



New South Wales

Combat Sports Amendment Bill 2018

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows:

- (a) to create a new object of the *Combat Sports Act 2013* (the *principal Act*),
- (b) to provide that a registration under the principal Act may be renewed,
- (c) to clarify which combat sport contests are professional combat sport contests,
- (d) to remove a waiting period for registration as a combatant,
- (e) to provide for the automatic imposition of prescribed conditions on a person's registration,
- (f) to remove gender specific language,
- (g) to rename cautions as warnings,
- (h) to require risks of harm to be serious in order to prevent or stop combat sport contests,
- (i) to make provision with respect to medical examinations of combatants,
- (j) to provide for the giving of directions by the Combat Sports Authority of New South Wales (the *Authority*), combat sport inspectors and police officers,
- (k) to permit a combatant's trainer or second to require a referee to stop a combat sport contest if the trainer or second is concerned for the combatant's health or safety,
- (l) to prevent the disclosure of criminal information when decisions based on the information are administratively reviewed,
- (m) to extend information sharing provisions in the principal Act to information about promoters.

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.

Schedule 1 Amendment of Combat Sports Act 2013 No 96

Schedule 1 [1] creates a new object of the principal Act, being the promotion of the development of the combat sport industry.

Schedule 1 [2] provides that a person may renew an existing registration as a combatant, industry participant or promoter under the principal Act rather than apply for a fresh registration. **Schedule 1 [4] and [10]** provide that if a person makes an application to renew the person's registration before it ceases to have effect, the registration continues in force until the application is determined. The Authority may refuse to accept an application for renewal of registration if the application is made more than 8 weeks before the registration ceases to have effect. **Schedule 1 [8] and [13]** provide that where a renewal of registration is granted, the period during which the previous registration was continued in force counts towards the period of 3 years for which the renewal of registration is granted.

Schedule 1 [3] clarifies when a combat sport contest is a professional combat sport contest.

Schedule 1 [5] removes a 21-day waiting period for the registration of a person for the first time as a combatant in a registration class applicable to a professional combat sport contest.

Schedule 1 [6], [11] and [16] provide for the automatic imposition of conditions when these are prescribed by the regulations under the principal Act. **Schedule 1 [7], [12] and [17]** make consequential amendments.

Schedule 1 [9] and [24] remove gender specific language.

Schedule 1 [14] provides that the Authority may give a written warning rather than a written caution as a form of disciplinary action. The change of language is to avoid confusion with cautions given under the *Fines Act 1996*.

Schedule 1 [15] provides that a risk to public health or safety or of substantial damage to property must be serious before the risk can be used as a basis for preventing or stopping a combat sport contest.

Schedule 1 [18] permits the regulations under the principal Act to require a medical practitioner who conducts a pre-contest medical examination of a combatant to record certain particulars relating to that examination in any document.

Schedule 1 [19] provides that a medical practitioner who finds that a combatant is not medically fit in a pre-contest or post-contest medical examination may record in the combatant's medical record book the practitioner's opinion that the combatant should not engage in any combat sport contest or sparring before a specified medical examination or specified date (or both).

Schedule 1 [20] provides that where a notice is given to a combatant by the Authority directing the combatant to submit to an examination or investigation by a qualified person, the combatant must not engage in any sparring until the combatant has complied with the direction.

Schedule 1 [21] provides that a direction not to act as an industry participant in relation to a combat sport contest or not to participate as a combatant in a combat sport contest may be given to a person by the Authority, a combat sport inspector or a police officer regardless of whether the Authority, inspector or police officer also gives a direction not to hold a combat sport contest. **Schedule 1 [22] and [23]** make consequential amendments.

Schedule 1 [25] clarifies that when a referee's duty to stop a combat sport contest arises, the duty must be exercised immediately.

Schedule 1 [26] and [27] permit a trainer or second of a combatant to ask that a combat sport contest be stopped because the trainer or second is concerned about the health or safety of the combatant. The request may be made in a way that was agreed before the contest between the referee and the trainer or second. The referee is required to stop the contest when the request is made.

Schedule 1 [28]–[30] provide that a criminal intelligence report or other criminal information disclosed by the Commissioner of Police to the Authority about an applicant for registration is protected from disclosure when a decision about the application is administratively reviewed in the same way as other criminal information provided under the principal Act. **Schedule 1 [32]** makes a savings amendment.

