



New South Wales

Combat Sports Amendment Bill 2024

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Combat Sports Act 2013* (*the Act*) and the *Combat Sports Regulation 2014* for the purposes of implementing particular recommendations arising from the Combat Sports Authority of NSW's review of the Act, including to—

- (a) prescribe the circumstances in which a contest should be stopped or suspended for combatant health and safety, and
- (b) provide for mandatory training relating to the management of concussion and head injuries for industry participants, promoters, referees, combat sports inspectors and combatants, and
- (c) provide for the accreditation of attending medical practitioners to ensure attending medical practitioners have relevant qualifications, skills and experience including mandatory training relating to the management of concussion and head injuries, and
- (d) provide for the rules to mandate the medical equipment required to be available at combat sport contests, and
- (e) provide for improved management of pre-contest and post-contest medical examinations and medical suspensions, and
- (f) strengthen incentives for industry participants and combatants to self-report failed medical examinations and medical suspensions imposed in other jurisdictions, and
- (g) clarify the period for which serological certificates remain current, and
- (h) improve match-making requirements and processes and fight card provisions, and

- (i) update and simplify provisions relating to registration, including initial eligibility for registration and renewals, and enable the Combat Sports Authority to prescribe prerequisite skills and training, and
- (j) provide for the registration of amateur referees, judges and timekeepers, and
- (k) make particular information included on the registers of registered combatants, industry participants and promoters publicly available, and
- (l) strengthen penalties and offences, and
- (m) increase the maximum term for which Combat Sports Authority members may be appointed from 6 to 9 years, and
- (n) introduce other minor legislative changes to clarify requirements and obligations and reduce red tape and administrative burden relating to the regulation of combat sports in New South Wales.

Outline of provisions

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.

Schedule 1 Amendment of Combat Sports Act 2013 No 96

Schedule 1[1]–[3] amend section 4 to insert new definitions and omit definitions consequent on other amendments in Schedule 1. **Schedule 1[97]** relocates the definitions to a dictionary in the Act, Schedule 3.

Schedule 1[4] replaces section 5 to define *amateur combat sport contest* and *professional combat sport contest*.

Schedule 1[5] amends the definition of a *manager* consequent on amendments enabling corporations to be registered as managers under the Act.

Schedule 1[6] amalgamates the existing registration classes of *trainer* and *second* into a single class of *trainer*.

Schedule 1[7] inserts a new definition of *close associate* of applicants for registration as promoters or managers and for registered promoters or managers.

Schedule 1[8] replaces the definition of *serological clearance*, and provides that the regulations may prescribe the periods for which serological clearances are current and may be relied on for the purposes of the Act.

Schedule 1[9] inserts a new definition of *certificate of fitness*, and provides that the regulations may prescribe conditions that disqualify persons from being registered as combatants under the Act. The amendment also provides that a certificate of fitness is a *current certificate of fitness* and may be relied on for the purposes of the Act only for the period of 28 days after it is signed by the relevant medical practitioner.

Schedule 1[10], [16], [36] and [50] insert new offences for an approved amateur body to contravene a condition of the body's approval, for a combatant, industry participant or promoter to contravene a condition of their registration and for the holder of a permit to hold a combat sports contest to contravene a condition of the permit.

Schedule 1[11] and [25] replace sections 10 and 22 to introduce a new requirement for ministerial approval for determinations, by the Combat Sports Authority, of registration classes of combatants, industry participants and promoters.

Schedule 1[12] amends section 11 to require an application for registration as a combatant to be accompanied by the prescribed fee, if any. **Schedule 1[13]** makes a consequential amendment.

Schedule 1[14] amends section 13 to require the Combat Sports Authority to refuse the registration of a combatant in a class where an applicant's registration in another class has been suspended or where the Authority is of the opinion that it would be contrary to public interest to register the combatant.

Schedule 1[15], [35] and [49] amend sections 14, 27 and 42 to update terminology to refer to "standard conditions" that may be imposed by the regulations on the registration of all combatants, industry participants or promoters, a class of combatants, industry participants or promoters or on permits to hold a combat sports contest.

Schedule 1[18] inserts proposed section 15A, which enables the variation of a registration of a combatant to add a registration class. **Schedule 1[17]** makes a consequential amendment.

Schedule 1[19] replaces section 16 to enable the Combat Sports Authority to register former professional combatants in amateur classes where appropriate and enable the Authority to determine and publish guidelines concerning the circumstances in which that is appropriate.

Schedule 1[20] inserts proposed sections 16A–16G. The proposed sections provide for automatic suspensions of a combatant's registration in certain circumstances and requirements relating to the duration and notification of those suspensions.

