



New South Wales

# Combat Sports Act 2013 No 96

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New South Wales

# Combat Sports Act 2013 No 96

Act No 96, 2013

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An Act to regulate the conduct of combat sports and combat sport contests; to constitute the Combat Sports Authority of New South Wales; to repeal the *Combat Sports Act 2008*; and for other purposes. [Assented to 20 November 2013]

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The Legislature of New South Wales enacts:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Combat Sports Act 2013*.

### 2 Commencement

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

### 3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the health and safety of combat sport contestants,
- (b) to promote the integrity of combat sport contests,
- (c) to regulate combat sport contests on a harm minimisation basis.

### 4 Definitions

(1) In this Act:

***adverse security determination*** means a determination about a person by the Commissioner of Police that:

- (a) the person is not a fit and proper person to be registered, or
- (b) it would be contrary to the public interest for the person to be registered.

***amateur combat sport contest*** means a combat sport contest other than a professional combat sport contest.

***approved amateur body***—see section 8.

***approved form*** means a form approved by the Minister.

***attending medical practitioner*** means a medical practitioner engaged by the promoter of a combat sport contest to be present, in the capacity of a medical practitioner, at a weigh-in for the contest or at the contest.

***Authority*** means the Combat Sports Authority of New South Wales constituted by this Act.

***combat sport*** means any sport, martial art or activity in which the primary objective of each contestant in a contest, display or exhibition of that sport, art or activity is to strike, kick, hit, grapple with, throw or punch one or more other contestants, but does not include a sport, martial art or activity that is prescribed by the regulations.

***combat sport contest*** means a contest, display or exhibition of combat sport:

- (a) to which the public are admitted on payment of a fee, or
- (b) arranged or held on a for profit basis, or
- (c) that is held on premises licensed under the *Liquor Act 2007* or the *Casino Control Act 1992*, or
- (d) where at least one of the combatants is competing for a monetary prize or other valuable reward, or
- (e) that is prescribed by the regulations for the purposes of this definition, but does not include a contest, display or exhibition excluded from this definition by the regulations.

***combat sport inspector*** means a combat sport inspector appointed under section 84.

***combatant*** means a person who engages or proposes to engage as a contestant in a combat sport contest.

**contest area** means the competition area for a combat sport contest and includes any area between the area in which the contest takes place and any structure or other barrier between the combatants and spectators.

**current serological clearance**—see section 7 (2).

**disciplinary action**—see section 33 (2).

**function** includes a power, authority and duty, and **exercise** a function includes perform a duty.

**general prohibition order**—see section 74.

**health and safety prohibition order**—see section 70.

**judge**—see section 6 (1).

**manager**—see section 6 (1).

**match-maker**—see section 6 (1).

**premises** includes any structure, building, aircraft, vehicle, vessel and place (whether built on or not) and any part of any such thing.

**professional combat sport contest**—see section 5.

**prohibited person** means a person who is subject to a prohibition order.

**prohibition order** means a health and safety prohibition order or a general prohibition order.

**promote** includes arrange or hold.

**promoter** of a combat sport contest means the person who has control of the promotion of a combat sport contest.

**referee**—see section 6 (1).

**registered** means registered under this Act.

**registration class** of combatant—see section 10 (3).

**registration class** of industry participant or promoter—see section 22 (4).

**registration pre-condition** means a condition imposed by the Authority under this Act, on cancellation of a person's registration, with which the person must comply before a subsequent application for registration may be dealt with.

**rules** means rules made by the Authority under section 107.

**serological clearance**—see section 7 (1).

**timekeeper**—see section 6 (1).

**trainer**—see section 6 (1).

- (2) Notes included in this Act do not form part of this Act.

## 5 Professional combat sport contests

- (1) In this Act:

**professional combat sport contest** means a combat sport contest:

- (a) where at least one of the combatants is competing for a monetary prize or other valuable reward, or
- (b) where at least one of the combatants is registered, or has been previously 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 previously been a combatant in a professional combat sport contest for the style of combat sport concerned.

- (2) Despite subsection (1), a combat sport contest is not a professional combat sport contest merely because:
- (a) a combatant has been previously registered to engage in professional combat sport contests for the style of combat sport concerned, if that registration of the combatant was cancelled under section 16 (2), or
  - (b) a combatant has previously been a combatant in a professional combat sport contest for the style of combat sport concerned at a time when the combat sport was not regulated by this Act or any preceding Act that regulated combat sports.

## 6 Industry participants

- (1) In this Act, *industry participant* means any of the following persons, whether or not they are employed or engaged on a full-time basis and whether or not they receive payment or other consideration for the activity concerned:
- (a) an individual who acts on behalf of a promoter to arrange combat sport contests between particular combatants (a *match-maker*),
  - (b) an individual who undertakes to represent the interests of a combatant in procuring the engagement of the combatant as a contestant in a combat sport contest or who directs or controls the combat sport activities of any combatant (a *manager*),
  - (c) an individual who supervises the training or instruction of a combatant or who accompanies a combatant into or onto the contest area to give advice or assistance during a combat sport contest (a *trainer*),
  - (d) an individual who assists a combatant as advised by a trainer and who assists a trainer in the preparation of combatants (a *second*),
  - (e) an individual who determines the points scored by each combatant in a combat sport contest (a *judge*),
  - (f) an individual who enforces the rules relating to a combat sport during the combat sport contest (a *referee*),
  - (g) an individual who regulates the number and length of rounds, and the interval between rounds, of a combat sport contest (a *timekeeper*),
  - (h) any other individual of a class of persons prescribed by the regulations for the purposes of this definition,
- but does not include a promoter.
- (2) A class of persons may be prescribed for the purposes of subsection (1) if it consists of persons engaged in or employed in a profession, occupation or business in relation to a combat sport.

## 7 Serological clearances

- (1) For the purposes of this Act, a *serological clearance* is a certificate by a registered medical practitioner or a person who provides a pathology service that:
- (a) the medical practitioner or person is of the opinion that a specified person is not suffering from any medical condition or disease specified by the regulations for the purposes of this section, and
  - (b) the opinion is based on the results of blood tests or other tests carried out on a date specified in the certificate.



- (2) A serological clearance is a *current serological clearance* for the purposes of this Act if the tests referred to in the clearance were carried out:
  - (a) in the case of a person who is aged under 18 years—not more than 12 months before the date when the certificate is sought to be relied on, or
  - (b) in the case of any other person—not more than 6 months before the date when the certificate is sought to be relied on.

#### **8 Approval of amateur combat sport bodies**

- (1) The Minister may, on application by a body corporate or other body and on the recommendation of the Authority, approve the body as an *approved amateur body* for a specified style, or styles, of combat sport for the purposes of this Act.
- (2) An application is to be made in the approved form.
- (3) An application is to be accompanied by any other information required by the Authority.
- (4) An approval may be made subject to conditions.
- (5) The Minister may, on the recommendation of the Authority, at any time vary a condition of an approval or revoke an approval.

## Part 2 Registration of combatants and industry participants

### Division 1 Registration of combatants

#### 9 Requirement for registration

A person must not engage in a combat sport contest as a combatant unless the person is registered as a combatant of the registration class applicable to that contest.

Maximum penalty:

- (a) in the case of a person whose registration for the applicable registration class has been cancelled (other than a cancellation on surrender of registration)—80 penalty units or imprisonment for 6 months, or both, or
- (b) in any other case—50 penalty units or 6 months imprisonment, or both.

