections (A, B and C) of this application, and sign and date it in the spaces provided. If you do not, your application will not be processed.
- 2 You must include a certificate of fitness for boxing and the appropriate registration fee with your application.
- 3 If you are a boxer who is registered in any country other than Australia, you must include with your application written evidence from the appropriate controlling body of that country that you are eligible to participate in any boxing contest conducted in that country.
- 4 If this is your first application for registration, you must include with your application:
 - (a) 2 passport-size photos of yourself, and
 - (b) a certified copy or certified extract of your birth certificate or other evidence of your date of birth acceptable to the Boxing Authority of New South Wales.

Section A

* Please cross out whichever does not apply.

I apply to be registered/re-registered* in the register of boxers as a boxer (fist fighting/kick boxing*) and I state that:

- 1 my full name is (sumame). (other names)
- 2 my residential address is
- 3 I want to use this name for boxing purposes
- 4 my date of birth is

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- 5 I have not previously been registered as a boxer/have previously been registered as a boxer and my Registration Number is*
- 6 I have/have not* previously had my registration as a boxer cancelled or suspended in New South Wales or elsewhere.
- 7 I enclose a certificate of fitness for boxing from a medical practitioner.
Note. The medical practitioner must have given the certificate not more than 7 days before the date of this application.
- 8 I enclose payment of \$40 being the registration or renewal of registration fee.

Applicant's signature

Date

Section B

Please complete the following details in relation to your last 6 contests:

	Date of contest	Venue	Opponent	Result	Result of physical held after contest
1					
2					
3					
4					
5					
6					

Section C

For record purposes, please provide your usual signature in ink in the space provided below:

Form 2 Certificate of fitness for boxing—Pre-registration

(Boxing and Wrestling Control Regulation 2000, clause 6 (2))

Notes for medical practitioner

Introduction

The purpose of a medical examination of persons wanting to register or re-register as a boxer under the *Boxing and Wrestling Control Act 1986* is to minimise the risks of participation in boxing sports. Although such an examination will not prevent injuries arising directly from the effects of blows, the purpose is to detect those persons who are particularly at risk due to pre-existing disease or anatomical abnormalities.

This examination will be the first examination for a boxer wishing to register or re-register under the Act. It involves a full physical examination, including an analysis of urine, and may require an ECG. The *Boxing and Wrestling Control Act 1986* also requires a boxer to be examined by a medical practitioner before and after every contest, and at any other time directed by the Boxing Authority of New South Wales (the Authority). These examinations are for the benefit and welfare of the boxer. Please assist in the prevention of injury and disability.

General

Boxers should be in good general health. Although not necessarily excluding participation, excessive weight or wasting should be considered with caution.

In examining the person, the medical practitioner should look for abnormalities that:

- (a) decrease the person's ability to defend himself, or
- (b) increase the risk of injury to the person.

Also, the medical practitioner should note (at item 5 of the Medical practitioner's report in this certificate) any other abnormality of which the Authority should be aware, even if that abnormality may not be relevant to the person's registration as a boxer.

Indications of decreased ability to defend

Indications of decreased ability to defend may include the following:

- (a) loss of sensation, particularly sight or hearing,
- (b) slow, clumsy movements, eg cerebral palsy,

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Schedule 1 Forms

- (c) muscular or joint disease or both,
- (d) lesions of balance or co-ordination,
- (e) easy fatigability, secondary to heart or renal disease,
- (f) respiratory disease, chronic or periodic, eg asthma.

Indications of increased risk of injury

Indications of increased risk of injury may include the following:

- (a) bleeding tendency, eg haemophilia,
- (b) past history of multiple fractures,
- (c) increased size of viscera, especially liver or spleen,
- (d) undescended testes,
- (e) loss or abnormality of paired organs,
- (f) poorly controlled diseases, eg hypertension or diabetes,
- (g) disease with poor healing or potential joint instability, eg collagen disease,
- (h) transient or prolonged neurological systems or signs, including headache,
- (i) previous injury with incomplete recovery of function or complicating sequelae.

Conclusion

In general, the Authority reserves the right to exclude boxers on medical grounds. However, if a significant abnormality exists it would be appreciated if all available information (including consultation by relevant consultants) is provided so that the Authority can make an informed decision as to the suitability of the applicant for registration.

Medical report

Name of person being examined

Address of that person

The following questions are to be directed to the person being examined. Please record the person's answers in the space provided:

- 1 What is your date of birth?
- 2 What is your present occupation and what were your past occupations? ...
- 3 Have you had any previous involvement in boxing or contact sports?

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If yes, please give details of any injuries arising from that involvement

- 4 Do you drink alcohol?
5 Do you smoke?
6 Have you ever been overseas? If yes, did you suffer any illness while overseas?
7 Has your weight altered in the past 12 months? If yes, please state the increase. (kg) or decrease (kg)
8 During the last 5 years, have you (occasionally or regularly) taken any stimulants, sedatives, medications or drugs by mouth, injection, or by any other means? If yes, please give details
In the case of prescribed medication, please also include the full particulars of that medication in the table to question 9.
9 During the last 5 years, have you had any medical examination, advice, treatment, or been in hospital? If yes, please give full particulars of each instance (including X-ray, electrocardiogram or other special tests):

Table with 4 columns: Date, Name and address of doctor or hospital, Advice, treatment, medication, type of examination, Reason (If illness or injury, please give duration and date of recovery.)

- 10 Please answer yes or no as to whether you have ever had any of the following. If yes, please give the name and address of the diagnosing doctor (if any) and full particulars (including duration dates):
(a) high blood pressure?
(b) pain in the chest?
(c) rheumatic fever or any heart complaint?
(d) indigestion, gastric or duodenal ulcer?
(e) asthma, tuberculosis or any other lung disease?
(f) bowel, liver or gall bladder disease?
(g) epilepsy, fainting attacks or fits of any kind?

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- (h) mental or nervous disorder or breakdown?
- (i) kidney or bladder disease, including renal colic, or stone, pyelitis or cystitis?
- (j) diabetes, gout, cancer or tumour of any type?
- (k) coughing of blood, or passage of blood from the bowel or in the urine?
- (l) easy bruising or severe haemorrhage?
- (m) multiple ligament or bone or joint injuries?
- (n) any other illnesses or operations?

Physical examination

General appearance

- 1 Is there anything unfavourable in the person's appearance or development?
- 2 Please give particulars of any permanent marks or scars

Body measurements

- 3 Please give the following measurements:
 - height (cm)
 - weight (kg)
 - chest (cm)
 - abdomen at umbilicus (cm)
- 4 If chest expansion is less than 5 cm, please comment as to apparent cause

Cardio-vascular

- 5 What is the pulse rate?. per minute BP
- 6 Is the heart enlarged?
- 7 Is there any abnormality of heart sounds or rhythm?
- 8 What is the result of ECG (if over 35 years old)?
- 9 Is there any abnormality of the vascular system?

Other abnormalities

- 10 Is there abnormality of the mouth, head, neck or nose?
- 11 Check ROM of neck
- 12 Are dentures worn?
- 13 Is a hernia present?
- 14 Are there any abnormalities of external genitalia? If yes, please describe
- 15 Are the kidneys, or is the liver or spleen, enlarged or abnormal in any way? If yes, please give particulars
- 16 Is there any abnormality of lymph glands in the neck axillae or inguinal regions? If yes, please give particulars

Examination of urine

- 17 The urine should be passed at the time of examination. If it is not, please state the circumstances
- 18 Is there any sugar in the urine?
- 19 Is there any albumin in the urine? If yes, an early morning specimen and a further specimen passed later in the day should be examined. Please record the findings below (including specific gravity) before completing the Medical practitioner's report in this certificate
- 20 Do you consider the genito-urinary system to be normal and healthy?

Nervous system

- 21 Please comment on sight (acuity) R L
- 22 Is there any abnormality of the cranial nerves?
- 23 Is there any hearing defect apparent? If abnormal, please comment on aetiology and possible investigation
- 24 Please comment on the following:
 - (a) eye gaze
 - (b) cerebellum function
 - (c) body balance and co-ordination

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- (d) muscle tone
- (e) muscle strength
- (f) sensation
- 25 Do the trunk and limbs have a full ROM?
- 26 Are there any joint abnormalities?
- 27 Is speech normal?
- 28 Is there any evidence of intellectual impairment?

Medical practitioner's report

- 1 Do you consider that any medical attendant's reports or any other special tests are required?
- 2 Do you consider the person examined to be predisposed to any particular ailment or injury?
- 3 Do you consider this person fit to participate in boxing? If you have any reservations about the fitness of this person to participate, please state them
- 4 Do you have any other or further comments to make about this person? . . .
.....
.....
- 5 I certify that the applicant is a male person.

Signature of medical practitioner

Name of medical practitioner (please print)

Phone number

Address of practice

Date

Release of information

To be completed by the person examined.

I
authorise the release of information contained in this certificate of fitness to the
Boxing Authority of New South Wales and its officers.

Signature of person examined

Date

Form 3 Application for boxing industry participant's registration or renewal of registration

(Boxing and Wrestling Control Regulation 2000, clause 9)

* Please cross out whichever does not apply.

I apply to be registered/re-registered* as an industry participant of the following class/classes* (eg Promoter (fist fighting), Promoter (kick boxing)):

- (a) (b)
- (c) (d)
- (e) (f)

and I state that:

- 1 my full name is (sumame)..... (other names)
- 2 my residential address is
.....
phone (private) (work)
- 3 my date of birth is
- 4 I have not previously been registered as a boxing industry participant/have previously been registered as a boxing industry participant and my Registration Number is*
- 5 I have/have not* previously had my registration as a boxing industry participant cancelled or suspended in New South Wales or elsewhere.
- 6 I have/have not* completed a Boxing Medical Accreditation Course conducted by or on behalf of the Boxing Authority of New South Wales.
- 7 I enclose payment of \$ being the registration or renewal of registration fee.

Applicant's signature
Date

Form 4 Application for permission to promote or arrange a boxing contest

(Boxing and Wrestling Control Regulation 2000, clause 12)

Important notes for applicant

- (a) You must complete sections A AND B of this application, and sign and date it in the spaces provided. If you do not, your application will not be processed.
- (b) It is an offence under the *Boxing and Wrestling Control Act 1986* to promote or arrange a boxing contest unless a permit has been issued.
- (c) Any permit issued as a result of this application is issued on the basis of the information provided in the application. You must notify the Boxing Authority of New South Wales of any change to that information.

Section A

* Please cross out whichever does not apply.

I apply for permission to promote or arrange a fist fighting/kick boxing* contest at this venue

on this date

with the first contest scheduled to start at this time (am/pm*)

and I state that:

- 1 my full name is (sumame) (other names)
- 2 my residential address is
- phone (private) (work)
- 3 I am a registered boxing promoter and my Registration Number is
- 4 the details of the promotion to which this application relates are set out in section B of this Form.
- 5 I enclose payment of \$50 being the prescribed application fee.

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Applicant's signature

Date

Section B

Please complete the following details relating to the proposed promotion:

Proposed matchmaker

Name Reg No

Proposed contestants

Name	Reg No	Vs	Name	Reg No
.....
.....
.....
.....
.....

Form 5 Pre-contest examination

(Boxing and Wrestling Control Regulation 2000, clause 17)

Section A

To be completed by medical practitioner in attendance.

- 1 Name of person examined
- 2 Boxing name of person
- 3 Place of examination
- 4 Weight (to be weighed in front of medical practitioner) (kg)
- 5 BP
- 6 Please comment generally on the person (including on any evidence of disease or infection)
- 7 Is the person excessively wasted or obese? If yes, please comment
- 8 Was the person's last fight contested outside New South Wales?
If yes, what injuries (if any) were sustained by the boxer?
- 9 In relation to the following items, please tick if normal or cross and comment in the space provided if abnormal:
 - (a) skin (including scar tissue)
 - (b) heart and chest
 - (c) liver and spleen
 - (d) balance
 - (e) tremor
 - (f) co-ordination
 - (g) strength
 - (h) pupil size and reaction

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- (i) vision
- (j) hearing
- (k) speech
- (l) mouth and jaw (including TMJ)
- (m) nose and nasal passages
- (n) cervical spine (especially ROM)
- (o) upper limbs lower limbs
- (p) trunk

* Please cross out whichever does not apply in the following text:

I certify that, in my opinion, this person is/is not* medically fit for boxing.

If the person is not medically fit for boxing, please complete the next paragraph:

In my opinion, this person should not engage in any boxing contest/any boxing contest or any sparring* before / /

Other comments

Signature of medical practitioner

Date

Note. If you are of the opinion that the person examined should not engage in boxing contests or boxing contests and sparring for any period, you should:

- (a) make the appropriate entry on the Boxer's medical record card, and
- (b) forward this report to the Boxing Authority of New South Wales.

Section B

To be completed by the person examined.

Please cross out whichever of the following paragraphs does not apply and, if applicable, provide the requested details:

I certify that my last contest was held within New South Wales.

I certify that my last contest was held outside New South Wales and the details of that contest are as follows:

Date

Venue

Opponent

Result

Signature of person examined

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Form 6 After-contest examination

(Boxing and Wrestling Control Regulation 2000, clause 18)

To be completed by medical practitioner in attendance.

- 1 Name of person examined
- 2 Result of the boxing contest for the person
- 3 Is there any evidence of injury arising from the contest? If yes, please state your findings
- 4 Does the person have any other injuries? If yes, please give particulars
- 5 What procedure is to be carried out in respect of the injuries (if any) referred to in questions 3 and 4?
- 6 If applicable, please complete the next paragraph:
* Please cross out whichever does not apply.
In my opinion, this person should not engage in any boxing contest/any boxing contest or any sparring* before ... / ... / ...
- 7 Other comments

Signature of medical practitioner

Date

Note. If you are of the opinion that the person examined should not engage in boxing contests or boxing contests and sparring for any period, you should:

- (a) make the appropriate entry on the Boxer's medical record card, and
- (b) forward this report to the Boxing Authority of New South Wales.

Form 7 Boxing result sheet

(Boxing and Wrestling Control Regulation 2000, clause 27)

Section A

To be completed by a boxing inspector or member of the Boxing Authority of New South Wales present at the boxing contest.

Venue Date

Results table

Scheduled rounds or duration	Boxer 1			Boxer 2			Name of winner (if any)	Contest decision
	Name	Weight	Boxer's medical record card number	Name	Weight	Boxer's medical record card number		

Comments
.....
.....
.....

The abbreviations to be used when completing the "Contest decision" column in the results table are as follows:

- WI if opponent injured—unable to continue
- NC if referee ruled no contest
- WP if won on points

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WKO (4) if won by knockout—(eg in fourth round)
WD if opponent disqualified
D if contest drawn

Section B

Name of medical practitioner in attendance

Signature of medical practitioner Date

Name of boxing inspector or member of the Boxing Authority who completed
Section A

Signature of boxing inspector or member Date

The boxing inspector or member is to forward this result sheet to the Boxing Authority of New
South Wales when completed.

Form 8 Boxer's medical record card No

(Boxing and Wrestling Control Regulation 2000, clause 42)

Boxer's details

Name

Address

Details of contest

To be completed by boxing inspector or member of Boxing Authority of New South Wales present at weigh-in.

Please complete the following details relating to the proposed contest:

Date

Venue

Weight

Opponent

Scheduled length of contest

Signature of boxing inspector or member of the Boxing Authority of New South Wales Date

Pre-fight medical examination

To be completed by the medical practitioner who conducts the medical examination.

* Please cross out whichever does not apply.

I certify that, in my opinion, the boxer is/is not* medically fit to engage in the proposed contest.

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If the person is not medically fit for boxing, please complete the next paragraph:

In my opinion, this person should not engage in any boxing contest/any boxing contest or any sparring* before / /

Signature of medical practitioner

Date

Contest decision

To be completed by boxing inspector or member of Boxing Authority of New South Wales present at the boxing contest.

Contest decision

Signature of boxing inspector or member of Boxing Authority of New South Wales

. Date

After-fight medical examination

If the next paragraph is applicable, it is to be completed by the medical practitioner who conducts the examination. *Please cross out whichever does not apply.

In my opinion, this person should not engage in any boxing contest/any boxing contest or any sparring* before / /

Signature of medical practitioner

Date

Boxing and Wrestling Control Regulation 2000

Industry participants

Schedule 2

Schedule 2 Industry participants

(Clause 10)

Column 1

Referee (fist fighting)
Referee (kick boxing)
Judge (fist fighting)
Judge (kick boxing)
Timekeeper (fist fighting)
Timekeeper (kick boxing)

Column 2

Trainer (fist fighting)
Trainer (kick boxing)
Matchmaker (fist fighting)
Matchmaker (kick boxing)
Second (fist fighting)
Second (kick boxing)
Manager (fist fighting)
Manager (kick boxing)
Promoter (fist fighting)
Promoter (kick boxing)

APPENDIX TWO

REGULATORY IMPACT STATEMENT

**Draft Boxing and Wrestling Control Regulation 2000
under the Boxing and Wrestling Control Act 1986**

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Annexure A - Draft Boxing and Wrestling Control Regulation 2000

1. Introduction

1.1 Proposal

The Department of Sport and Recreation intends to make the Boxing and Wrestling Control Regulation 2000 to replace the Boxing and Wrestling Control Regulation 1995 that is due to be repealed under the provisions of the Subordinate Legislation Act 1989.

Under the Subordinate Legislation Act 1989 all regulations sunset after a period of five years (or within any extended period that may be granted) and are repealed unless remade. The current Boxing and Wrestling Control Regulation 1995 is due to lapse if a new regulation is not made. The approach adopted by the Department of Sport and Recreation in preparing the draft Boxing and Wrestling Control Regulation 2000 is to replace the current Boxing and Wrestling Control Regulation 1995 with only minor changes in substance.

1.2 Current Situation

In NSW the regulation and conduct of professional boxing, the constitution of the Boxing Authority of NSW and definition of its functions, the regulation and conduct of wrestling and amateur boxing contests are controlled and regulated pursuant to the Boxing and Wrestling Control Act, 1986. The NSW Department of Sport and Recreation administers the legislation.

The control and regulation of professional boxing is implemented by the Boxing Authority of NSW with wrestling and amateur boxing being controlled and regulated by conditions attached to permits issued in respect to promotions by the NSW Department of Sport and Recreation.

Any person who has a prescribed interest in professional boxing can apply for a permit. Any person who has a prescribed interest in professional boxing must be registered in accordance with the legislation. Any person who has a prescribed interest in wrestling or amateur boxing can apply for a permit.

1.3 Overview of the Industry

Approximately 185 Boxer registrations and 230 Industry Participants are registered annually to compete in approximately 40 professional promotions per year.

Approximately 180 amateur boxing tournament permits, 30 amateur wrestling and 30 professional wrestling permits are issued annually.

1.4 Regulatory Impact Statements

Under the Subordinate Legislation Act 1989 new regulations must be subject to a regulatory impact statement. Remade regulations are treated as new regulations in regard to the requirements for a regulatory impact statement.

Regulatory impact statements must:

- Contain a statement of the objectives to be achieved and the reasons for the objectives.
- Demonstrate that the objectives:
 - are reasonable and appropriate; and
 - are in accordance with the objectives, principles, spirit and intent of the enabling Act; and
 - are consistent with the objectives of other Acts, statutory rules and stated government policies.
- Identify alternative options by which the objectives may be achieved, either wholly or in part, including the option of not proceeding with any action.
- Assess the costs and benefits of the proposed regulation and the alternative options.
- State the consultation process that is to be undertaken.

The impacts of the proposed regulation and the alternative options may be expressed in quantitative or qualitative terms. The RIS must incorporate an evaluation of the economic and social costs of each option. The options evaluated must be realistic to ensure that they are not in conflict with the objectives, principles, spirit and intent of the enabling Act, in this case, the Boxing and Wrestling Control Act, 1986. The outcomes from evaluations of the various options considered in the RIS are compared with the option of not proceeding with any action.

This action is commonly taken to be the minimal action on the part of the State Government that can be taken to fulfill the intention of the Parliament (ie. the Act under which the Regulation is made).

2. Assessment Issues

2.1 Regulatory Approach – General Overview

The NSW Government has instituted a number of reforms in regard to the regulatory process. The aim of these reforms has been to ensure

that, while recognising that regulatory intervention is justified in certain circumstances, due consideration is to be given to the costs imposed on the community by regulations and to encourage agencies to adopt best practice in discharging their regulatory responsibilities.

These reforms are consistent with trends in regulatory frameworks throughout the world. Increasingly it is recognised that best results are likely to be obtained by focussing on outcomes rather than specifying the technological and other details of achieving these outcomes. Such a performance-based approach makes maximum use of the knowledge held by competitors, Officials and the industry in general in running boxing or wrestling events. Furthermore, it provides an environment where industry is encouraged to make the achievement of regulatory objectives, being the conduct of boxing and wrestling in a manner that is both safe for competitors and spectators, an integral part of their business, rather than merely another requirement to be satisfied. In turn this encourages the industry to consistently review their practices in line with advances in technology, safety equipment and prevention of accidents.

In practice there is a spectrum of regulation which recognises that there is a trade-off between assurance of certain outcomes and the flexibility to industry to suit the activity being regulated. Where the consequence of an activity is potentially dangerous, a strong regulatory control approach is warranted, characterised by close prescription and strong monitoring and enforcement provisions. At the other end of the scale, a partnership approach may be more cost-effective, involving public or industry education and awareness programs. In between there are various forms of self-regulation, such as industry based codes of practice which seek to equate private costs (commonly financial) and public costs.

2.2 Regulatory Approach – Proposed Regulation

It is proposed, as a consequence of the obvious dangers associated with the sport of boxing, that strong regulatory control continues to be maintained.

It has become apparent that some regulations currently in effect need to be reviewed and amended where necessary to ensure the continued improvement in safety standards are not only maintained but also improved upon where necessary.

It has previously been recognised that these controls have been a contributing factor in the development of the sport and the level of credibility now experienced by the general public as well as those actively involved in the sport.

In the past, prior to the introduction of legislation, the sport reached a low level of credibility with both competitors and the general public.

A number of injuries were experienced within the sport, some of which resulted in deaths. Certain undesirable people and practices were rife and this allowed the sport to degenerate to such a level that public perception of the sport was greatly reduced.

2.3 Background for Regulatory Reform of Boxing and Wrestling Control Act, 1986

The Boxing and Wrestling Control Act, 1986 was established to introduce control measures in the safety and well being of those involved in the sport of boxing in NSW.

