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BOXING COMMISSION OF FIJI PROMULGATION
(PROMULGATION NO. 13 OF 2008)

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INTERIM GOVERNMENT OF THE REPUBLIC OF THE FIJI ISLANDS

BOXING COMMISSION OF FIJI PROMULGATION 2008
(PROMULGATION NO. 13 2008)

IN EXERCISE of the powers conferred upon the Interim Government, and upon the exercise of my own deliberate judgement as President of the Republic of the Fiji Islands as to what is best and good for the people of Fiji, and by the executive authority of the State in accordance with section 85 of the Constitution and such other powers as may appertain, and with the advice of Cabinet, I, Josefa Iloilovatu Uluivuda, make this Promulgation—

TO ESTABLISH THE BOXING COMMISSION OF FIJI AND PROVIDE ITS FUNCTIONS AND POWERS FOR THE PURPOSES OF REGULATING AND CONTROLLING AMATEUR AND PROFESSIONAL BOXING IN FIJI AND FOR RELATED MATTERS

PART 1—PRELIMINARY

Short title and commencement

1. This Promulgation may be cited as the Boxing Commission of Fiji Promulgation 2008, and comes into force on a date appointed by the Minister, by notice in the *Gazette*.

Interpretation

2. In this Promulgation, unless the context otherwise requires—

“approved boxing venue” means a premises or place approved by the Commission under section 10 paragraph (h);

“approved form” means a form approved under section 37;

“Commission” means the Boxing Commission of Fiji established under section 3;

“Board” means Board of the Commission established under section 4;

“boxing” means amateur and professional boxing, and includes women boxing;

“boxing licence” means a licence issued under section 10 paragraph (b), and includes a special boxing licence;

“boxing official” means a promoter, manager, trainer, judge, referee, second, recorder or time keeper, for professional or amateur boxing;

“boxing official licence” means a licence issued under section 10 paragraph (b);

“medical practitioner” means a person registered as a medical practitioner under the Dental and Medical Practitioners Act;

“professional boxer” means a person registered and licensed under section 10, and includes an overseas professional boxer issued with special boxing licence;

“professional boxing association” means an association approved under section 10;

“ring doctor” means the medical practitioner who is the official doctor during a boxing contest;

“ring supervisor” means a person appointed under section 19.

PART 2—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE BOXING COMMISSION OF FIJI

Establishment of the Commission

3. The Boxing Commission of Fiji is hereby established as a corporate body with perpetual succession and a common seal, and may—

(a) sue and be sued in its corporate name;

- (b) enter into contracts;
- (c) hold and dispose property;
- (d) do any other matter or thing a corporate body may do in law.

Board of the Commission

4.—(1) The Board of the Commission is hereby established and may consist of the following members to be appointed by the Minister—

- (a) a Chairperson; and
- (b) four other members.

(2) The Minister may consult all the professional associations and the body that has the interest of the stakeholders of amateur boxing in Fiji, when appointing the members of the Board.

(3) The Board is the governing body of the Commission and is responsible for the performance of the functions and powers conferred on the Commission by this Promulgation or any other written law.

Terms of appointment

5.—(1) A member may be appointed for up to 3 years, and is eligible for re-appointment, but a member can only serve 3 years but not consecutively.

(2) The Minister may approve a member whose term has expired to continue for up to 3 months until a successor is appointed.

Qualifications and disqualifications

6.—(1) A person is eligible for appointment to the Commission if the person has qualification or experience in the administration of sports generally, and in particular has wide experience in the operation and management of the sports of boxing.

- (2) The following persons are not eligible to be appointed as members of the Commission—
- (a) a member of Parliament or person who has been a member for Parliament for the last 2 years;
 - (b) a person who is deemed bankrupt;
 - (c) a person who has been convicted of offence under this Promulgation or of a serious offence under any other written law;
 - (d) a person who would be disqualified under subsection (3).
- (3) No Board member shall—
- (a) be engaged as a professional or amateur boxer and a boxing official;
 - (b) have a pecuniary interest in the earnings of any boxer or proceeds or outcome of any boxing match;
 - or
 - (c) serve in any capacity in a professional or amateur boxing association.

Remuneration

7. A member is entitled to remuneration and other expenses according to the financial guidelines on the remuneration of Boards and Committees.

Meeting procedures

8.—(1) The Chairperson shall convene and preside at meetings of the Commission to be held at least once every 3 months.

- (2) If the Chairperson is absent, the members present must elect a member to preside at that meeting.
- (3) The quorum at a meeting of the Commission is 3 members.
- (4) Subject to this section, the Commission may regulate other meeting rules and procedures.