Schedule 1[21] and [39] amend sections 17 and 29 to enable the regulations to make provision for the circumstances in which information on the register of combatants or the register of industry participants and promoters must be made publicly available or to particular persons.

Schedule 1[22] amends section 18 to enable the Combat Sports Authority to issue medical record books in electronic form.

Schedule 1[23] and [26]–[34] amend Part 2, Division 3 to enable the registration of corporations as industry participants and promoters. The amendments provide for an application to include details of any close associates of the applicant. The amendments also require the Combat Sports Authority, in determining the application, and the Commissioner of Police, in making a security determination, to consider both the applicant and any close associates.

Schedule 1[24] amends section 20 to remove acting as a match-maker for an amateur combat sport contest from the exemptions to the registration requirements of section 20.

Schedule 1[38] inserts proposed sections 28A–28D. Proposed section 28A enables the variation of a registration of an industry participant or promoter to add a registration class. **Schedule 1[37]** makes a consequential amendment. Proposed sections 28B–28D provide for the automatic suspension of an industry participant or promoter's registration in certain circumstances and for requirements relating to the duration and notification of those suspensions.

Schedule 1[40] amends section 30 to provide that the Combat Sports Authority may take disciplinary action if satisfied that it would be contrary to public interest for a person to remain registered as a combatant, industry participant or promoter.

Schedule 1[41] amends section 35 to clarify that, where the Combat Sports Authority imposes a registration pre-condition on a person whose registration has been cancelled, the person must meet the condition before becoming eligible to be registered again.

Schedule 1[42] replaces section 37 consequent on the amendments made by Schedule 1[18] and [38]. Proposed section 37 provides for the surrender of registration from 1 or more, or all, of the classes in which a registered combatant, industry participant or promoter is registered.

Schedule 1[43] inserts proposed Part 2A. The proposed part contains provisions relating to the accreditation of attending medical practitioners. Part 2A, Division 1 requires attending medical practitioners to be accredited by the Combat Sports Authority. An accreditation may be with or without conditions and the Combat Sports Authority is required to maintain a register of accredited medical practitioners. Part 2A, Division 2 contains provisions concerning disciplinary action against attending medical practitioners. **Schedule 1[54], [57]–[59], [61] and [63]** make amendments consequent on the insertion of Part 2A.

Schedule 1[44] amends section 38 to include in the scope of Part 3, Division 1 combat sports contests held over consecutive days at the same venue.

Schedule 1[45], [46], [52], [53], [55] and [56] make amendments consequent on the changes to enable corporations to be industry participants or promoters. The proposed changes enable corporations to apply for and hold permits to hold combat sports contests and provide for the applicable penalties in circumstances where a corporation contravenes the requirements the Act imposes on promoters.

Schedule 1[47] amends section 40 to require an application for a permit to hold a combat sports contest to be accompanied by the prescribed fee, if any. **Schedule 1[48]** makes a consequential amendment.

Schedule 1[51] replaces section 50 to provide for additional circumstances in which an unfit combatant is prohibited from engaging in contests or sparring and to require a combatant to provide the Combats Sports Authority with written notice of a medical practitioner's certification in certain circumstances.

Schedule 1[60] and [62] amend section 57 to provide for the attending medical practitioner to certify, in a pre-contest or post-contest medical examination, that a combatant must not engage in a contest or sparring until the combatant is cleared by a medical practitioner as fit.

Schedule 1[65] amends section 58 to require a pre-contest medical examination before a contest in circumstances where the combatant has previously engaged in a different contest on the same day. **Schedule 1[64]** makes a consequential amendment.

Schedule 1[66] amends section 58 to require a promoter of combat sport contest to, before permitting a combatant to engage in a contest, be satisfied a combatant has been examined by an attending medical practitioner who has sighted the combatant's medical book and certified the combatant is medically fit to engage in the contest. The amendment also provides for a penalty for corporate promoters.

Schedule 1[67] and [69] amend sections 59 and 62 to ensure consistency of language.

Schedule 1[70]–[76] amend Part 3, Division 4 concerning directions to not hold, to suspend, and to stop and end a combat sport contest. The proposed amendments provide for additional circumstances in which directions to prevent or stop and end a contest can be made where a combatant is at risk of injury or shows signs of head injury, where there is a disruption, or in circumstances prescribed by the regulations or specified in the rules. The amendments also provide for new duties to issue directions to suspend a contest where a combatant shows signs of head injury, where there is a disruption or in circumstances prescribed by the regulations or specified by the rules. The amendments also expand the circumstances in which a referee has a duty to stop and end a contest and imposes a duty for the referee to suspend a contest in certain circumstances. **Schedule 1[68]** makes a consequential amendment.