Since the introduction of this Act, the sport has established a level of public confidence not previously attainable and the occurrence of critical injuries has been significantly reduced.

With the establishment of the Act, the requirement for modern medical tests to be made available were not considered necessary in relation to blood tests.

The Boxing Authority of NSW recognises the need to ensure the safety and well being of contestants, industry participants and the general public and for them to be protected from the risk of infectious diseases. Given that the sport of boxing often results in the release of blood and other body fluids by competitors, it is desirable that the risk associated with contact to body fluids is reduced to those involved in the sport.

3. The Proposed Regulation

3.1 Reference to Regulations in the Boxing and Wrestling Control Act

Section 72 of the Boxing and Wrestling Control Act provides the general regulation making power. Section 72(1) provides that the Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to:

- (a) the use and custody of the seal of the Authority;
- (b) exemptions under section 63; and
- (c) any matter in relation to which a rule may be made.

Furthermore, Section 72 (3) provides:

A provision of a regulation may:

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

3.2 Object of the Regulation

The object of the Boxing and Wrestling Control Regulation 2000 is to ensure that boxing is conducted in a manner that, in all circumstances is as safe as possible for competitors and spectators.

The Department of Sport and Recreation aims to achieve this objective by repealing and remaking, with some modifications, the Boxing and Wrestling Control Regulation 1995. The modifications made in the proposed Regulation update the current Regulation in regard to:-

- (i) include the results of a serology test report for HIV, Hepatitis B and Hepatitis C.
- (ii) increasing the registration fee for a boxer from \$20 to \$40.
- (iii)(a) increase the registration fee for promoter, matchmaker, referee, judge or timekeeper from \$40 to \$60 irrespective of the number of classes a person may be registered in, and
- (b) increase all other categories (manager, trainer, second) from \$20 to \$40 irrespective of the number of classes a person may be registered in.
- (iv) change the penalty for industry participants from \$2000 to 20 penalty units.
- (v) change the fee for a permit to conduct a promotion from \$25 to \$50.
- (vi) delete current weigh in time and amend to allow for 24 hour weigh in periods.
- (vii) amend particulars to be recorded by boxing Inspector or member.
- (viii) amend requirements concerning boxing equipment used in a boxing contest.
- (ix) include prohibited venues.
- (x) amend fee for registration of boxer on medical application (Form1)
- (xi) include question about smoking on boxer medical application form.(Form 2).
- (xii) delete words in italics after Clause 7 relating to registration fee for industry participants.
- (xiii) amend fee from \$20 to \$50 for application to promote (Form 4)
- (xiv) amend Form 7 from "S" to "D" indicating a drawn bout (Form 7)
- (xv) delete kickcounter from Schedule 2.

3.3 Summary of Proposed Regulation

The Boxing and Wrestling Control Regulations 2000 regulate:

- provisions relating to the licenses of boxers and industry participants;
- boxing contests;
- the format of the application.

The draft Boxing and Wrestling Control Regulation 2000 is attached as annexure "A".

3.4 Options to Achieve Objectives

Option 1 – Continued Regulation (preferred option)

Adoption of the Boxing and Wrestling Control Regulation 2000 is the preferred option. The inherent dangers associated with boxing warrants the continuation of regulatory provisions in respect boxing. Adoption of the proposed Regulation will continue to maintain current provisions for the safe conduct of boxing contests as well as at the same time, generally improve the capabilities of the Boxing Authority of NSW in the administration of the sport.

In effect, this will allow a greater level of safe practices to be enforced and the continuation of current accepted world practices within the sport generally.

Option 2 – No Regulation

Under the no regulation option, there would be no prescribed statutory requirements relating to the licencing of boxing contests or the conduct of said contests which in effect, would reduce the strength of the statutory body established to control and regulate the sport.

4 Impact of the Regulation

4.1 Costs

The costs arising with compliance with the proposed Boxing and Wrestling Control Regulation 2000 are considered to be minimal.

The costs associated with registration of boxers, industry participants and the issue of permits has not changed since 1995 and now will reflect an attempt to enforce the user pay principles to the limit of that possible within the industry.

In 1999 the total income for new, renewed registrations and the issue of permits was \$11,630.00 provided to Consolidated Revenue.

The other costs associated with compliance include staff costs to administer the legislation, being approximately \$90,000p.a. and ancillary cost associated with staff requirements of approximately \$20,000. There will be no additional costs incurred by the Department of Sport and Recreation in administering the proposed regulations.

4.2 Benefits

The major benefit in making the proposed regulations ensures that those actively involved in the sport of boxing are required to maintain accepted standards of practice and are accountable to the statutory body for their actions.

In summary, the no regulation option would remove the safety requirements an industry participant is obliged to follow and significantly reduce the levels of safety within the sport.

5. Impacts of Alternative Options

5.1 Costs

Neither of the options specified would impact on the industry any greater than presently experienced with the current legislation. The preferred option would not impact significantly on the industry.

5.2 Benefits

Under the amended regulation option, there would be further strengthening of the safety issues which are paramount to the continuation of the sport and its perception in the eyes of the general public that the sport is recognised as having inherent dangers and continual reviews and monitoring of the sport is required.

6. Consultation

Consultation with the boxing industry in the development of the proposed Boxing and Wrestling Control Regulation 2000 will take place during the exhibition period of the proposed Regulation and RIS.

The proposed Regulations were drafted in consultation with the Boxing Authority of NSW.

7. Conclusion

The proposed Boxing and Wrestling Control Regulation 2000, is designed to promote the safe conduct of boxing contests. The Department of Sport and Recreation believes that the regulatory proposal will continue to provide a framework for the safe conduct of boxing contests.

The closing date for submissions will be 28 June 2000.

APPENDIX THREE

REPORT OF PROCEEDINGS BEFORE

REGULATION REVIEW COMMITTEE

INQUIRY INTO BOXING AND WRESTLING CONTROL REGULATION 2000

At Sydney on Thursday 13 September 2001

The Committee met at 10.00 a.m.

PRESENT

The Hon. Janelle Saffin (Chair)

Legislative Council

The Hon. Don Harwin
The Hon. Malcolm Jones

Legislative Assembly

Mr G. F. Martin
Ms Marianne Saliba
Mr R. W. Turner

CHAIR: This is an inquiry by the Regulation Review Committee into regulatory controls governing boxing and wrestling in New South Wales. On 23 November 2000 the Regulation Review Committee resolved to inquire into and report to the Parliament on the Boxing and Wrestling Control Regulation 2000. The inquiry will be conducted as part of the Committee's function, under section 9 (2) of the Regulation Review Act 1987, of reporting to Parliament from time to time on the staged repeal program. That program requires the periodic review of existing regulations to ensure they continue to effectively meet the objectives of the Act under which they are made. The purpose of the inquiry is to examine, first, the compliance by the Minister with the provisions of the Subordinate Legislation Act 1989 in the making of this regulation; second, the regulatory impact statement for the regulatory proposal and the consultation conducted in respect of it; third, the adequacy of the existing regulatory controls; and fourth, related matters.

The general objective behind the Subordinate Legislation Act 1989 is that the principal regulations of New South Wales are adequately reviewed, on the basis of public input, every five years. In the course of those five years the department or statutory body administering them has an opportunity to examine their operation, to note the cost and effectiveness of the regulations in meeting their objectives, and to maintain an ongoing dialogue with interested sections of the public. At the end of each five years this process has, hopefully, put the governing organisation in a strong position to review and republish its regulations with any beneficial changes. The Committee's role today is to hear from you all concerning the strengths and weaknesses of the regulatory scheme that is contained in the Boxing and Wrestling Control Regulation 2000.

In these opening remarks I have mentioned the main areas we are examining. These were also listed in the two advertisements calling for submissions to this inquiry which were published on 23 November 2000 in the *Sydney Morning Herald* and the *Daily Telegraph*. As well as these principal concerns the Committee will also take note of issues relating to the standard criteria under which the Committee examines regulations. Those criteria are set out in the Regulation Review Act 1987 and include questions of legality, any adverse impact by the regulation on the business community, lack of clarity of the regulation, trespass on personal rights and liberties, and the issue of whether the objectives of the regulation could be accomplished in more effective ways.

For the information of anyone who is unfamiliar with the work of our Committee, the Regulation Review Committee is a joint committee appointed by the Legislative Council and the Legislative Assembly of New South Wales under the Regulation Review Act 1987 to consider regulations while they are subject to disallowance by the Parliament, and also regulations remade under the staged repeal provisions of the Subordinate Legislation Act.

It is important to stress that the Committee's focus is on matters that are or should be the subject of the Boxing and Wrestling Control Regulation. We are not reviewing provisions or principles of the Boxing and Wrestling Control Act. In that respect I draw all participants' attention to the review of the New South Wales Boxing and Wrestling Control Act that is currently under way by the New South Wales Department of Sport and Recreation. An issues paper is available from the department containing the terms of reference of that review and options for reform. That review is being conducted in accordance with the National Competition Policy Agreement being undertaken in all jurisdictions in Australia. The basic principle underlying the review under that agreement is that the regulation should not restrict competition unless the benefits to the community outweigh the costs.

I return now to highlight the subject matter of the regulation we are reviewing today. It deals with the following matters: the registration of boxers, including classes of boxers that may be registered; the registration of industry participants, including classes of industry participants that may be registered; matters relating to boxing contests, including medical controls for the protection of contestants; and miscellaneous matters, including classes of places at which boxing contests may not be held, the form of medical record cards issued to boxers under the Boxing and Wrestling Control Act 1986 and the replacement of medical record books and cards required to be kept by boxers.

The regulation does not cover provisions concerning appeals to the Boxing Appeals Tribunal because the Act now provides for applications for review of decisions to be made to the Administrative Decisions Tribunal.

We are interested in hearing your views on the strengths and weaknesses of these regulatory controls.

I intend to keep proceedings as informal as possible and to provide opportunity for full discussion. However, all witnesses will have received a summons and will be sworn in so as to afford them the protection of parliamentary privilege under the Parliamentary Evidence Act.

I will call the department and the Boxing Authority first to answer questions on the regulation and the regulatory impact statement. If witnesses have a prepared statement with them, would you please let the Committee know and advise if you would like the submission to be included as part of your evidence. The submission will then be afforded the same protection relating to parliamentary privilege.

ROBERT MICHAEL RIDLEY, Manager, Industry Development Unit, Department of Sport and Recreation, 6 Figtree Drive, Homebush Bay,

DAVID WILLIAM MORELAND, Executive Officer, Boxing Authority of New South Wales, and Industry Consultant, Combat Sports, Department of Sport and Recreation, 6 Figtree Drive, Homebush Bay, and

MICHAEL LESTER MANN, Policy Officer, Cabinet Office, Farrer Place,

sworn and examined:

CHAIR: Did you receive a summons issued under my hand to attend before this Committee?

Mr RIDLEY: I did.

Mr MORELAND: I did.

Mr MANN: I did.

CHAIR: Has the Committee received a submission from you?

Mr RIDLEY: No.

Mr MORELAND: No.

Mr MANN: No.

CHAIR: Do you want to make an opening statement or lead straight into questions?

Mr RIDLEY: I am happy to lead straight into questions.

Mr MORELAND: Yes.

CHAIR: Would you please outline to the Committee the roles that the Department and the Boxing Authority play in regard to the administration and regulation of boxing and wrestling in New South Wales, highlighting what the Department and the Authority see as the strengths and challenges currently facing your administration?

Mr RIDLEY: The Act provides for the administration of the Act to be separated between the Department and the Boxing Authority. In matters relating to professional events the Authority administers the Act. Staff of the Authority are employed through the Department but the actual authority for the issuing of permits is conducted through the Boxing Authority of New South Wales. Permits for amateur events are administered through the Department separately to the Boxing Authority.

I might pass over to David in relation to the way the events are inspected and the way the Authority conducts its activities.

Mr MORELAND: The professional contests are administered, as Mr Ridley has indicated, by the Boxing Authority by way of issues of conditions of permit. Members of the Boxing Authority of New South Wales are in attendance at all professional contests and carry out duties that are required of them. An inspector from the Department of Sport and Recreation who is appointed by the Boxing Authority attends promotions as well. They have a number of roles at professional contests such as the recording of all contests and are probably the sounding board or the persons who handles concerns or problems that may arise on the night or leading up to the night. The amateur side of things is conducted by the Department, by myself and another officer, who issue permits for amateur boxing, amateur wrestling and professional wrestling. They are simply done by a permit with an attachment of conditions as set down by the Minister.

Ms SALIBA: On page 4, the Regulatory Impact Statement states that only two options were considered: to continue the regulation in exactly the same form or to have no regulation. Is that an adequate assessment of all the options available, especially given that different types of brain scans such as magnetic resonance imaging are used in other States. Were those two options the only ones available?

Mr MORELAND: The situation in relation to brain scans is something that has only been recent although the Authority does have the right to call upon a professional boxer to undertake any medical requirement that they may consider is adequate at the particular time, and that is ongoing. With respect to the considerations of whether they were satisfactory, discussions are held between the Members of the Authority and in consultation with people from the industry. They have a medical officer of the Authority as well. It is a matter of the view that would be formed by the Authority at that particular time.

Ms SALIBA: The two options were to have the regulation as it is or no regulation at all. Were other options available as well, given the different types of scans that are now conducted?

Mr MORELAND: Possibly there would be other options. As I had indicated, you are referring to brain scans that are a natural continuation with the authority at the moment. In order to explain the rationale behind the formation of the Act and the Regulation itself you have to go back into the history of the sport and the events that took place leading up to that. Yes, there would be many occasions and times that the Boxing Authority would probably like to see some changes to the legislation. That probably will be viewed under the current review.

The Hon. MALCOLM JONES: Would you expand on your answer and explain what improvements to the regulation you want made at this stage to assist both the sport and the administration of the sport?

Mr MORELAND: There are many considerations to be made not only in terms of safety and health but in terms of penalties involved, and just clearing up some of the anomalies that appear in the legislation.

The Hon. MALCOLM JONES: Have you advised this Committee of those many considerations?

Mr MORELAND: We have not pointed them out.

The Hon. MALCOLM JONES: Do you want to?

Mr MORELAND: There is a review currently being undertaken and the authority's views in relation to the legislation—

The Hon. MALCOLM JONES: Notwithstanding that review, this Committee has a review appertaining to the Regulation. Do you want to submit to this Committee for the benefit of this Regulation the many recommendations to which you have just alluded?

Mr MORELAND: I do not see any reason why not.

The Hon. MALCOLM JONES: Would such recommendations include declarations by participants relating to tests for HIV, reasons for tests for HIV, the various types of hepatitis, state whether those tests have been performed, why they were performed and such results?

Mr RIDLEY: The current Act and Regulation actually provides for HIV for advanced serology testing of every participant.

CHAIR: Wrestlers as well?

Mr MORELAND: No.

The Hon. MALCOLM JONES: Does it require them to have HIV tests?

Mr MORELAND: Yes.

The Hon. MALCOLM JONES: What about hepatitis?

Mr MORELAND: Yes, both hepatitis B and hepatitis C, every six months.

Mr MARTIN: Mr Moreland, in relation to participants in the sports what level of complaint, if any, do you get? Is it targeted at any particular area? Are people generally comfortable with how the Regulations operates now?

Mr MORELAND: In professional boxing overall the situation is fairly standard. There will be some odd complaints from time to time but they are generally directed at people within the industry—payments, controls, things that are outside the parameters of the control of the Authority. Overall it is fairly standard.

Mr MARTIN: Mr Ridley, is that also the experience of the Department?

Mr RIDLEY: The majority of inquiries that are made relating to the administration of boxing and wrestling, particularly in recent times, have focussed on the prohibition of female participants and the age limits that have been placed on junior participation. They would probably be the majority of inquiries that are made.

CHAIR: Schedule 2B of the *Subordinate Legislation Act* deals with the provisions relating to regulatory impact statements. It states that an identification of the alternative options by which objectives can be achieved, whether wholly or substantially, should be made. That is the criteria that you apply when you are making or remaking the regulation.

Some of the questions have been directed to that legislative requirement. I gathered from your answers that you were relying somewhat on the Competition Policy Review of the Act to make up for some of the deficits in the assessment of the Regulation under the *Subordinate Legislation Act*. But the Competition Policy review is by no means as specific as a regulatory impact statement. In fact, they are quite different issues but it appears from your answer that they have been mixed up. Is it correct that you have somehow welded those two processes together?

Mr RIDLEY: Probably with the timing of both this inquiry and the conducting of the National Competition Policy Review we actually delayed issuing the issues paper on the NCP review until quite recently. We were hoping again to use some of the intelligence that may be gathered from this inquiry to incorporate within the process of the NCP review.

Also, during the remaking of the Regulation with the process of the NCP review underway it was seen that the ability to provide comment from the public on the Act itself, as opposed to only the Regulation, would in some way assist the review in its entirety.

CHAIR: I could understand that that would be beneficial but I note that at the time the same 1995 Regulation was made, the Act was then listed from Competition Policy Review for 1995-96. The Regulation went through its five-year life span and a new one was made last year and the review of the Act still has not been completed. The point I make is that it is rather a long time. Do you have any comment?

Mr RIDLEY: No, I do not.

Mr MARTIN: The Act and the Regulations talk about boxing and wrestling but the emphasis appears to be on boxing, particularly in relation to medical checks. The almost non-existent wrestling ones are very basic. Is there a belief that they should be brought more into line with the same medical checks for boxing?

Mr MORELAND: For amateur wrestling and amateur boxing the organisations have their own criteria for registration, which includes medicals. We have been satisfied in the past that those

organisations can administer themselves. We simply provide a few additional guidelines in the conditions of permit.

Mr MARTIN: Do you think that they should be included in the Regulations or the Act? Or should they be left to the individual bodies? There seems to be a distinction between boxing and wrestling, and I appreciate the difference between the sports.

Mr MORELAND: Initially the Act was set up for professional boxing and further down the track amateur boxing, amateur wrestling and professional wrestling were included following other legislation that had been cancelled. Whether it should be expanded, included or whatever, I have no opinion.

The Hon. DON HARWIN: With the staged repeal process, the Act basically says that you are required to review it in terms of not only having no regulation or keeping the existing regulation, but also having different types of regulatory regimes. The Committee has some concern about that process, that some alternative regulatory mechanisms may not have been looked at. In that respect we find that in these sorts of inquiries some of the public sector authorities have not really looked in detail at different ways of regulating. Also they have not consulted with various interest groups, organisations, within their sphere.

Without wishing to prejudice in any way, my question relates to consultation on the particular regulatory proposals that you had with relevant interest groups. The Committee has had drawn to its attention that one of those groups that you would be consulting with is the New South Wales Amateur Boxing Association. On 8 September 2000 Mr George Turner, the Vice President of the New South Wales Amateur Boxing Association, rang and advised the Committee secretariat that his association has not been consulted on the Boxing and Wrestling Control Regulation 2000. He said that the association had a representative on the Boxing Authority of New South Wales, but that person's responsibility was to represent sports medicine not the Amateur Boxing Association. Do you have any comment on that?

Mr RIDLEY: I am unaware of that.

The Hon. DON HARWIN: What mechanisms did you put in place to consult the association in the regulatory impact statement process?

Mr RIDLEY: I am not aware which organisations were consulted in that process. The process was handled ostensibly by our legal officer, who is no longer with the Department. I cannot see any reason why the Amateur Boxing Association would not have been one of the first organisations contacted. If it has not been, I am not sure why.

CHAIR: It is there anyone in your Department who oversees the legal officer? Does someone have carriage of it from beginning to the end, not necessarily the work but the process? Is someone allocated that duty?

Mr RIDLEY: For the various legislation that is administered by the Department?

CHAIR: Or the remaking of the Regulation?

Mr RIDLEY: It is my belief that our legal officer looked at the process from beginning to end.

CHAIR: It would be useful if you could provide the Committee with an outline of the process that you go through when remaking the regulation. For instance, who is the responsible officer? How do you determine whom you consult? Under the legislation, consultation is an important aspect of the regulation making and that is one thing that the Committee has closely looked at. It would be helpful for the Committee to have that information. Would you be able to do that as a follow-up?

Mr RIDLEY: Yes.

The Hon. DON HARWIN: In that process, what examination was made of the merits of regulatory controls of sport in other Australian jurisdictions? Is boxing regulated better in other States? Do they formally assess whether anything that we do can be done better?

Mr MORELAND: The boxing authority is in constant contact with the Victorian Control Board and the Western Australian Boxing Commission to a lesser degree, because there is limited boxing in that State. We exchange views and information continually on a number of issues. For example, if the Victorian Board had a concern about anything, I would be provided with that information virtually straightaway. At times I have been used as a sounding board by that organisation, and vice versa.

CHAIR: How is that information fed to the legal officer? It is important to have that relationship and dialogue, and I know that many sporting authorities and departments come before the Committee and talk about that relationship. Is that information feed into the regulation making process?

Mr MORELAND: It would be fed in by way of my contact with the legal officer and advising him of any particular information.

Mr MARTIN: I refer to professional boxing. Do you have any role in overseeing the contracts between the promoters and the boxers, particularly to make sure that the boxers are not being exploited?

Mr MORELAND: No. Any financial matters are outside the control of the authority.

Mr MARTIN: Would it be worthwhile if you, or some other organisation, had that role? Or is that a difficult road to go down?

Mr MORELAND: It is probably a difficult road. The opinion of the Authority in the past has been that financial matters are purely the responsibility of managements, not something that the authority does. The authority's main concern is the safety and wellbeing of the contestants and trying to establish some credibility of the sport in general.

Mr MARTIN: What sort of criterion do you use for the rating of boxers, particularly professional boxers? Is it considered to be objective? One of the dangers can be the mismatching of boxers, particularly with professional fights. Do they pick an easy mark to get someone up in the world ratings? Is your criterion considered to be objective? Could you explain what it is?

Mr MORELAND: For a start, we have National ratings and State ratings. The National ratings are provided to the Authority by the Australian National Boxing Federation, which has been established for many years. Its ratings officer, who lives in New South Wales, provides information to the Authority for the establishment of State ratings. He attends the promotions, takes the ratings from performances and the success of particular boxers. There are boxers who are simply not rated, because they are not successful in the ring over time, and therefore they are not rated. The ratings systems that apply in New South Wales, and nationally, are fairly controlled.

Mr MARTIN: What is the basic criteria used for rating? Is it performance-based only?

Mr MORELAND: The performance is looked at as is the level of the person that they are competing against. The person that they are fighting may be rated internationally. If they are successful against that person, or reasonably successful without necessarily winning, they would be rated accordingly.

