



Griffith Journal
of Law & Human Dignity

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OF LAW & HUMAN DIGNITY

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Volume 3(1) 2015

Published in May 2014, Gold Coast, Australia by the *Griffith Journal of Law & Human Dignity*
ISSN: 2203-3114

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THE LAW AND BOXING: A PARADOX

ADELE ANTHONY*

This paper will examine the sport of boxing in the context of Queensland, Australia. It is argued that there is a need to ban boxing, or at the very least, a need for the legislature to impose stricter regulations. An examination of statute and common law shows that people cannot consent to grievous bodily harm or death. Despite this, boxing matches continue to cause grievous bodily harm and death to the boxers, with no consequences imposed for the perpetrator. Therein lies the paradox. There are no statutory exclusions for boxing, yet the Queensland criminal system does not exercise its jurisdiction when these serious injuries occur. The paper compares potential social benefits of boxing with legal, medical and ethical arguments against boxing. Overall, the paper suggests that the detriments of boxing far outweigh the benefits, and as such, the sport should be banned. Alternatively, potential reforms are suggested, which at the very least could reduce the amount of serious injuries that occur as a result of boxing matches.

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I INTRODUCTION

Boxing is the only sport you can get your brain shook, your money took and your name in the undertaker's book.¹

The 2010 death of young Queensland amateur boxer, 18 year old Alex Slade, makes Frazier's quote even more poignant. Alex had a brain aneurysm, ruptured as a result of injuries sustained during a fight, and unfortunately died a week later in hospital. The State Coroner ruled out any inquest.² In boxing circles, Alex's death has been described as 'just one of those things'.³ How is it that the death of a young man, in a sporting contest, can be referred to so nonchalantly? Had Alex's death arisen as a result of a fight outside the ring, the law would have stepped in and the perpetrator of Alex's death would have been accountable to that law. Therein lies the paradox. Although nothing

¹ Joseph Frazier quoted in Bert Randolph Sugar and Teddy Atlas, *The Ultimate Book of Boxing Lists* (Running Press Book Publishers, 2010).

² 'Boxer's Death Exposes Sporting Fractures', *Brisbane Times* (online), 8 April 2011 <<http://www.brisbanetimes.com.au/sport/boxing/boxers-death-exposes-sporting-fractures-20110407-1d5xk.html>>.

³ Ibid.

will bring Alex back, his grieving mother could have sought justice for her son through recourse to the criminal law system.

This paper will argue that the Queensland government, the judiciary, and society in general should no longer accept such tacit resignation in regards to the potential for serious injury and/or death that occurs in the sport of boxing. Optimally, the sport should be banned: there is no 'sweet science' to boxing; it basically consists of two combatants assaulting each other, with points scored for each blow to the head and a win for a 'knock-out'.⁴ Alternatively, the exclusionary status of boxing from the criminal law system should be removed, or, at the very least, the Queensland government should either legislate or regulate (or both) the currently self-regulated sport. To attempt to justify its position, this paper will provide a brief overview of boxing as a sport; follow with a summary of the statutory and common law perspectives on combat sports, more particularly focusing on the issue of consent; and subsequently provide a synopsis of the arguments for and against boxing.

II BOXING

Boxing has been described as 'the physical skill of fighting with fists.'⁵ A win in boxing is achieved where the boxer scores 'more points than an opponent by delivering more blows to the designated scoring regions of the body (trunk and head), or by an opponent being unable to complete a bout.'⁶ Indeed the decisive victor of a boxing match is the boxer that has effected either a 'knockout' (concussion) or 'technical knockout' (obvious confusion without loss of consciousness/posture).⁷

Another useful explanation of boxing is that 'the boxer must demonstrate his ability to deliver blows to the front and side of his opponent's head, chest and abdomen above the umbilicus. To score points, these blows must be delivered *with force* with the knuckle part of the gloved hand.'⁸

⁴ Joseph Lewandowski, 'Boxing: The Sweet Science of Constraints' (2007) 34(1) *Journal of the Philosophy of Sport* 26, 33.