Schedule 1[77] amends section 71 to enable the Combat Sports Authority to make a health and safety prohibition order against a person if, in the Combat Sports Authority's opinion, it is in the interests of the health or safety of another person.

Schedule 1[78] amends section 74 to clarify that the Combat Sports Authority may make a general prohibition order to prohibit a person from attending premises at which a combat sport contest or weigh-in is being held on the day or days when the contest is to be held.

Schedule 1[79] amends the Act, section 77 consequent on other amendments in Schedule 1. The amendment provides for additional circumstances in which a person aggrieved of a decision may apply to the Civil and Administrative Tribunal for administrative review.

Schedule 1[81] inserts proposed sections 85A–85C. The proposed sections enable combat sports inspectors to enter premises with or without a warrant and provide for the powers exercisable upon entry to premises. **Schedule 1[80] and [83]** make consequential amendments.

Schedule 1[82] amends section 86 to provide that the Combat Sports Authority may require the provision of information relating to the approval of amateur bodies and accreditation of attending medical practitioners and the ongoing approval or accreditation of those bodies or practitioners.

Schedule 1[84] amends section 98 to provide for additional circumstances in which a certificate purportedly signed by the Combat Sports Authority is admissible in evidence in proceedings as evidence of the truth of the statement.

Schedule 1[85] and [86] amend section 100 to provide that a Public Service employee employed in the Office for Sport is a protected person for that section, to define *done* and *liability* for that section and to provide that where no personal liability attaches to a protected person, or a person acting under the direction of a protected person, liability instead attaches to the Crown.

Schedule 1[87] amends section 102 to enable the Combat Sports Authority to exempt persons ordinarily resident in New South Wales from the requirements of proposed sections 63A, 64A and 66A.

Schedule 1[88]–[93] amend sections 106 and 107 to enable the regulations and rules to make provision for the classification of combat sports, to increase the maximum penalty that an offence under the regulations may be punishable by, to enable the regulations to make provision for the ways in which fees or other charges may be processed and paid and to enable the rules to provide for medical examination of combatants, industry participants and related reporting requirements.

Schedule 1[94] inserts proposed section 109 to enable the Combat Sports Authority to approve forms for use under the Act.

Schedule 1[95] amends Schedule 1 to extend the total period a person may be appointed as a member of the Combat Sports Authority from 6 to 9 years.

Schedule 1[96] and [97] make amendments of a savings and transitional nature.

Schedule 2 Amendment of Combat Sports Regulation 2014

Schedule 2[1] inserts proposed clause 6A. The clause prescribes matters of which the Combat Sports Authority must be satisfied before registering a combatant for a registration class.

Schedule 2[2] and [3] amend clause 7 consequent on the amendment made by Schedule 1[15].

Schedule 2[4] and [5] amend clause 7 to prescribe standard conditions of a combatant's registration relating to certificates of fitness, serological clearances, disclosures of concussion and other head injuries and training relating to the management of concussion and other head injuries.

Schedule 2[6] inserts proposed clauses 7A and 7B. Clause 7A requires the Combat Sports Authority to include on the register of combatants information concerning the date up until which a combatant is eligible to engage in combat sports. Clause 7B enables the Combat Sports Authority to make certain information on the register of combatants publicly available.

Schedule 2[7]–[10] amend clause 9 to refer to *registration status certificates*, as defined, rather than clearances issued under that clause.

Schedule 2[11] inserts proposed clause 9A to provide for the timing of the ending of a medical suspension under the Act, section 16A as inserted by Schedule 1[20].

Schedule 2[12] inserts proposed Part 3A. The proposed part requires a combatant to notify the Combat Sports Authority of the refusal of a medical practitioner to issue a certificate of fitness, about the results of a directed examination and about the results of combat sport contests outside of New South Wales.

Schedule 2[13] replaces clause 18 to provide for matters the Combat Sports Authority must be satisfied of before registering an industry participant or promoter.

Schedule 2[14]–[18] and [22] amend clause 19 consequent on the amendments made by Schedule 1[26] and [35].

Schedule 2[19]–[21] and [23] amend clause 19 to prescribe standard conditions of an industry participant's or promoter's registration relating to training for the management of concussion and other head injuries, potential conflicts of interest and, for corporate managers or promoters, ongoing disclosure requirements relating to close associates. **Schedule 2[24]** consequentially inserts a definition of *relevant officer*.

Schedule 2[25] inserts proposed clause 19A to enable the Combat Sports Authority to make certain information on the register of industry participants and promoters publicly available.

Schedule 2[27] amends clause 20 consequent on the amendment made by Schedule 1[39]. **Schedule 2[26]** makes a further consequential amendment.