Mr R. W. TURNER: The Act and the Regulations make provision for the health and safety of boxers, but not for wrestlers. Do you think that there should be similar provisions for wrestlers. For instance, the regulations provide for a precontest medical examination within 24 hours of a bout as well as an after-contest examination. In contrast, under permit conditions the wrestler needs a medical check-up only within two months of a bout. Do you think that this situation needs some detailed reappraisal to determine whether wrestling controls should be in the regulation? After all, the regulation is entitled Boxing and Wrestling Control Regulation. Why is it that participants in wrestling

do not warrant similar considerations? The regulatory impact statement does not discuss this and the regulation does not cover it.

Mr MORELAND: The wrestlers you have referred to are professional and generally the contests are orchestrated, not like boxing contests.

Mr MARTIN: Do you mean to say that we have been conned all these years?

Mr MORELAND: Yes. I am afraid so.

CHAIR: I did not know that; that is a revelation.

Mr MORELAND: Generally they have already worked it out. And I am referring to professional wrestling. In amateur wrestling it is completely different.

Mr R. W. TURNER: With amateur wrestling should the same conditions not apply?

Mr MORELAND: Amateur wrestling has its own registration process and their own criteria for registration with that organisation. We then issue permits to the amateur organisation.

Mr R. W. TURNER: Are you happy with those separate regulations rather than having them joined together?

Mr MORELAND: Yes.

CHAIR: Why are you happy? Was that ever considered? The Act makes provision for it, although I am not saying that it should be there. Given that the regulation is called the Boxing and Wrestling Control Regulation it seems that there was some intention to cover wrestling. What discussions have taken place?

Mr MORELAND: Well, the Act is in two parts. The Boxing Authority administers the professional boxing side, and that's it.

CHAIR: It has never been contemplated to join them?

Mr MORELAND: They are two separate areas altogether.

CHAIR: But there is no wrestling authority?

Mr MORELAND: No, there is not.

Mr MARTIN: The specification for boxing gloves is very specific. However, kickboxers have to have only foot padding. I would have thought that more damage could be inflicted with a foot or a knee. Why is that padding not prescribed, as are boxing gloves?

Mr MORELAND: The padding and foot protectors are generally of similar shape, size and style in the sport. Unfortunately, when the information was provided initially, kickboxing was a fairly new sport.

Mr MARTIN: Do you think that should be looked at?

Mr MORELAND: Definitely.

CHAIR: I have a copy of some conditions imposed under section 62B of the Act for regulation of wrestling matches in New South Wales. What action can be taken in the event that the conditions are breached?

Mr MORELAND: If there is any breach of conditions the Minister may refuse to issue permits to the promoter.

CHAIR: If it is drawn to the attention of the Minister the permit could be withdrawn? Is that contained in the Act?

Mr MORELAND: The Act says that the Minister may or may not issue permits subject to the following conditions.

The Hon. MALCOLM JONES: You mentioned that an officer of the Department attends matches. What is the relationship between the participants in the sports and the administrators of the sports? Is it good?

Mr MORELAND: It is relatively good. Naturally, at times there are conflicts between the industry and the controlling body but, overall, professional boxing issues have flowed along fairly well.

The Hon. MALCOLM JONES: What is the attitude of the participants towards complying with the rules and regulations?

Mr MORELAND: Extremely good. For example, when the HIV and hepatitis situation first arose the Boxing Authority arranged a public forum to get the ideas of the industry on compulsory blood testing. The industry was 100 per cent behind the introduction of it.

The Hon. MALCOLM JONES: Earlier we talked about the input from the Amateur Boxers having to go through the legal officer. Is all communication with the various associations through a legal officer or is there more general communication between yourselves and the various heads of the associations?

Mr MORELAND: Generally it is directed through me or Mr Ridley. I would have fairly constant contact with people from amateur boxing, professional wrestling, amateur kickboxing. Organisations generally approach me to find out their information.

The Hon. MALCOLM JONES: Given this constant contact you have with the various associations, why did our Committee receive a phone call from the Amateur Boxing Association saying that they knew nothing about the regulatory impact statement? Would that not be a topic of discussion and of some importance to them?

Mr MORELAND: I am not sure why they were not informed. As I said, that side of it would have been handled by the legal officer. But the information was not conveyed to me by the Amateur Boxing Association that it had not been informed.

The Hon. MALCOLM JONES: Would it not be reasonable that it would be assumed to be a topic of some importance and that in this ongoing dialogue with them it would have been raised?

Mr MORELAND: I would have thought so.

The Hon. MALCOLM JONES: Well, why was it not?

Mr MORELAND: I do not know.

CHAIR: I think we have asked that question in six different ways and we have established that it did not happen. Perhaps it should have.

Mr R. W. TURNER: The Regulatory Impact Statement states that the costs of complying with the Regulation are minimal and that staff costs are approximately \$90,000 per annum while income from the issuing of permits was only \$11,000. Is the Regulation therefore cost-effective? In this day of user pays how would you imagine that we may narrow the gap without a huge increase in permit fees?

Mr MORELAND: It is very difficult because the industry is very small to begin with. One of the promises, if you like, that was made to the industry when the Act was first established was that the cost involved in establishing an Authority would not impact greatly on the sport. It would virtually

wipe it out—that is how small the sport is. Over a period the costs of permits and registrations have remained fairly low. Raising revenue through permits has certainly been looked at but it was seen as something that would impact on the industry fairly heavily.

Mr R. W. TURNER: So for the ongoing survival of the industry there needs to be some form of subsidy for the costs of running it?

Mr MORELAND: Yes.

Mr MARTIN: Someone else might have canvassed this earlier. Mr Ridley, during your review did you check how the regulations in the other States compared with regulations in New South Wales to see whether there were consistencies?

CHAIR: Earlier we asked whether they tick-tacked with other States but it was not as directed to the RIS.

Mr MARTIN: What did that show? Is there likely to be enough harmony between the States and the various associations to achieve a National set of regulations rather than individual State regulations?

Mr RIDLEY: There is certainly action towards that at the minute. A national working party has been established through the Standing Committee on Recreation and Sport at the Federal level, with representatives from the concerned States and Territories, on how such a national system might be established. There is consistency at the moment between New South Wales and Victoria to the point where we recognise the registration of boxers in either State. South Australia is in the process of introducing legislation that is based on the Victorian system. Again, we would expect that cross-border recognition will exist there. The activity in other States is quite low. Tasmania has very few events, as does Western Australia. So the realities of a national system would see it based between Victoria, South Australia, New South Wales and perhaps Queensland, which at the moment has no legislation particularly for boxing.

This therefore raises some concerns for us in terms of boxers that are competing in Queensland and then come to compete in New South Wales without the benefit of the strict medical controls that are in place to protect the boxers in New South Wales. In regard to comparative studies of other legislation, I cannot answer for the RIS in the process of the remaking of the regulation. I can say that it has been very carefully canvassed in the process of the current NCP review. We believe that a national system has potential, although it may still be some way off.

Ms SALIBA: In Victoria boxers have to undertake an MRI every three years and tests can be ordered from time to time. Was that a consideration during the process? When we met with boxing authorities in North America we learned that CAT scans and MRIs are carried out.

Mr RIDLEY: The process of medical controls for professional boxers is such that there are pre- and post-fight medical examinations. There is also a doctor at ringside. At any time the Authority, on advice from a doctor, can request whatever medical examination it feels is appropriate for a particular fighter. If a doctor felt it was necessary that a fighter should have a scan of whatever type or any other medical examination, that can be ordered by the Authority. That has existed in the past and it continues to exist.

Ms SALIBA: The contestant would have to show some signs. I am thinking about existing brain injuries that might not be detected outwardly in the first instance. A woman boxer in Victoria completely lost her memory from fights. Would it not be better to pick up existing or evolving injuries, before the person was damaged permanently or seriously, rather than after the event?

Mr MORELAND: As I indicated before, the sport is relatively small. The information available on individuals is fairly good. We certainly do not call on a person to have a CAT scan or an MRI or other test after the event. On a number of occasions we have called boxers before the Authority and ordered that they undergo tests or that their registration be cancelled because of their history as a boxer. Many of the people on the Authority are experts in boxing and it has been a career or an interest to them for many years. They can go to a boxing contest and look at a number of fighters

and express concerns about the ability of those persons to defend themselves or even hold their hands up and fight. That is immediately reported back to the Authority and that person will be called before the Authority.

CHAIR: Are participants in wrestling competitions paired against each other according to their weight class or matched by age or experience?

Mr MORELAND: I believe that amateur wrestlers go under weight divisions. I am not fully aware of that. In professional wrestling, it being such a small sport in Australia, there are no weight divisions: it is just professional wrestling.

CHAIR: I understand that infectious diseases can be spread by skin-to-skin contact in any contact sport but I refer particularly to wrestling contests. Is testing required of wrestlers? For what diseases are they checked? I note that clause 5 of the Regulation for boxers provides that they must give the results of serology tests for HIV, hepatitis B and hepatitis C. Is that required for wrestlers as well, or is there a need?

Mr MORELAND: It is not but there is far more likelihood of a boxer being cut than a wrestler, and probably even less chance of an amateur wrestler being cut.

CHAIR: What about skin-to-skin contact? Is there any evidence to say yes or no?

Mr MORELAND: The information that we have been provided with in the past is that you would need to have blood-to-blood contact or saliva or body fluids of some type.

CHAIR: We have recently been informed about a new form of wrestling called shoot wrestling, which originated in Japan. I understand that it permits punching, kicking, kneeling to the torso, head and legs while standing, as well as any throw or take down, and that on the ground knees, chokes and joint locks are allowed. It seems to be a form of martial arts like kickboxing, which is permitted. Is shoot wrestling permitted or likely to be permitted in New South Wales?

Mr MORELAND: Shoot wrestling as it is, would be provided with a permit as kickboxing. It would have to follow the same rules as kickboxing. A number of sports have evolved from kickboxing. They all have their own different name. You have tough man contests and things like that. They are very similar: wrestling, grappling, punching—much the same type of thing. Again, they would have to be looked at individually as to their rules to see whether they would be permitted in New South Wales. To date things like tough man contests have not been allowed.

CHAIR: Does that take in Thai kickboxing?

Mr MORELAND: In New South Wales they are considered to be kickboxing, because the knees and elbows that are used in Thai boxing are not allowed in New South Wales.

Ms SALIBA: Mr Martin has touched upon mismatches already. In the United States there is the Muhammad Ali Boxing Reform Act, which requires the establishment of objectives, consistent criteria for the ratings of professional boxers in order to prevent mismatches. One of the things that I found very interesting is that a company called Fight Facts keeps a record—it is like a form guide basically—

Mr MORELAND: We have that.

Ms SALIBA: Does a private company keep a record through the Boxing Authority?

Mr MORELAND: Do you mean who puts it together?

Ms SALIBA: Yes.

Mr MORELAND: For many years a private company has put the statistics and information together about boxers that it is aware of. It does not have every boxer in the world because there are

areas in the world that do not provide the information. I actually provide the results of fights in Australia to Fight Facts so that they can be included in that book.

Ms SALIBA: If somebody is too old or has had several knock-outs, is it used by the Authority to monitor them?

Mr MORELAND: Yes. It is one of the things that we use. We also have a record in Australia that is put together by another person that gives all the boxing results in Australia, New Zealand and Fiji.

CHAIR: Is there a company name that you know of.

Mr MORELAND: The other book in Australia?

CHAIR: Yes.

Mr MORELAND: I think it is simply called *Australian Boxing Record*. It is put together by a man as a hobby but he does sell them. They are about \$20. He updates them each year and we simply purchase them from him each year, even though the information is basically information we already have because we maintain a card system of all boxers who compete in New South Wales.

CHAIR: But it is good to have it collated into one document.

Mr MORELAND: It is handy because there are people in New Zealand, Fiji and even New Caledonia and we may not be aware of them if they are not New South Wales registered boxers that are competing.

Ms SALIBA: In the United States, the Mohammed Ali Reform Act provides protection for contracts forced upon boxers by unscrupulous promoters. It also prohibits conflict of interest between the manager of the boxer and the promoter. In your opinion is such legislation necessary here?

Mr MORELAND: I do not believe to date that it has been necessary. There are some concerns within the United States in relation to the Mohammed Ali Act that it is taking away the controls in place in individual States and a lot of the world organisations based in the United States are concerned with the legislation in general.

Ms SALIBA: We have had some discussions about promoters and managers taking boxers from across the border in Mexico and not living up to the contract. For example, a young man might sign a contract to box for X amount of dollars. He is given a medical examination and the manager might say he has to pay for the medical examination and so on, and the boxer does not receive the amount specified in the contract. World wrestling might see it differently, but are there similar instances in Australia and New South Wales where promoters might exploit boxers?

Mr RIDLEY: There is provision within the current Regulation in which the Boxing Authority requires a surety of \$5,000 to be lodged by promoters for their first three promotions and that can be requested or ordered by the authority from a promoter at any time. If there are concerns they can be asked to provide that financial guarantee before a match.

The Hon. MALCOLM JONES: During the period of the regulation between 1995 and 2000 how many registrations were cancelled?

Mr MORELAND: I could not give you an honest figure but there were definitely a number of boxers' registrations cancelled.

Mr RIDLEY: Cancelled for what reason?

The Hon. MALCOLM JONES: Because you deemed that these people were unsuitable to fight.

Mr RIDLEY: Because of age?

The Hon. MALCOLM JONES: For whatever reason you would cancel a registration

Mr MORELAND: It could be because of medical grounds, the boxing record, age limitation.

The Hon. MALCOLM JONES: Would it be 100?

Mr MORELAND: No.

The Hon. MALCOLM JONES: Or 50?

Mr MORELAND: It would be anything between five and 10. I may be overexaggerating or maybe underestimating.

CHAIR: Clause 16 of the regulation provides that a boxer whose last contest took place outside New South Wales must inform the medical practitioner of this and fully and correctly supply any information relating to that contest that is required by the medical practitioner. On the face of it that seems a rather cumbersome and ineffective procedure given that the maximum penalty is only five penalty units. Is there some rationale or safety issue for that?

Mr MORELAND: The safety issue was that boxers would go between States and controlling bodies would not be aware of them having that bout. In actual fact they are required to have a clearance and the co-operation that we have between the government controlling bodies is such now that that particular concern is not as great as what it was.

CHAIR: But we still have that requirement?

Mr MORELAND: It is generally asked of the fighter on the night of the contest because it is still a part of the pre and post-medical examination. It allows the doctor to be a little more aware that the fighter recently fought. If he had been knocked out he would not have been allowed to fight but if he had a cut, that it had healed within a few weeks. It allows the doctor to have a little more extra information when he is doing his pre-medical.

CHAIR: Also, Mr Ridley, you mentioned there were some National discussions taking place on a national approach. Are you aware of the *National Boxing Commission Act* that may be introduced in the United States to try to bring uniformity among the States. Have you looked at those initiatives?

Mr RIDLEY: No, I have not.

CHAIR: You are not aware of initiatives in other jurisdictions. If you read the bill it states that all States will implement a suspension of a boxer on medical grounds and allows an open approach. Would a national approach be desirable?

Mr RIDLEY: As I said earlier, the inconsistencies that exist between the Acts where legislation does exist in various States suggests a national system could be relatively easily achieved. It is more a concern on the States that are reluctant to introduce legislation for whatever reason in ensuring that there is some sort of compliance within those States, but a national approach is a reasonable approach to the issues that are facing the industry.

CHAIR: The Regulation also provides that after the contest particulars are to be recorded in the boxers' medical record book. Why should this information not be available to the relevant medical practitioners on an Australia-wide basis without having to rely on the boxers and, indeed, their memory? Is there a better way of doing it?

Mr MORELAND: The book must be provided at the time the fighter goes to the weigh-in and the book is available on the night of the fight. All the information in the book is instantly available to the medical officer.

CHAIR: Is there any database available that is independent of the boxer?

Mr MORELAND: The Boxing Authority maintains a record on every boxer that is registered with the Boxing Authority and then again through co-operation with Victoria, Western Australia and to some degree the Australian Capital Territory, which relies on the New South Wales legislation to provide that information, we maintain that information continually. I could quite easily tell you if a boxer was medically suspended or where their last fight was, the result, the weight, the whole lot.

CHAIR: It relies on co-operation among the various States and authorities?

Mr MORELAND: Yes.

CHAIR: The medical examination form involves a full physical examination including an analysis of urine and may require an ECG. Has there been any discussion about whether or not they should be mandatory? Is that part of what you are considering?

Mr MORELAND: There has been ongoing discussion within the authority as to whether things should be included. Those discussions are still continuing at the moment, along the same lines as we said earlier, about MRIs. The cost involved has to be looked at as well as the safety issue. There are a number of concerns as well as the safety side of it.

CHAIR: Do you know how much ECGs cost? I imagine they would be quite expensive.

Mr MORELAND: I am not sure of the exact figure. People tell me they are anywhere from between \$300 and \$800 depending on what part of Australia you come from. They are an extremely good test and they are worth their value but you have to look at it in the context that some of these people are within a very small sport.

CHAIR: I have four questions I would like you to take on notice and get back to the Committee on. They relate to the National Competition Policy review and staged repeal. We touched on them but not in detail. I shall give you a copy of them. Is there anything else you would like to say?

Mr MORELAND: No.

(The witnesses withdrew)

WARWICK WARN, President and Referee of the New South Wales Amateur Boxing Association, 93 Pendant Avenue, Blacktown,

ARTHUR TUNSTALL, Secretary General, New South Wales Amateur Boxing Association, 27 South Avenue, Double Bay,

GREG EADIE, Amateur Boxer, New South Wales Amateur Boxing Association, 10 Potter Avenue, Earlwood,

GARY BRIAN CLAUD TRINDALL, Trainer, New South Wales Amateur Boxing Association, Trilby Park, Walgett, and

IAN ROSS DENNIS, Trainer, New South Wales Amateur Boxing Association, Woni Farm, Walgett, sworn and examined:

CHAIR: Did you receive a summons issued under my hand to attend before this Committee?

Mr WARN: Yes.

Mr TUNSTALL: Yes.

Mr EADIE: Yes.

Mr TRINDALL: Yes.

Mr DENNIS: Yes.

CHAIR: The Committee has received a submission from you. Is it your wish that the submission be included as part of your sworn evidence?

Mr WARN: Yes.

Mr TUNSTALL: Yes.

CHAIR: Do you wish to add or elaborate upon that submission?

Mr WARN: No.

Mr TUNSTALL: No.

CHAIR: Mr Warn or Mr Tunstall, would you like to make some opening remarks?

Mr TUNSTALL: We appear before the Committee today on behalf of the New South Wales Amateur Boxing Association simply because of a law that was passed regarding the age limit of junior boxers. This legislation was introduced by the former Minister for Sport who decided almost overnight to ban boys under 14 years of age from boxing because two girls aged nine and 11 appeared in a promotion in Queensland—they were connected with another organisation, not my Association. As a result it was felt that nobody under 14 should box. The Australian Medical Association [AMA] believes nobody under 18 should box. The AMA is totally out of touch with reality—and I can say that authoritatively because I have correspondence with them that is six inches thick. We are now in the awkward position of being responsible this year—it happens on a rotational basis—for conducting the Australian Amateur Boxing Championships. While other States have schoolboy competitors, we in New South Wales have had to tell the other States, "Sorry, the law in New South Wales does not allow anyone under 14—over 10 and under 14—to box."

CHAIR: Does every State have different legislation?

Mr TUNSTALL: Every other State allows those boys to box. We are handicapped to an enormous extent in New South Wales. The lifeblood of any organisation starts with junior boxers,

wrestlers or whatever. This law has had a great effect on promoting amateur boxing in New South Wales, especially in country areas. Every Saturday night young kids like to get into the ring and show their abilities. That is now gone. What happens to those kids? They go out on the street and get into trouble. That is a proven fact.

CHAIR: At what age do boys usually take up boxing? Is there an average age?

Mr WARN: One of my sons began boxing when he was eight, but he was only training. Boys cannot box competitively until they are 10 years old.

CHAIR: At what age do boys usually show an interest in boxing?

Mr WARN: They show interest at that age because their brothers or friends box and they go to the police boys clubs or the gym.

Ms SALIBA: It would be interesting to know how many professional boxers started as amateur boxers.

Mr WARN: A very small percentage.

Mr TUNSTALL: Most young kids started in the sport at police boys clubs because that is where they went. I was associated for 20 years with the Federation at executive and boxing levels and I know how strong those clubs were. The kids came through them and into the competitive ranks and many went on to become professionals because they had a good background in boxing. It is regrettable that little kids are now denied that chance. It was all very well for the Government to write to me and say, "Tell them to get into another sport", but kids are not interested in another sport: they want their own particular sport. The feeling seems to be that boxers will finish up with brain damage. Everyone is concerned about that because Mohammed Ali has a disease. Many other people have the same disease—four of my friends have died from that disease and they would not know what a boxing ring looks like.

My argument is with the AMA and that wonderful woman Dr Phelps. The former President of the New South Wales Amateur Boxing Federation, Dr Lou Lewis—who now serves on the Boxing Authority—and I visited Dr Phelps in Canberra and explained the situation. I invited her to attend a session of the Olympic boxing. She eventually agreed to do that with the secretary. I made all the arrangements—it was pretty tough to get seats, but we managed it—and she did not turn up. She said that she was sorry but, while points were awarded for blows to the head, she would continue to condemn boxing, as would her fellow doctors. Three doctors who have held that position before Dr Phelps have also condemned boxing—I have the correspondence to prove it.

On the international boxing scene, 190 countries are affiliated and have the same rules. The international body has just produced a medical handbook, entitled *The Medical Handbook of Amateur Boxing, 5th Edition of the AIBA*. It tells you everything you need to know to be an amateur boxer. I have also brought in the latest record books kept by boxers, which are completed by a doctor. All results are recorded in those books. It does not matter where one goes in the world, boxers cannot compete without that book.

CHAIR: Would you like those documents to be included as part of your evidence?

Mr TUNSTALL: Yes.

CHAIR: Thank you. That will be useful.