Functions of the Commission

9.—(1) The functions of the Commission are—

- (a) to control, regulate and manage boxing in Fiji to ensure uniformity, fairness and integrity in boxing;
- (b) to ensure that uniform standards are used in boxing in consultations with boxing associations, clubs and individuals, groups and members of the public;
- (c) to advise the Minister on formulation, development and review of boxing policies, including the review of this Promulgation and any other matter relating to boxing;
- (d) to monitor and assess the management of boxing contests and operations and management of boxing associations;
- (e) to liaise with other countries or international agencies in developing policies, strategies and agreements relating to boxing; and
- (f) to perform other functions given to it under this Promulgation or any other written law.

Powers of the Commission

10.—(1) The powers of the Commission are—

- (a) to register a person as a boxer or as a boxing official in professional or amateur boxing;
- (b) to issue a licence to a person as a boxer or as a boxing official in the professional boxing;
- (c) to register professional boxing associations;
- (d) to grant permit for professional boxing contest;
- (e) to approve boxers and boxing officials to engage in boxing contests in another country;
- (f) to approve title belts for professional boxing, including unification title belts;
- (g) to approve an amateur boxing official to officiate in any professional boxing contest;
- (h) to approve a premises or place as an approved boxing venue where boxing contests may be undertaken;
- (i) to impose, vary, suspend or cancel conditions for any registration, approval or licence granted under this section;
- (j) to appoint a person as the national boxing coach for amateur boxing;
- (k) to order a boxer to undertake medical examination to determine whether the boxer should be issued with a boxing licence or if the Commission, for any other reason, is of the opinion that the medical examination is necessary;
- (l) to conduct inquiries and investigations for allegations of misconduct pursuant to Part 4; and
- (m) to exercise other powers under this Promulgation or any other written law.

(2) The power to register, license or approve under subsection (1) includes the power—

- (a) to refuse the registration, licence, permit or approval; or
- (b) to vary, suspend or revoke such registration, licence, permit or approval or its conditions; or
- (c) to vary, suspend or revoke conditions imposed on registration, licence, permit or approval.

Committees

11. The Commission may establish committees consisting of its members and other persons for the purposes of carrying out its functions and powers under this Promulgation, subject to prescribed procedures.

PART 3—REGULATION OF BOXING

Registration of professional boxing associations

12.—(1) No person shall operate a professional boxing association unless the association is registered by the Commission under section 10.

(2) The number of professional boxing association in Fiji shall not exceed 2.

(3) The Minister may, by order in the *Gazette*, increase the number set out in subsection (2) if the Minister is satisfied that it is in the national interest that such number be increased.

(4) A person who intends to register a professional boxing association under this section may apply to the Commission in the approved form, subject to payment of the prescribed application fee and the prescribed registration fee.

(5) The Commission shall only register a professional boxing association if it is satisfied that—

(a) the association has a constitution;

(b) the association will have a President and 2 Vice-Presidents;

(c) the officials of the association are not bankrupts;

(d) the officials of the association are fit and proper persons to manage and administer such association; and

(e) the association will have at least 2 other Division branches.

(6) A person who contravenes subsection (1) commits an offence.

Penalty: Fine of \$100,000 or imprisonment for 5 years.

Registration of professional boxers

13.—(1) No person may become a professional boxer unless the person is first registered as such with the Commission under section 10.

(2) A person who intends to be registered under this section may apply to the Commission in the approved form, subject to payment of the prescribed application fee and prescribed registration fee.

(3) A person who contravenes subsection (1) commits an offence.

Penalty: Fine of \$100,000 or imprisonment for 5 years.

Boxing licences and overseas boxing contests

14.—(1) No registered professional boxer shall engage in any professional boxing unless the boxer obtains a boxing licence from the Commission under section 10 paragraph (b).

(2) A registered boxer may apply to the Commission for a boxing licence in the approved form, subject to payment of the prescribed application fee and prescribed annual licence fee.

(3) No boxer shall participate in a professional or amateur contest in another country except with the approval of the Commission given under section 10 paragraph (e).

(4) An application for approval under subsection (1) must be in the approved form and set out the following—

(a) nominate name of trainer and promoter;

(b) name and boxing history of boxer he will contest;

(c) medical certificate of the boxer he will be contesting against;

(d) contract fees the boxer will be receiving; and

(e) a copy of the signed contract.

(5) No person less than 18 years or over 40 years shall be licensed as a professional boxer unless the Commission is satisfied with the fitness of the person and certified by a medical practitioner.

