

#### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The object of this Bill is to replace the Boxing and Wrestling Control Act 1986 (the repealed Act) with legislation that provides for the regulation of the conduct of professional combat sports, and wrestling and amateur combat sport contests, and in particular:

(a) to enable regulations to be made extending the definition of combat sport to cover combative sports in addition to fist fighting and kick boxing, which are already covered by the repealed Act, thereby widening the ambit of the proposed Act, and

(b) to replace the Boxing Authority of New South Wales with a new body to be called the Combat Sports Authority of New South Wales (the Authority), and

(c) to enable the Authority to control the industry by an enhanced system of registration of combatants (including, for example, boxers) and other industry participants (including, for example, promoters and trainers), and

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(d) to provide a series of controls through the registration system, including by way of the following:

(i) registration of combatants and other industry participants on a permanent rather than an annual basis,

(ii) imposing conditions on registration,

(iii) imposing fines,

(iv) suspension or cancellation of registration, and

(e) to provide an additional control by empowering the Authority to disqualify persons from participating in activities relating to the industry, and

(f) to remove the prohibition on women from registration as boxers and taking part in boxing contests, and

(g) to increase the penalties for certain offences.

The heading to various clauses of the Bill refers to corresponding sections or other provisions of the repealed Act ("cf 1986 Act s..."). However, this indicates that the general subject matter is dealt with in the corresponding section or other provision, and does not indicate that the subject matter is dealt with in the same or a similar manner.

#### Outline of provisions

#### Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act, including the following:

(a) combat sport covers fist fighting; kick boxing; activities prescribed by the regulations; and sparring in any of those styles,

(b) combatant covers a contestant at a professional combat sport contest,

(c) industry participant covers anyone engaged in a profession, occupation or business relating to a combat sport,

(d) professional combat sport contest covers a combat sport contest for a monetary prize; a combat sport contest otherwise than for a monetary prize where a contestant has been at any time a participant in a contest for a monetary prize; a combat sport contest for gain or reward that the Authority determines is to be treated as a professional combat sport contest under clause 4; and an event of a class prescribed by the regulations,

(e) amateur combat sport contest covers a combat sport contest other than a professional combat sport contest,

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(f) wrestling contest covers a contest, display or exhibition of wrestling, whether or not for a monetary prize or other reward.

Clause 4 specifies the manner and circumstances in which the Authority may determine that a proposed or advertised contest, display or exhibition of a combat sport should be treated as a professional combat sport contest for the purposes of the proposed Act.

Part 2 Registration of combatants

Division 1 Registration

Clause 5 makes it an offence for an unregistered combatant to engage in a professional combat sport contest.

Clause 6 makes it a disciplinary breach attracting a fine for a registered combatant to engage in a professional combat sport contest if the combatant is not registered as a combatant of the relevant class.

Clause 7 provides for classes of combatants to be prescribed for registration purposes. These are referred to as prescribed classes.

Clause 8 provides for applications to be made by persons aged 18 or over to be registered as a combatant of a prescribed class. An application must be accompanied by a medical certificate of fitness and the prescribed fee.

Clause 9 provides for the determination of an application for registration as a combatant of a prescribed class, by grant or refusal of registration by the Authority.

Clause 10 permits the Authority to impose conditions on registration as a combatant, for health and safety reasons and for other prescribed reasons.

Clause 11 provides that registration as a combatant remains in force indefinitely, until cancelled. However, provision is made for registration for a fixed period for health and safety reasons.

Clause 12 requires registered combatants to forward annual returns to the Authority. An annual return is to be accompanied by a medical certificate of fitness and the prescribed fee.

Clause 13 sets out a show cause scheme for regulating registered combatants. This includes making an order to pay a fine for certain contraventions, imposing a condition on registration, suspending registration and cancelling registration.

Clause 14 provides for regulating registered combatants for health or safety reasons without using the show cause process. This includes imposing a condition on registration, suspending registration or cancelling registration.

Clause 15 provides that, if the registration of a combatant of a prescribed class is suspended, the combatant remains registered but is prevented from engaging in a professional combat sport contest as a combatant of that class.

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Clause 16 authorises the Authority to lift the suspension of the registration of a combatant if satisfied that it is appropriate to do so.

Clause 17 requires the Authority to keep a register of combatants.

Division 2 Medical record books and cards

Clause 18 requires the Authority to issue medical record books to registered combatants.

Clause 19 empowers the regulations to make provision for medical record books and medical record cards for registered combatants. These matters were dealt with in the repealed Act.

### Part 3 Registration of industry participants

Clause 20 makes it an offence for an unregistered industry participant to carry on the business of, or be employed as, an industry participant.