Mr TUNSTALL: On the international scene, there is a medical commission comprising 25 international doctors. They are not just ordinary doctors but specialists who belong to the international body. They decide whether eight ounce or 10 ounce gloves will be used and whether there will be compulsory head guards. When I ran the 1991 world championships in Sydney I had five of those international doctors here, as is required by the international body. I invited representatives of the AMA to speak to those doctors. Two representatives came and they admitted that they were surprised by the evidence they heard because they did not know anything about amateur boxing. I then said, "If

I were to tell you that I know of an amateur boxer who has had 230 bouts, would you think he would have any brain damage?" They replied, "After so many bouts and punches you would naturally assume that there would be something wrong."

I said, "I'm very pleased to hear you say that because I'm going to introduce you now to that man who has had 230 bouts. He is sitting over there: his name is Dr Yoshida from Japan. By the way, I don't think he has any brain damage because he is a practising brain surgeon. You examine him and tell me how bad he is." The late Sir William McKell, the second Australian-born Governor-General, was welterweight champion of New South Wales. Kerry Packer's father was heavyweight champion of New South Wales. The hero of Changi, Weary Dunlop, was also a former champion. They suffered no brain damage—and I do not think anyone would be prepared to say that they did.

On the question of so-called brain damage caused by boxing, I have put together a personal record book of press clippings—which I am happy to submit to you. Overseas doctors connected with international amateur boxing will say anything you like regarding the safety of the sport. I have been Secretary of the State boxing association for 60 years and I was Secretary of the Australian body for 48 years. I am very proud to say that in all that time my association in New South Wales has never had a fatality or a serious injury. As a matter of fact, we are criticised for stopping bouts too soon. The aims of the Association are the protection and the welfare of boys and to make sure that they are not punished unnecessarily. I have been a boxing referee and my president is a referee. We know what it is like to be abused—"Let the bloody fight go on, there's nothing wrong with the kid."—but we are there to protect the boy.

You cannot put on a boxing show anywhere in the world unless there is a doctor present. The first thing boxers do is take along their record book for the doctor to look at. What happens if a boy is knocked out—and I don't mean knocked out and lying flat on his back? If a referee thinks a boy has received a severe blow that makes things a bit difficult for him, he will give him the eight count. The referee looks at his eyes to see whether they are watery and at his feet to see whether he is unsteady and, if the referee thinks the boy should not continue, he will say "Nine, 10, out". Remember that that boy is standing there and he will protest because the referee has stopped the bout. The doctor records in the boxer's book that he must not box for 28 days. If that boy turns up at some show somewhere, the first thing the doctor will say is, "Where's your book? Let's have a look at it. Sorry, son, but you have another three days to go before your time is up so you cannot box." That is standard procedure throughout the world.

Every weekend I read about football in the newspapers. I have articles in my record book headed "Boxer injured", "Boxer this" and "Boxer that". Thousands of kids play football every week from age six up. There is no doctor present at those games—as you will see from the evidence in these statements from the newspaper. People telephone me and say, "I would like my son to learn boxing. What gym should I send him to?" I now make it a habit of saying, "Do you want your son to box competitively?" And they reply, "Oh no, I don't want him to box competitively." So I say, "Well, why do you want him to learn?" They say, "When I was young you had to learn to box to defend yourself and I want my son to do the same." I then ask, "By the way, has your son ever been injured playing football?" They might reply, "As a matter of fact, he has his arm in a sling now."

Despite what the medical profession says—members of which never attend our shows even though we invite them—the evidence is that more kids are damaged or injured by playing football than boxing. Look at how the old-time footballers walk around: they have replacement knees, hips and so on. You do not see any boxers walking around like that. As far as the safety of amateur boxing is concerned—I know it is a hobby was of mine and I have been fighting this issue all my life—these kids are being deprived the right to box. Not being able to box until they are 14 is not doing any good for the kids in their future lives. Boxing teaches them discipline and respect. They think they are tough until they get in the ring. The very fact remains that that they are being denied the right to compete in their chosen sport. They are no different to any other kid who wants to be a cricketer or footballer. I really believe, and so does my committee, that this rule or this law—

CHAIR: It is in the Act.

Mr TUNSTALL: —gives the Minister a discretion and he has the right to decide. I have appealed to him on three occasions to change the rule, but I would strongly urge this Committee to

give consideration to lifting the ban applying to kids under 14 years of age. Why should New South Wales be the only State which believes that it knows better than all the other States about the safety of these young boxers?

CHAIR: Thank you, Mr Tunstall. You have answered about three questions that I have not yet asked, so thank you very much.

Mr TUNSTALL: If you have any more, I would be happy to answer them.

CHAIR: I am sure that I could think of many. Thank you for that presentation. Mr Warn, would you like to make some comments?

Mr WARN: Yes, I would just like to back up the comments made about youth. We used to have boys boxing from 10 years of age upwards and they are very protected. Our theory is: If you get hurt, do not come back. If a kid comes down and he is getting overmatched or he is tired or something, we stop the fight. Between them all, there is no harm in it. They are just told to go back and train a bit more and, really, the punches they throw, with all the protection they have, they do not get hurt. They do not have the strength at the time. Boxing really builds up character in kids. I have seen young kids who are really shy and who are not doing well at school.. They come along and they slowly gain their own confidence and they pass school very well. They also gain confidence at school. There are not very many kids who brag about the fact that they do boxing because they know that, if they do, everybody will want to fight them in the school grounds, so they keep that to themselves.

What we would probably call yahoos or mugs do come and join the sport. After a lot of training sessions, they know that they have to control their temper and we do not see them any more. They go to rugby league or something because they just cannot handle the rules and the discipline which are always present. We are lucky to be in the sport that we have. I know that I meet boxers who are now old and they have known me for years. They were kids when they were in the ring and they respect me and they talk to me. I do not get abused by anybody, unlike in rugby league. We are now getting football referees who are being attacked in rugby league and soccer whereas we are respected for what we do and we are building up good young men.

Mr MARTIN: Just as a matter of interest, was there not a boxing referee who was flattened at the recent Olympics tournament by an undisciplined boxer who got life?

Mr TUNSTALL: That was a paper statement and it was completely untrue.

Mr MARTIN: That was just an accident, was it?

Ms SALIBA: I do not know whether the judges at Wollongong would agree with that, either, in view of the professional fight that was held down their last week.

Mr TUNSTALL: You are talking about professionals. We do not have that situation.

Mr WARN: Sometimes a boxer does connect with the referee. I have been hit a few times but the rules state that we have to be within an arm's length of the action whereas other ones walk around the ropes. We have got to be there in case a hard punch lands and we put our hand between them and say "Stop!", and the second one will not hit. We cop the punch in the hand, or sometimes you are so close that it might be somewhere else, but that is how far we go to look after the weaker boxer. We must help him out.

Mr TUNSTALL: If I may interrupt again, this book also has the statistics from the recent Olympic Games which will give an indication of the number of bouts that were stopped to avoid a boxer being outclassed or the bouts that were stopped because of injury as well as the percentage of any KOs, which were practically nil. The results of the world and Olympic championships statistics are also in the book, which will provide all the information that you need. Quite a long time ago I submitted to the department many letters and statistics.

CHAIR: Would you like them to become part of your evidence, and we will return them to you?

Mr TUNSTALL: Yes. Also in here is information from a friend of mine in Canada who has on a database 10,000 names and in this book he provides a percentage of bouts that have been stopped internationally on the same basis as the Olympics. Just to finish off, I will let my worthy president know that he is telling the truth about his son. His photograph appears in the book and you will find his record in the book as well. If you want to know, he will tell you why boxing under 14 years of age should not be banned. He is a successful businessman today and he has no brain damage. I will not interrupt any more.

CHAIR: Mr Eadie, you are a boxer. Perhaps you might like to say something.

Mr EADIE: I think that Mr Tunstall has covered a lot of it. I started in 1989 when I was nine years old. I had my first bout in 1991 when I was 10. I got into it because my Mum got me into it. I was a hyperactive little kid and I was causing trouble. I used to go to the gym and I used to punch the bag. My mum just made me wear myself out and I would fall straight to sleep when I went to bed. I know a few kids now down at the Belmore police boys club who come in there and who are 12 or 11 years old. They would love to box but they cannot because of the age limit. They are hyperactive kids or are little troublemakers and they come to the gym. I think that for me it was good—everyone is different—but it was really good because I was really hyperactive and it did help me in a big way to settle myself down and behave myself in the community.

CHAIR: How long have you been boxing?

Mr EADIE: Since 1989, since I was nine.

Mr TUNSTALL: Looks all right, doesn't he?

CHAIR: He looks fine.

Mr MARTIN: In relation to the age limit of 14, there is nothing to stop the kid going to a gym and training—or is there—and belting the bag to pieces and so on?

Mr EADIE: No, there is nothing to stop him, but everyone likes to compete. It is just like going to training and playing football on a football field. Everyone wants to play a game.

CHAIR: You want to get out there and do it.

Mr EADIE: You want to see how you go and it is the excitement of the crowd and everyone being there.

Mr R. W. TURNER: This is mostly directed to Mr Greg Eadie, but any of the other gentlemen may answer. When you talk about 10 years of age and the limit now being 14, would 12 be a reasonable compromise if it is desired that we lower the age limit? Would 12 be of assistance?

Mr WARN: We would like 10.

CHAIR: Ten is the age of criminal responsibility.

Mr TUNSTALL: We would be prepared to compromise.

Mr WARN: If you cannot see any problems, then why not?

Mr TRINDALL: Just in reference to Mr Turner's statement, as I said earlier, I think I represent a lot of people of the country area. In our little community of Walgett, one year I won the trophy for having the most junior boxers registered in New South Wales. I had 45 registered junior boxers. If you were to go to a little community up there, you would know that for five years there was even no football. We have 1,700 Aboriginal people in the community and 2,300 people all up. With the 1,700 Aboriginal people in the community, there was not even any football. It came back again this year but for the last four years there had not been any up there. From my own personal point of

view, even the work-related point of view, by the time kids get to 12 years old in our backblock communities up there, it is too late. It is too late to do anything with them.

CHAIR: What age are you suggesting then?

Mr TRINDALL: I think that 10 years old is great. Like Warwick Warn was saying a while ago, I have a son sitting back here who started training at seven years of age. He is now the national champion and has been the national champion for the last two years. He won the Junior Citizen of the Year Award in Walgett and it looks like he will finish up as school captain of the high school. That is what boxing has done for him. I have another son at home. There are always negative stories about boxing but what about the positive ones. I have a son at home who, at nine years of age, caught meningococcal. He has scars all over him. I could have brought him down here, I suppose. He is 21 now but I could have brought him down here. He has got fingers missing and he has half a foot on one side and no toes on the other side. That came from meningococcal.

He came to me while I was at training at Walgett when he was 11 years old and said, "Dad, can I start boxing?" I said, "Yes, son." But he was too frightened to go to the doctor because he thought that the doctor would knock him back. So, in the finish, between his mother and I—his mother is sitting in the back of this room and she is registered trainer, too—we conned him up and we took him to the doctor. He got a doctor's certificate. Now that boy was withdrawn. He did not want to talk to anyone. He did not want to know anybody. He used to sit in the back of the classroom and he got called half a foot and scar face—you name it.

Within 12 fights he achieved something that I think no other kid in Australia has achieved—the Senior National Title of Australia. He only had 11 fights as a junior. Some years ago he turned 17 on 29 September and we took him to Melbourne. He fought in Melbourne and he fought a 28-year-old man there. He beat that bloke but, unfortunately, he never got a chance to represent Australia in the Oceanic Games because there was no-one in his division. The thing is that that boy finished up winning the Junior Sportsman of the Year Award and the Junior Citizen of the Year Award and he finished up being captain of the high school at Walgett. He finished up representing the high school at Walgett on reconciliation meetings in Canberra and I put all that down to boxing—the whole lot of it.

CHAIR: You must be proud of both of them.

Mr TRINDALL: I have six of them and they have all done boxing, so I am proud of the lot of them.

Ms SALIBA: Can I just ask about the 10 year age limit? My understanding is that that is acceptable in every other State. Is that also an international age limit?

Mr TUNSTALL: In some countries they take them even younger.

Ms SALIBA: Are there other countries that have them older?

Mr TUNSTALL: Older?

Ms SALIBA: Yes, a limit of 14, 16 and so on?

Mr TUNSTALL: The limit in amateur boxing is 34 years of age. You cannot box after that.

Ms SALIBA: No, I mean the youngest age.

Mr DENNIS: The starting age.

Ms SALIBA: In some of the other jurisdictions, the upper limit of the youngest age at which someone could start. Is it greater than 10, like New South Wales where we have a limit of 14?

Mr WARN: Not that we know of, but we know there are countries that have lower age limits.

CHAIR: You heard the evidence here today from the Department Sport and Recreation and the Boxing Control Authority. What are your views about the cost of compliance with the regulation? Are there issues surrounding that because we heard that it is obviously not a wealthy industry?

Mr TUNSTALL: The situation is, as I read the regulation, that it concerns professional boxing really. As far as New South Wales Amateur Boxing is concerned, we do not have any problems. Any registration that is lodged with our Association has records, all of which are kept, and our relations with the Department, I can assure you, are 100 per cent. We keep in touch with each other. Before we can run a boxing show, I compile at the beginning of the year a list of boxing tournaments throughout the State. This year we sanctioned 70-odd tournaments. We submitted that it to the Department for approval and we never have any problems.

CHAIR: What about the adequacy of the consultation from the Department and the Authority with the New South Wales Amateur Boxing Association, particularly with respect to the making of regulations? Can you describe the consultation?

Mr WARN: We have our own regulations, really, and that applies around the world. You can have this book, too, if you want to put it in, which contains all the rules. The rules of this book apply in every State and to every fight in the world and we run it. If we complied with the professional one, we would be going backwards. A simple example is the bandaging. We are only allowed 2.5 metres of bandaging—no tape, no knuckles built up—and that is half what the professionals are allowed. The only tape that is to be used on the fist is on the wrist and that is to keep the bandages on. I have noticed that there are a lot of things there. Another difference I noticed is the padding under the ring. The professionals demand 1.5 centimetres.

CHAIR: What is yours?

Mr WARN: Ours is 1.3 to 1.9, but that is to protect against the secondary knockout when the head goes back on the canvas. To us, that is only an accident. We do not go for knockouts and our boxes wear head guards that are padded at the back and that stops any secondary knockouts. If we did comply to their rules, the authors of the book could throw us out and Australia would not be competitive anywhere. We have to comply with these rules and they are strict and tough. They are much tougher than what applies in the regulations.

Mr TUNSTALL: Can I just say that the head guards and the boxing gloves, which are determined by the Medical Commission by recommendation to the board of the international body, have been increased from eight ounces to 10 ounces for all weight categories in amateur boxing. The head guards were introduced by the international body probably 15 years ago. A lot of people do make the head guards and they are all made overseas. In our association, to get the head guard approved it has to be tested in the Berlin University. I have been there and I have seen the test. If the head guard complies with the requirements, a stamp "AIBA approved" is stamped into the head guard. We are running the State championships here on the 22nd and the 23rd, if anyone would like to come along and see how we conduct it. The approved head guards, which I have just ordered from overseas, will be worn in that tournament.

You have probably seen people test cars—when they run them into a concrete wall. It is in the same area. They put the head guards onto a steel head, an arm with a glove on it swings down from about eight feet high, and it punches into the head guard. I have seen these tests, and I have seen some made in India which, believe it or not, consisted of used bandages inside the head guard. There is a whole display of stuff that has been used and rejected. The same thing applies when they are testing the gloves: they have a stamp of them as well. As I said, everything we do is done according to this book. As my president said, if you would like a copy of the book it will tell you everything about the way we have to comply when we conduct any amateur boxing tournament at all.

CHAIR: May the Committee use the book as part of the evidence?

Mr WARN: Yes, certainly. I believe that professionals have a brand of glove that is a knockout glove. We do not have that. The gloves come under strict rules that no more than half the weight of the gloves is to be in the casing and the rest must be inside.

Mr TRINDALL: Ian has a document that we put together coming down here. I do not know whether we are going to use the document or just speak from the heart.

Mr DENNIS: In addition to what Mr Warn, Mr Tunstall and Gary have said, I work in my community as a police officer, so Gary and I work hand in hand to combat the youth. If I can, I would like to paint the picture, particularly from the Aboriginal side of things, to try to get what is best for our people, and in particular to get the right quality of life for our kids. As Gary said, the kids where we come from, by the time that they get to 12 or 14 years of age their lifestyle is shattered from substance abuse through alcohol and drugs. We have seen it, and we have dealt with it, both at a personal and a professional level. I have a younger brother who last year pulled both his eyes out through the use of a cocktail of drugs. To make things worse, I was there when he did it, but I was powerless to stop him.

These are the kinds of things that touch us. We come from a race where certain things were forced on us and we had no way of having a say. From a very early age I grew up on an Aboriginal mission in Walgett called Gingie, meaning "Cockatoo". I have built up my lifestyle to where I am today. I own 60 acres on the river and I am employed. So I wake up feeling good every morning because I am employed and I contribute to my society in many ways. I see kids with the same attitude that I have but with less opportunity. I go back to when I used to train on the mission, when we used to wrap rag around our hands for punching gloves and we used to fill up a hessian bag for a punching bag. I have seen the changes in amateur boxing. I have played rugby league, and I honestly believe I would rather be in the ring than on a football field. On a football field you have 13 plus the referee to look out for, whereas in the ring you only have one person. Nine times out of 10 the referee in the ring is on your side—and I am talking about both boxers.

I have seen the changes in the sport of boxing, but my main aim is to try to build a quality of life for our future, in particular for our young people. I suppose the message I want to deliver is that we need to have a say about how we do things, and basically build our lifestyle where we have something to show at the end of it. With all these restrictions, we cannot do that. I have lived in a few places in Mr Martin's electorate of Bathurst for 20 years, and I have trained in Mr Turner's electorate of Orange with Ken Williams and his two boys. So I have been around the traps somewhat, and I have seen people like Mr Martin and Mr Turner come and go, offer so much, but give very little. I am not saying that these two gentlemen do not give in certain ways. But what Mr Tunstall said hits the nail on the head. By having Mr Eadie as a competitor, Warwick Warn as our president, and we two as trainers—if we did not think the sport of boxing was safe for our kids between 10 and 14, we would not be down here. We travelled nine hours to give evidence here today—and I would travel another 29 hours if it meant getting our boys back into the sport of boxing.

CHAIR: We heard your message. Mr Dennis, when the age was changed to 14, were you consulted together with Aboriginal communities?

Mr DENNIS: No.

Mr TRINDALL: At the time, I had 25 boys under the age of 14 training.

CHAIR: What happened to them?

Mr TRINDALL: I think about 15 of them have been charged with assault, break and enter, car stealing—you name it. By the time they broke off, and by the time they turned 14, they had done the wrong thing and had got themselves into trouble. It is like young Brett. When that came on, he had two years that he could not fight because he was 12 years old.

CHAIR: Are there any disadvantages to young people being involved in boxing? Mr Tunstall said a lot of medical evidence says it is not such an issue, but are there any disadvantages?

Mr TRINDALL: Personally, I cannot see any disadvantages. I can only speak on the Orana, which takes in a big area. I know the discipline within the Orana Club itself, because I am president of that club. Ian is part of it, and both our wives are part of the club. If we hear kids swearing and things like that, it is dealt with straightaway. In the Walgett club—which, I might add, is, or was, one of the strongest clubs in New South Wales—the kids make their own rules. If you swear, you are out for one

tournament. If you fight, you are out for two tournaments, but you still have to train. If you get into trouble at school, you are out for two tournaments. Even if your parents tell the trainer that you have been playing up, you are out for one tournament. And the kids police that themselves, which is breeding leadership.

Mr MARTIN: What is the New South Wales ABA's attitude towards girls boxing?

Mr WARN: The ABA has taken it on. They do it around the world—

Mr MARTIN: I am speaking about New South Wales.

Mr WARN: They cannot, because of the law.

Mr MARTIN: What is your attitude towards it?

Mr WARN: Personally, I do not think it is the right thing.

Mr MARTIN: Why?

Mr WARN: I do not think women are made to fight, because they have a delicate body. That is my opinion.

Mr MARTIN: I wonder whether Mr Trindall or Mr Dennis have comments to make on that in relation to their communities.

Mr TRINDALL: As far of as I am concerned, I respect women. I always have, and I always will. I do not believe that any man should have the power or control to hit a woman. In the 13 years I have been in the job I have seen so much domestic violence that sometimes it could make you cry. I have been married for 20 years, and I have never raised a hand against my wife, and I cannot see why women should raise their hands against one another. That is my honest opinion.

Mr MARTIN: I am speaking about the boxing ring.

Mr TRINDALL: Either in the boxing ring or outside the boxing ring.

Mr DENNIS: I have the same belief. Let us be honest. People say we are all equal, but basically we are not.

Mr MARTIN: I am speaking about women fighting women.

Mr DENNIS: But you do not use the same toilet that Madam Chair uses, so that does not make you equal.

Mr R. W. TURNER: It has been wonderful listening to you. I might add that the Williams family in Orange are held in high regard in the Orange community. You continue to promote boxing to try to instill confidence in the kids who may end up on the streets or in trouble. Why is boxing better than other contact sports, such as football? Is it because of the individual ability rather than the team spirit? Much of the feeling against boxing appears to be in relation to professionals. We get the impression that half the professionals end up brain dead, and so on. How can we separate amateur boxing from professional boxing, in terms of the matters you have spoken about this morning—that is, discipline, self-esteem and confidence in young people?

Mr TRINDALL: In my opinion, boxing is different to football because, as Ian said, you have 13 other players in football. You do not have to train fully. You can go out there and have one run with the ball and score a try, and then you can stay in the backline for the next hour and nobody even knows you are there because they do not miss you—there are 13 other people. But in boxing you have to be fit, you have to be disciplined, and you have to be self-controlled otherwise you do not go anywhere in boxing.

Mr DENNIS: Basically, the kids we represent come from dysfunctional families; they come from poor backgrounds. In boxing, all they have to do is show up. They do not have to bring any equipment with them; the club provides that. We pay for their registration, through raffles and other means of raising money. As far as Aboriginal communities are concerned, they honestly believe that, one on one, they can look people in the eye, so to speak, and be competitive, whereas in a team format people can hide. As Gary said, you might take the ball once in every 15 or 18 tackles. It is all about building self-esteem and confidence, and that flows on to discipline in respect of things.

Mr R. W. TURNER: How can we separate amateur boxing, and all the benefits that you have spoken about this morning, from the perceived negatives by the general public of professional boxing?

Mr TRINDALL: Can't we do a positive media campaign? Let us be honest, what does the media do? If it is negative they are there 100 per cent.

CHAIR: The media is here.