⁵ Tsharni Zazryn, Peter Cameron and Paul McCrory, 'A Prospective Cohort Study of Injury in Amateur and Professional Boxing' (2006) 40(8) *British Journal of Sports Medicine* 670, 670.

⁶ Ibid.

⁷ Nelson G Richards, 'Ban Boxing' (1984) 34(11) *Neurology* 1485, 1485.

⁸ L M Adams and P J Wren, 'The Doctor at the Boxing Ring: Amateur Boxing' in Simon D W Payne (ed), *Medicine, Sport and the Law* (Blackwell Scientific Publications, 1990) 230 quoted in Roy G Beran and

External to the boxing ring, the potential injurious ramifications of such conduct would constitute an offence under the Queensland *Criminal Code Act 1899* (Qld) ('Code').⁹ Yet, in Queensland, boxing is entirely self-regulated, and where serious injury or death occurs during a fight, the criminal law does not appear to exercise any jurisdiction. So, is boxing specifically excluded from the *Code* and what does the common law have to say about the sport?

III STATUTE

Under the *Code*, any person who 'strikes ... or applies force ... to the person of another' without their consent, has committed the misdemeanour of assault and may face a penalty of up to three years imprisonment.¹⁰ Where such assault results in bodily harm, the action becomes a crime with a subsequent penalty increase of potentially seven years imprisonment.¹¹ Should the bodily harm be considered 'grievous' or 'really serious',¹² the criminal penalty available is a maximum imprisonment term of 14 years,¹³ and where intent can be proved, the *Code* sets a maximum imprisonment term of life.¹⁴ Unlike assault, consent is not an element of grievous bodily harm ('GBH'), where the Courts have found injuries such as substantial loss of vision,¹⁵ and 'fractures of the nose, cheekbone and jaw',¹⁶ all of which are common boxing injuries,¹⁷ to be considered sufficiently serious to warrant the higher penalty.

Put simply, under Queensland legislation, you can consent to be assaulted, but you cannot consent to GBH. Further, you cannot 'consent to your own death'.¹⁸ Under the *Code*, if someone kills another person, they will be found guilty of either murder,¹⁹ or the lesser charge of manslaughter, where an excuse is available or a defence is successful.²⁰ Given the earlier descriptions of boxing appear to inherently endow upon the sport an element

Joshua R Beran, 'The Law(s) of the Rings: Boxing and the Law' (2009) 16(4) *Journal of Law and Medicine* 684, 685.

⁹ *Code* s 317.

¹⁰ *Ibid* ss 245-6, 335.

¹¹ *Ibid* s 339.

¹² *DPP v Smith* [1961] AC 290, 334-5.

¹³ *Code* s 320.

¹⁴ *Ibid* s 317.

¹⁵ *R v Salisbury* [1976] VR 452, 452-3.

¹⁶ *R v Gingell* (1980) 2 Cr App R 198, 198-9.

¹⁷ Jason Brice et al, 'The Boxing Debate' (Publication, British Medical Association, June 1993) 12, 56, 96 <<http://citeseerx.ist.psu.edu/viewdoc/summary?doi=10.1.1.110.6345>>.

¹⁸ *Code* s 284.

¹⁹ *Ibid* s 291.

²⁰ *Ibid* ss 291, 300.

of intent, it is therefore extremely difficult to comprehend why, when inside the boxing ring, the provisions of the legislation are excused.

Interestingly, under s 74 of the *Code* '[a]ny person who fights in a prize fight ... is guilty of a misdemeanour, and is liable to imprisonment for 1 year.'²¹ Unfortunately, no explicit definition of 'prize fight' is provided. In *R v Coney* (1882) 8 QBD 534 ('*Coney*'), when discussing prize fights, Stephen J stated that 'it is against the public interest that the lives and the health of the combatants should be endangered by blows'.²² Given this, it remains unclear as to whether any boxing bout could constitute a prize fight, and prompts questions as to why this law does not appear to be enforced.