#### 10 Registration classes of combatants

- (1) The Authority may determine the registration classes of combatants for the purposes of registration as a combatant.
- (2) The Authority is to determine separate registration classes for combatants for:
  - (a) combat sport contests for different styles of combat sport, and
  - (b) professional combat sport contests and amateur combat sport contests for the same style of combat sport.
- (3) A reference in this Act to the *registration class* of a combatant is a reference to the registration class or classes determined by the Authority under this section for which the combatant is registered.

#### 11 Application for registration as combatant

- (1) A person may apply to the Authority to be registered as a combatant of a specified registration class or classes.
- (2) An application must:
  - (a) be in the approved form, and
  - (b) specify the class or classes for which registration is sought, and
  - (c) be accompanied by a certificate of fitness, in the approved form, to engage in combat sport given by a medical practitioner not more than 28 days before the date on which the application is made, and
  - (d) be accompanied by a current serological clearance for the applicant (unless the Authority already has a current serological clearance for the applicant), and
  - (e) be accompanied by any other information required by the Authority.
- (3) The regulations may prescribe the fee payable for an application and the manner in which it is to be paid.

#### 12 Minors not entitled to professional registration

A person who is under the age of 18 years is not entitled to apply for registration, or to be registered, for a registration class applicable to any professional combat sport contest.

### 13 Determination of application

- (1) The Authority may register an applicant as a combatant of a specified registration class if the Authority is satisfied of the following:
  - (a) that the application is made in accordance with this Division and any application fee has been paid,
  - (b) that the applicant is a fit and proper person to be registered as a combatant of that class,
  - (c) that the applicant is not less than the minimum age prescribed by this Act, the regulations or the rules as the minimum age required for registration as a combatant of that class,
  - (d) if the applicant is subject to a registration pre-condition, that the applicant has complied with the registration pre-condition,
  - (e) as to any other matter prescribed by the regulations for the purposes of this subsection.
- (2) The Authority must refuse to register an applicant as a combatant of a specified registration class if:
  - (a) it is not satisfied of the matters specified in subsection (1), or
  - (b) the applicant is a controlled member of a declared organisation under the *Crimes (Criminal Organisations Control) Act 2012*, or  
**Note.** Controlled members are prohibited from applying for registration—see section 27 of the *Crimes (Criminal Organisations Control) Act 2012*.
  - (c) it is of the opinion that it is not in the interests of the health or safety of the person to grant the registration, or
  - (d) in any other circumstances prescribed by the regulations for the purposes of this section.
- (3) Subsection (2) does not limit the grounds on which the Authority may refuse to register an applicant as a combatant of a specified registration class.
- (4) The Authority is not required to determine an application for registration if the Authority is not satisfied as to the identity of the applicant for registration or if the applicant fails, without reasonable excuse, to provide any relevant information requested by the Authority.
- (5) The Authority must not register an applicant for the first time for any registration class applicable to any professional combat sport contest until at least 21 days after the application is made.

### 14 Conditions of registration

- (1) The Authority may, on registration of a combatant or at any later time, impose conditions on the registration.
- (2) The Authority may impose conditions on the registration of a combatant for the health or safety of the combatant or for any other reason it thinks fit.
- (3) The regulations may provide that specified conditions may or must be imposed by the Authority on the registration of a combatant or class of combatants.
- (4) The Authority may at any time revoke a condition or vary a condition of registration (other than a condition required by the regulations to be imposed).
- (5) This section does not limit any other power of the Authority under this Act to impose conditions on registration.

### **15 Duration of registration**

- (1) The registration of a combatant ceases to have effect 3 years after the date it is granted, unless it is sooner cancelled or the term of registration is extended or reduced under this Act.
- (2) Despite subsection (1), the Authority may register a combatant for a shorter period if the Authority is of the opinion that it is in the interests of the health or safety of the combatant to be registered for the shorter period.
- (3) The Authority may, at any time, extend the term of registration of a combatant as a combatant of a registration class for the purposes of having all classes of registration of the combatant expire at the same time.

### **16 Effect of registration as professional**

- (1) A person who is, or has been, registered as a combatant for a registration class applicable to a professional combat sport contest, or who has competed as a combatant in a professional combat sport contest, must not subsequently be registered for a registration class applicable to amateur combat sport contests for the same style of combat sport unless the Authority is satisfied that the person has not previously competed in a combat sport contest for that style of combat sport for a monetary prize or other valuable reward.
- (2) On registration as an amateur combatant in any such case, any registration of the person for the registration class applicable to professional combat sport contests for the style of combat sport is cancelled.
- (3) The registration of a person for a registration class applicable to amateur combat sport contests for a style of combat sport is cancelled if the person is subsequently registered for the registration class applicable to professional combat sport contests for the same style of combat sport.

### **17 Register of combatants**

- (1) The Authority must keep a register of combatants.
- (2) The register must contain the following:
  - (a) the name, address and date of birth of each registered combatant,
  - (b) the name used by a registered combatant for combat sport purposes and any other name by which the combatant is or has been known, if not the same as the combatant's name,
  - (c) a contact telephone number or email contact details for each registered combatant,
  - (d) the registration class or classes of each combatant, particulars of any conditions to which each registration is subject and the period of each registration,
  - (e) details of each serological clearance provided to the Authority for each registered combatant, including the date the applicable tests were carried out,
  - (f) particulars of any suspension or cancellation of registration or any registration pre-condition imposed,
  - (g) any results of combat sport contests provided to the Authority,
  - (h) information relating to certificates provided by medical practitioners as to the fitness or unfitness of combatants provided to the Authority,
  - (i) any other information or documents prescribed by the regulations or that the Authority thinks appropriate.

- (3) The register is to be maintained in the manner and form approved by the Authority.
- (4) The Authority must ensure that information kept on the register is accurate and up-to-date.
- (5) The regulations may make provision for or with respect to the circumstances in which information on the register is to be made available.
- (6) It is a condition of the registration of a combatant that the combatant must notify the Authority in writing of any change in the combatant's name, other name (if any) used for combat sport purposes, address or registered contact details not later than 14 days after the change occurs.

## **Division 2 Medical record books**

### **18 Issue of medical record books**

- (1) The Authority must cause each registered combatant to be issued with a medical record book in the form that the Authority thinks fit.
- (2) A medical record book may contain one or more medical record cards in the approved form.
- (3) The Authority may, but is not required to, issue a medical record book to a registered combatant who has an equivalent record issued in accordance with, or recognised under, the law of another State or Territory or another country.
- (4) In any such case where a medical record book is not issued, the equivalent record is taken to be the medical record book of the registered combatant for the purposes of this Act and the regulations.

### **19 Provisions relating to medical record books**

- (1) The regulations may make provision for or with respect to medical record books for registered combatants.
- (2) Without limiting subsection (1), the regulations may provide for the following:
  - (a) the issue of medical record books to registered combatants,
  - (b) the making of entries in, endorsements on, and alterations to, medical record books,
  - (c) the production of medical record books,
  - (d) the surrender, re-issue and replacement of medical record books,
  - (e) the protection of medical record books.

## **Division 3 Registration of industry participants and promoters**

### **20 Industry participants and promoters must be registered**

- (1) An individual must not carry out an activity as an industry participant unless the individual is registered as an industry participant of the registration class applicable to that activity.

Maximum penalty:

  - (a) in the case of a person whose registration for the applicable registration class has been cancelled (other than cancellation on surrender of registration)—80 penalty units or 6 months imprisonment, or both, or
  - (b) in any other case—50 penalty units or imprisonment for 6 months, or both.