Schedule 1 [31] permits the Authority to enter into arrangements with sporting bodies and law enforcement and other agencies for the provision of information about persons who participate or seek to participate in combat sports as industry participants or promoters.



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New South Wales

Combat Sports Amendment Bill 2018

No. , 2018

A Bill for

An Act to make miscellaneous amendments to the *Combat Sports Act 2013* following a statutory review of that Act.

The Legislature of New South Wales enacts:

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1 Name of Act

2

This Act is the *Combat Sports Amendment Act 2018*.

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2 Commencement

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This Act commences on a day or days to be appointed by proclamation.

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Schedule 1	Amendment of Combat Sports Act 2013 No 96	1
[1] Section 3 Objects of Act		2
Insert after section 3 (c):		3
(d) to promote the development of the combat sport industry.		4
[2] Section 4 Definitions		5
Insert in alphabetical order in section 4 (1):		6
<i>register</i> as a combatant, industry participant or promoter, includes renewal of registration as a combatant, industry participant or promoter.		7
<i>second</i> —see section 6 (1).		8
[3] Section 5 Professional combat sport contests		10
Omit paragraphs (b) and (c) of the definition of <i>professional combat sport contest</i> in section 5 (1).		11
Insert instead:		12
(b) where at least one of the combatants is registered in a registration class applicable to professional combat sport contests for the style of combat sport concerned, or		13
(c) where at least one of the combatants has been previously registered in a registration class applicable to professional combat sport contests for the style of combat sport concerned and has not been subsequently registered as an amateur in that style of combat sport, or		14
(d) where at least one of the combatants has previously competed for a monetary prize or other valuable reward in a combat sport contest for the style of combat sport concerned.		15
[4] Section 11 Application for registration as combatant		16
Insert after section 11 (2):		17
(2A) If an application for the grant of a renewal of registration is duly made to the Authority before the registration ceases to have effect, the registration is taken to continue in force until the Authority notifies the applicant of a decision to renew the registration or refuse to renew the registration.		18
(2B) The Authority may refuse to accept an application for the grant of a renewal of registration if the application is made more than 8 weeks before the registration ceases to have effect.		19
[5] Section 13 Determination of application		20
Omit section 13 (5).		21
[6] Section 14 Conditions of registration		22
Omit section 14 (3). Insert instead:		23
(3) The regulations may impose conditions on the registration of a combatant or a class of combatants.		24
[7] Section 14 (4)		25
Omit “required by the regulations to be imposed”.		26
Insert instead “imposed by the regulations”.		27

[8] Section 15 Duration of registration	1
Omit section 15 (1). Insert instead:	2
(1) The registration of a combatant ceases to have effect as follows, unless it is sooner cancelled or the term of registration is extended or reduced under this Act:	3
(a) if the registration is a renewal of a registration that has remained in force because of section 11 (2A)—the day that is 3 years after the date on which the previous registration would have ceased to have effect but for that subsection,	4
(b) in any other case—the day that is 3 years after the date it is granted.	5
[9] Section 21 Unauthorised persons must not hold themselves out as being industry participants or promoters	6
Omit “hold himself or herself out as being” wherever occurring.	7
Insert instead “hold out that the person is”.	8
[10] Section 23 Application for registration as industry participant or promoter	9
Insert after section 23 (2):	10
(2A) If an application for the grant of a renewal of registration is duly made to the Authority before the registration ceases to have effect, the registration is taken to continue in force until the Authority notifies the applicant of a decision to renew the registration or refuse to renew the registration.	11
(2B) The Authority may refuse to accept an application for the grant of a renewal of registration if the application is made more than 8 weeks before the registration ceases to have effect.	12
[11] Section 27 Conditions of registration	13
Omit section 27 (2). Insert instead:	14
(2) The regulations may impose conditions on the registration of an industry participant or promoter or a class of industry participants or promoters.	15
[12] Section 27 (3)	16
Omit “required by the regulations to be imposed”.	17
Insert instead “imposed by the regulations”.	18
[13] Section 28 Duration of registration	19
Omit section 28 (1). Insert instead:	20
(1) The registration of an industry participant or promoter ceases to have effect as follows, unless it is sooner cancelled or the term of registration is extended or reduced under this Act:	21
(a) if the registration is a renewal of a registration that has remained in force because of section 23 (2A)—the day that is 3 years after the date on which the previous registration would have ceased to have effect but for that subsection,	22
(b) in any other case—the day that is 3 years after the date it is granted.	23
[14] Section 33 Disciplinary action may be taken	24
Omit “written caution” from section 33 (2) (d). Insert instead “written warning”.	25