Mr TRINDALL: I do not care if the media is here but I am telling them. If it is negative they are there, and they blow it out of proportion but I have never seen them do anything positive. I have seen them come to Walgett after we have had riots. They talk to people such as myself and Ian and other people in community who think positive and we give them a story. They go away and you do not see that story but you see the negative side.

Mr R. W. TURNER: As politicians we cop that every day.

CHAIR: It is different for us—it comes with the job.

Mr WARN: If you want to separate it, if you compare our rule book to what you sent me, all the regulations of professional boxing, you will see that one is stronger than the other. If you compare the International Amateur Boxing Association rule book you will see how strictly we are run. We do not have promoters as such, like the professionals. That is where the corruption comes into it. In New South Wales we have the Orana zone, the far North Coast and the South Coast and they have their own committees, presidents and secretaries. They run tournaments but they are sanctioned through our program—it comes from us first. Really we are only the one promoter and there is no money and where there is no money you cannot get corruption. I reckon the story is: if it talks, don't back it.

Mr DENNIS: The key to amateur and professional is the money it generates. When you talk about the media, it is the most important tool in any country. They can get you sacked in some ways. Look at our Police Commissioner - he is being battered from pillar to post and it has got me wondering whether he is doing the right or wrong thing. The media can make or break any person or any organisation.

CHAIR: Perhaps you should talk to the editors of the media to try to do a positive campaign.

Mr TRINDALL: In relation to what Ian was saying about money, our club supplies everything. I know of one incident when we went away to some title up the far North Coast with three brothers who were sent with us, and the parent came up and gave me \$5 to feed those three kids. The club fed those kids. That is the type of dedication we have in the country areas for our kids just to keep them off the street and out of trouble, keep them from getting locked up and from getting on the drugs.

The Hon. MALCOLM JONES: What liabilities does your Association carry?

Mr TUNSTALL: Unfortunately because they do not come under workers compensation there is no insurance for them. If you try to get it—believe me I have tried many times over the years—the figure that is quoted is unreal.

Mr WARN: Once they sign up they sign a declaration for that sort of thing but I do not know how far it goes in court. You asked how the ratings are performed. Ours are true ratings. You have got to win a New South Wales State title first and then you have to go to the Australian title so

you are getting the best out of the best. There is no such thing as "I'll fight him" to shortcut it. There is no shortcut. To get into the Olympics is very hard in Australia. You have to go over to Oceania and compete against all the Oceania countries. That is why we did not have a full team in the Games. Our ratings are proper ratings. You have to really earn the job.

(The witnesses withdrew)

RICHARD BARTLETT McCARTHY, Sport and Recreation Victoria, Department of Regional Development, Level 3, 55 Collins Street, Melbourne, sworn and examined:

CHAIR: Did you receive a summons issued under my hand to attend before this Committee?

Mr McCARTHY: Yes.

CHAIR: In what capacity do you appear before the Committee?

Mr McCARTHY: Executive Officer, Combat Sports, Victoria, and simultaneously Secretary to the Professional Boxing and Combat Sports Board of Victoria.

CHAIR: Did the Committee receive a written submission from you?

Mr McCARTHY: No.

CHAIR: Do you want to making an opening statement or will you leave it to the Committee to ask questions?

Mr McCARTHY: I will leave it to the Committee to ask the questions.

CHAIR: I note that the Victorian Minister for Sport and Recreation has announced that magnetic resonance imaging [MRI] scans will now be able to be required randomly during a boxer's registration period. Has the regulation for that requirement been introduced in Victoria as yet?

Mr McCARTHY: It is a condition of a contestant's registration that as from 1 June 2001 any new applicant to be registered as a contestant in Victoria shall have a MRI scan and on the first renewal of registration after 1 June it will be a requirement and then every three years thereafter.

CHAIR: Is that for professional and amateur, or just professional?

Mr McCARTHY: It is only a requirement for professional. I understand that both the amateur boards—the Victoria Amateur Boxing Association, which is affiliated with Mr Tunstall's Amateur Boxing Australia, and the Victorian Amateur Boxing League—will have a similar requirement for a MRI, and associated neurological examinations, for their own contestants.

CHAIR: Is that a costly procedure?

Mr McCARTHY: It can cost between \$300 and \$700, yes. However, following the appointment of a Medical Advisory Panel by my Board a couple of years ago, the Board was fortunate to obtain the services as chairman of a neurologist. That gentleman, Dr. Paul McCrory, is able to make certain arrangements which, provided the procedures are followed, will mean that there is no cost to the applicant.

Mr R. W. TURNER: In relation to the MRIs, from where did the requirement originate? Was it from your association, the general public, the medical association or the Government? What negotiations did you have with the medical association?

Mr McCARTHY: There has been a history in boxing over the years that there should be a better examination of the brain, and the development of the MRI has meant that neurologists are able to have this particular tool available to them. There have been several books, one excellent publication is called *Boxing and Medicine* edited by a gentleman by the name of Dr Cantor in America. He has advocated CAT scans and MRIs for sometime. In 1997 the World Boxing Council, which is a sanctioning organisation, organised a medical doctors' conference in Aruba just off Venezuela. One of the many recommendations was MRIs for contestants.

Following the establishment of the Medical Advisory Panel, the Chairman and the Members advised the Board that, in their opinion, a MRI would be a valuable tool. From the individual's point

of view it would possibly give indications. I might say of the 28 contestants about whom I have had results from Dr McCrory, two have not been able to continue with their boxing careers because of further examinations that Dr McCrory wishes to conduct. There are anomalies. That does not mean that they will not be able to compete in the future, it means that their careers are on hold at the moment. That is two in 28, one in 14—7 per cent which is, I believe from Dr McCrory, about the average for the population whether they boxed or not. But that is not my statement, that is his.

Mr R. W. TURNER: You mentioned earlier that MRIs in Victoria have been made available at no costs to the contestants. We heard mention earlier that in New South Wales the cost to the Boxing Authority and Department is \$90,000-odd with an income of \$11,000. How can you have MRIs for contestants in Victoria at no cost? How is it funded?

Mr McCARTHY: Dr McCrory is able to do it simply by charging the scheduled fee. It is quite simple. He is willing to do it for two reasons: one is, as I said, he is a neurologists and a sports medicine specialist and is most interested in head injuries. It allows him to get a database in a particular sport. He is also interested in Australian Rules Football which is played somewhere in New South Wales occasionally. My daughter-in-law being a Swans fan, I think I will strike that from the record. It gives Dr McCrory the opportunity to create a database and that is why we require all applicants to simply see Dr McCrory. That is how it is done. It is a tit-for-tat basis. He gets information, we get information and we believe we protect individual contestants.

Ms SALIBA: In relation to the careers of two boxers being on hold, can they still train or are they just prevented from competing?

Mr McCARTHY: They have not been registered as professional boxers. Both have been advised that they have an abnormality and advised to undergo further tests, and await the results. Whether Dr McCrory has advised them not to train, not to spar, which is a particular issue, I do not know.

CHAIR: Was that a contentious matter to introduce?

Mr McCARTHY: No, there has been a lot of support from the industry for the introduction of MRI testing. Before that was introduced I had a phone call from a contestant, Karim Nashar, who had competed in England in about April or May. He came back, rang me and asked why we do not have MRIs here like they do in England. He felt that they were good things to have. I have received calls from several other boxers who competed overseas and some who have competed in Victoria. There has been considerable support from trainers for the introduction of the MRIs. They have been well accepted by the industry in Victoria.

Mr MARTIN: Is the Board of your organisation Government appointed?

Mr McCARTHY: Yes. The Professional Boxing and Combat Sports Board of Victoria exists by virtue of the Professional Boxing and Combat Sports Act 1985. The board of five consists of a chairperson, there must be a member of the police force, and three other members appointed by the Minister. They must have a knowledge of boxing or one or more of the martial arts. There must be at least five, but no more than seven.

Mr MARTIN: Do you play any role in supervising contractual arrangements between promoters and boxers?

Mr McCARTHY: The board cannot issue a permit unless it is satisfied that the contestants are adequately matched in experience, confidence and one other element that I have forgotten. We rely heavily on matchmakers, with an overriding supervision by the board. The practical procedure is that a person applies for a promoter's licence, and that is issued for three years. For each individual promotion the person must apply separately for a permit. In conjunction with that permit, we ask for the card and then decide whether the permit will be issued, based on the matching of the fights. On occasions the board has said no, because it believed that the fight may be a mismatch. There have been occasions on which the board members, or myself, have said that we do not think it right to issue a permit. We have banned two boxers on the grounds of their apparent lack of skill; one was a Victorian and one was a New South Welshman. We do supervise, but it is a fairly overriding role.

Mr MARTIN: But you do not look at the financial arrangements?

Mr McCARTHY: No. I will go back a little. Initially there were two Acts, the Professional Boxing Control Act and the Martial Arts Control Act. In 1996 those Acts were amalgamated by Parliament to come under the Professional Boxing and Martial Arts Act, which has now been changed to combat sports, which is slightly irrelevant.

CHAIR: Could you comment on wrestling as well?

Mr McCARTHY: Yes, and no. Sorry, I will come to that. The original Act, the Professional Boxing Control Act, requires promoters to give the Board copies of contracts. It specified the form of a contract and it specified certain conditions, for example, the manager could not take more than 25 per cent, and so on. The Board was advised that it was not a third party to any of those contracts and, therefore, they were probably fairly pointless pieces of paper. When the Act was amended in 1996 the opportunity was taken to remove the requirement for the Board to get copies of the contracts.

No, we do not actually oversee the financial relationship between promoters, trainers and boxers. In Victoria, there is no longer a legal category of manager. That was removed some years ago as were some other categories. So far as wrestling is concerned, the Professional Boxing and Combat Sports Act covers boxing.

Under the term "combat sports" it specifies kickboxing and any other sport or discipline in which the contestants are required to strike, punch, kick, hit, throw or grapple with each other and is declared by the Minister to be a sport for the purposes of the Act. The only sport that has been declared for the purposes of the Act is kyokushin karate, which is accepted as a full contact form of karate. Other forms may be light contact, nominally light contact or no contact. So far as wrestling is concerned, a couple of years ago when some of the American troops came out here, before they went broke, the Board had a serious look at whether according to the definition it should bring wrestling into the ambit of the Act.

We decided against professional wrestling and also looked at a number of other smaller professional wrestling promoters in Victoria. We found three promoters and we talked with them about the various shows that they put on. We were privileged to be in the dressing-room while they were rehearsing their roles and their moves and we talked with the promoters. We determined that it was probably fairly well staged. We received a number of complaints from people. One lady wrote alleging that a person had been ripped to pieces with a heavy stick bound with barbed wire. We followed that up and found that it was barbed wire, but all the barbs had been filed off. It was carefully staged. One wrestler had been hurled onto a table, but the table was made from balsa and had been cut, so it was going to break anyway.

Under those circumstances the Board determined that professional wrestling was really entertainment rather than a combat sport which needed control. We were satisfied that all of the promoters required their contestants to have a medical examination, and that all have a doctor on site as well as a couple of people trained in first aid. For those reasons the Board has not recommended to the Minister that professional wrestling be declared under the purposes of the Act. We do not look at amateur wrestling because we believe that their organisations, which have international and Australiawide links, are well conducted. The amateur wrestling body in Victoria is a State sporting association and is funded by Sport and Recreation in a different area.

The Hon. DON HARWIN: With the MRI scans there are conditions of registration for professional boxers. I understand that when I was absent from the room you referred to the possibility that MRIs might be extended to amateur boxing. In that case, is it possible that it will be funded? What is involved in that? We heard also that in a number of other jurisdictions EEG, EKG or CAT scans are required and that those are far less expensive to boxes than MRIs. Could you comment on that?

Mr McCARTHY: Under the Professional Boxing and Combat Sports Act the Victorian Amateur Boxing Association is specifically exempt from the provisions of the Act. The Victorian Amateur Boxing League is able to organise tournaments under its own right by virtue of another

provision which states that if the fee for admission is charged for a public charitable purpose, the body conducting such is exempt from the Act. Under those circumstances, the Victorian Amateur Boxing League agreed that the fee for an admission, with the agreement of the Minister and the board, with the exception of the cost of running the tournament, is paid to a public charitable purpose; in this instance Rotary. Therefore, both amateur bodies in Victoria that run tournaments are exempt from the Act. Both bodies have agreed that they will ask their contestants to undergo the same MRI as done by the professional body and are referred by a doctor to Dr Paul McCrory, a neurological specialist. Therefore, they are able to obtain the same concessions, the schedule fee.

The Hon. DON HARWIN: Are you aware of the other types of scans?

Mr McCARTHY: Dr McCrory and other specialists have advised the board that comparing a CAT scan to an MRI is like comparing a 1956 black and white television to the latest technology colour digital television. Neither will pick up the fact that someone will have a problem in the future but we understand the value of an MRI is that it will pick up lesions which currently exist. However, I am not a doctor and I may be wrong. For that purpose the Board has gone for MRIs. In the past the board has required contestants to have CAT scans but that was prior to the MRI in its present form.

Mr R. W. TURNER: Whilst MRIs are funded by the Federal Government, what would you do if the Federal Government decided that you were perhaps abusing the privilege of MRIs because you used them as a ongoing process without any evidence of a pre-existing medical condition? What if the Federal Government decided to withdraw funding for those procedures? How would the procedures then be funded? Or would the boxers not be able to have MRIs?

Mr McCARTHY: My understanding is that any person can ask his doctor for a specialist referral for his own medical purposes. I can ask my doctor to refer me to a medical specialist for an MRI, should I so desire. It would then be a matter for the specialist to determine what fee he would charge me.

Mr R. W. TURNER: You do not see that procedure being threatened at this point?

Mr McCARTHY: No.

CHAIR: You have heard the questions that the Committee asked of the department and the authority about moves towards a national scheme boxing regulation in the United States of America and whether it is desirable to have medical records of boxers available on and Australiawide basis. Do you or your department have a view about that?

Mr McCARTHY: My Board and my Department certainly support national legislation and regulation within Australia, most assuredly. I strongly support the earlier remarks of Mr Ridley in relation to that matter. My Board and my Department strongly support also the creation of a national database. As I said earlier, the Standing Committee on Recreation and Sport is moving, possibly slowly, towards something along those lines. I am not in a position to say where they are at the moment.

CHAIR: What is the age limit for the amateur boxers?

Mr McCARTHY: I cannot say because amateur boxing does not come within the ambit of the board.

CHAIR: So there would be nothing to permit or prohibit it either?

Mr McCARTHY: There is no control by the Board. There may be control within the amateur associations but there is no control by the board. I cannot speak on behalf of them, for them or about their rules.

CHAIR: I am sure that Mr Tunstall or Mr Warn knows the answer to that question.

Mr McCARTHY: In relation to professional boxers we do not have an upper age limit. However, any person over the age of 37 wanting to register with the board will be required to undergo further tests over and above the normal fitness examination.

The Hon. DON HARWIN: Mr McCarthy, are you saying that in Victoria it would not be possible to have the age for junior amateur boxing by regulation increased to 14 because amateur boxing is completely outside the purview of regulatory mechanisms?

Mr McCARTHY: Correct. The amateur boxers can do what they will in Victoria. Professional boxers can only be of or over the age of 18. For the upper limit we do not have the same regulation as New South Wales but we do look carefully at any boxer over the age of 37 and particularly their records. In a number of instances—I suppose the simplest thing to say is that I have declined to send an applicant an application form to register because his age and record indicated that the Board probably would not register him. So we declined to waste his time and money.

CHAIR: If there are no more questions from the Committee, Mr McCarthy, would you like to make any other comment?

Mr McCARTHY: I have some documents that I can table for use of the Committee in relation to Victoria if you so desire.

CHAIR: Yes please.

Mr McCARTHY: The first document is the National Competition Policy Review of the Professional Boxing and Martial Arts Act 1985 and attendant regulations final report dated August 1999. The second document is the index to the Boxing Rules and Kickboxing Rules that have been promulgated by the Board. The third document is the Professional Boxing and Combat Sports Act, which has been printed off the Internet, and the Professional Boxing and Martial Arts Regulations 1997, together with a number of documents which relate to the registration of professional contestants and various other officials in the boxing and kickboxing industries in Victoria.

CHAIR: Thank you very much. They will be included as part of your evidence.

(The witness withdrew)

(Luncheon adjournment)

RAYMOND LEONARD GEORGE NEWCOMBE, Neurosurgeon, 161 Strickland Crescent, Deakin, Australian Capital Territory, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

Dr NEWCOMBE: I believe that the Australian Medical Association [AMA] was asked and they suggested I appear. I have often appeared as an AMA spokesman on boxing. The AMA did not formally contact me, though, in that regard. I was the Chair of the expert panel on boxing injury that produced the National Health and Medical Research Council [NHMRC] report on boxing and in the past I have been the spokesperson on the subject for the Neurosurgical Society of Australasian and the Australian College of Surgeons.

CHAIR: So would it be appropriate to record your professional capacity as a neurosurgeon with specialist knowledge and expertise in the area of boxing?

Dr NEWCOMBE: That would be appropriate.

CHAIR: Did you receive a summons issued under my hand to appear before this Committee?

Dr NEWCOMBE: I did.

CHAIR: Has the Committee received a submission from you in writing?

Dr NEWCOMBE: No.

CHAIR: Would you like to make an opening statement or would you prefer that we start with questions?

Dr NEWCOMBE: I would like to make a brief statement. I would like to say that apart from producing the National Health and Medical Research Council [NHMRC] Report on Boxing Injuries in 1993 I had the honour and privilege of chairing a similar committee that produced a report on head and neck injuries in football, all codes, the following year. I had the opportunity to compare from a medical and scientific point of view boxing injuries and football injuries. I have had opportunities to look at other sports as well from the point of view of injuries of the head and spine. I would like to tender in evidence for the Committee a copy of the report entitled "Boxing Injuries" published by the National Health and Medical Research Council in 1994. It covers a range of injuries that have occurred, comments on them and makes recommendations to which I may be given the opportunity to allude.

CHAIR: Are there any other documents you would like to incorporate into your evidence and then you can then speak to them as you wish?

Dr NEWCOMBE: I was going to introduce an article in support of what I am saying on Traumatic Brain Injury in Boxing by Barry Jordan, a well-known neurologist in New York, a city of which we have heard much lately, sadly, who has been well associated with the boxing world in that country. This is a chapter in a recent volume called "Neurological Sports Medicine" edited by Julian Bailes and Arthur Day, both neurosurgeons and published as "A Guide for Physicians & Athletic Trainers" by the American Association of Neurological Surgeons 2001.

CHAIR: You will use that as a reference book but not for incorporation as part of your evidence?

Dr NEWCOMBE: Yes. The article can be copied and incorporated if you wish.

CHAIR: Can you outline your experience as a neurosurgeon, particularly with regard to injury sustained to boxers and, if relevant, wrestlers?

Dr NEWCOMBE: My personal experiences as a physician directly concerned with the control of boxing is very limited basically because of the limitations of practice in the Australian

Capital Territory and the absence of professionally promoted bouts, and so on, although, of course, I have had some contact with the Australian Institute of Sport and Dr Mark Porter is a sports physician there particularly involved and with whom I have had some contact.

In my earlier years I spent some time studying the brains of former professional and amateur boxers who had died from causes subsequently other than boxing in relation to the evidence of brain injury in association with European pathologist Professor Nick Corsellis in London and I have a number of examples that I show from time to time of those particular brains and the findings. With regard to injury in general, I have a longstanding interest in the field of neurotrauma. I currently chair the trauma committee for the Australian Capital Territory in southern New South Wales and I have been Chairman of Trauma Committee of the Neurosurgical Society.

CHAIR: Have you been provided with the boxing and wrestling control regulation and the regulatory impact statement?

Dr NEWCOMBE: I have been provided with a copy of the Act, the regulation and the regulatory impact statement.

CHAIR: Would you like to make a comment or express your views as to the adequacy of the regulations in protecting the health of boxers and wrestlers?

Dr NEWCOMBE: Yes. I would like to extend the answer in due course to some of the findings of the NHMRC committee.

CHAIR: Please do.

Dr NEWCOMBE: In general, I would say that I think it is for politicians and society to take note of the fact that traumatic brain injury is an inevitable consequence of boxing, to quote Barry Jordan. It is recognised in the Act that there is a desire to promote control in order to promote safety. However, no form of boxing can be made safe, with the exception of boxer tag.

CHAIR: What is that?

Dr NEWCOMBE: It is the junior sport that is promoted in which the head is not a target. With regard to legislation in general, I note that there is regulation in New South Wales, Victoria and Western Australia but not in the other States. The NHMRC noted this fact and said that, unless the head was removed as a target, it was possibly better not to have any regulation at all. That is a point worth making. No boxing is allowed in Scandinavia—the Committee should note that point. There are areas in both the Act and the regulation that need some attention. The Act and the regulation rely heavily on a medical practitioner's declaring a boxer as fit and then acting appropriately if a boxer is injured in the ring. General fitness for the sport is of course appropriate, as is care of a boxer who is injured in the ring. However, from an absolute medical point of view, no boxer is fit to box unless he has no brain.

Therefore, as the NHMRC points out, there is a need for a formal, informed consent process and for ensuring that any participant understands fully the risks, benefits and alternatives. I would think the risks of brain, eye or other injuries should be well known and thoroughly understood by a participant just as they should be understood by any patient about to submit himself or herself to an operation. The benefits of the procedure must be understood. In the case of boxing, the benefits might be the prize money or the feeling of wellbeing upon winning. However, those benefits should be weighed against the clear risks of failure and perhaps ignominy and potential ill health, in neurological or other terms. The alternatives need to be put to the boxer just as any surgeon would put them to his patient. Those alternatives would be all the excellent sports that might otherwise be chosen. There are many appropriate alternatives for Australians in both the professional and the amateur sporting worlds. They are the three elements of an informed process for any therapeutic procedure, surgical or otherwise, and I think those same elements should be incorporated into any legislation that is designed to allow a process whereby brain, eye or other injuries may occur as a deliberate event.

The point that distinguishes boxing from all other sports is the deliberate nature of the injury: a boxer may win on points, but there is a direct, allowable and, in this context, legal process of

punching the brain. That is not allowed in alternative sports, such as the football codes. It is clearly against the rules and the laws of those games. The administration, the referees and particularly the judiciary involved in regulating football codes must deal with the issue that deliberate impacts to the head are bad. Our young are taught to play so that their head is not involved accidentally and they are taught that you cannot hit the head and get away with it in a legal and approved societal sense. A sport such as boxing says, "Yes, you can", and that is contrary to what many people in this society consider to be a sport. I think the Committee needs to be totally aware and fully cognisant of that fact when considering any future regulation.