- (2) An individual must not arrange a combat sport contest unless the individual is registered as a promoter of the registration class applicable to that contest.

Maximum penalty:

- (a) in the case of a person whose registration for the applicable registration class has been cancelled (other than cancellation on surrender of registration)—160 penalty units or 6 months imprisonment, or both, or
- (b) in any other case—100 penalty units or 6 months imprisonment, or both.

**Note.** It is an offence under section 39 to hold a combat sport contest without being the holder of a permit for that contest.

- (3) A corporation must not carry out an activity as an industry participant.

Maximum penalty: 160 penalty units.

- (4) A corporation must not arrange a combat sport contest.

Maximum penalty: 320 penalty units.

- (5) Subsections (3) and (4) do not apply to a corporation in respect of an activity or combat sport contest if:

- (a) the activity or contest is carried out or arranged by an officer or employee of the corporation, and
- (b) the officer or employee is registered as an industry participant or promoter of a registration class applicable to that activity or contest.

- (6) This section does not apply to the following activities of an approved amateur body:

- (a) the approval of an amateur combat sport contest,
- (b) arranging for a judge, referee, timekeeper or combat sport inspector to officiate at or attend an amateur combat sport contest,
- (c) acting as a match-maker for an amateur combat sport contest.

- (7) This section does not apply to a person who merely provides or controls premises at which a combat sport contest is held.

## **21 Unauthorised persons must not hold themselves out as being industry participants or promoters**

- (1) A person must not hold himself or herself out as being an industry participant for the purposes of a combat sport contest unless:

- (a) the person is registered as an industry participant of the registration class applicable to that contest, and
- (b) the person is carrying out or proposing to carry out activities as an industry participant in relation to that contest.

Maximum penalty: 50 penalty units, or 6 months imprisonment, or both.

- (2) A person must not hold himself or herself out as being the promoter of a combat sport contest unless:

- (a) the person is registered as a promoter of the registration class applicable to that contest, and
- (b) the person is the promoter of that contest.

Maximum penalty: 360 penalty units, or 12 months imprisonment, or both.

## **22 Registration classes of industry participants and promoters**

- (1) The Authority may determine the registration classes of industry participants and promoters for the purposes of registration as an industry participant or promoter.

- (2) The Authority is to determine separate registration classes for each kind of industry participant and is to further provide for separate registration classes for participation by each kind of industry participant in:
  - (a) combat sport contests for different styles of combat sports, and
  - (b) professional combat sport contests and amateur combat sport contests for the same style of combat sport.
- (3) The Authority is to determine separate registration classes for promoters for:
  - (a) combat sport contests for different styles of combat sports, and
  - (b) professional combat sport contests and amateur combat sport contests for the same style of combat sport.
- (4) A reference in this Act to the *registration class* of an industry participant or a promoter is a reference to the registration class or classes of industry participant or promoter determined by the Authority under this section for which the participant or promoter is registered.

### **23 Application for registration as industry participant or promoter**

- (1) An individual may apply to the Authority to be registered as an industry participant or promoter of a specified registration class or classes.
- (2) An application must:
  - (a) be in the approved form, and
  - (b) specify the class or classes for which registration is sought, and
  - (c) be accompanied by any other information required by the Authority.
- (3) The regulations may prescribe the fee payable for an application and the manner in which it is to be paid.

### **24 Minors not entitled to certain kinds of registration**

A person who is under the age of 18 years is not entitled to apply for registration as, or to be registered as, an industry participant of a registration class applicable to a manager or match-maker or as a promoter.

### **25 Determination of application**

- (1) The Authority may register an applicant as an industry participant or promoter of a specified registration class if the Authority is satisfied of the following:
  - (a) that the application is made in accordance with this Division and any application fee has been paid,
  - (b) that the applicant is a fit and proper person to be registered as an industry participant or promoter of that class,
  - (c) that the applicant is not less than the minimum age prescribed by this Act, the regulations or the rules as the minimum age required for registration as an industry participant or promoter of that class,
  - (d) if the applicant is subject to a registration pre-condition, that the applicant has complied with the registration pre-condition,
  - (e) as to any other matter prescribed by the regulations for the purposes of this subsection.
- (2) The Authority must refuse to register an applicant as an industry participant or promoter of a specified registration class if:
  - (a) it is not satisfied of the matters specified in subsection (1), or

- (b) the applicant is a controlled member of a declared organisation under the *Crimes (Criminal Organisations Control) Act 2012*, or  
**Note.** Controlled members are prohibited from applying for registration—see section 27 of the *Crimes (Criminal Organisations Control) Act 2012*.
  - (c) an adverse security determination has been made by the Commissioner of Police about the applicant, or
  - (d) in any other circumstances prescribed by the regulations for the purposes of this section.
- (3) Subsection (2) does not limit the grounds on which the Authority may refuse to register an applicant as an industry participant or promoter of a specified registration class.
  - (4) The Authority is not required to determine an application for registration if the Authority is not satisfied as to the identity of the applicant for registration or if the applicant fails, without reasonable excuse, to provide relevant information requested by the Authority.

## 26 Security determinations

### (1) Referral to Commissioner for security determination

The Authority must refer an application for registration as an industry participant in a registration class applicable to a match-maker, manager or promoter, and any relevant accompanying information, that is made in accordance with this Act to the Commissioner of Police for an investigation and determination as to either or both of the following:

- (a) whether the applicant is a fit and proper person to be registered,
  - (b) whether it would be contrary to the public interest for the person to be registered.
- (2) On a referral under this section, the Commissioner is to inquire into and determine, and report to the Authority on, the matters set out in the referral.
  - (3) The Commissioner is not required to make a determination under this section if the Commissioner is not satisfied as to the identity of the applicant for registration.

### (4) Determination by Commissioner

For the purpose of making a determination, the Commissioner may have regard to any criminal intelligence report or other criminal information held in relation to the applicant that:

- (a) is relevant to the applicant's proposed role as a match-maker, manager or promoter, or
  - (b) causes the Commissioner to conclude that improper conduct is likely to occur if the applicant were registered, or
  - (c) causes the Commissioner not to have confidence that improper conduct will not occur if the applicant were registered.
- (5) For the purpose of making a determination, and without limitation, the Commissioner may consider the following:
    - (a) information relating to spent convictions, despite anything to the contrary in the *Criminal Records Act 1991*,
    - (b) information relating to criminal charges, whether or not heard, proven, dismissed, withdrawn or discharged,
    - (c) information relating to offences, despite anything to the contrary in section 579 of the *Crimes Act 1900*.



## **27 Conditions of registration**

- (1) The Authority may, on registration of an industry participant or promoter or at any later time, impose conditions on the registration.
- (2) The regulations may provide that specified conditions may or must be imposed by the Authority on the registration of an industry participant or promoter or a class of industry participants or promoters.
- (3) The Authority may at any time revoke a condition or vary a condition of registration (other than a condition required by the regulations to be imposed).
- (4) This section does not limit any other power of the Authority under this Act to impose conditions on registration.

## **28 Duration of registration**

- (1) The registration of an industry participant or promoter ceases to have effect 3 years after the date it is granted, unless it is sooner cancelled or the term of registration is extended or reduced under this Act.
- (2) The Authority may, at any time, extend the term of registration of an industry participant or promoter of a registration class for the purpose of having all classes of registration of the person expire at the same time.