Schedule 2[28] amends clause 21 to enable the Combat Sports Authority to take disciplinary action against a registered combatant, industry participant or promoter convicted of drug manufacturing.

Schedule 2[29] inserts proposed Part 6A in relation to the Act, proposed Part 2A, inserted by Schedule 1[43]. Part 6A provides for the information and documentation required for an application to be an accredited medical practitioner, the determination of those applications, the imposition of conditions on an accreditation and matters relating to the register of accredited medical practitioners.

Schedule 2[30] and [31] amend clause 22 consequent to the amendment made by Schedule 1[47].

Schedule 2[32] inserts proposed clause 22A to require the holder of a permit to hold a combat sport contest to pay an additional fee if the number of tickets issued for the contest exceeds the number of tickets on which the fee for the application for the permit was based.

Schedule 2[33] and [38] amend clause 23 to impose standard conditions on promoters of combat sport contests relating to the engagement of an accredited medical practitioner for the contest and the lodging of fight cards for a contest with the Combat Sports Authority. **Schedule 2[36]** also amends clause 23 to impose a standard condition that precludes an individual from being listed as a combatant on a fight card in a contest in which the individual has acted as match-maker.

Schedule 2[34], [35], [37], [55], [56] and [60] amend clauses 23, 38–41 and 45 to ensure consistency of language.

Schedule 2[39] amends clause 24 to impose conditions on permits for amateur combat sport contests relating to promotional materials for those contests.

Schedule 2[40] inserts proposed Part 7A in relation to requirements for combatants to be included on fight cards for a contest, including in relation to *amateur eliminator contests*, as defined in proposed clause 24A(3).

Schedule 2[41] inserts proposed clause 24B to enable a combat sport inspector to direct that a combat sport contest is not to be held unless a weigh-in is conducted.

Schedule 2[43] amends clause 25 to require a promoter of an amateur combat sport contest to ensure that a representative of the relevant approved amateur body attends the weigh-in for the contest.

Schedule 2[44], [46], [47], [50], [51], [54], [58], [66] and [68]–[74] amend penalty provisions to provide for applicable penalties for corporate offenders consequent on the amendments made by Schedule 1.

Schedule 2[45] amends clause 27 to require weigh-in scales to meet the specifications specified in the rules.

Schedule 2[48] amends clause 30 to require an approved amateur body to record the weight of each combatant in a contest, taken at the weigh-in, in the combatant's medical record book. **Schedule 2[42]** makes a consequential amendment.

Schedule 2[49] amends clause 31 consequent on the amendments made by Schedule 1.

Schedule 2[52] replaces clauses 33 and 34 to prescribe requirements relating to pre-contest and post-contest medical examinations of combatants.

Schedule 2[53] amends clause 36 to prescribe certain information concerning medical suspensions must be recorded in the register of combatants.

Schedule 2[57] amends clause 40 to require combatants and promoters to comply with any direction of a combat sport inspector relating to the wearing of protective clothing or equipment.

Schedule 2[59] inserts proposed clause 41A in relation to the duties of a promoter of a combat sports contest in relation to medical equipment, medical supplies, drugs and medications required to be present at the contest. **Schedule 2[63]** inserts proposed clause 46A in relation to the functions of attending medical practitioners in relation to the equipment, supplies, drugs and medications.

Schedule 2[62] amends clause 46 to increase the time before a weigh-in before which the Authority must be provided with a combatant's current serological clearance from 1 hour to 5 days. **Schedule 2[61]** makes a consequential amendment.

Schedule 2[64] amends clause 47 to provide that a function of an approved amateur body at an amateur combat sport contest is to ensure the contest is held in accordance with the approved sports rules for the contest.

Schedule 2[67] inserts proposed clauses 50A and 50B. Clause 50A requires the promoter of a combat sport contest to ensure an attending medical practitioner attends and is present for the whole of the contest. Clause 50B requires the promoter of an amateur combat sport contest to ensure that a representative of the relevant approved amateur body attends and is present for the whole of the contest. **Schedule 2[65]** makes a consequential amendment.

Schedule 2[75] replaces provisions concerning exemptions from registration requirements. Clauses 59 and 60 provide for certain exemptions for combatants and industry participants.

Schedule 2[76] amends clause 63 to prescribe the period during which a serological clearance can be relied on for the Act, section 7, as inserted by Schedule 1.

Schedule 2[77] and [78] amend Schedule 2 to update penalty notice offences and the associated penalties consequent on the amendments made by Schedules 1 and 2, including to provide for applicable penalties for corporate offenders.

Schedule 2[79] and [80] amend Schedule 3 consequent on amendments made by Schedules 1 and 2 concerning fees.