(6) A person who contravenes subsection (1) or (3) commits an offence.

Penalty: Fine of \$100,000 or imprisonment for 5 years.

Special licences for overseas boxers

15.—(1) Any overseas amateur or professional boxer who intends to fight in Fiji (including any boxing official) shall apply to the Commission for a special boxing licence to be granted pursuant to section 10, in the approved form and subject to payment of the prescribed application fee and prescribed licence fee.

(2) The Commission may require the applicant for a special boxing licence to provide additional information before the licence is issued.

(3) A special boxing licence is valid only for the period approved by the Commission and specified in the licence, which may be extended by the Commission in special circumstances.

(4) A person who contravenes subsection (1) commits an offence.

Penalty: Fine of \$100,000 or imprisonment for 5 years.

Professional boxing contests

16.—(1) No person shall promote any professional boxing contest except with a professional boxing contest permit granted under section 10.

Penalty: Fine of \$100,000 or imprisonment for 5 years.

(2) A person who intends to promote any professional boxing match may apply to the Commission, in the form approved by the Commission subject to payment of application fee and approval fee.

(3) The Commission shall only give a permit under this section if it is satisfied that—

- (a) the promoter is registered and licensed under this Promulgation;
- (b) the promoter has been endorsed in writing by a professional boxing association under which the boxing contest is to be held;
- (c) all boxers to fight in the proposed contest are registered boxers with valid boxing licences;
- (d) the promoter has deposited at least 25% of the total prize money to the Commission;
- (e) contracts for boxers have been signed by boxers or are prepared for to be signed by boxers;
- (f) the contest will be undertaken in an approved boxing venue;
- (g) the minimum number of police officers to be present at the context is endorsed in writing by or on behalf of the Commissioner of Police;
- (h) other security arrangements for the venue will be in place during the boxing contest; and
- (i) the number of amateur boxing contests to be undertaken is included in the proposed boxing programme.

Registration of boxing officials

17.—(1) No person shall act as a boxing official unless the person has been registered with the Commission under section 10.

(2) A person who intends to be registered as a boxing official may, in the approved form, apply to the Commission for registration, subject to payment of the prescribed fee.

(3) A person may apply to be registered for more than one category of boxing official except as a promoter.

(4) The Commission shall not register a person as a promoter unless the person—

- (a) is a Fiji citizen;
- (b) has resided in Fiji for at least 18 months.

- (2) The registration for boxing official may be issued for a period of up to 5 years.
- (3) A person who contravenes subsection (1) commits an offence.
Penalty: Fine of \$20,000 or imprisonment for 2 years.

Boxing official licences

18.—(1) A registered boxing official shall not undertake the functions of such registered official unless the person is issued with a licence under section 10.

(2) A registered boxing official may, in the approved form, apply to the Commission for an annual boxing official licence, subject to payment of the application and annual prescribed fee.

- (3) The Commission shall not issue a boxing official licence unless the person
- (a) is suitably qualified; or
 - (b) has the experience relevant to such official; or
 - (c) has passed the prescribed test or training conducted by the Commission; or
 - (d) has complied with any other prescribed requirements.

(4) A registered boxing official who is registered for more than one category may hold licences for such category except that a judge or referee who holds licences as a judge and referee must only act as a judge or referee in a particular boxing contest but not both.

(5) A boxing official licence expires on 31 December in each year.

- (6) Application for renewals for the annual licence under this section shall—
- (a) be made to the Commission within 3 months before 31 December;
 - (b) be made in the approved form; and
 - (c) be accompanied by the prescribed application fee.

(7) The Commission may require a referee or judge to undertake medical examination by a medical practitioner.

- (8) A person who contravenes subsection (1) commits an offence.
Penalty: Fine of \$20,000 or imprisonment for 2 years.

Ring supervisors

19.—(1) No professional boxing contest shall proceed unless a ring supervisor is present.

(2) The Commission shall, in writing, designate a member of the Commission to be a ring supervisor.

(3) The ring supervisor may stop a boxing contest or a boxing match if the supervisor is satisfied that a provision of this Promulgation (including Regulations or Boxing Rules) is breached or likely to be breached.

(4) A person who allows a boxing contest to proceed without the presence of a ring supervisor commits an offence.

Penalty: Fine of \$20,000 or imprisonment for 2 years.

Regulating body for amateur boxing

20.—(1) The amateur boxing shall be regulated under the rules of international body known as the "Association Internationale de Boxe Amateur" (AIBA).

(2) The AIBA articles and rules dated 1 January 2003 are adopted by this section as the Amateur Boxing Rules, as if they were rules made under section 42.