## **29 Register of industry participants and promoters**

- (1) The Authority must keep a register of industry participants and promoters.
- (2) The register must contain the following:
  - (a) the name, address and date of birth of each registered industry participant or promoter,
  - (b) any other name by which the industry participant or promoter is or has been known, if not the same as the industry participant's or promoter's name,
  - (c) a contact telephone number or email contact details for each registered industry participant or promoter,
  - (d) the registration class or classes of each industry participant or promoter, particulars of any conditions to which each registration is subject and the period of each registration,
  - (e) particulars of any suspension or cancellation of registration or registration pre-condition imposed,
  - (f) any other information or documents prescribed by the regulations or that the Authority thinks appropriate.
- (3) The register is to be maintained in the manner and form approved by the Authority.
- (4) The Authority must ensure that information kept on the register is accurate and up-to-date.
- (5) The regulations may make provision for or with respect to the circumstances in which information on the register is to be made available.
- (6) It is a condition of the registration of an industry participant or promoter that the person must notify the Authority in writing of any change in the person's name, address or registered contact details not later than 14 days after the change occurs.

## **Division 4      Disciplinary and other provisions**

### **30      Grounds for disciplinary action**

- (1) The grounds on which disciplinary action may be taken against a registered combatant, industry participant or promoter are as follows:
  - (a) the person has contravened, or the Authority has reasonable grounds to believe that the person is likely to contravene, a provision of this Act, the regulations or the rules,
  - (b) the person has contravened a law of another State or a Territory and the contravention would, if it had occurred in New South Wales, be a contravention of this Act, the regulations or the rules,
  - (c) the person has contravened, or the Authority has reasonable grounds to believe that the person is likely to contravene, a condition of the person's registration or of a permit under this Act held by the person,
  - (d) the person is not a fit and proper person to be registered.
- (2) The regulations may specify other circumstances in which the Authority may take disciplinary action under this Division.

### **31      Notice to show cause why disciplinary action should not be taken**

- (1) The Authority must, before taking disciplinary action against a registered combatant, industry participant or promoter, give the person a show cause notice and consider any response by the person within the period specified in the notice.
- (2) A show cause notice must:
  - (a) specify the grounds on which disciplinary action is proposed to be taken against the person and specify the proposed action, and
  - (b) invite the person to give reasons to the Authority, within the period specified in the notice (being a period of not less than 14 days after the notice is given), as to why disciplinary action of the kind specified in the notice should not be taken, and
  - (c) specify the date and time of a meeting of the Authority at which the person may also attend and respond to the notice, and
  - (d) advise the person that the person may be represented at the meeting by a legal practitioner or other person, and
  - (e) advise the person that it is an offence to provide false or misleading information in response to the notice.
- (3) The Authority must ensure that the show cause notice does not, in specifying the grounds on which disciplinary action is proposed to be taken or otherwise, disclose the existence or content of any criminal intelligence report or other criminal information without the approval of the Commissioner of Police.
- (4) A person who is given a notice under this section may respond to the notice in writing or at a meeting of the Authority or in both ways.
- (5) The Authority is to determine, after the end of the period specified in the show cause notice, whether or not to take disciplinary action against the person given the notice.

### **32      Suspension during show cause process**

The Authority may, by notice in writing to a person who is given a show cause notice, suspend the registration of the person under this Act until the Authority determines whether or not to take further disciplinary action at the end of the period specified in the show cause notice.

### **33 Disciplinary action may be taken**

- (1) The Authority may take disciplinary action against a registered combatant, industry participant or promoter if the Authority is of the opinion that there are grounds on which the action may be taken and the person has not, within the period specified in the show cause notice, shown sufficient reasons why the action should not be taken.
- (2) The following actions are *disciplinary actions*:
  - (a) cancellation of registration,
  - (b) suspension of registration,
  - (c) reducing the period of registration or imposing or varying a condition on registration,
  - (d) giving a written caution.
- (3) The Authority may take disciplinary action against a person whether or not the person has been convicted of an offence for a contravention of this Act or the regulations or the law concerned.
- (4) The Authority is not limited to taking the disciplinary action specified in the show cause notice.
- (5) A disciplinary action takes effect when notice in writing of the action is given to the person subject to the action or on a later day specified in the notice.

### **34 Cancellation of registration on security grounds**

- (1) The Authority must cancel the registration of a person registered as a match-maker, manager or promoter if the Commissioner of Police advises the Authority of an adverse security determination about the person.
- (2) The Authority must cancel the registration of a person if the Authority becomes aware that the person is a controlled member of a declared organisation under the *Crimes (Criminal Organisations Control) Act 2012*.
- (3) The Commissioner may, at the Commissioner's discretion or at the request of the Authority, investigate and determine either or both of the following:
  - (a) whether a registered match-maker, manager or promoter is a fit and proper person to continue to be registered,
  - (b) whether it would be contrary to the public interest for the person to continue to be registered.
- (4) On a request under this section, the Commissioner is to inquire into and determine, and report to the Authority on, the matters set out in the request.
- (5) Section 26 (3)–(5) apply to a determination under this section about a registered person in the same way as they apply to a determination under that section about an applicant for registration.
- (6) The Authority is not required to give a show cause notice to a person before taking action under this section.

### **35 Conditions on suspension or cancellation**

- (1) The Authority may suspend registration under this Division:
  - (a) for a specified period or indefinitely, or
  - (b) until specified conditions are met by the registered person.
- (2) The Authority may specify a registration pre-condition with respect to a person whose registration is cancelled.

- (3) The Authority may at any time revoke or vary a condition imposed on a suspension under this Division or as a registration pre-condition.

### **36 Effect of suspension**

- (1) A person must not engage in a combat sport contest as a combatant while the person's registration as a combatant of the registration class applicable to that contest is suspended.

Maximum penalty:

- (a) if the suspension was on health or safety grounds under Division 2 of Part 4—50 penalty units, or
- (b) in any other case—80 penalty units, or 6 months imprisonment, or both.
- (2) A person must not carry out an activity as an industry participant while the person's registration as an industry participant of a registration class applicable to that activity is suspended.

Maximum penalty: 80 penalty units, or 6 months imprisonment, or both.

- (3) A person must not arrange a combat sport contest while the person's registration as a promoter of the registration class applicable to that contest is suspended.

Maximum penalty: 160 penalty units, or 6 months imprisonment, or both.

- (4) A person must not hold a combat sport contest if the person's registration as a promoter of the registration class applicable to that contest is suspended.

Maximum penalty: 500 penalty units, or 12 months imprisonment, or both.

### **37 Surrender of registration**

- (1) A registered combatant, industry participant or promoter may, at any time, notify the Authority that the combatant, industry participant or promoter wishes to surrender the registration.
- (2) The Authority must cancel the registration on receiving the notice.

## Part 3 Regulation of combat sport contests

### Division 1 Permits to hold combat sport contests

#### 38 Application of Division

This Division applies to a *combat sport contest* that consists of:

- (a) a single combat sport contest, or
- (b) 2 or more combat sport contests, if the contests are held on the one occasion and at the same venue.

#### 39 Requirement for permit to hold particular combat sport contest

- (1) An individual must not hold a combat sport contest unless the person is the holder of a permit to promote the contest.

Maximum penalty: 360 penalty units or 12 months imprisonment, or both.

**Note.** The person is also required to be registered as a promoter of the relevant registration class to obtain a permit (see section 41).