It is also unfathomable that the Queensland government has never legislated or regulated combatant sports such as boxing. Indeed, Boxing Queensland Inc's website heavily advertises the fact that the government actively funds their organisation as a way of promoting the sport.²³ This position is indeed incomprehensible as nowhere in the *Code* are boxing or other combat sports excluded from its jurisdiction. So, how has common law dealt with the issue?

IV COMMON LAW

Under the *Code*, the common law defence of consent to assault is preserved.²⁴ However, the courts have long maintained that where the level of contact has such 'a degree of violence', the consent defence is unavailable.²⁵ Where an injury sustained was more than 'transient or trifling', the injury has been held to be intolerable.²⁶

Lord Lowry very clearly explained the absence of the defence in certain circumstances in the case of *R v Brown* [1994] 1 AC 212 ('*Brown*'), clarifying that whilst '[e]veryone agrees that consent remains a complete defence to a charge of common assault ... nearly everyone agrees that consent of the victim is not a defence to a charge of inflicting really serious personal injury (or grievous bodily harm)'.²⁷ This particular case involved several men willingly partaking in sessions of sexually-gratifying sadomasochism

²¹ *Ibid* s 74.

²² (1882) 8 QBD 534, 549.

²³ Boxing Queensland Inc, *Welcome to the Official Boxing Queensland Website* <<http://www.qabai.org/>>.

²⁴ *Code* s 245.

²⁵ *R v Donovan* [1934] 2 KB 498, 507.

²⁶ *Ibid* 509.

²⁷ [1994] 1 AC 212, 248.

(cutting and burning each other's genitalia). Each was charged with unlawful wounding, notwithstanding their willingness and mutual consent.²⁸

The historical precedent for this view was the case of *Coney*, where the court concluded that two bare knuckle fighters remained guilty of assault, notwithstanding they had both consented to the serious harm that might arise to their person from the public bout.²⁹ Lord Coleridge CJ strongly stated:

I conceive it to be established ... that as the combatants in a duel cannot give consent to one another to take away life, so neither can the combatants in a prize fight give consent to one another to commit that which the law has repeatedly held to be a breach of the peace. An individual cannot by such consent destroy the right of the Crown to protect the public and keep the peace.³⁰

In other words, Lord Coleridge CJ was making it abundantly clear that something illegal, on the basis of public policy, could not be transformed into something legal merely because consent was given.

The decision in *R v Roberts* (Unreported, London Central Criminal Court, 28 June 1901) (*Roberts*), which involved a charge of manslaughter resulting from the death of a boxer during a fight, blurred this line of reasoning. In this case, the court held that because boxing had developed a set of rules, including interestingly enough, the 'knock out rule', it was now 'merely an amicable demonstration of the skill of sparring', and hence legal.³¹ It has been argued that this decision bestowed upon boxing its exclusionary status from criminality, which has remained well into the twenty-first century.³²

This decision also guided the majority decision in the Australian case of *Pallante v Stadiums Pty Ltd (No 1)* [1976] VR 331 (*Pallante*). Although a case about negligence, McInerney J stated, in obiter dictum, that a boxing contest, 'under official rules', was not 'unlawful' as the sport was 'predominantly an exercise in boxing skill and physical condition in accordance with the rules' and therefore should not be considered a

²⁸ Ibid 212–3.

²⁹ (1882) 8 QBD 534, 567.

³⁰ Ibid (Coleridge CJ).

³¹ Beran and Beran, above n 8, 693 citing *Roberts*.

³² David Gendall, 'The Sport of Boxing: Freedom Versus Social Constraint' (1997) 5 *Waikato Law Review* 71, 76.

criminal offence.³³ In *Pallante*, the Plaintiff had suffered severe eye injuries during a public boxing match.