CHAIR: Are you saying that because injury is commonly associated with the brain as opposed to the neck, spine, knee, elbow or some other part of the body it puts boxing in a category of its own? Is it because the infliction of injury is deliberate? Injury in many other sports is quite extreme and excessive and can be quite damaging.

Dr NEWCOMBE: One arm of that statement is the deliberateness: injury is an accepted outcome of the sport rather than being against the laws of the sport. Another aspect is the permanency of neuronal damage to the brain. In that context, you must incorporate other damage that can occur inside the head such as bleeding blood vessels.

CHAIR: What does that cause?

Dr NEWCOMBE: It causes pressure on the brain. The skull has sharp edges inside, against which the brain is thrown when the head is punched, and all the padding in the world will not prevent that. You might have very short rounds in amateur boxing and rules that diminish the risk compared with that posed by long rounds and long bouts in professional boxing. However, the permanency of the injury caused is important. The death of nerve cells may result either acutely or on a chronic, repetitive basis.

CHAIR: What is axonal loss?

Dr NEWCOMBE: Axons are the long extensions of nerve cells or nerve fibres that come from the nerve cell bodies and extend throughout the brain and spinal cord to connect with other nerve cells. Further processes from those nerve cells might go down to the muscles or to other parts of the body. The nerve fibres in the brain are damaged in most head injuries, including concussion and including concussion without loss of consciousness. While there is a great spectrum of severity, from relatively little to relatively much, rather than mild or severe, the axonal injury is a common sequel that can be diffuse throughout the brain when there is a sheering effect as this jelly-like object is thrown against the hard parts inside the skull.

Mr R. W. TURNER: Given your comments and your belief that brain damage inevitably will occur in boxing and given the comments and evidence from previous speakers from the Amateur Boxing Association, which has asked that the age limit be lowered from 14 to 10, as well as bearing in mind that it is legal for boxing to occur in New South Wales or anywhere else, what do you say is the minimum age at which a young person should be able to take up boxing?

Dr NEWCOMBE: I do not think it is a matter of maturity of the brain. The shape of the brain and of the skull and the vulnerability of the blood vessels and nerve cells inside the skull are such that I cannot say that it is particularly of greater risk at a younger age. I think that if you are talking about boxer tag where the head is not a point of impact, I would support a lowering of the age. If you are talking about boxing where the head can be punched, I would not support any adolescents.

Mr R. W. TURNER: So you are saying that, regardless of the age—whether it is 9, 10, 15 or 18—the protection around the brain does not get tougher as we mature and the level of damage or protection is about the same, regardless of age?

Dr NEWCOMBE: Yes, I think so. I do not think there is any argument to say that the skull of a younger person is a little bit more flexible or anything like that or that, relatively, they cannot punch so hard, or, you know, whatever. I think that the emphasis on football, if I can come back to that analogy, or the emphasis on training for games like football is to have modified rule sports—less packing of the scrums or no scrums, whatever—at a younger age. That teaches young people to keep

their head out of the road and teaches them to protect themselves. It teaches them to play sports with distinctly modified rules that are clearly much safer than in any adult game. Then, even when you get to 19, you have better scrum rules than we used to have.

When you get to rugby league, the scrum is so de-powered that it is much safer than it used to be, and so on. I think that this process ought to occur in boxing as it exists in the amateur world. I really think that there is a very big question about professional boxing but that is in the report. I take it that the substance of the report is in evidence before the Committee so I do not have to go into it all, but to come back to this analogy of football and the modified games for youth, I think that it is so important to teach them what to do well. If you can teach a pair of opponents in a boxing ring not to hit the head but to do good athletic measures, then I think that you are achieving something. But, really, the younger sports people have got to say, "Why hit the head at all?" That is really the fundamental issue, in my view, for amateur boxing to consider. It is clearly a problem for professional boxing because it does not perhaps make for great spectator sport.

Ms SALIBA: You drew the analogy with football and the way in which footballers are taught to protect their heads. I understand that in boxing, a trainer will also teach a young boxer to do that. While the young boxer is being taught how to throw a punch, he is also being taught to duck and weave to avoid being hit in the head, just like in football. If you are having a game of football, while you might be learning how to protect yourself the other team might be learning how to go hard. I watched a soccer match on the weekend with the 12-year-olds and we were counting down the injuries as they took people off the field. I would have thought that that would be part of the training of a young boxer—to avoid being punched in the head.

Dr NEWCOMBE: I am sure that you are right. I am sure that that ought to be a major part of the training, to avoid the punching. But the problem is that the object is to get the punch through and the problem is not the boxer who keeps winning and keeps his head out of the road but what happens to the loser, if you like, who keeps getting the punches. Where are the follow-up studies of all those who have boxed and gone down the alleyway rather than stayed there for the time being? As I say, it is a philosophical question and it is a political question of what is the sport that has to be addressed, if it comes to that. I do want to say in my evidence now—I did allude to it earlier—that having gone through the regulation in which there is an outline of what is expected of the doctor, I think that the legislation is putting too much on the doctor and I think that the legislation is hiding behind the medical practitioner, expecting him to do things—that, really, he cannot—to justify it.

Mr MARTIN: Would you agree that there is a big disparity between the risk between amateur boxing and professional boxing, given some of the matters you raised earlier, particularly the rules and the refereeing techniques in amateur boxing? What sort of evidence or statistics do you have to show that there is a difference between the two forms of boxing in terms of brain injuries?

Dr NEWCOMBE: There is a lot of evidence in the scientific literature of the relatively lower incidence of boxing deaths, boxing injuries in general and traumatic encephalopathy from repeated blows in amateur boxing as opposed to professional boxing. Substantial scientific studies have been done in the neuropsychological area that may show that amateur boxing is perhaps not more injurious for a participant than for a participant in soccer in minor neurological sequelae. In the Baltimore study to which Arthur Tunstall referred, probably—I was not here, but he may have referred to that when he gave evidence—the differences that were shown were not great as time went on, but it really also indicated a much longer time to demonstrate neurological sequelae may well be required. There is a huge range of neuropsychological studies that can be done. Just which is best to do and all the rest of it is a whole subject matter.

In answer to your question, I wish to refer briefly to the NHMRC recommendations which were, first, that professional boxing be prohibited; second, that boxing and kickboxing, or any other sport in which direct blows to the head are an object of the sport, should be actively discouraged; third, where amateur boxing is allowed under strict regulations—as it is in this country and as it was in the Olympics—education and research programs should be introduced with mandatory long-term follow-up of all boxers and informed written consent obtained from boxers or, in the case of minors, from at least one parent or guardian. Those recommendations are written in that form because of the recognition that amateur boxing is of a lesser degree, even if some peak amateur boxers go on to become professionals.

The Hon. MALCOLM JONES: Page 22 of "Boxing Injuries" states:

Statistics of morbidity and mortality attributable to boxing .

According to the British Medical Association study, *The Boxing Debate* (1993), 361 deaths have occurred in the ring worldwide since 1945. During 1985-1993, six of the 18 boxing deaths reported were amateur boxers.

There is no attempt in the rest of the paragraph to quantify statistics at all, other than what I have just read out. Notwithstanding the evidence which you have already given, surely in comparison to the benefits we heard about this morning from people participating in this sport, you have got to give it a bit more than that to have an informed opinion. You said that this is a political decision that has to be made about the future of boxing, but the evidence, the statistical evidence, just is not here.

Dr NEWCOMBE: You mean that there are not enough deaths.

CHAIR: That is one way of putting it.

The Hon. MALCOLM JONES: No. It states, "Statistics of morbidity and mortality", but there is no mention of morbidity other than mortality. The only statistics mentioned are the ones that I read out to you. I am not saying that there is not morbidity, but there are no statistics on it.

Dr NEWCOMBE: The discussion goes on to refer to the difficulty of coding these things in relation to hospital admission and causes of injury under those admitted to hospital. The discussion also goes on to say that there are no registries or other records of brain damaged persons in Australia through which it might be possible to search for former boxers. It does note that some State boxing associations have records of acute injuries of their members but none is systematically followed up with their members and, indeed, that information is usually not published or accessible. It does say just that—that these are the problems and that, when quantifying the damage to health caused by boxing, it is extremely difficult to assess unless we get changes in recording systems. The summary says that States and Territories of Australia in which boxing continues need to develop systematic registries of boxers and boxing injuries.

The Hon. MALCOLM JONES: If we take an organisation like the AMA, for example, if the potential mortality rate attributed to boxing is such a problem, surely if a boxer who is injured goes to a doctor, the chances are that a high percentage of the doctors from whom advice is sought would be members of the AMA. A canvassing of the members may be able to come up with some form of statistics, if the problem were serious enough. According to this document, there is no record of even an attempt to obtain some statistics. Is the problem therefore not of sufficient seriousness to demand that such a study be undertaken?

Dr NEWCOMBE: The same problem exists in football, and the same criticism was raised by the NHMRC report I authored on football injuries, in association with others. I do not believe that you can make a decision on quantity.

CHAIR: Not if it is a medical decision, is that what you are saying?

Dr NEWCOMBE: I think that what is being put to me is that unless you can say that a certain number of deaths have raised great news—and every time there is a boxer's death, of course, it hits the papers nationwide and people like me and others go on the radio and there is a great media response. But that is death. Morbidity such as to cause a subdural haematoma that needs to be let out in a neurosurgical unit somewhere—most neurosurgical units around the country could report one or two if you asked. The boxing patient rate is low. We talk about 200 professional boxers and maybe 1,000 amateurs in New South Wales. The participation rate is relatively low, so the number of boxers that are seen per doctor would be very low.

It is not really the function of the AMA to do such studies. It has not been seen to be the function of government to do such studies, either at a Federal or State level. It has not been in the interests of the sporting associations who want to promote these sports that might have an adverse finding to necessarily conduct some studies. I think it has certainly been in the interests of amateur boxing to promote appropriate studies to prove that it is less injurious than professional boxing, and to

take some of the heat off amateur boxing; I think that has certainly occurred. But getting enough data is a problem in sport in general. If you take the sports medicine doctors and their association, they make real efforts to get some data now. But the more popular sports will get more attention.

The Hon. MALCOLM JONES: You said that the neurological units could provide one or two, if you asked. May I suggest that to come along with a rather strong opinion on this, backed up by so little data, surely it is worth asking, but no-one has bothered to.

Dr NEWCOMBE: I think your question is an excellent question. If you take the population of the United States, as in Barry Jordan's article, you can get bigger participation rates and much more data than you can in Australia. What is known of injuries is well published. Indeed, in other parts of this document and in the medical literature since, there is more data. There is data to say that these injuries occur. No-one would say that they are desirable, or that they have a benefit for the participant. I do not think anyone in the boxing regulatory world who understands boxing would say that they do not occur.

One of the problems is that, indeed, there is evidence of pathological damage, as I have said, in patients who have had a history of concussion, say, with axonal damage from minor concussions from which they died from something else. Then you look at their brains and you find evidence of the damage that the concussion did. Concussion is not entirely innocuous. You might get recovery of consciousness. You might have someone, including a well-known South Australian parliamentarian, and ex-boxer, performing apparently very well—and, indeed, a professor in neurosurgery in this country, an ex-boxer, performing very well. But that does not mean that no damage occurred. So there is a very broad spectrum, from some damage, undesirable but not really detectable, to death. So it is qualitative but not highly quantitative. That is the issue.

The Hon. MALCOLM JONES: Earlier you said that injury would be an inevitable consequence of boxing. I made note of that statement, because once again that was an absolute statement without any qualification. I had one boxing bout as a young boy. Perhaps I have been irreparably damaged.

Dr NEWCOMBE: Allow me to amplify it. I was quoting Barry Jordan from New York and similar sorts of statements. That is what he says in 2001. Barry Jordan has been a doctor who has attended professional bouts in Madison Gardens, and who has supported the boxing world. He is a neurologist who has an interest in the sport. He says that it is an inevitable consequence of boxing. He does not mean that every boxer gets a traumatic brain injury, but he does mean that significant chronic traumatic brain injury occurs in boxers—and we would be aware of examples—that acute traumatic brain injury occurs, which is clearly known; and that significant, though minor, traumatic brain injury also occurs in many cases. But that does not mean that it occurs in every participant.

Ms SALIBA: Given the recommendations of the NHMRC, surely there would have to be statistics on brain injury associated with boxing to back up the sorts of recommendations that have been made. You have basically answered that. However, I would like to have seen comparisons with other sports. I do not have the statistics to show me how the sport of boxing compares with other sporting activities.

Dr NEWCOMBE: I agree with you: we definitely need these statistics. We have enough to say what I have said, but it would be much better to have better statistics. But do not underestimate the difficulty of getting those statistics. Look at the huge amount of work they had to do to go into the best-controlled study done in Baltimore on amateur boxing. There is a vast amount of work involved in doing proper studies. You could say there were only 11 brains worked on, nine professionals and two amateurs. You could say that that is not many, but it proved some of the elements of our knowledge of traumatic brain encephalopathy in boxers. You can debate whether there is a genetic influence.

There is some evidence that some boxers are more subject, on a genetic basis, to a traumatic brain encephalopathy, with Alzheimer-Parkinsonian type results, than others. But no-one is going to say, "Let's do a study to prove that, beyond the information that is available," unless you are very well funded and you have the numbers to do the job. In the interests of time, I will say that there is a large scientific volume of material to say that the things I have said qualitatively do occur and do matter. In

terms of the regulation, I believe attention must be given to what is expected of the doctor. In my view, it is a totally inadequate assessment. We can talk about imaging and neuropsychological studies in addition to medical assessment, and so on, and certainly some attention has to be given to the consent process for boxing.

Ms SALIBA: Regarding the medical assessment process you have spoken about, which may be unacceptable for doctors and puts pressure on doctors, is that not a way in which we can gather the sort of information we are speaking about to be able to look at the sport statistically? After hearing the evidence from the department and the Victorian authority on the different types of scans of boxers that are required, in your view how do the respective scans compare and what is the most cost-effective and the most effective scan in terms of early detection of problems?

Dr NEWCOMBE: A CT scan probably does not show a great deal. An MRI certainly shows more. The technology of MRI is improving and better resolution is occurring, and radio waves in a magnetic field are safe. It is relatively expensive, but it is safe. To focus on your suggestion that the regulatory mechanism and the regulatory requirements for medical examination be used as a potential database that have some scientific value, I think there is great merit in that idea, and I think there would be substantial merit in the idea that New South Wales, Victoria and Western Australia should work together on that subject.

CHAIR: Witnesses from either the Authority or the Department spoke earlier about moves to have a national database on the medical condition of boxers. Do you think that would be desirable?

Dr NEWCOMBE: Yes.

CHAIR: What purpose would it serve?

Dr NEWCOMBE: I think it would serve the purpose of providing better statistics and information than we have now. It may well serve the purpose of introducing rule changes of the sort which I have alluded to, and perhaps others. It would serve to reassure the public that the medical profession and the lawmakers were giving the matter appropriate attention. It would serve to assist, I would think, the promotion of sport in general in this country, and may deserve some attention from the Federal Government as well.

CHAIR: What is your view about the existing requirement that requires a boxer to disclose his existing medical condition to the medical practitioner? Do you think that is a useful requirement?

Dr NEWCOMBE: That is like saying to a surgeon "Do you think the patient who is about to have an operation from you should be allowed to hide part of his or her history?" He might have had a heart bypass a while back.

CHAIR: In general what can be revealed in the broader areas we are looking at? What is useful in the history?

Dr NEWCOMBE: There are quite a few elements of history. It really depends on the purpose of the history. If the history is simply to ensure that there were no medical problems in the sportsman playing any sport—how fit is he—then it is a different history from somebody who has been in the ring, had a few bouts and had been unconscious once or twice or played Australian Football League and had some concussions and went into boxing. There are sports-specific questions and sports-in-general questions that are relevant and there are some illnesses that might be totally irrelevant. You can make distinctions of that nature.

CHAIR: Have you had any occasion to observe injuries sustained by kickboxing contestants, either direct observation or review of those injuries? What is your view on the regulation of kickboxing? Is it different to that of boxing in general?

Dr NEWCOMBE: My understanding is that there is very little regulation of kickboxing. Blows to the head with the feet are clearly just as injurious from a neurosurgical point of view as a blow with the fist.

CHAIR: If scans and/or imaging is carried out how regularly should a boxer be tested? Is there an optimum?

Dr NEWCOMBE: If you took a professional boxer or a senior frequent competing amateur boxer, I would think that it would be reasonable to do an MRI per year.

CHAIR: Some evidence was given earlier about padding required for boxing gloves and kickboxing footpads. In your view if boxing is going to continue should the gloves and pads be altered in any way to minimise the risks?

Dr NEWCOMBE: The question would properly be put to the Australian Standards Association. I believe that the padding, the weight of the glove and what has been said about bigger gloves, heavier weights, safety and all that has been well said. I have got no immediate hassle with that fact but I need to make the point that the padding and the idea of its protective nature and so on is really designed, if you like, by the boxing world and has not really had a formal look, to my knowledge, by the Australian Standards Association. The Australian Standards Association has a number of committees on helmets in sport and other activity, but I do not think it has given any attention to matters like boxing gloves. I am sure that should be the way to go.

CHAIR: The Committee heard that with amateur boxing it was tested in Germany and complies with an international standard.

Dr NEWCOMBE: Does it comply with an international standards organisation?

CHAIR: That needs to be clarified.

(Witness withdrew)

JOHN DAVID ANDERSON, Executive Officer, Sporting Injuries Committee, Level 8, 400 Kent Street, Sydney, and

JOHN GARBUTT, Director of the General Manager's Office, WorkCover, and Deputy Chair, Sporting Injuries Committee, 400 Kent Street, Sydney, sworn and examined:

CHAIR: Did you receive a summons issued under my hand to attend before this Committee?

Mr ANDERSON: I did.

Mr GARBUTT: Yes.

CHAIR: In what capacity do you appear before this Committee.

Mr ANDERSON: As Executive Officer of the Sporting Injuries Committee.

Mr GARBUTT: As Deputy Chair, Sporting Injuries Committee.

CHAIR: Did you tender a submission to this Committee?

Mr ANDERSON: No.

CHAIR: Do you want to make an opening statement or shall we go to questions.

Mr GARBUTT: By way of introduction I will mention that the Sporting Injuries Committee is constituted under the Sporting Injuries Insurance Act. The Committee has a number of roles, one of which is to co-operate with organisations concerned in the regulation and conduct of sporting or athletic activities. It goes on to initiating, developing, encouraging and implementing such policies as are likely to eliminate or reduce the incidence of injuries resulting from sporting or athletic activities. To take that one step further, the Committee administers a Sporting Injuries Insurance Scheme which provides insurance coverage on a voluntary basis for permanent loss or death.

To that extent we cover a number of sporting activities, including amateur boxing and some of the martial arts, including judo, karate, taikwando and kickboxing which are relevant to the regulation, the subject of this inquiry. Broadly the Committee, through its role which also includes some surveillance activity and research, is committed to safety in sport and affordable insurance. In reality it is safety in sport that leads to affordable insurance and insurance is necessary in the unfortunate circumstance where there might be an injury that results in permanent loss, including death.

CHAIR: What does your coverage extend to?

Mr ANDERSON: The coverage we provide is by way of lump sum benefits for death and disability under the Act. The Act lays down the level of benefits that are payable for each of the various injuries. It is broken up into Table A and table B of the Act. Under table A of the Act you have to satisfy a percentage loss which is determined by the medical panel and can be supported by evidence from the medical practitioners that may treat the athlete that makes a claim. As I said you have a percentage under table A to satisfy. In most cases that is 50 per cent and in the case of legs and arms it is a 33 per cent threshold that has to be met.

CHAIR: Is it linked to economic loss?

Mr ANDERSON: No, it is not. It is just a lump sum benefit that is payable once you have satisfied the other elements and satisfied the threshold. It is not based on economic loss. The maximum benefit under the scheme is \$171,000 and all of the other benefits that are applicable are percentages of that lump sum benefit. Under table B of the Act you only have to satisfy the Committee that a loss has been sustained, whether that be 1, 2 per cent or whatever and then the Committee will pay what it sees fit, up to the maximum of \$171,000 or whatever the amount is applicable to that particular injury. In the case of a head injury, for instance, they would be looking at

a maximum benefit of \$171,000 and then they would pay a benefit relating to the various factors as to how much percentage loss has been sustained as a result of that head injury up to \$171,000.

CHAIR: Mr Tunstall gave evidence that he did not get insurance.

The Hon. MALCOLM JONES: That was liability insurance.

Mr ANDERSON: Mr Tunstall was thinking in terms of public liability or something like that. The Amateur Boxing Association New South Wales is covered under our scheme and so are many other sports.

The Hon. MALCOLM JONES: It is an insurance scheme, not a benefit scheme, so who pays the premiums?

Mr ANDERSON: The sporting organisations.

CHAIR: I understand your association has just completed a review of boxing injuries. Would you outline the findings of the review?

Mr GARBUTT: We have had a research project. However, the final report has not been handed to the Committee as yet. There is a draft report and we expect the report will be made public towards the end of this year. At that point we would certainly be happy to make it available to the Department, the Committee and so on. But we can, to an extent, as we have a draft report, cover some of the findings.

Mr ANDERSON: Yes, we can. The study has been conducted over the past three years. It is a retrospective study of boxers across New South Wales. It is not just boxers, there were 1,400 boxers, coaches and trainers across that spectrum. They were trying to concentrate on head injuries but they have done a study of all injuries sustained by boxers in that period—remembering it was a retrospective study so it relied on the recollection of boxers. The findings are very interesting. The key finding is basically that the sport of amateur boxing in New South Wales is relatively safe in that it does not have serious injuries, and certainly with respect to head injuries there appears to be no evidence that they sustain serious head injuries that lead to lasting deficits at this point.

However, the report points out that there needs to be ongoing research in this area, and certainly ongoing surveillance of the sport in this area. In fact, one of the key findings or recommendations of the report is that there be ongoing surveillance of boxing injuries in New South Wales in the amateur ranks and they will obviously be seeking support in that area in terms of conducting surveillance of injuries. There also needs to be further research to backup their research over the past three years.

CHAIR: When will those preliminary findings be released?