- (2) A corporation must not hold a combat sport contest.  
Maximum penalty: 720 penalty units.
- (3) Subsection (2) does not apply to a corporation in respect of a combat sport contest if:
  - (a) the contest is held by an officer or employee of the corporation, and
  - (b) the officer or employee is registered as a promoter for the registration class applicable to that contest.
- (4) This section does not apply to a person who merely provides or controls premises at which a combat sport contest is held.
- (5) This section does not apply to the following activities of an approved amateur body:
  - (a) the approval of an amateur combat sport contest,
  - (b) arranging for a judge, referee, timekeeper or combat sport inspector to officiate at or attend an amateur combat sport contest,
  - (c) acting as a match-maker for an amateur combat sport contest.

#### 40 Application for permit

- (1) An individual may apply to the Authority for a permit to hold a combat sport contest.
- (2) An application must:
  - (a) be in the approved form, and
  - (b) be accompanied by any other information required by the Authority, and
  - (c) be made not less than 28 days before the date of the proposed combat sport contest or within such lesser period as the Authority may approve in a particular case.
- (3) The regulations may prescribe the fee payable for an application and the manner in which it is to be paid.

#### 41 Determination of application

- (1) The Authority may grant a permit to hold a combat sport contest if the Authority is satisfied of the following:
  - (a) that the application is made in accordance with this Division and any application fee has been paid,

- (b) that the applicant is a registered promoter of a registration class applicable to the contest,
  - (c) in the case of an amateur combat sport contest, that the contest has been approved by an applicable approved amateur body,
  - (d) as to any other matter prescribed by the regulations for the purposes of this section.
- (2) The Authority must refuse to grant a permit for a combat sport contest:
- (a) if it is not satisfied of the matters specified in subsection (1), or
  - (b) if the Commissioner of Police has advised the Authority that there is a risk to public health or safety or a risk of substantial damage to property if the contest were held, or
  - (c) in any other circumstances prescribed by the regulations for the purposes of this section.
- (3) Subsection (2) does not limit the grounds on which the Authority may refuse to grant a permit.
- (4) For the purpose of giving advice under this section, the Commissioner of Police may consider a criminal intelligence report, other criminal information or any other matter the Commissioner thinks fit.

#### **42 Conditions of permit**

- (1) The Authority may, on granting a permit to hold a combat sport contest or at any time before the contest, impose conditions on the permit.
- (2) The regulations may provide that specified conditions may or must be imposed by the Authority on a permit granted to a promoter or class of promoters.
- (3) The Authority may at any time revoke a condition or vary a condition of a permit (other than a condition required by the regulations to be imposed).

#### **43 Notification to police of permits**

The Authority must, as soon as practicable after granting a permit to hold a combat sport contest, cause the Commissioner of Police to be notified in writing of the date, time and venue of the contest.

#### **44 Revocation of permits by Authority**

- (1) The Authority may, at any time before a combat sport contest is held, revoke the permit to hold the contest.
- (2) The Authority must not revoke a permit to hold a combat sport contest within 24 hours before the scheduled start of the contest unless it is satisfied that special circumstances exist warranting that action.
- (3) The Authority must notify the Commissioner of Police in writing of any decision to revoke a permit to hold a combat sport contest.
- (4) The Authority must notify the Minister in writing of any decision to revoke a permit to hold a combat sport contest within 24 hours before the scheduled start of the contest and must specify the special circumstances that warranted the action.
- (5) The regulations may specify the special circumstances in which a permit to hold a combat sport contest may be revoked within 24 hours before the scheduled start of the contest.

#### **45 Revocation of permits by police**

- (1) A police officer of the rank of Assistant Commissioner or above may, at any time before a combat sport contest is held, revoke the permit to hold the contest if the officer is satisfied that, if the contest were held, there would be a risk:
  - (a) to public health or safety, or
  - (b) of substantial damage to property.
- (2) A police officer must, as soon as practicable after revoking a permit to hold a combat sport contest, notify the Authority of the decision to revoke the permit.
- (3) For the purpose of determining whether to take action under this section, a police officer may consider a criminal intelligence report, other criminal information or any other matter the police officer thinks fit.

### **Division 2 General conduct of combat sport contests**

#### **46 Conduct of combat sport contests**

- (1) The regulations may make provision for or with respect to the conduct of combat sport contests, and (without limitation) for or with respect to the health or safety of combatants who are, will be or intend to be engaged in contests.
- (2) Without limiting subsection (1), the regulations may make provision for or with respect to the following:
  - (a) the attendance of a combat sport inspector or other persons at a weigh-in for a combat sport contest,
  - (b) the recording of a combatant's particulars at a weigh-in for a contest,
  - (c) the provision of serological clearances at or before a contest,
  - (d) the attendance of a combat sport inspector or other persons at a contest,
  - (e) the functions of an approved amateur body in relation to amateur combat sport contests or weigh-ins for amateur combat sport contests.

#### **47 Combat sport contests prohibited at certain places**

A person must not hold a combat sport contest, or a combat sport contest of a class prescribed by the regulations, at:

- (a) a place prescribed by the regulations for the purposes of this section, or
- (b) a place of a class or description prescribed by the regulations for the purposes of this section.

Maximum penalty:

- (a) in the case of a corporation—1,000 penalty units, or
- (b) in the case of an individual—500 penalty units or 12 months imprisonment, or both.

#### **48 Promoter and match-maker must ensure eligibility of combatants and industry participants**

- (1) The promoter of a combat sport contest must ensure that each combatant and industry participant involved in the contest has the applicable registration for the contest, or is exempt from that requirement under this Act.
- (2) Any match-maker for a combat sport contest must ensure that each combatant involved in the contest has the applicable registration for the contest, or is exempt from that requirement under this Act.

Maximum penalty: 80 penalty units, or 6 months imprisonment, or both.

**49 Requirement for current serological clearances**

- (1) The promoter of a combat sport contest must not permit a combatant to engage in the contest unless the combatant has a current serological clearance.  
Maximum penalty: 500 penalty units or 12 months imprisonment, or both.
- (2) A combatant must not engage in a combat sport contest unless the combatant has a current serological clearance.  
Maximum penalty: 80 penalty units, or 6 months imprisonment, or both.

**50 Unfit combatant not to engage in contests or sparring**

- (1) A combatant must not engage in a combat sport contest or sparring in the following circumstances:
  - (a) if a medical practitioner certifies under this Part that, in the opinion of the medical practitioner, the combatant is not medically fit to engage in that contest or sparring and the combatant is so notified,
  - (b) if a medical practitioner certifies (under this Part or otherwise) that the combatant should not engage in a contest or sparring before a specified date, the combatant is so notified and the contest or sparring is held before that date.Maximum penalty: 50 penalty units.
- (2) This section does not apply in respect of a matter certified by a medical practitioner (other than an attending medical practitioner) to the extent that the Authority, on the advice or recommendation of a medical practitioner or after considering the report of a medical practitioner, directs that it is not to apply.

**51 Obligation of promoter—unfit combatant**

- (1) The promoter of a combat sport contest must not permit a combatant to engage in that contest if a medical practitioner certifies under this Part that, in the opinion of the medical practitioner, the combatant is not medically fit to engage in the contest.  
Maximum penalty: 500 penalty units or imprisonment for 12 months, or both.
- (2) This section does not apply in respect of a matter certified by a medical practitioner (other than an attending medical practitioner) to the extent that the Authority, on the advice or recommendation of a medical practitioner or after considering the report of a medical practitioner, directs that it is not to apply.