[15] Sections 41 (2) (b), 45 (1) and 65	1
Omit “risk” wherever occurring. Insert instead “serious risk”.	2
[16] Section 42 Conditions of permit	3
Omit section 42 (2). Insert instead:	4
(2) The regulations may impose conditions on a permit granted to a promoter or a class of promoters.	5 6
[17] Section 42 (3)	7
Omit “required by the regulations to be imposed”.	8
Insert instead “imposed by the regulations”.	9
[18] Section 57 Functions of medical practitioner	10
Insert “and in any other document that the regulations may prescribe” after “medical record book” wherever occurring in section 57 (1) (b) and (e) and (3) (b) and (d).	11 12
[19] Section 57 (1) (e) and (3) (d)	13
Omit “before a specified date” wherever occurring.	14
Insert instead “before a specified medical examination or specified date (or both)”.	15
[20] Section 61 Medical examinations directed by Authority	16
Insert “or sparring” after “combat sport contest” in section 61 (4).	17
[21] Section 62 Direction not to hold or participate in combat sport contest	18
Omit section 62 (1)–(3). Insert instead:	19
(1) The following directions may be given to a person under this section:	20
(a) a direction not to hold a combat sport contest,	21
(b) a direction not to act as an industry participant in relation to a combat sport contest,	22 23
(c) a direction not to participate as a combatant in a combat sport contest.	24
(2) The Authority or a combat sport inspector may, at or after the weigh-in for a combat sport contest, give a direction under this section if the Authority or inspector is of the opinion that there is likely to be a contravention of this Act, the regulations or rules if the direction is not given.	25 26 27 28
(3) A police officer who is attending a combat sport contest may give a direction under this section if the police officer is satisfied there is a serious risk to public health or safety or a serious risk of substantial damage to property if the direction is not given.	29 30 31 32
[22] Section 62 (6), penalty	33
Omit “direction under subsection (1) or (2)”.	34
Insert instead “direction referred to in subsection (1) (a)”.	35
[23] Section 62 (6), penalty	36
Omit “direction under subsection (3)”.	37
Insert instead “direction referred to in subsection (1) (b) or (c)”.	38

[24] Sections 63, 64 (a) and 66 (1) (a)	1
Omit “himself or herself” wherever occurring. Insert instead “themselves”.	2
[25] Section 66 Referee’s duty to stop contest	3
Insert “immediately” after “combat sport contest” in section 66 (1).	4
[26] Section 66 (1) (a1)	5
Insert after section 66 (1) (a):	6
(a1) if a trainer or second of a combatant asks that the contest be stopped because the trainer or second is concerned about the health or safety of the combatant, or	7 8 9
[27] Section 66 (1A)	10
Insert after section 66 (1):	11
(1A) Without limiting the way in which a request may be made for the purposes of subsection (1) (a1), the request may be made in a way that was agreed before the contest between the referee and the trainer or second, including by way of a signal.	12 13 14 15
[28] Section 78 Administrative reviews of decisions based on security determinations or criminal intelligence	16 17
Omit “determination made, or advice given, by the Commissioner of Police or another police officer” from section 78 (1).	18 19
Insert instead “criminal information disclosure”.	20
[29] Section 78 (2) and (4)	21
Omit “determination made, or advice given, by the Commissioner or another police officer” wherever occurring.	22 23
Insert instead “criminal information disclosure”.	24
[30] Section 78 (7)	25
Insert after section 78 (6):	26
(7) In this section:	27
<i>criminal information disclosure</i> means:	28
(a) a determination made, or advice given, by the Commissioner of Police or another police officer, or	29 30
(b) information disclosed under section 94 (1).	31
[31] Section 101 Supply of information	32
Omit “or industry participants” from the definition of <i>accreditation</i> in section 101 (3).	33
Insert instead “, industry participants or promoters”.	34

[32] Schedule 2 Savings and transitional provisions	1
Insert after Part 2:	2
Part 3 Provisions consequent on enactment of Combat Sports Amendment Act 2018	3
	4
16 Criminal information	5
Section 78, as amended by the <i>Combat Sports Amendment Act 2018</i> , extends to information disclosed under section 94 (1) before the commencement of that amendment.	6
	7
	8