Mr ANDERSON: They will probably be released publicly towards the end of November, but that depends on the Committee being comfortable with everything that is contained in the report and satisfactory consultation being held with appropriate people prior to it being released.

Ms SALIBA: You say that the review is not complete, but you would have an idea of some of its findings. Does the review have implications for the regulation of amateur and professional boxing in New South Wales?

Mr ANDERSON: It supports everything you are doing in the regulations. It demonstrates what we felt all along; that there is a big difference between amateur and professional boxing. Certainly there is a big difference between the injuries sustained in amateur boxing and professional boxing. One key factor in this is that the level of self-regulation that is imposed in amateur boxing certainly contributes to the sport being safer in the amateur ranks than the professional ranks. This morning we heard evidence that that is so. If the regulation that is in place for amateur boxing were to be applied in the same context to professional boxing, professional boxing would probably have similar results. But I am not too sure that it would be the spectacle that people want, that is making entrepreneurs some dollars.

The Hon. MALCOLM JONES: How long has the scheme been in existence?

Mr ANDERSON: It began in 1978, so that is 23 years.

The Hon. MALCOLM JONES: How long after a boxer competes does his eligibility to make a claim expire?

Mr ANDERSON: That is a big issue, and the Act lays it down quite specifically. An injury has to be reported to the Committee, or a claim for benefits has to be made to the Committee, within 12 months of the injury. However, the Act also gives the Committee some flexibility in this area as to whether it accepts a claim outside that time. Ignorance of the ability to make a claim under the scheme is one factor that can allow the Committee to exercise some flexibility.

The Hon. MALCOLM JONES: It is not completely open-ended, that tail liability of the scheme is assessable?

Mr ANDERSON: Yes.

The Hon. MALCOLM JONES: Looking at the overall scheme from the point of view of its efficiency, what is the claims experience?

Mr ANDERSON: We have never had a serious claim for boxing under the scheme. We have never paid a serious claim.

The Hon. MALCOLM JONES: Have you ever had one?

Mr ANDERSON: We have never had a claim so, obviously, we have never paid one.

Mr GARBUTT: There is a difference between a claim and a payment.

The Hon. MALCOLM JONES: What about a minor claim?

Mr ANDERSON: Our scheme is interested in serious claims only.

The Hon. MALCOLM JONES: So you have never had a claim in 23 years?

Mr ANDERSON: Never had a claim.

The Hon. MALCOLM JONES: With amateur boxing in New South Wales is it possible that the results which you wish to publish at the end of November, and subsequent updates to that report, would be able to assist in providing morbidity and mortality statistics localised to New South Wales?

Mr ANDERSON: Most definitely.

CHAIR: You said you have consulted widely to conduct the review. What medical authorities did you consult?

Mr ANDERSON: We did not consult for the review. The research was undertaken by the Advance Medical Research Centre in North Sydney. Dr Stuart Tan and his team did that. Dr Tan had no background in the sport of boxing, he is a sports medicine expert. He chose to do this research because there was a gap in that area. This type of research into amateur boxing has never been carried out in Australia. He felt that he was time to do some. He and his team did the research. The Committee would seek to consult with relevant stakeholders and interested people before it allowed the public release of the document. Included in that consultation process would be, obviously, people involved with the sport, that is, the New South Wales Amateur Boxing Association. The association provided an enormous amount of assistance to the research team. It did not have a hand in the research itself, but certainly assisted in getting the people together so that the team got access to all people who, potentially, had something to offer to the research project.

CHAIR: Before you release that report, could you communicate with this Committee? That would be very useful.

Mr ANDERSON: Certainly.

CHAIR: Do you have any comment to make on the cost of injuries to boxers and wrestlers in New South Wales?

Mr ANDERSON: Our experience is limited. The nature of the scheme is for serious injuries. We cannot comment on the costs of the medical bills for things like physiotherapy, bruising, or breaks, if the person seeks medical assistance. Those sorts of costs have to be quantified by someone else, we do not have the capacity.

Ms SALIBA: But certainly brain injury would be. You have not had a claim for a brain injury, so there has been no cost to your organisation.

Mr ANDERSON: Precisely. If there had been a brain injury we would have known about it. This research bears that out, because it went back over the past 20 years. The studies to be undertaken in future in the ongoing surveillance of injuries in sport will give us a much better understanding of all causes of serious and minor injuries. In five or 10 years time we will be able to give you some solid answers.

CHAIR: Would you recommend any specific changes to bring about any significant savings to the insurance scheme?

Mr GARBUTT: If you look at the premiums for boxing, which are about \$5.85, including GST, per boxer per year, as against other sports, which are substantially higher, maybe 200 or 300 per cent, that reflects the fact that we have not had major injuries and when we do our assessments we are able to keep the premiums low in those sports.

Mr ANDERSON: Compare those premiums against the two major football codes in this State; rugby league is \$15.80 including GST and rugby union is twice that amount. There are huge differences. Those two codes have had quite a significant rate of head injuries and admittedly the participation rates in those two codes are considerably higher than those for boxing. But on raw percentages you have no head injuries in boxing and of the 78,000 rugby league players and 33,000 rugby union players in this State, the rates of head injuries are quite significant. The risk is probably much greater in those two codes of suffering a serious head injury than it is in amateur boxing.

The Hon. MALCOLM JONES: How many boxers are there?

Mr ANDERSON: Only a small number. At this time, with the restriction of age, there is probably about 200 or 300 across the State, or it may be a little higher in earlier years. In the past, before the age restriction, we probably would have had double that number.

The Hon. DON HARWIN: Could you supply the Committee with a table of premiums for sport? We are talking about an amount per player, and coming at it from a different angle, rather than a medical research angle. It would give us some comparative feel of risk.

Mr ANDERSON: That is a good way of measuring it, because it is based on cold, hard facts.

The Hon. DON HARWIN: It is an actuarial figure.

Mr ANDERSON: That is right, it is based on actuarial assessment. I can do that, but I ask the Committee to recognise that it is very confidential material. It certainly must not be published.

Ms SALIBA: We could certainly use that information in our deliberations.

CHAIR: The Committee could accept it on a confidential basis, so it will not be published.

Mr ANDERSON: For obvious reasons we do not want our competitors in the private sector to access it.

The Hon. DON HARWIN: To a large degree does it focus on amateur sporting participants rather than professionals?

Mr ANDERSON: We are totally amateur. A person can be covered as a professional under our scheme only if he belongs to a largely amateur organisation. A lot of people think that rugby league is a professional sport, but only about 2 per cent of rugby league is professional in the truest sense of the word.

CHAIR: The Committee has already heard that debate.

Mr GARBUTT: I take your question one step further about those suggestions. Obviously the information we get from claims is one. The research that the committee commissioned is another, and the research we hope to release later this year is a good example of where the research will provide information to the associations and other bodies that will allow them to look at what other provisions they can put in place to make the sport safer.

(The witnesses withdrew)

ALAN KEVIN KEMP, 5 Bryant Street, Tighes Hill, Public Servant, affirmed and examined:

CHAIR: In what capacity do you appear before the Committee?

Mr KEMP: As a private citizen.

CHAIR: Did you receive a summons issued under my hand to attend before this Committee?

Mr KEMP: With much surprise, I did.

CHAIR: What is your occupation?

Mr KEMP: I am with the WorkCover Authority, in a different capacity.

CHAIR: Would you like your submission to be included as part of your sworn evidence?

Mr KEMP: Yes.

CHAIR: Would you like to make an opening statement or should we proceed with questions?

Mr KEMP: A very brief one if I may. After listening to the learned people here today I am very impressed with the breadth of their knowledge and their understanding and skills. I think the people on all sides are right. That is the problem you have. I made a submission to the in National Competition Policy inquiry on the Boxing and Wrestling Control Act based on the New South Wales Act. This inquiry was only into the regulation, and I stuck to that very rigidly. Other issues have been raised today. One is the very controversial one of women in sport. I also deal with amateur and professional sport. My submission might give you some ideas or some areas to test in preparing the regulation.

CHAIR: That would be helpful. It will become part of your sworn evidence. Does it have a title?

Mr KEMP: No. There is a covering letter to the New South Wales Department of Sport and Recreation. It is just my personal comments.

CHAIR: In your submission you argue that various changes should be made to the regulation. When the Department sought submissions on the regulation did you put these suggestions forward and were they examined?

Mr KEMP: Examined by whom?

CHAIR: By the Department or the Authority. Were you aware that the regulation was being remade and did you have an opportunity to have input?

Mr KEMP: I found out about the regulation review in the paper. I phoned up and got the submission paper and went from there. I am very personally involved in sport. I work as a national three level coach in Australian rules football and I am a sports scientist by training. I love kids and sport. The talk about keeping kids in sport—it does not matter what sport—I fully support at all levels. Making it safe for them and all people who play sport is an ambition of my life: I work to that. My submission was based on making the sport safer, not necessarily removing the sport or in any way challenging the sport—maybe using regulation in some way to make it safer, resource the people that have to carry out the regulations.

CHAIR: Then you submitted a written submission?

Mr KEMP: Yes, a very brief one. As I said, I stuck to the regulation very closely.

CHAIR: Your submission says that the current conditions for registration of industry participants should be extended to include matchmakers and managers with a view to ensuring that

these persons have an understanding of the hazards and risks associated with poor matchmaking. Would you like to explain that further for us?

Mr KEMP: I was talking from the professional side. I mainly deal with juniors and especially amateurs. I deal in the martial arts area. I have been in martial arts for years. I am an amateur referee and judge with the Amateur Boxing League, which I would presume is competition to the association. I certainly do not see it that way; I just see it as another avenue. I have worked with professional boxers using my sports science. I worked with a chap who went over to Indonesia to fight for one of the many thousand world championships. I did some weight training and things like that with him. So I am involved with elite athletes and also amateurs. As I said, my passion is with kids. Although the words are in the submission about matchmakers, I have a real feeling that the people who train people in amateur and professional sports, in boxing and in the martial arts, could do with further education.

I have recommended that an accredited first-aid course would be a good way to go. They have to have upgrades every two years. It is an accredited course that everyone accepts. That would go right through the various participants that manage boxers all the way through to getting national accreditation in sporting. As I said, I am a national three coach and I am now applying for coaching accreditation in boxing and martial arts with the Australian Sports Commission. I have that barrow to push. Safety comes from the understanding of coaches and trainers and all the people involved, and the professional way they train people at amateur and professional levels.

CHAIR: How could they improve matchmaking in those people? What opportunity do they get?

Mr KEMP: From my experience—it is limited in the professional ranks but I have been there—matchmaking in professional ranks is based on returning money for the boxer and the promoter. There is risk in poor matchmaking. I have seen some serious cases in some of the fights in Queensland. They have put a person who has had one professional fight against almost a national champion. It was a heavyweight. I cannot think of the gentleman's name. I think he was knocked out in the first round. That was not about good boxing; it was not about safety in sport; it was about making money at the door. I was most concerned. I still work for the AFL. It is a very professional group that looks after its players at all levels, on the professional and amateur sides. It would not allow that sort of mismatch to happen.

CHAIR: So that is of concern in the professional area?

Mr KEMP: Yes, because it does not relate to amateurs in any case. The amateurs are fairly well regulated within their own organisation, and it does it fairly well.

Mr R. W. TURNER: Alan, you outline the problems you see with the current weight-in provisions of regulation 14. You refer to medical evidence that boxers are not dehydrated or otherwise medically threatened by the reduced weight-in period. I would have imagined that there would be less chance of dehydration with a reduced period.

Mr KEMP: They tend to get down to a weight so that they can fight and then they go in and fight. If they are dehydrated when they go into the ring they are not fit. They need a period to recover. There is a controversy in the AFL. The Brisbane Bears are running fluid through their players at half time, quarter time and doing a whole range of things so that they do not become dehydrated. I am certainly no doctor but, if they cannot meet the weight 24 hours before, giving them another 12 hours to reduce weight will not do their health any good. If they have the flu or some other virus the possibility of injury is compounded. They have to be fit and ready to fight 24 hours before the fight and at the right weight. Then they have 24 hours to recover and be ready to box. That is just to reverse it a bit. I could be wrong. As I said, I am certainly not a doctor.

The Hon. MALCOLM JONES: Mr Kemp, you were here before lunch and heard the evidence about lowering the age for amateur boxers. I would be interested in what you think about that propositions and what you feel would make it safer for such young people.

Mr KEMP: From purely a sport science point of view age is irrelevant. I am not talking from a medical point of view. The maturity of someone, the motor skills, their ability to play a sport and react and do the things and be trained relates to the maturity of the person—body maturity, mind maturity and a way they are trained and coached. In competitive sports it may be on size and strength of the person. The age is irrelevant. To manage that is almost impossible. The AFL went through this, matching juniors at junior size. But how do you manage that? You would have to have someone come out to measure every person before they played to make sure that they were the right size, the right maturity, the same skill level and the whole lot. You just could not do it, especially with amateur sport. It would be impossible.

An acceptable thing in sport and most other things is to work people by age. We see it in education. You put people through by age. It does not mean that everyone is as smart as everyone else or as dumb or can learn quicker or whatever. It is just the way we manage things. It is not the best way to do it but it is an acceptable way. Most sports have junior sport. We talked about the boxing that is not boxing. I forget what it is called. It is hitting the body. In most junior sports you have a modified rule all the way through to the various ages. I think in Australian rules they have to wear head guards up to 12 and there is no tackling until 11. By the time they are 14 they move into full contact Australian rules football, a big ground and everything else. That is about professional modelling of sport for juniors.

The Hon. MALCOLM JONES: You have covered a lot of ground there. Could you come back to amateur boxing, moving the age to 10 from 14. Is that acceptable to you? If it is acceptable to you, do you have any suggestions that would make it safer?

Mr KEMP: As I said, I do not think the age is important. At that age you are in the hands of adults. The professionalism and skills of the adult managing the sport for children at that level are the most important.

The Hon. MALCOLM JONES: So what qualifications should we look at in the adults?

Mr KEMP: Some sort of accredited course. In Australia we have the national coaching accreditation scheme. That is one of the ways you can do it. I think it is a very good scheme. I do not think it is the best scheme. You at least teach people at various levels the basics of sport science and medicine as well as sport-specific skills. You have coaching skills as a specific component and the second component is sport-specific within that level one and so on up until you get to level three. If you ever get to level four you almost become a sports scientist. It is a very good way to go using that model. It is opening it up to coaches so they can afford to do it. Getting proper coaching of the coaches available is the difficult thing.

Ms SALIBA: Mr Kemp, you also say that all industry participants except for promoters, matchmakers, judges and timekeepers should hold and keep an up-to-date accredited first-aid certificate. I note that regulation 10 says that any person seeking first registration in any class should have completed a boxing medical accreditation course. Do you feel this is not adequate?

Mr KEMP: I better not say too much because I will soon be applying for the various participants levels in professional sport so that if I am in there helping boxers I will have them. It is very archaic. There are a lot of words that could be used. You do it once, get your licence, and as long as you keep paying each year you have got it. At least St John's first-aid or something of a similar nature is reaccredited each two years.

Ms SALIBA: So you do not see it as a possibility or a suggestion that a particular medical accreditation course may have an upgraded component do it?

Mr KEMP: No, do not get me wrong. I am not suggesting that you cannot do that. I am saying that there is one out there now that could be the standard, or you could use it. Going back to my other job in WorkCover, to be in occupational health and safety you have to do an accredited course that is updated each two years. I hold one because I am in sport. I do not have to have one for national accreditation in coaching, which surprises me. But I do it because I know that if I am out with children—whether I am coaching or just watching—I have to know what to do and what not to do. That is even more important. I am afraid that is lost in sport. Kids may have a spinal injury and you

will seek coaches grab them or make them walk off the ground. Unless you have the medical understanding there is a danger. I think we do not do that well enough. We can do it better. That is all I was saying.

CHAIR: Would you like to comment on the changes you think should be made to the particulars recorded by boxing inspectors under regulation 15?

Mr KEMP: Yes, I certainly would. I have a really personal view here but I will get into that in a minute. The poor boxing inspector is the person who has to make sure the regulation is enforced, to make sure that the law is met. He has the power to do it but has almost no power if you know what I mean. If it is a major matter the police have to take the person to court, which takes two years in any case. All the inspectors can say to people is, "Fix it". They can say that each time they see them. I am referring to professionals now, not amateurs. Unless the person decides to do it there is a challenge every time for the poor boxing inspector. In the area of WorkCover we have on-the-spot fines and codes of practice that could be easily adapted to the martial arts and boxing industry and could give some powers to the boxing inspectors that actually had some say. If they saw something wrong that was not meeting the regulations they could give on-the-spot fines.

On top of that one of the best ways to do it is to do a report. Judges, timekeepers, and referees particularly, are in the ring and should be subject to some sort of a report. They are professional people themselves. I do some amateur boxing judging and martial arts. The best thing I can hear when I come out of the ring after doing a fight is for someone to say, "You did that really well. You forgot to do this. Make sure you do this next time" to make sure that I am on the right track. That very rarely happens, I am afraid. There is no recognised standard for these people, except they become one and they are one.

CHAIR: And that is it.

Mr KEMP: Yes. In other sports you have referees that actually have a panel of judges and after each one there is a report put in and they can actually be dropped from that level down to another. I am not suggesting that should occur but the Boxing Authority should be used because they are very professional and knowledgeable people and we should use that knowledge to upgrade the standard. Whether they have the time and resources is another issue I cannot answer.

Ms SALIBA: You raised an issue in your submission that smoking not be allowed within enclosed areas. Is that just in amateur boxing?

Mr KEMP: I do not think it is in any boxing in Australia.

Ms SALIBA: Smoking is permitted anywhere?

Mr KEMP: The public smoking Act may have changed that, I am not sure. I am a non-smoker but my wife smokes. I went to a professional fight in Indonesia with a young chap who was fighting and we could not see the ring through the smoke. Elite athletes had to fight in that condition, let alone the poor spectators and that is not good enough in this day and age.

Ms SALIBA: Professional fights held in entertainment centres would not allow smoking in their venues.

Mr KEMP: Under the new Act I think they may be banned because if food is outside a public bar they cannot now smoke.

Ms SALIBA: You cannot smoke in a restaurant or bistro where food is presented.

Mr KEMP: Some of the boxing promotions do have that, though. I had not really considered it. It slipped my mind when I put it in. I was just getting it off my chest.

CHAIR: Perhaps Mr Warn or Mr Tunstall might be able to tell us about the smoking?

Mr WARN: They are doing it down in the southern area. They are asking the clubs to have "no smoking" down there and we are doing the same with the State titles.

CHAIR: So you are requesting it from the association.

Mr WARN: We are asking them if they will do it. We cannot make them do it because they are paying for the floor show but most clubs have come to the party.

Ms SALIBA: Are you talking about registered clubs where you conduct the fights?

Mr WARN: Yes.

CHAIR: Your proposition is that it just go with the sport?

Mr KEMP: I would do it with any sport, to be honest. I have a particular thing with youth sport that there be no alcohol when they participate and no smoking. I was brought up in Victoria with Australian Rules, local rule clubs, and with juniors there was no alcohol and it was really well controlled.

(The witness withdrew)

JOHN JEFFREY SAUL, President, New South Wales Wrestling Association, 102A Lucinda Avenue, Wahroonga, sworn and examined,

LEONID ZASLAVSKY, Referee, Wrestler, Development Officer and Coaching Director, New South Wales Wrestling Association, 3/15 Sir Thomas Mitchell Road, Bondi, and

ALEX ZASLAVSKY, Athlete, 3/15 Sir Thomas Mitchell Road, Bondi, affirmed and examined:

CHAIR: Did you receive a summons issued under my hand to attend before this Committee?

Mr SAUL: Yes.

Mr ALEX ZASLAVSKY: Yes.

Mr LEONID ZASLAVSKY: Yes.

CHAIR: Mr Saul, the Committee has received a submission from you. Is it your wish that the submission be included as part of your sworn evidence?

Mr SAUL: Yes.

CHAIR: Mr Saul, would you like to elaborate on your submission or would you prefer to go to questions?

Mr SAUL: We can go straight to questions. However, I will comment that, from what I have heard today, few people have a great knowledge of the workings of the sport of wrestling in Australia. The New South Wales Wrestling Association governs the amateur codes and looks after the Olympic freestyle and Greco-Roman styles of wrestling. We have no affiliations whatsoever with the professional codes or with any of the other sports that have become popular in this country lately. To assist the Committee I will make available the document entitled *New South Wales Wrestling Association Constitution* which will let you see how our structure intends to manage the sport in New South Wales.

CHAIR: Thank you. That will be incorporated as part of your evidence and I am sure it will prove useful to us. I know nothing about wrestling, so I am one of those people to whom you referred.

Mr SAUL: Most Australians saw it for the first time at the Olympics in Sydney.

CHAIR: I had seen it before that and I was aware of it but I do not know much about how the sport is governed or how it operates, so your evidence will be very helpful. Your submission concentrates on freestyle and Greco-Roman wrestling. You support a no-regulation model and you appear to be satisfied that there are adequate controls imposed for categories under the Federation Internationale Luttés Associées [FILA] international rules. Is that correct?

Mr SAUL: That is correct.

CHAIR: Why?

Mr SAUL: In order for our athletes to compete at the international level and ultimately at the Olympic level it is necessary for them to take part in competitions that are governed by the FILA rules. The Act and the regulations proposed under the Boxing and Wrestling Control Regulation have no relevance whatsoever to the sport of Olympic freestyle and Greco-Roman wrestling. Apart from the word "wrestling" in the title, the Act contains very little that is relevant to our code.

CHAIR: Is anything in the regulation relevant to your operations?

Mr SAUL: Not really. The Act goes into a lot of detail about professional boxing and a fair bit of detail about amateur boxing. In referring to wrestling it talks about "the ring". The ring specified under the Act is totally unsuitable for our codes of wrestling—in fact, it would be specifically

excluded under the FILA regulations. So this Act does not have a lot of relevance to our sport of wrestling apart from the fact that we need to apply to the department for permits.

CHAIR: Is that the only area in which you relate to the department?

Mr SAUL: Virtually, yes.

Ms SALIBA: Is wrestling expected to comply with the ring standards set out in the Act? You said that they would not be acceptable to FILA, but would your code still be expected to apply those standards?

Mr LEONID ZASLAVSKY: We do not use a ring when we wrestle; we wrestle on a wrestling mat.

Ms SALIBA: So those standards are not relevant at all?

Mr LEONID ZASLAVSKY: No.

Mr MORELAND: The regulations in the legislation are specific to professional boxing.