**52 Obligation of promoter—protective clothing and equipment**

The promoter of a combat sport contest must ensure that each combatant complies with any requirements of the regulations or rules relating to the wearing or use of protective clothing or equipment.

Maximum penalty: 160 penalty units.

**53 Obligation of promoter—attending medical practitioner**

The promoter of a combat sport contest must ensure that a medical practitioner is present at and after the contest for the purposes of exercising the functions of an attending medical practitioner.

Maximum penalty: 500 penalty units or 12 months imprisonment, or both.

**54 Obligation of promoter—notice of injury or death**

The promoter of a combat sport contest who becomes aware that a combatant has died or been admitted to hospital within 48 hours of the contest must, as soon as



practicable after becoming aware of the death or admission, notify the Authority in writing of the death or place of admission and the date of the death or admission.

Maximum penalty: 80 penalty units, or 6 months imprisonment, or both.

#### **55 Unauthorised entry into contest area**

A person must not, without reasonable excuse, enter or remain in or on the contest area during, or at any time until 1 hour after, a combat sport contest, unless the person:

- (a) is a combatant in the contest, or
- (b) is engaged in the control or management of the contest, or
- (c) is a combat sport inspector, or
- (d) is a police officer, or
- (e) is a medical practitioner acting in that capacity, or
- (f) is authorised to do so by the Authority, the promoter of the contest or a representative of the owner or occupier of the venue of the contest, or
- (g) in the case of an amateur combat sport contest, is authorised to do so by an approved amateur body for the combat sport.

Maximum penalty: 50 penalty units.

#### **56 Records of professional combat sport contest results**

It is the duty of the combat sport inspector present at a professional combat sport contest to record the result of the contest in the approved form and to provide the record to the Authority as soon as practicable.

### **Division 3 Medical examinations of combatants**

#### **57 Functions of medical practitioner**

- (1) The *pre-contest medical examination functions* of a medical practitioner in relation to a combatant in a proposed combat sport contest are as follows:
  - (a) to conduct such an examination of the combatant as is prescribed by the regulations,
  - (b) to record the particulars prescribed by the regulations in the combatant's medical record book,
  - (c) to provide those particulars to any person, and in the manner, prescribed by the regulations,
  - (d) to certify in the combatant's medical record book whether or not, in the opinion of the medical practitioner, the combatant is medically fit to engage in the contest,
  - (e) if the medical practitioner certifies that the combatant is not medically fit to engage in the contest and considers it to be in the interests of the health or safety of the combatant to do so—to certify in the combatant's medical record book that, in the opinion of the medical practitioner, the combatant should not engage in any combat sport contest or sparring before a specified date,
  - (f) without delay, to notify the combatant and, if the examination was carried out immediately before the contest, any combat sport inspector present of the matters as to which the medical practitioner has certified under this section.
- (2) An attending medical practitioner must certify under subsection (1) that the combatant is medically unfit to engage in the contest if the combatant does not have a current serological clearance.

- (3) The *post-contest medical examination functions* of an attending medical practitioner in relation to a combatant who has engaged in a combat sport contest are as follows:
- (a) to conduct such examination of the combatant as is prescribed by the regulations,
  - (b) to record the particulars prescribed by the regulations in the combatant's medical record book,
  - (c) to provide those particulars to any person, and in the manner, prescribed by the regulations,
  - (d) if the medical practitioner considers it to be in the interests of the health or safety of the combatant to do so—to certify in the combatant's medical record book that, in the opinion of the medical practitioner, the combatant should not engage in any contest or sparring before a specified date,
  - (e) without delay, if the medical practitioner certifies that the combatant should not engage in any combat sport contest or sparring before a specified date, notify the combatant and any combat sport inspector present of the matters as to which the medical practitioner has certified.

**58 Pre-contest medical examination**

- (1) A combatant must not engage in a combat sport contest unless the combatant has, on the day of the contest, been examined by a medical practitioner exercising the pre-contest medical examination functions in relation to the combatant.  
Maximum penalty: 10 penalty units.
- (2) The promoter of a combat sport contest must not permit a combatant to engage in the contest unless:
- (a) the combatant has complied with this section, and
  - (b) the promoter is satisfied that the attending medical practitioner has sighted the medical record book of the combatant.

Maximum penalty: 500 penalty units or 12 months imprisonment, or both.

**59 Post-contest medical examination**

- (1) A combatant must, immediately on the conclusion of a combat sport contest in which the combatant has been a contestant, permit an attending medical practitioner to exercise the post-contest medical examination functions in relation to the combatant.  
Maximum penalty: 10 penalty units.
- (2) This section does not apply if the combatant is rendered unconscious or is otherwise unable to comply with this section for medical reasons.

**60 Obligation of promoter—combatant rendered unconscious or unable to submit to medical examination**

If a combatant who engages in a combat sport contest is rendered unconscious or otherwise appears to the promoter of the contest to be unable to submit to a medical examination on the conclusion of the contest, the promoter must without delay arrange for a medical practitioner to exercise, in relation to the combatant:

- (a) the post-contest medical examination functions, and
- (b) such other functions as may be necessary in the circumstances of the case.

Maximum penalty: 500 penalty units or 12 months imprisonment, or both.

## **61 Medical examinations directed by Authority**

### **(1) Direction to submit to medical examination by medical practitioner**

The Authority may, by notice in writing served on a combatant, direct the combatant to submit to a medical examination by a specified medical practitioner on or before a specified date.

### **(2) Direction to submit to examination or investigation by qualified person on recommendation of medical practitioner**

The Authority, on the recommendation of a medical practitioner, may, by notice in writing served on a combatant, direct the combatant to submit to an examination or investigation by a qualified person on or before a specified date to determine any particular matter or thing concerning the combatant's health or safety.

### **(3) One or more directions may be given**

A notice under this section may give directions in relation to one or more examinations or investigations by one or more medical practitioners or other qualified persons.

### **(4) Combatant to comply with direction**

A combatant who is given a notice under this section must not (except as may be permitted by the notice) engage in a combat sport contest unless the combatant has complied with the direction or directions given by the notice.

Maximum penalty: 50 penalty units.

### **(5) Authority authorised to make request to medical practitioner**

The Authority may request a medical practitioner referred to in this section to exercise (in relation to the combatant) any of the following functions:

- (a) the pre-contest medical examination functions,
- (b) any other functions relating to the health or safety of the combatant that the Authority specifies in its request.

### **(6) Authority authorised to make request to qualified person**

The Authority may request a qualified person to conduct a specified examination or investigation of the combatant and to report to the Authority concerning any such examination or investigation.

### **(7) Meaning of qualified person**

A reference in this section to a *qualified person* is a reference to a person who is suitably qualified, in the opinion of the Authority, to determine a particular matter or thing. A qualified person may but need not be a medical practitioner.

## **Division 4 Directions not to hold contests and ending of contests**

### **62 Direction not to hold or participate in combat sport contest**

- (1) The Authority or a combat sport inspector may, at or after the weigh-in for a combat sport contest, direct a person not to hold the contest 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 contest is held.
- (2) A police officer who is attending a combat sport contest may direct a person not to hold the contest if the police officer is satisfied that there is a risk to public health or safety or a risk of substantial damage to property if the contest is held.

