

Passed by both Houses



New South Wales

Combat Sports Amendment Bill 2018

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The Legislature of New South Wales enacts:

1 Name of Act

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

2 Commencement

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

Schedule 1 Amendment of Combat Sports Act 2013 No 96

[1] Section 3 Objects of Act

Insert after section 3 (c):

- (d) to promote the development of the combat sport industry.

[2] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

register as a combatant, industry participant or promoter, includes renewal of registration as a combatant, industry participant or promoter.

second—see section 6 (1).

[3] Section 5 Professional combat sport contests

Omit paragraphs (b) and (c) of the definition of *professional combat sport contest* in section 5 (1).

Insert instead:

- (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
- (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
- (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.

[4] Section 11 Application for registration as combatant

Insert after section 11 (2):

- (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.
- (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.

[5] Section 13 Determination of application

Omit section 13 (5).

[6] Section 14 Conditions of registration

Omit section 14 (3). Insert instead:

- (3) The regulations may impose conditions on the registration of a combatant or a class of combatants.

[7] Section 14 (4)

Omit “required by the regulations to be imposed”.

Insert instead “imposed by the regulations”.

[8] Section 15 Duration of registration

Omit section 15 (1). Insert instead:

- (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:
 - (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,
 - (b) in any other case—the day that is 3 years after the date it is granted.

[9] Section 21 Unauthorised persons must not hold themselves out as being industry participants or promoters

Omit “hold himself or herself out as being” wherever occurring.

Insert instead “hold out that the person is”.

[10] Section 23 Application for registration as industry participant or promoter

Insert after section 23 (2):

- (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.
- (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.

[11] Section 27 Conditions of registration

Omit section 27 (2). Insert instead:

- (2) The regulations may impose conditions on the registration of an industry participant or promoter or a class of industry participants or promoters.

[12] Section 27 (3)

Omit “required by the regulations to be imposed”.

Insert instead “imposed by the regulations”.

[13] Section 28 Duration of registration

Omit section 28 (1). Insert instead:

- (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:
 - (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,
 - (b) in any other case—the day that is 3 years after the date it is granted.

[14] Section 33 Disciplinary action may be taken

Omit “written caution” from section 33 (2) (d). Insert instead “written warning”.

[15] Sections 41 (2) (b), 45 (1) and 65

Omit “risk” wherever occurring. Insert instead “serious risk”.

[16] Section 42 Conditions of permit

Omit section 42 (2). Insert instead:

- (2) The regulations may impose conditions on a permit granted to a promoter or a class of promoters.

[17] Section 42 (3)

Omit “required by the regulations to be imposed”.

Insert instead “imposed by the regulations”.

[18] Section 57 Functions of medical practitioner

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).

[19] Section 57 (1) (e) and (3) (d)

Omit “before a specified date” wherever occurring.

Insert instead “before a specified medical examination or specified date (or both)”.

[20] Section 61 Medical examinations directed by Authority

Insert “or sparring” after “combat sport contest” in section 61 (4).

[21] Section 62 Direction not to hold or participate in combat sport contest

Omit section 62 (1)–(3). Insert instead:

- (1) The following directions may be given to a person under this section:
 - (a) a direction not to hold a combat sport contest,
 - (b) a direction not to act as an industry participant in relation to a combat sport contest,
 - (c) a direction not to participate as a combatant in a combat sport contest.
- (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.
- (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.

[22] Section 62 (6), penalty

Omit “direction under subsection (1) or (2)”.

Insert instead “direction referred to in subsection (1) (a)”.

[23] Section 62 (6), penalty

Omit “direction under subsection (3)”.

Insert instead “direction referred to in subsection (1) (b) or (c)”.

[24] Sections 63, 64 (a) and 66 (1) (a)

Omit “himself or herself” wherever occurring. Insert instead “himself, herself or themselves”.

[25] Section 66 Referee’s duty to stop contest

Insert “immediately” after “combat sport contest” in section 66 (1).

[26] Section 66 (1) (a1)

Insert after section 66 (1) (a):

- (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

[27] Section 66 (1A)

Insert after section 66 (1):

- (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.

[28] Section 78 Administrative reviews of decisions based on security determinations or criminal intelligence

Omit “determination made, or advice given, by the Commissioner of Police or another police officer” from section 78 (1).

Insert instead “criminal information disclosure”.

[29] Section 78 (2) and (4)

Omit “determination made, or advice given, by the Commissioner or another police officer” wherever occurring.

Insert instead “criminal information disclosure”.

[30] Section 78 (7)

Insert after section 78 (6):

- (7) In this section:
 - criminal information disclosure* means:
 - (a) a determination made, or advice given, by the Commissioner of Police or another police officer, or
 - (b) information disclosed under section 94 (1).

[31] Section 101 Supply of information

Omit “or industry participants” from the definition of *accreditation* in section 101 (3).

Insert instead “, industry participants or promoters”.

[32] Schedule 2 Savings and transitional provisions

Insert after Part 2:

Part 3 Provisions consequent on enactment of Combat Sports Amendment Act 2018

16 Criminal information

Section 78, as amended by the *Combat Sports Amendment Act 2018*, extends to information disclosed under section 94 (1) before the commencement of that amendment.