(3) Despite subsections (1) and (2)—

- (a) the Commission may make regulations or rules under sections 41 and 42 on amateur boxing;
- (b) the Minister may give directions in the public interest on any matter relating to amateur boxing.

(4) The Commission may approve allowances for amateur boxing officials when officiating in amateur boxing contests.

(5) An amateur boxing official is entitled to allowances approved by the Commission and paid by the promoter when officiating in a professional boxing contest.

Amateur Boxing Association of Fiji

21. The Commission may, by regulation, establish the Amateur Boxing Association of Fiji to be operated in accordance with the AIBA Articles and Rules.

PART 4—MISCONDUCT

Misconduct

22.—(1) The Commission may, upon complaint or upon its own initiative, issue a notice to any person registered or licensed under this Promulgation to appear before it in reference to any allegation of misconduct or other things if conduct is detrimental to the interests of the public.

(2) If the person issued with a notice either after being heard, or declines to appear, the Commission may, in his absence, decide whether the person is guilty of misconduct or if the person fails to appear before the Commission upon being invited to do so, the Commission may revoke or suspend the license of any such license holder for such period and between such dates as the Commission thinks fit or refer the matter to the police for possible laying of criminal charges if required.

(3) The Commission may, after notice and opportunity to be heard, suspend or revoke any registration, approval, permit or licence issued under this Promulgation if the Commission finds that—

- (a) the holder of the registration, approval, permit or licence has contravened a provision of this Promulgation;
- (b) there are reasonable grounds to believe that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with any registration, approval, permit or licence; or
- (c) the suspension or revocation is in the public interest.

(4) A suspension of a registration or licence under this section shall be effective for a period determined by the Commission.

(5) For the registration or licence of a boxer, the revocation shall be for a period of 12 months or more.

(6) The Minister may, in writing, order the Commission to carry out an inquiry and report to the Minister on any matter relating to this Promulgation, in particular on matters relating to bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with any registration, licence or approval.

Committee to hear misconduct

23.—(1) The Commission may appoint a committee consisting 3 members to conduct hear and determine any allegation under this Part.

- (2) A committee appointed under subsection (1) has the power—
- (a) to summon any person to appear before it to give evidence or to produce before it any document or thing;
 - (b) to administer oath; or
 - (c) regulate other matters relating to its proceedings.

PART 5—ADMINISTRATION AND FINANCE

Director and staff of the Commission

- 24.—(1) The Commission has the power—
- (a) to appoint a person as its Director; and
 - (b) to appoint its other officers, staff and other persons necessary to carry out its functions under this Promulgation.

(2) The Commission shall, in consultation with the Minister, approve the terms and conditions of persons appointed under subsection (1).

Functions of the Director

25. The Director has the following functions—
- (a) to manage the day to day affairs of the Commission;
 - (b) to supervise officers, staff and other persons appointed to the Commission;
 - (c) to implement directives of the Commission;
 - (d) to prepare policy papers for approval by the Commission;
 - (e) to prepare, monitor and control budget of the Commission; and
 - (f) to perform other functions given by the Commission.

Corporate and strategic plans

26. The Commission shall prepare its corporate and strategic plans for approval by the Minister.

Funds of the Commission

- 27.—(1) The funds of the Commission consists of—
- (a) moneys appropriated for the purpose by Parliament;
 - (b) any donation, contribution or sponsorship made to the Commission; and
 - (c) fees and other charges paid to the Commission under this Promulgation.
- (2) The funds of the Commission may be applied as follows—
- (a) for payment of its expenses and other disbursements of the Commission in carrying out its functions under this Promulgation or any other written law;
 - (b) for providing championship cups or medals or other prizes for boxing contests;
 - (c) for making grants or donations to any amateur boxing association or in furtherance of professional boxing, or to such charitable objects it thinks fit; or
 - (d) for defraying all expenses of or connected with the printing, publication, sale and distribution of its publications.

Funding of amateur boxing

- 28.—(1) The Amateur Boxing Fund is hereby established and shall consist of the following that are to be administered by the Commission—
- (a) any grant made by the Government to the Fund;
 - (b) a prescribed percent of the gate taking of any professional boxing contest;

- (c) a prescribed percent of the gate taking of any amateur boxing contest;
- (d) amount approved by the Commission from its funds; and
- (e) any donation, contribution or sponsorship made to the Fund.

(2) The Commission is the trustee of the Fund which shall be used and distributed in the manner prescribed by regulations, or if there is no such regulations, as approved by the Commission.