- (3) A person who gives a direction under this section may also direct a person to do any of the following:
  - (a) not to act as an industry participant in relation to the combat sport contest,
  - (b) not to participate as a combatant in the contest.
- (4) A direction under this section may be given orally or by notice in writing.
- (5) The Authority must notify the Minister in writing of a direction given under this section and of the reasons for giving the direction.
- (6) A person subject to a direction under this section must not, without reasonable excuse, fail to comply with the direction.

Maximum penalty:

  - (a) in the case of a direction under subsection (1) or (2)—500 penalty units, or 12 months imprisonment, or both, or
  - (b) in the case of a direction under subsection (3)—80 penalty units, or 6 months imprisonment, or both.
- (7) The regulations may limit the circumstances in which a direction may be given under this section.

**63 Direction by attending medical practitioner to stop contest**

The attending medical practitioner must direct the referee to stop a combat sport contest (where the referee has not already done so) if, in the opinion of the medical practitioner, a combatant is exhausted or injured to such an extent as to be unable to defend himself or herself or to continue the contest.

**64 Direction by combat sport inspector to stop contest**

A combat sport inspector present at a combat sport contest must direct the referee to stop the contest (where the referee has not already done so):

- (a) if, in the inspector's opinion, a combatant is exhausted or injured to such an extent as to be unable to defend himself or herself or to continue the contest, or
- (b) if a disruption occurs of such a kind that, in the inspector's opinion, warrants stopping the contest, or
- (c) in circumstances specified by the rules or prescribed by the regulations for the purposes of this section.

**65 Direction by police officer to stop contest**

A police officer present at a combat sport contest may direct the referee to stop the contest if, in the police officer's opinion, there is a risk to public health or safety or of substantial damage to property if the contest were to continue.

**66 Referee's duty to stop contest**

- (1) The referee must stop a combat sport contest:
  - (a) if, in the referee's opinion, a combatant is exhausted or injured to such an extent as to be unable to defend himself or herself or to continue the contest, or
  - (b) if a disruption occurs of such a kind as, in the referee's opinion, warrants stopping the contest, or
  - (c) in circumstances of a kind specified by the rules or prescribed by the regulations for the purposes of this section.

- (2) The referee must stop a combat sport contest immediately after being directed under this Part to stop the contest by the attending medical practitioner or a combat sport inspector or police officer.

Maximum penalty: 500 penalty units or 12 months imprisonment, or both.

## Part 4 Prohibition orders

### Division 1 Procedure before orders are made

#### 67 Notice to show cause why order should not be made

- (1) The Authority must, before making a prohibition order against a person, give the person a show cause notice and consider any response by the person within the period specified in the notice.
- (2) A show cause notice must:
  - (a) specify the grounds on which the order is proposed to be made and specify the proposed terms of the order, and
  - (b) invite the person to give reasons to the Authority, within the period specified in the notice (being a period of not less than 14 days after the notice is given), as to why the order should not be made, and
  - (c) specify the date and time of a meeting of the Authority at which the person may also attend and respond to the notice, and
  - (d) advise the person that the person may be represented at the meeting by a legal practitioner or other person, and
  - (e) advise the person that it is an offence to provide false or misleading information in response to the notice, and
  - (f) if the proposed order is a health and safety prohibition order, suspend any registration of the person as a combatant from the giving of the notice until the Authority determines whether or not to make the prohibition order.
- (3) The Authority must ensure that the show cause notice does not, in specifying the grounds on which an order is proposed to be made or otherwise, disclose the existence or content of any criminal intelligence report or other criminal information without the approval of the Commissioner of Police.
- (4) A person who is given a notice under this section may respond to the notice in writing or at a meeting of the Authority or in both ways.
- (5) A notice under this section may be combined with a notice relating to proposed disciplinary action given under section 31.
- (6) The Authority is to determine, after the end of the period specified in the show cause notice, whether or not to make the prohibition order.

#### 68 Consultation required for licensed premises

The Authority must not give a person a show cause notice for a proposed general prohibition order in respect of premises licensed under the *Liquor Act 2007* unless the Authority has first consulted the Director-General of the Department of Trade and Investment.

#### 69 No contest or sparring where health and safety show cause notice

A person who is subject to a show cause notice relating to a proposed health and safety prohibition order must not, without reasonable excuse, engage in a combat sport contest or sparring during the period after the notice is given and before the Authority determines whether or not to make the health and safety prohibition order.  
Maximum penalty: 50 penalty units.

## Division 2 Health and safety prohibition orders

### 70 Health and safety prohibition orders

A *health and safety prohibition order* is an order made by the Authority that prohibits a person from participating as a combatant in all combat sport contests and all sparring.

### 71 Authority may make health and safety prohibition orders

- (1) The Authority may make a health and safety prohibition order against a person if the Authority is of the opinion that:
  - (a) it is in the interests of the health or safety of the person to do so, and
  - (b) the person has not, within the period specified in the show cause notice, shown sufficient reasons why the order should not be made.
- (2) A health and safety prohibition order takes effect when notice in writing of the order is given to the prohibited person.
- (3) A health and safety prohibition order may be made against a person whether or not that person is registered under this Act and whether or not disciplinary action has been taken against the person.
- (4) A health and safety prohibition order ceases to have effect:
  - (a) if the order is revoked, or
  - (b) at the end of the term (if any) specified in the order or in the circumstances (if any) specified in the order.
- (5) The Authority may, by notice in writing to the prohibited person, at any time vary or revoke a health and safety prohibition order.
- (6) A person must not contravene a health and safety prohibition order.  
Maximum penalty: 50 penalty units.

### 72 Effect of health and safety prohibition order on registration

- (1) The registration as a combatant of a prohibited person subject to a health and safety prohibition order:
  - (a) is cancelled, if the order is made for an indefinite term or for a term that ends after the end of the current term of the person's registration as a combatant, or
  - (b) is suspended for the term of the order, if the order is made for a term that expires before the end of the current term of the person's registration as a combatant.

**Note.** It is an offence under this Act to engage in a combat sport contest while unregistered or while registration as a combatant is suspended (see sections 9 and 36).

- (2) The cancellation of the registration of a person as a combatant by this section ceases to have effect, and the registration is restored for the remainder of its original term, if the health and safety prohibition order that caused the cancellation is revoked before the expiry of that original term.

### 73 Review of health and safety prohibition orders

- (1) A prohibited person under a health and safety prohibition order may at any time apply to the Authority for a review of the order.
- (2) The Authority may review any evidence or other material provided by the prohibited person and may refuse the application or vary or revoke the order.

- (3) The procedures for a review under this section are to be as determined by the Authority.

### **Division 3      General prohibition orders**

#### **74    General prohibition orders**

A *general prohibition order* is an order made by the Authority that prohibits a person from doing any or all of the following as specified in the order:

- (a) engaging in combat sport contests or sparring,
- (b) arranging or holding combat sport contests,
- (c) engaging in or being employed in any profession, occupation or business, whether on a full-time, part-time or casual basis and whether or not the person receives payment or other consideration, in relation to combat sport,
- (d) permitting, on premises controlled by the person, a promoter to hold a combat sport contest or a weigh-in, for a period of not more than 2 years,
- (e) attending any premises at which a combat sport contest or weigh-in is being held or is to be held within a specified period of the day when the contest is or is to be held,
- (f) attending specified premises where training for any combat sport is conducted, whether generally or during particular periods.