Clause 21 makes it a disciplinary breach attracting a fine for a registered industry participant to carry on the business of, or be employed as, an industry participant of a prescribed class if the registered industry participant is not registered as an industry participant of that class.

Clause 22 provides for classes of industry participants to be prescribed for registration purposes. These are referred to as prescribed classes.

Clause 23 provides for applications to be made by persons to be registered as an industry participant of a prescribed class. An application must be accompanied by the prescribed fee.

Clause 24 provides for the determination of an application for registration as an industry participant of a prescribed class, by grant or refusal of registration by the Authority.

Clause 25 authorises regulations to be made prescribing conditions with which an applicant for registration as an industry participant must comply before being registered (for example, a condition requiring the applicant to have successfully completed a course of training).

Clause 26 permits the Authority to impose conditions on registration as an industry participant for prescribed reasons.

Clause 27 provides that registration as an industry participant remains in force indefinitely, unless cancelled.

Clause 28 requires registered industry participants to forward annual returns to the Authority. An annual return is to be accompanied by the prescribed fee.

Clause 29 sets out a show cause scheme for regulating registered industry participants. This includes making an order to pay a fine for certain contraventions, imposing a condition on registration, suspending registration or cancelling registration.

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Clause 30 provides that, if the registration of an industry participant of a prescribed class is suspended, the industry participant remains registered but is prevented from carrying on the business of, or being employed as, an industry participant.

Clause 31 authorises the Authority to lift the suspension of the registration of an industry participant if satisfied that it is appropriate to do so.

Clause 32 requires the Authority to keep a register of industry participants.

### Part 4 Professional combat sport contests

#### Division 1 Permit to promote professional combat sport contest

Clause 33 has the effect that a single permit can be granted for an event that consists of two or more professional combat sport contests, as well as for an event that consists of only one such contest.

Clause 34 makes it an offence for an unregistered person, and a disciplinary breach attracting a fine for a registered person, to promote a professional combat sport contest without a permit.

Clause 35 provides for an application to be made by a promoter for a permit to promote a professional combat sport contest. An application must be accompanied by the prescribed fee and be made not less than 21 days before the date of the proposed contest.

Clause 36 provides for the determination of an application for a permit, by the grant of or refusal to grant a permit by the Authority.

Clause 37 requires the Authority to notify the Commissioner of Police of the grant

of a permit.

#### Division 2 General regulation of professional combat sport contests

Clause 38 authorises regulations to be made concerning the conduct of professional combat sport contests, and in particular for the health and safety of combatants.

Provision may be made requiring weigh-ins to be held, requiring a combat sport inspector to be present at a weigh-in and contest, and requiring a medical practitioner to be present at a contest (including any weigh-in immediately before the contest).

#### Division 3 Health and safety of combatants at professional combat sport contests

The proposed Division contains particular provisions for the protection of the health and safety of combatants at professional combat sport contests.

Clause 39 requires a combatant to request and undergo a medical examination within 24 hours before the start of a professional combat sport contest in which the combatant is to participate.

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Clause 40 authorises the Authority to require a combatant to undergo medical examinations.

Clause 41 sets out functions of a medical practitioner carrying out a medical examination referred to in clauses 39 and 40.

Clause 42 requires a combatant not to engage in a particular contest, or contests or sparring before a specified date, if a medical certificate given under clause 40 or 41 so recommends.

Clause 43 makes it an offence for a promoter to permit a combatant to engage in a contest if the combatant has not undergone the medical examination referred to in clause 39.

Clause 44 requires a promoter to examine a combatant's medical record book before a contest.

Clause 45 makes it an offence for a promoter to permit a combatant to engage in a contest if a medical practitioner has certified that the combatant is not medically fit to engage in the contest.

Clause 46 requires a combatant to undergo a medical examination after a contest.

Clause 47 requires a promoter to arrange a medical examination after a contest where a combatant is rendered unconscious or not able to undergo the medical examination referred to in clause 46.

Clause 48 sets out functions of a medical practitioner carrying out a medical examination referred to in clauses 46 and 47.

Clause 49 requires a combatant not to engage in contests or sparring if a medical certificate given under clause 48 so recommends.

#### Division 4 Record of professional combat sport contest

Clause 50 provides for a contest result sheet to be prepared by a combat sport inspector and a medical practitioner present at a professional combat sport contest.

Clause 51 requires the contest result sheet to be sent to the Authority.

#### Division 5 Prohibition of professional combat sport contests at certain places

Clause 52 makes it an offence for an unregistered person, and a disciplinary breach attracting a fine for a registered person, to promote or engage in a professional combat sport contest at a place, or place of a class or description, prescribed by the regulations.