Mr SAUL: The mat prescribed in the Act is that which would be used in entertainment wrestling; it is not the sort of mat that is used in amateur wrestling. I refer to "entertainment wrestling" because that specifies what it is: it is not a competitive sport, it is entertainment. Unfortunately, it also carries the title "wrestling".

CHAIR: Your submission also shows that you have examined the regulations carefully and are aware of the medical checks required of boxers. Do the FILA rules cover this area or is it left to the permit conditions?

Mr SAUL: The FILA rules cover medical examinations, which are used at a national level. At less than national level we do not apply a medical examination mainly due to the high cost involved. We are a very small sport and we have a very small number of competitions at less than State level. Consequently, a medical examination is not undertaken at the time of weigh-in.

CHAIR: What controls apply to matching wrestlers in terms of their weight, age and experience? Is that relevant?

Mr LEONID ZASLAVSKY: We are supposed to abide by the FILA regulations as far as the matching of competitors is concerned. However, our numbers are extremely small so when we do not have competitors to match according to the FILA regulations we are allowed to modify the draw or make special arrangements for special bouts. For example, guys of similar experience but who are in slightly different weight or age categories might wrestle together. Those matches are arranged by the coaches, and the referees watch them closely. The tournament organisers must also agree with the coaches and athletes who wish to have a special match. Strictly speaking, we abide by the FILA regulations, which states that wrestlers must be of a similar age and in a particular weight category.

Mr SAUL: Any matches outside the weight and age divisions specified by FILA are held in strict consultation with the athlete's coach. Without the coach's permission and the athlete's agreement, the match will not take place. That is a very important point because it ensures that the competitors are equally matched. Few other sports that do not work in weight and age divisions can offer the same guarantee. The football codes operate according to age divisions and you consequently run the risk of having enormous mismatches. For example, my son weighs 45 kilograms at age 15. If he were playing football he could be matched against young gentlemen who weigh an average of 60 to 65 kilograms. Under the wrestling code, he wrestles within his own age and weight groups and the risk of injury is greatly reduced as a result. They are the rules and that is the intention of the sport at the moment.

The Hon. DON HARWIN: Were you consulted when the department was remaking this regulation? Did you have an opportunity to express your views? Did someone write to you?

Mr SAUL: We learned in the *Government Gazette* about the intention to review the Act. We saw an advertisement about that review in the *Sydney Morning Herald* in December and responded to it. In recent weeks we have consulted directly with Rachel about our submission and so on.

The Hon. DON HARWIN: Was that the Committee's advertisement in the *Sydney Morning Herald*?

Mr SAUL: It was the advertisement of the Regulation Review Committee.

The Hon. DON HARWIN: Were you involved in the departmental process?

Mr SAUL: No.

The Hon. DON HARWIN: You were not even asked?

Mr SAUL: No.

Mr R. W. TURNER: In part, your submission says:

The Draft Regulations indicate a move to "User Pays" for the cost of the Regulatory framework, this means increased costs to Freestyle and Greco Roman Wrestling, a sport that is already battling under rising costs from other areas such as rising Insurance Costs—

—the Amateur Boxing Association said that its insurance costs are negligible—

venue hire fees, GST etc. While Clause 5.1 claims the cost of the preferred option would not impact significantly on the industry, your indicative figures on Revenue and Costs, given in Clause 4.1, indicates an almost ten-fold increase in revenue is needed to break even. Higher fees could be an impost that drives the Olympic styles of Wrestling out of existence.

Is that mainly because the sport has a very small number of participants? What are the other significant costs or imposts?

Mr SAUL: Yes, indeed. But we have very small numbers. Consequently, any policies need to be spread over a small number of competitors and a small number of officials. Our numbers in New South Wales are probably in the order of about 200. The affiliation of many of those with New South Wales wrestling is in fact through clubs which are members of the association. We had insurance with the HIH insurance company which covered us for public liability, directors' liability and injury.

Mr LEONID ZASLAVSKY: No, professional indemnity.

Mr SAUL: As a result of the HIH collapse, which occurred after we compiled this submission, we have seen the HIH policy, which was of quite substantial value, reduced to being very difficult—almost impossible—to replace. Those companies that may consider us for cover are quoting extraordinary amounts.

Mr LEONID ZASLAVSKY: They want \$25,000 to cover our association for public liability and professional indemnity, but there is no officers and directors liability.

CHAIR: Did you say \$25,000?

Mr LEONID ZASLAVSKY: Yes.

Mr SAUL: The main reason why these insurance companies are charging that amount is not so much a true actuarial basis. Our sport has had very few injuries in the past. It is an association: We are the sport of wrestling, and wrestling is the activity that you see on television being conducted by the World Wrestling Federation [WWF] and other American groups. Consequently, we are not held in esteem because of the way that those gentlemen carry on in television. That flows back on to us.

Mr R. W. TURNER: So you are all being lumped into one basket, so to speak.

Mr SAUL: Unfortunately, yes.

Mr R. W. TURNER: It may be that you should speak to the Amateur Boxing Association to see how they have gone about it and see if you can affiliate with them somehow.

Mr SAUL: Twenty years ago we were actually one group. Mr Tunstall could give us the exact date when the division occurred, but I think it was in the 1960s. We did divide, but not under unpleasant terms, of course. It was purely to undertake our specific interests.

Mr TUNSTALL: They were better off than when they were with us.

CHAIR: We might ask them their view as well. I have a few questions that I would like to direct to all of you. Is it not the case that there are particular injuries applicable to wrestling which regularly occur in competition, such as knee injuries? If this is accurate, should they not be the subject of appropriate regulatory controls?

Mr SAUL: The common injuries in wrestling are soft tissue damage.

CHAIR: Not knees, or is it soft tissue damage in knees?

Mr SAUL: It is soft tissue within the knees. I do not know that knees are particularly prevalent.

The Hon. MALCOLM JONES: Cartilage is soft tissue.

Mr SAUL: Yes.

Mr LEONID ZASLAVSKY: In wrestling, you are likely to get small injuries, such as bruises, scratches, skin abrasions and that sort of stuff, and maybe a bleeding nose every now and then. Injuries do happen, but I would not say that they are any more likely than in any other sport. In fact, I believe that something like netball has one of the highest injury rates as far as knees go. In wrestling, the injuries are just on a par I suppose with any other sport where you move and twist. It is not a significant part of wrestling injuries.

The Hon. MALCOLM JONES: Do you participate in the New South Wales insurance scheme?

Mr SAUL: We had been with the New South Wales insurance scheme but apparently we dropped out of it some years ago.

Mr LEONID ZASLAVSKY: We just obtained a quote from the insurance scheme. We have a premium to pay in the order of \$3.50 per senior wrestler and 70¢ for the junior wrestler.

The Hon. MALCOLM JONES: It is even cheaper than boxing.

Ms SALIBA: Having read the Boxing and Wrestling Regulation Control 2000, I do not see that there would be any—not even a small—impact and I would just like you to explain to me what you think the impact is going to be. Most of it is aimed at the sport of boxing.

Mr SAUL: Indeed, that is correct. As I said earlier, the majority of that Act is aimed purely at boxing, professional or amateur. We are, however, covered by the permits. If this Act starts taking on the user-pays basis, then it is likely that the permit will increase in value and consequently we will be facing potentially a very large impost through increased permit fees and any other potential fees that may come out of the Act. It really is a bit of an anomaly if you are going to be covered by an Act and in fact that Act has no relevance whatsoever to your sport.

CHAIR: It would be rather unusual.

The Hon. MALCOLM JONES: How many wrestlers are in your association?

Mr SAUL: As I said, we have probably around the 200 or less mark and I would say that that would probably be made up of 160 wrestlers and around 40 officials. Like I say, many of those are actually registered with clubs and the association does not have full details of all those members of clubs. We have the details of the clubs themselves.

CHAIR: I have a few other questions for the three of you relating to the health and safety requirements. Is it not the case that infectious diseases can be spread by skin contact in wrestling contests? Should this not be addressed somehow, perhaps by regulations, or how are they addressed?

Mr SAUL: They are mentioned in the FILA rules. They are also part of the program that we undertake with our coaches. All of our coaches need to be accredited through the national coaching system and are members of the Australian Coaching Council, at whichever level is pertinent to the level of wrestling they are coaching. Because we are a small organisation, we rely on some of the overseas material. Our technical course manual is from the Canadian Wrestling Association. Apart from going into the technical side of it—as you can see, the manual contains little pictures of wrestlers—it gives a bit of an overview at the front of typical injuries and typical things to watch out for, as well as what measures to take. Certainly taking a close look at the athletes is one of them and this is done at the weigh-in by the weigh master who is always a qualified FILA referee. This is done to ensure that they have no skin infections.

Ms SALIBA: That would not address HIV or hepatitis.

CHAIR: You would have to do more than just look at somebody.

Mr LEONID ZASLAVSKY: The skin infections that happen are like fungal infections such as ringworm or impetigo, boils or herpes. They are the common things and they are the things you do look out for. HIV is a blood-borne disease.

Ms SALIBA: But the question was not about skin infections. It was about infectious diseases, was it not?

CHAIR: It was about both, infectious diseases and skin infections, and then the next bit was related to HIV and hepatitis B and C tests. Is there any requirement that is similar to the requirements in boxing or other areas?

Mr SAUL: We do not require wrestlers to have examinations for serological diseases.

Mr ALEX ZASLAVSKY: When I started wrestling, I was made to get hepatitis B vaccinations. I was told to get them before I started wrestling as a health precaution.

CHAIR: Who told you to do that?

Mr ALEX ZASLAVSKY: It was one of the referees.

CHAIR: It was within the industry itself?

Mr ALEX ZASLAVSKY: Yes.

Mr LEONID ZASLAVSKY: It is just that if you wrestle internationally, the Third World countries are more prevalent in having those types of diseases, so it is a precaution.

Ms SALIBA: But there is no vaccination against HIV.

Mr ALEX ZASLAVSKY: But there is against hepatitis B and C.

The Hon. MALCOLM JONES: You were advised to have this inoculation?

Mr ALEX ZASLAVSKY: Yes.

The Hon. MALCOLM JONES: It was not compulsory?

Mr ALEX ZASLAVSKY: No. I was advised to have it.

Mr LEONID ZASLAVSKY: I suppose it is like having a vaccination for the flu. You are advised to, but you do not necessarily have to have one.

Ms SALIBA: Except that the flu does not kill you.

Mr LEONID ZASLAVSKY: It can.

CHAIR: I direct this question particularly to the wrestlers. Do you believe that there should be specific regulations governing wrestling or are the self-regulatory controls, such as those under FILA, adequate?

Mr LEONID ZASLAVSKY: In my personal opinion, I do not think that we need a special regulation. FILA controls everything from the Olympics down to kids wrestling. The rules are the same for all. The difference is only in the weight categories and in the age categories. We do not use any striking, submission or choke holds. It is purely a sport in which a lot of technique is used. It is not brutal and it is not a collision sport. It is a pure contact sport. We do not come under any of those dangerous sports that are mentioned in the Act. I think we are adequately governed and overseen by FILA. I have been wrestling for 17 years and I have gone through all levels from beginner to the Olympics. I have always been looked after by the FILA rules and regulations. I did not even know the Act existed until probably last year when Ross Hannan found the ad in the paper and said, "Perhaps we should look at this. Why are we still together with boxing?"

Ms SALIBA: Can I just go back to the topic of infectious diseases. I believe that wrestling is a contact sport. You have a situation in which the participants get broken skin. I think you mentioned that there are scratches and those sorts of things that happen. Saliva is another way of spreading diseases. Why should not wrestlers be required to have HIV and hepatitis B and C serology tests?

Mr SAUL: Very few other sports require them so I mention that purely on the quality basis. When any bleeding occurs in wrestling, competition is immediately stopped. The bleeding must be stopped. Spilled matter must be cleaned and disinfected. Any contact with the other player must be cleaned and disinfected. Any bleeding injury must be stopped and must be covered. Consequently, every action is taken to ensure that the blood does not come into contact between the two parties.

Mr ALEX ZASLAVSKY: And if the bleeding cannot be stopped, then the match is finished.

Ms SALIBA: It is too late once you have started bleeding. If you are wrestling with somebody from another country who has one of these diseases, such as HIV, for example, and they bleed and you have ruptured skin, it is too late once that has happened to really undo it. I am just wondering why things would be different for a contact sport like that?

CHAIR: With New South Wales amateur boxing, you do not have to declare or have a test or anything. It is professional boxing, and this category is amateur as well.

Mr SAUL: Yes. It is an amateur code. It is not required in any of the amateur football codes. I do not know of any amateur sports where it is required.

CHAIR: I do not know about the entertainment category.

Mr SAUL: I think that when they bleed, it comes straight out of the Heinz bottle.

CHAIR: I am not sure about that one. Is there anything that anyone wishes to add? It is clear from your submission that you want to be able to self-regulate.

Mr SAUL: Do you wish to have copies of the material from the Australian Wrestling Union [AWU], which is our national body and which is the body to which we are affiliated? It is the national body that is recognised by the international federation and also by the local Australian Olympic

Committee. That is how we do our coaching, with the overarching technical side of it taken from the Canadian manual.

CHAIR: Would you like us to copy them?

Mr SAUL: I would appreciate it if I could get them back. You are quite welcome to have the wrestling level one coaching course, which is a national initiative of the Australian Wrestling Union that is endorsed by the Australian Coaching Council and the wrestling level one coaching certification by the Canadian Amateur Wrestling Association.

CHAIR: Thank you. They will become part of your evidence but the originals will be returned to you.

Mr SAUL: I have also submitted previously the FILA rules, and I understand that they have been incorporated into your paperwork today.

CHAIR: They have. They have become part of your sworn evidence. Do you wish to add anything further?

Mr SAUL: No.

(The witnesses withdrew)

ROBERT MICHAEL RIDLEY, Manager, Industry Development Unit, Department of Sport and Recreation, 6 Figtree Drive, Homebush Bay,

DAVID WILLIAM MORELAND, Executive Officer, Boxing Authority of New South Wales, and Industry Consultant, Combat Sports, Department of Sport and Recreation, 6 Figtree Drive, Homebush Bay,

WARWICK WARN, President and Referee of the New South Wales Amateur Boxing Association, 93 Pendant Avenue, Blacktown, and

ARTHUR TUNSTALL, Secretary General, New South Wales Amateur Boxing Association, 27 South Avenue, Double Bay, on former oath.

CHAIR: Mr Ridley, Mr Warn, Mr Tunstall and Mr Moreland, would you like to add further comments before we close?

Mr RIDLEY: We have heard, in various presentations, about the cost of fees associated with the permits. I should point out that the regulation does not impose any fee for the permits for amateur boxing or wrestling. So there is no fee paid for the permits that are issued. They are issued to the organisation to conduct the events under its rules.

CHAIR: So the association sets the rate itself?

Mr RIDLEY: That is right. Second, on receiving notice of this hearing, I requested, as instructed by my department, a copy of any questions that we may be asked in order to be able to prepare responses.

CHAIR: Did you receive them?

Mr RIDLEY: No, we did not. I rang the acting manager on Monday and was able to get a verbal list of some of the issues that the Committee might be interested in. However, I feel a little concerned at the moment, and particularly in this morning's session, that none of the questions that were posed to us—I believe the department certainly has the full record and the full process of the structure of the RIS and the way in which that was conducted. Whilst I did not have that information with me today, if we had been able to have that advance notice I am sure we would have been able to provide that. I look forward to providing that to you if those questions on notice relate specifically to the RIS.

CHAIR: First, I must say that the Committee expects people who appear before it to speak about the RIS and the regulation to have some knowledge of it and how it was made. I do not think that that is being onerous or unusual in our expectation. Clearly, in accordance with the Committee's terms of reference, it is expected that you would come prepared to answer those questions. However, you are at liberty to provide us with additional information.

Ms SALIBA: Some of our questions arise from comments made to us during the hearing, and to that extent they are not always prepared.

CHAIR: Also, before the transcript is published we make it available to all witnesses, so that you can make further comments.

Mr WARN: The New South Wales ABA has no association whatsoever with the Amateur Boxing League. They are people who have broken away from us, because misunderstandings of the rules and such. The way they conduct themselves is nowhere near the way we conduct ourselves.

(The witnesses withdrew)

(The Committee adjourned at 3.49 p.m.)

APPENDIX FOUR

List of Evidence Tabled by Witnesses

Name	Evidence Tabled
<p>Mr Arthur Tunstall Secretary New South Wales Amateur Boxing Association</p>	<ol style="list-style-type: none"> 1. The Medical Handbook of Amateur Boxing (5th Edition) of the AIBA 2. Competition Record Book for Boxers 3. Personal Record Book containing press clippings; statistics and results from the Sydney 2000 Olympic Games and World Championships; correspondence 4. International Boxing Association Articles of Association and Rules for International Competitions and Tournaments
<p>Mr Bart McCarthy Secretary Combat Sports Board of Victoria</p>	<ol style="list-style-type: none"> 1. National Competition Policy Review of the <i>Professional Boxing and Martial Arts Act 1985</i> and attendant Regulations dated August 1999 2. Index to Boxing and Kickboxing Rules promulgated by the Combat Sports Board of Victoria 3. <i>Professional Boxing and Combat Sports Act 1985 (Vic)</i> and <i>Professional Boxing and Martial Arts Regulations 1997 (Vic)</i> together with documents relating to the registration of professional contestants and officials in Victoria
<p>Dr Ray Newcombe Neurosurgeon</p>	<ol style="list-style-type: none"> 1. Article by Barry Jordan regarding traumatic brain injury in boxing published in <i>Neurological Sports Medicine</i> 2. <i>Boxing Injuries Report</i> by the National Health and Medical Research Council, dated 1994
<p>Mr Allan Kemp</p>	<ol style="list-style-type: none"> 1. Submission to the Committee 2. Submission dated 5 September 2001 to the Department of Sport and Recreation regarding the National Competition Policy Review of the <i>Boxing and Wrestling Control Act 1986 (NSW)</i>
<p>Mr John Saul President NSW Wrestling Association</p>	<ol style="list-style-type: none"> 1. Submission to the Committee dated 13 February 2001 2. New South Wales Wrestling Association Constitution 3. The Australian Wrestling Level 1 Coaching Course Manual 4. Canadian Amateur Wrestling Association

APPENDIX FIVE



NEW SOUTH WALES

Minister for Sport and Recreation

Level 31, Governor Macquarie Tower

1 Farrer Place, Sydney, NSW 2000

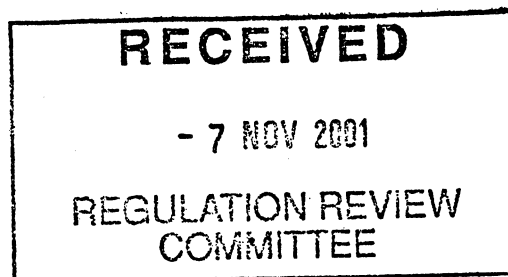
Telephone: (02) 9228 4866

Facsimile: (02) 9228 4855

DSR RML: 01/16568

File No 99/A/689

The Hon J A Saffin, MLC
Chair
Regulation Review Committee
Parliament House
Macquarie Street
SYDNEY NSW 2000



Dear Ms Saffin,

I refer to your correspondence received by me on 19 September 2001, regarding the Public Hearing into the Boxing and Wrestling Control Regulation 2000.

The Boxing and Wrestling Control Regulation essentially deals with matters relating to the registration of boxers and industry participants and other matters relating to professional boxing contests. The NSW Amateur Boxing Association has no formal relationship or responsibility for professional boxing.

The consultation undertaken in preparing the draft Regulation predominantly focussed on those impacted by the Regulation, being those involved in the conduct of professional events. In addition, a public notice was published in the Sydney Morning Herald of 27 May 2000 calling for comment from interested parties. The closing date for submissions was set at 28 June 2000.

Correspondence, including the draft Regulation, the Regulatory Impact Statement and an invitation to comment on these documents, was forwarded to Dr L Lewis, State President of the NSW Amateur Boxing Association, on 13 June 2000. No submissions were received on behalf of any organisation other than the Boxing Authority of NSW and the Regulation was re-made with minor amendment.

The remaking of the Regulation was undertaken with appropriate consideration and industry consultation and interested parties were provided opportunity for input. The National Competition Policy (NCP) review of the Boxing and Wrestling Control Act 1986 looks specifically to the nature and benefit of competitive restrictions placed on the industry, however the terms of reference for the NCP review have been broadened to allow interested parties to raise other issues and to voice concerns on other aspects of the current regulatory controls.

At the time the Regulation was remade, the NCP review of the Act was underway but still some way from completion. It was felt the interests of the industry would be best served by re-making the Regulation with minor amendment, as the removal of regulatory control should the Regulation lapse would expose the industry to potential damage.

A number of issues have since impacted on the completion of the NCP review of the Act, in particular the identification of appropriate external assistance to contribute to the review process.

The timetable for the review has recently been adjusted to allow for the inquiry by the Committee into the making of Regulation 2000. This approach was taken, firstly as it was hoped the extension of the date by which NCP reviews must be completed to June 2002 would allow for the consideration of any report on the findings of the Committee; and secondly to avoid any confusion within the industry that could possibly be created by concurrent reviews of aspects of regulatory controls on boxing.

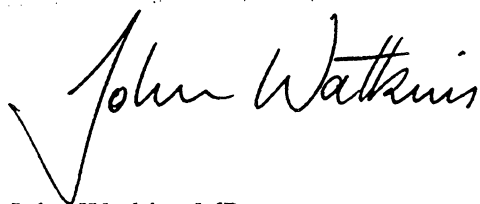
I also understand that the NCP review Steering Committee through The Cabinet Office made representations to the Chair of the Committee on this issue, seeking a complementary timeframe for the reviews. As this could not be fully achieved, the review has now recommenced.

The controls imposed by other jurisdictions are designed to complement those of NSW. Victoria remains the only other state in Australia with a similar level of regulatory control. Constant communication occurs between NSW and other States and Territories on regulatory issues and the information shared through this close relationship contributed to the position assumed by NSW in the drafting of the Regulation.

The introduction of magnetic resonance imaging (MRI) requirements for boxers in Victoria is a recent response to concerns on boxing related injury and remains part of a research project. Victoria is examining such issues for the Sport and Recreation Minister's Council.

I trust this information is of assistance to the Committee.

Yours sincerely,



John Watkins MP
Minister for Sport and Recreation
Minister for Corrective Services
Minister for Fair Trading

- 3 NOV 2001