Conflict abounds. In one corner of the ring, you cannot consent to GBH even in a combat sport, yet in the other, if there are rules and the rules are adhered to, GBH is not a criminal offence. Again the paradox raises its ugly head: the *Code* does not exempt combat sports such as boxing from criminality where GBH or death results, but this is not borne out in practice. Arguments for boxing shed a little light on why this paradox might exist.

V ARGUMENTS FOR AND AGAINST THE SPORT OF BOXING

A Arguments for Boxing

Proponents for the continued exemption of serious boxing injuries from criminality argue that there is a presumed social advantage inherent in the sport,³⁴ as it affords a ‘manly diversion’,³⁵ of men’s ‘strength and dexterity’.³⁶ Further, and interestingly notwithstanding the decision in *Brown* that ‘consent of the victim is not a defence to a charge of inflicting really serious personal injury (or grievous bodily harm)’,³⁷ the sport of boxing, in that same case, was considered to be excluded from criminal offences such as murder and assault because ‘society chooses to tolerate it’.³⁸ Such societal tolerance appears to stem from traditional liberalist theory that people be permitted to retain their individual freedom and liberty; the freedom to consent to partake in any activity of their choosing, devoid of government intervention.³⁹

One theory that provides significant enlightenment as to why boxing injuries appear to be excluded from criminality is Constraint Theory. Jon Elster, a Norwegian political/social theorist (born in 1940) contended that where rules are established for a particular activity, participants constrain themselves to those rules, so that the activity

³³ *Pallante* [1976] VR 331, 332.

³⁴ Amanda J Watkins, ‘Score and Pierce: Crimes of Fashion? Body Alteration and Consent to Assault’ (1998) 28(2) *Victoria University of Wellington Law Review* 371, 376.

³⁵ John A Devereux, ‘Consent as a Defence to Assaults Occasioning Bodily Harm – The Queensland Dilemma’ (1987) 14(2) *University of Queensland Law Journal* 151, 154 quoted in Watkins, above n 34, 376.

³⁶ Michael Foster, *Crown Law* (1762), 260 quoted in John A Devereux, ‘The More Things Change, the More They Stay the Same: Consent to Serious Assaults in Queensland’ (1991) 16(1) *University of Queensland Law Journal* 282, 283.

³⁷ [1994] 1 AC 212, 248.

³⁸ *Ibid* 265 (Lord Mustill).

³⁹ Gendall, above n 32, 73.

can be accepted by society.⁴⁰ It just might be that *Roberts* and *Pallante* utilised this theory in their reasoning.

One may also think that boxing seems more Hobbes than Elster: there doesn't appear to be any constraint, rather 'an unbound state of nature' where 'raw egoism' abounds with force and brutality.⁴¹ As for social benefit: what can society gain from men being seriously injured, or indeed killed during, a boxing match? How can it be in the public interest for a young man like Alex Slade, to die during a sporting contest with no one legally answerable for his death?⁴²

The liberalist theory can also be countered with the argument that government intervention is rightfully justified where it is to prevent harm.⁴³ Here we are again alerted to the fact that *Code* provides that you cannot consent to GBH or death and it does not exclude the sport of boxing from these provisions. This fact in itself forms the basis of an argument against boxing.

B Arguments Against Boxing

The three primary arguments for government regulation or legislation of boxing, or indeed the banning of boxing altogether, are: (1) medical; (2) legal; and, (3) ethical.

1 Medical

The Australian Medical Association vehemently oppose boxing.⁴⁴ Medical opposition centres primarily on the fact that permanent brain injury and death have been definitively linked to the sport, as strikes to the head are within the rules.⁴⁵ Even with the introduction of safety measures, such as helmets, damage to the brain cannot be prevented because it is the 'changes in acceleration to the head as a whole that tears the blood vessels, not the impact with the glove'.⁴⁶ Research further shows that it is the

⁴⁰ Lewandowski, above n 4, 30.

⁴¹ *Ibid* 31.

⁴² 'Boxer's Death Exposes Sporting Fractures', above n 2.

