



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.