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#### Part 5 Amateur combat sport contests, and amateur and professional wrestling contests

Clause 53 states that the proposed Part applies to amateur combat sport contests and to wrestling contests held for public entertainment. However, the proposed Part does not apply to a wrestling contest that is a professional combat sport contest.

Clause 54 makes it an offence for an unregistered person, and a disciplinary breach attracting a fine for a registered person, to promote an amateur combat sport contest or a wrestling contest without a permit.

Clause 55 provides for an application to be made to the Minister for a permit to promote an amateur combat sport contest or wrestling contest. An application must be made not less than 21 days before the date of the proposed contest.

Clause 56 provides for the determination by the Minister of an application for a permit, by the grant or refusal to grant a permit (this power may be delegated).

#### Part 6 Disqualification

Clause 57 provides a show cause scheme for the disqualification of registered persons or previously registered persons from participating in classes of activities specified by the Authority relating to combat sports, sparring or wrestling.

Clause 58 makes it an offence for an unregistered person, and a disciplinary breach attracting a fine for a registered person, to participate in an activity specified in an order of disqualification applying to the person.

#### Part 7 Review by Administrative Decisions Tribunal

Clause 59 permits a person to apply to the Administrative Decisions Tribunal for a review of a decision made under the Act and specified in the clause. Consequential amendments are made to the Administrative Decisions Tribunal Act 1997 for this purpose (see clause 76 and Schedule 2).

#### Part 8 Combat Sports Authority

Clause 60 constitutes the Combat Sports Authority of New South Wales. The Authority is a corporation that is subject to the control and direction of the Minister (except as regards the contents of reports or recommendations to the Minister). The Authority is to consist of between 7 and 9 part-time members appointed by the Governor. One of the members is to be appointed as Chairperson, and one is to be a medical practitioner. Schedule 1 contains provisions relating to the constitution and procedure of the Authority.

#### Part 9 Miscellaneous

Clause 61 empowers the Authority to appoint combat sport inspectors, and to authorise a member or members of the Authority to exercise functions of a combat

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sport inspector. The clause enables regulations to be made authorising police officers to exercise functions of a combat sport inspector.

Clause 62 provides for the delegation of functions of the Minister and the Authority under the proposed Act.

Clause 63 deals with the service of documents on and by the Authority.

Clause 64 provides for the recovery of fines, fees or other money by the Authority as a debt.

Clause 65 provides for certificate evidence of certain matters to be given.

Clause 66 provides that proof is not required for certain matters relating to the constitution, resolutions, membership and quorum of the Authority.

Clause 67 protects members of the Authority and persons acting under the direction of the Authority from personal liability for anything done by the Authority, a member or such a person in good faith.

Clause 68 enables the Authority to enter into arrangements with sporting bodies and law enforcement agencies in Australia and elsewhere for the supply of information

relating to registration and other matters.

Clause 69 empowers the Authority to exempt persons who are not ordinarily residents of New South Wales from the operation of the proposed Act or from provisions of the proposed Act specified by the Authority.

Clause 70 provides for a director or manager of a corporation to be personally liable in certain circumstances for offences committed by the corporation.

Clause 71 provides for offences under the proposed Act or the regulations to be dealt with summarily by a Local Court or the Supreme Court.

Clause 72 authorises the Minister to approve forms for the purposes of the proposed Act (this function can be delegated).

Clause 73 authorises the Governor to make regulations for the purposes of the proposed Act, including regulations providing for exemptions and any matter for which rules may be made.

Clause 74 authorises the Authority to make rules for or with respect to any aspect of professional engagement in combat sports in New South Wales.

Clause 75 repeals the Boxing and Wrestling Control Act 1986.

Clause 76 is a formal provision giving effect to the amendments set out in Schedule 2.

Clause 77 is a formal provision giving effect to the savings and transitional provisions set out in Schedule 3.

Clause 78 provides for the proposed Act to be reviewed after the period of 5 years after the date of assent to it.

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Schedule 1 Constitution and procedure of the Authority

Schedule 1 contains provisions relating to the constitution and procedure of the Authority.

Schedule 2 Amendments

Schedule 2 contains consequential amendments to the Administrative Decisions Tribunal Act 1997, and amendments to the proposed Act to replace references to a Local Court with references to the Local Court, consequential on the commencement of the Local Court Act 2007.

Schedule 3 Savings and transitional provisions

Schedule 3 contains savings and transitional provisions consequent on the enactment of the proposed Act, including provisions for the transition from annual to indefinite registration of existing registered persons.