⁴³ John S Mill, *On Liberty* (Longman, Roberts and Green, 1869) cited in Glanville Williams, 'Consent and Public Policy' (1962) *Criminal Law Review* 74, 76.

⁴⁴ 'Boxing – 1997. Reaffirmed 2007' (Position Statement, Australian Medical Association, 28 May 2007) <<https://ama.com.au/position-statement/boxing-1997-reaffirmed-2007>>.

⁴⁵ Tsharni Zazryn, Caroline Finch and Paul McCrory, 'A 16 Year Study of Injuries to Professional Boxers in the State of Victoria, Australia' (2003) 37(4) *British Journal of Sports Medicine* 321, 323–4; Antoinette Vacca, 'Boxing: Why it Should be Down for the Count' (2006) 13 (Spring) *Sports Law Journal* 207, 220.

⁴⁶ Brice et al, above n 17, 68.

cumulative effect of multiple blows to the head in boxing that is the most significant contributory factor to brain injury.⁴⁷ Death can often be the result of a second brain injury sustained before a previous brain injury has been fully healed.⁴⁸

The long-term neurological consequences of head trauma to boxers have been recognised for years, in a condition known as being ‘punch drunk’.⁴⁹ Symptoms can begin with slight unsteadiness and mental confusion, which can progress to swaying of the body, tremors and marked mental deterioration.⁵⁰ Recent computed tomography scans have revealed that brains of boxers are similar to those with Alzheimer’s disease,⁵¹ as exposure to head trauma correlates with a reduction in volume of several brain regions.⁵²

Statistics show that even with rules and safety precautions, boxing deaths are continuing to occur. Figures show that worldwide, between the years 1720 and 2011, 1863 boxers have died, with 279 of these since the year 1980.⁵³ In Australia alone, between 1830 and 2009, there have been 155 recorded deaths from boxing.⁵⁴ These statistics do not even take into account serious and permanent disability arising from boxing.

2 Legal

The Australian Institute of Criminology recommends a ban on boxing due to the fact that ‘[u]nlike other sports, the basic intent of boxing is to produce bodily harm in the opponent.’⁵⁵ In their report into violence in Australia, all forms of violence were

⁴⁷ Barry D Jordan et al, ‘CT of 338 Active Professional Boxers’ (1992) 185(2) *Radiology* 509 cited in Robert L Heilbronner et al, ‘Neuropsychological Consequences of Boxing and Recommendations to Improve Safety: A National Academy of Neuropsychology Education Paper’ (2009) 24(1) *Archives of Clinical Neuropsychology* 11, 12.

⁴⁸ Richard L Saunders and Robert E Harbaugh, ‘The Second Impact in Catastrophic Contact-Sports Head Trauma’ (1984) 252(4) *Journal of the American Medical Association* 538 cited in Heilbronner et al, above n 47, 12.

⁴⁹ Harrison S Martland, ‘Punch Drunk’ (1928) 91(15) *Journal of the American Medical Association* 1103, 1103.

⁵⁰ *Ibid.*

⁵¹ Gareth W Roberts, David Allsop and Clive Bruton, ‘The Occult Aftermath of Boxing’ (1990) 53(5) *Journal of Neurology, Neurosurgery, and Psychiatry* 373, 376.

⁵² Charles Bernick and Sarah Banks, ‘What Boxing Tells us About Repetitive Head Trauma and the Brain’ (2013) 5(3) *Alzheimer’s Research and Therapy* 23, 25–6.

⁵³ Joseph R Svinth, ‘Death Under the Spotlight: The Manuel Velazquez Collection’ (2011) *Journal of Combative Sport* 4 <http://ejmas.com/jcs/velazquez/Death_Under_the_Spotlight_2011_Final.pdf>.

⁵⁴ Joseph R Svinth, ‘Death Under the Spotlight: Analyzing the Data’ (2007) *Journal of Combative Sport* <http://ejmas.com/jcs/jcsart_svinth_a_0700.htm>; Svinth, above n 53, 21.