Accounts and audits

29.—(1) The Financial Management Act and the Audit Act apply to this Part, and for such purposes the Commission is an Off-Budget State entity.

(2) The accounts of the Commission shall be audited annually by the Auditor General or by such other person on such terms and conditions as he may appoint.

PART 6—MISCELLANEOUS

Other offences and penalties

30. A person commits an offence if the person—

- (a) takes part in any boxing contest or boxing match that is not authorized under this Promulgation; or
- (b) refuses to grant access to or when required to do so, fails to assist, any person authorized under this Promulgation to supervise, control, manage any boxing contest or match under this Promulgation.

Penalty: Fine of \$10,000 or imprisonment for 12 months.

Prohibition on persons under 18

31.—(1) A person who is under the age of 18 shall not be registered and licensed as a professional boxer except in accordance with section 14.

(2) A person commits an offence if the person—

- (a) allows a person under the age of 18 years to fight in a professional boxing contest; or
- (b) is under the age of 18 years and fights in a professional boxing contest.

Penalty: Fine of \$10,000 or imprisonment up to 12 months.

Charity boxing contests

32.—(1) The Commission may approve boxing contest (professional or amateur or both) undertaken for a charitable or fundraising purpose at a venue to be approved by it.

(2) The Commission may approve a charity boxing contest, subject to conditions, including the compulsory supervision by a ring supervisor.

Sale and supply of liquor at boxing venues

33.—(1) No person shall sell or supply any liquor at a venue where amateur boxing contests are being undertaken.

Penalty: Fine of \$10,000 or imprisonment up to 12 months.

(2) No person shall sell or supply liquor at the venue of a professional boxing contest unless authorised by the Commission in accordance with the prescribed procedures.

Penalty: Fine of \$10,000 or imprisonment up to 12 months.

Prohibition on betting

34. A person who conducts or authorises the conduct of betting on boxers or on the outcome of any boxing at any boxing venue commits an offence.

Penalty: Fine of \$10,000 or imprisonment up to 12 months.

Power to stop contests

35. If the ring supervisor or a ring doctor is of the opinion that a contestant is receiving undue punishment or there is undue roughness or persistent wilful breach by the other contestant of any of the rules under which the contest is conducted, the ring supervisor or ring doctor may forthwith order the bout or contest to be stopped.

Presence of ring doctor

- 36.—(1) No person shall allow any boxing contest to begin unless all the following persons are present—
- (a) the ring doctor;
 - (b) the ring supervisor;
 - (c) the promoter or his agent of the professional boxing contest (including the production of the approval);
 - (d) the judges, a referee and a recorder; and
 - (e) a second for each boxer.

(2) A person who contravenes subsection (1) commits an offence.

Penalty: Fine of \$10,000 or imprisonment up to 12 months.

Approved form

37. The Commission may approve forms for the purpose of this Promulgation or its Regulations.

Agents of promoters

38. No promoter shall engage any agent unless the agent has been approved in writing by the Commission.

Registers

39. The Commission shall establish and maintain registers for the purpose of this Promulgation.

Calibration of scales

40. The Commission shall ensure that scales used for weigh-ins of boxers are calibrated in accordance with the National and Trade Measurement Decree 1989.

Regulations

41.—(1) The Commission may, with the approval of the Minister, make regulations to give effect to the provisions of this Promulgation, and in particular—

- (a) to regulate procedures for registration, licence or approvals;
- (b) to prescribe other documents or information required under this Promulgation;
- (c) to provide for procedures for medical examinations and tests to be carried out;
- (d) to prescribe fees for the purpose of this Promulgation;
- (e) provide matters relating to boxing venues;

(2) Regulations may prescribe penalties for a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years.

Boxing Rules

42.—(1) The Commission may make professional boxing rules to further regulate conduct of professional boxing.

(2) The rules of the Association of Internationale de Boxe Amateur shall regulate the conduct of amateur boxing in Fiji, subject to any modifications the Commission may prescribe as rules under this section.

Repeal

43. The provisions relating to boxing and wrestling in the Boxing and Wrestling Contests Act (Cap. 272) are repealed by this Promulgation.

Transitional

44.—(1) Notwithstanding Part 5 of the Promulgation, the Minister shall have overall responsibility and control over the Commission for the first 3 years commencing from the commencement date of these Promulgations.

(2) Any existing professional boxing association shall cease to operate from the commencement of this Promulgation.

(3) The Minister may, within 12 months from the commencement of this Promulgation, make regulations in relation to any transitional or saving matters.

Given under my hand this 21st day of May 2008.

J. I. ULUIVUDA
President of the Republic of Fiji Islands