⁵⁵ National Committee on Violence, ‘Violence: Directions for Australia’ (Report, Australian Institute of Criminology, 1990), 249 <http://www.aic.gov.au/crime_community/crimeprevention/ncv.html>.

condemned meaning it would be inconsistent not to support a ban of boxing.⁵⁶ The report made several recommendations concerning the regulation of boxing until its eventual ban.⁵⁷ Queensland law, however, has not adopted these recommendations and the sport continues to be self-regulated.

Those taking the legalistic stance in opposition to boxing injuries being excused from criminal legislation simply argue that: 'to harm someone with the full knowledge of what one is doing with the specific intention of causing harm to the other person is to cause harm with intent',⁵⁸ which therefore constitutes a criminal offence under the *Code*. In support of this proposition, it is argued that the *Code* and the principles of universality" simply do not provide that consequences imposed in the general community, for GBH, murder and manslaughter, are unavailable in combatant sports such as boxing.⁵⁹

3 Ethical

For others, it is an ethical position that forms the basis of their opposition to the sport. It has been argued that the sport 'makes violence central' and leads to a 'mean spiritedness' that is ethically incomprehensible.⁶⁰ Moreover, the sport has been said to exist in 'an alphabet soup of sanctioning organisations, unscrupulous managers, money-hungry promoters and laissez-faire regulators', all conspiring to exploit the boxers who very often are forced to retire early due to significant health concerns, leaving them generally unemployable and in financial turmoil.⁶¹ It has also been argued that '[i]n contrast to boxing, in all other recognised sport, injury is an undesired by-product of the activity. Boxing seems ... to be less sport than is cock fighting ... Boxing, as a throwback to uncivilised man, should not be sanctioned by a civilised society.'⁶² This latter statement

⁵⁶ Ibid 250.

⁵⁷ Ibid 249–50.

⁵⁸ *Crimes Act 1900* (NSW) s 33 cited in Beran and Beran, above n 8, 684.

⁵⁹ Gendall, above n 32, 73.

⁶⁰ Lewandowski, above n 4, 31.

⁶¹ David J Kozlowski, 'Bitterness of the "Sweet Science": A Look at Corruption, Deceit and Eroded Ethics in Boxing' (2006) 10(1) *Holy Cross Journal of Law and Public Policy* 183, 183.

⁶² George D Lundberg, 'Boxing Should be Banned in Civilized Countries' (1983) 249(2) *Journal of the American Medical Association* 250, 250.

evinces an implication that society dictates a certain norm of ethical behaviour, and any violation of the norm is an affront not only to the victim but society in general.⁶³

These arguments have formed the basis of calls for boxing to be reformed or banned altogether.

VI CALLS FOR REFORM IN QUEENSLAND

Public consultation was sought in 2007 by Queensland's Beattie Labor Government regarding a proposal to develop regulations for combat sports in the state.⁶⁴ To date, the results of this consultation have not been published on the government website nor has any move been made to adopt the proposed regulations. This is notwithstanding Premier Peter Beattie's acceptance that combat sports were 'linked with injuries to the brain, kidneys, head and neck and have even been known to result in death'.⁶⁵ Reasons given for the abandonment of the proposal include 'limited industry and community support'.⁶⁶

New South Wales ('NSW'), Victoria, the Australian Capital Territory ('ACT'), South Australia and Western Australia have all developed regulatory laws in respect to combat sports in an attempt to ensure the safety of the sport's participants. NSW, for example, has introduced the *Combat Sports Act 2013* (NSW) ('*Combat Act*'). The *Combat Act* aims to regulate combat sports, minimise harm and promote the safety of contestants.⁶⁷ Part 6 of the act establishes the Combat Sports Authority, a government agency with authority to supervise and regulate combat sport within NSW.⁶⁸ In an effort to promote safety of combat sports, it is a requirement that combatants are registered,⁶⁹ industry participants and promoters are registered,⁷⁰ and that there are pre- and post-contest medical examinations of the combatants.⁷¹

⁶³ Gendall, above n 32, 73.

⁶⁴ Queensland Cabinet and Ministerial Directory (Qld), 'Public Urged to Have Their Say on Boxing and Combat Sports' (Media Release, 20 August 2007) <<http://statements.qld.gov.au/Statement/Id/53543>>.

⁶⁵ *Ibid.*

⁶⁶ Phil Lutton, 'Reforms Loom for Combat Sports', *Brisbane Times* (online) 11 February 2012 <<http://www.brisbanetimes.com.au/queensland/reforms-loom-for-combat-sports-20120210-1sk0q.html>>.

⁶⁷ *Combat Act* s 3.

⁶⁸ Combat Sports Authority, *About the Combat Sports Authority* <<http://www.combatsports.nsw.gov.au/about/>>.

⁶⁹ *Combat Act* pt 2 div 1.

⁷⁰ *Ibid* pt 2 div 3.

⁷¹ *Ibid* ss 58-9.

Equivalent legislation and government agencies can be found in other Australian States and Territories. For example, Victoria has the Professional Boxing and Combat Sports Board established under the *Professional Boxing and Combat Sports Act 1985* (Vic).⁷² Western Australia also has a Combat Sports Commission established under the *Combat Sports Act 1987* (WA).⁷³ In South Australia the Minister for Recreation, Sport and Racing has established an Advisory Committee under the *Boxing and Martial Arts Act 2000* (SA).⁷⁴ The ACT has boxing regulated under the *Boxing Control Act 1993* (ACT). Lastly, Tasmania also provides limited regulation through Sport and Recreation Tasmania, which has developed a regulatory model to protect those in combat sports.⁷⁵ These regulations in other States and Territories do not solve the potential consequences of death and long-term brain injury, however, at the very least, they do provide some standardised safety regulations in an attempt to reduce the risks faced by combatants.

Queensland (and the Northern Territory), therefore, remain laggards in this respect. By neither regulating nor explicitly outlawing the sport, boxing continues to remain self-regulated.

VII CONCLUSION

Former American boxer, Randall “Tex” Cobb, once said: ‘If you screw things up in tennis, it’s 15-love. If you screw up in boxing, it’s your ass’.⁷⁶ A more apt quote is unlikely to be found for the sport. In boxing, GBH or even death can, and does, occur. A sporting competition which can produce such tragic consequences for its participants should not be excused from criminality. The *Code* does not give boxing an exclusionary status from criminality and societal tolerance of death and serious injury inside the boxing ring is unwarranted in light of the definitive causal link between blows to the head and such harms. Whilst strong argument abounds for the non-interference of government in sport, where serious harm or death is a potential occurrence, most would agree that interference is rightly justified.

⁷² *Professional Boxing and Combat Sports Act 1985* (Vic) s 14.

⁷³ *Combat Sports Act 1987* (WA) s 4.

⁷⁴ *Boxing and Martial Arts Act 2000* (SA) s 4.

⁷⁵ Sport and Recreation Tasmania, *Standards for Boxing and Combat Sport Contests* (2013).

⁷⁶ Randall Cobb quoted in *Top 10 List – Famous Boxing Quotes*, Inspirational Quotes and Quotations <<http://www.inspirational-quotes-and-quotations.com/famous-boxing-quotes.html>>.

Alex Slade was not the first to die in the boxing ring, but surely it is contingent upon our government and legal system to ensure that he is the last. Perhaps if boxers knew they faced criminal charges if they should cause GBH or death upon their opponent, they might well be constrained, as Constraint Theory suggests. The paradox must be eliminated. A suggested possible reform for the sport has been the disqualification of blows to the head, given that it is these that contribute to GBH and death.⁷⁷ In the alternative, if this reform is not an option, abolishment of the sport entirely is warranted. It would be particularly heartbreaking if Alex's death was simply ignored by those in authority as just one of those things.

⁷⁷ Vacca, above n 45, 225.

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