#### **75    Authority may make general prohibition orders**

- (1) The Authority may make a general prohibition order against a person (other than an order referred to in subsection (2)) if the Authority is of the opinion that:
  - (a) there are grounds for taking disciplinary action against the person under Division 4 of Part 2 (including under section 34) or that such grounds would exist if the person were a registered person, and
  - (b) the person has not, within the period specified in the show cause notice, shown sufficient reasons why the order should not be made.
- (2) The Authority may make a general prohibition order against a person prohibiting the person from permitting, on premises controlled by the person, the holding of a combat sport contest or a weigh-in if the Authority is of the opinion that:
  - (a) the prohibited person has previously permitted a person to hold a contest without a permit on such premises, and
  - (b) the Authority warned the prohibited person after the previous occasion that any future acts of that kind could result in a prohibition order, and
  - (c) the prohibited person has subsequently permitted, or intends to permit, a person to hold a contest without a permit on such premises, and
  - (d) the prohibited person has not, within the period specified in the show cause notice, shown sufficient reasons why the order should not be made.
- (3) The Authority is not limited to making a prohibition order in the same terms as are specified in the show cause notice.
- (4) A general prohibition order may be made against a person whether or not that person is registered under this Act and whether or not disciplinary action has been taken against that person.
- (5) A general prohibition order takes effect when notice in writing of the order is given to the prohibited person or on any later day specified in the order.



- (6) A general prohibition order ceases to have effect:
  - (a) if the order is revoked, or
  - (b) at the end of the term (if any) specified in the order or in the circumstances (if any) specified in the order.
- (7) The Authority may at any time, by notice in writing to the prohibited person, vary or revoke a general prohibition order.
- (8) A person must not, without reasonable excuse, contravene an order made under this section.  
Maximum penalty:
  - (a) if an order prohibits a person from arranging a combat sport contest—160 penalty units or 6 months imprisonment, or both, or
  - (b) if an order prohibits a person from holding a combat sport contest—500 penalty units or 12 months imprisonment, or both, or
  - (c) for any other order—80 penalty units or 6 months imprisonment, or both.

#### **76 Effect of general prohibition order on registration**

- (1) The registration of a prohibited person under a general prohibition order that prohibits the person from carrying out an activity authorised by the registration:
  - (a) is cancelled, if the order is made for an indefinite term or for a term that ends after the end of the current term of the person's registration, or
  - (b) is suspended for the term of the order, if the order is made for a term that expires before the end of the current term of the person's registration.

**Note.** It is an offence under this Act to engage in an activity while unregistered or while registration is suspended (see sections 9, 20 and 36).
- (2) The cancellation of the registration of a person ceases to have effect, and the registration is restored for the remainder of its original term, if the general prohibition order that caused the cancellation is revoked before the expiry of that original term.

## Part 5 Review by Administrative Decisions Tribunal

### 77 Review of decisions by Administrative Decisions Tribunal

- (1) A person may apply to the Administrative Decisions Tribunal for a review of any of the following decisions:
  - (a) a decision by the Minister under section 8 to approve or refuse to approve, or to impose, vary or revoke conditions of an approval of, an approved amateur body,
  - (b) a decision under section 13 to refuse to register the person as a combatant of a specified registration class,
  - (c) a decision under section 14 to impose conditions on the registration of the person as a combatant or to vary or revoke a condition, except where the condition is imposed in the interests of the person's health or safety,
  - (d) a decision under section 25 to refuse to register the person as an industry participant or promoter of a specified registration class,
  - (e) a decision under section 27 to impose conditions on the registration of the person as an industry participant or promoter or to revoke or vary a condition,
  - (f) a decision under section 34 to cancel the registration of a person,
  - (g) a decision by the Authority to take disciplinary action under Division 4 of Part 2 in respect of the person,
  - (h) a decision under section 41 to refuse to grant a permit to the person to hold a combat sport contest,
  - (i) a decision under section 42 or 44 to impose conditions in respect of a permit held by the person or to vary or revoke a condition of such a permit or to revoke a permit, but only if the decision is made more than 24 hours before the scheduled start of the combat sport contest concerned,
  - (j) a decision under Part 4 by the Authority to make, revoke or vary a general prohibition order in respect of the person.
- (2) The regulations may, with the concurrence of the Minister administering the *Administrative Decisions Tribunal Act 1997*, provide for the review by the Tribunal of a decision made, or the failure or refusal to make a decision, under this Act or the regulations of a kind prescribed by the regulations.
- (3) Despite any other provision of this section, a person may not apply to the Tribunal for a review of the following decisions:
  - (a) a decision under section 13 to refuse to register the person as a combatant of a specified registration class on the ground that it is not in the interests of the health or safety of the person,
  - (b) a decision under section 13 to refuse to register the person as an amateur combatant on the ground specified in section 16 (1),
  - (c) a decision under section 13 or 25 to refuse to register the person on the ground that the person is a controlled member of a declared organisation under the *Crimes (Criminal Organisations Control) Act 2012*.

## 78 Reviews of decisions based on security determinations or criminal intelligence

(1) In determining an application for a review of a decision that was made on the ground of a determination made, or advice given, by the Commissioner of Police or another police officer, the Administrative Decisions Tribunal (and any Appeal Panel of the Tribunal in determining any appeal against such a review under the *Administrative Decisions Tribunal Act 1997*):

- (a) is to ensure that it does not, in the reasons for its decision or otherwise, disclose the existence or content of any criminal intelligence report or other criminal information without the approval of the Commissioner, and
- (b) in order to prevent the disclosure of any such report or other criminal information, is to receive evidence and hear argument in the absence of the public, the applicant for review, the applicant's representative and any other interested party, unless the Commissioner approves otherwise.

**Note.** Section 95 of this Act provides that the Commissioner of Police, another police officer and the Authority are not, under this or any other Act or law, required to give any reasons in connection with a determination or taking any other action under this Act if the giving of those reasons would disclose the existence or content of any criminal intelligence report or other criminal information. Accordingly, Part 2 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997* does not apply to any decision based on such information to the extent that it would require disclosure of the existence or content of any criminal intelligence report or other criminal information.

- (2) If the Tribunal considers that information identified in a determination made, or advice given, by the Commissioner or another police officer as being from a criminal intelligence report or other criminal information has not been properly identified as such, the Tribunal must ask the Commissioner whether the Commissioner wishes to withdraw the information from consideration by the Tribunal in its determination of an application.
- (3) Information that is withdrawn by the Commissioner must not be:
  - (a) disclosed to any person, or
  - (b) taken into consideration by the Tribunal in determining an application.
- (4) If a decision was made by the Authority on the ground of a determination made, or advice given, by the Commissioner or another police officer about the applicant for review:
  - (a) the Commissioner (as well as the Authority) is to be a party to any proceedings in the Tribunal for a review of the decision, and
  - (b) the Tribunal is to be provided with a copy of the report of the Commissioner's determination or advice, and
  - (c) the Tribunal is not prevented from determining whether the Authority made the correct and preferable decision regarding the application or the registration concerned merely because of the determination or advice of the Commissioner.
- (5) In any proceedings for a review of a decision by the Commissioner of Police or a police officer under this Act, the Commissioner is to be the respondent to the proceedings and the Authority may be a party to the proceedings.
- (6) Section 53 (Internal reviews) of the *Administrative Decisions Tribunal Act 1997* does not apply in relation to a decision referred to in subsection (1).

## **Part 6 Combat Sports Authority**

### **79 Constitution and status of Authority**

- (1) There is constituted by this Act a corporation with the corporate name of the Combat Sports Authority of New South Wales.
- (2) The Authority is, for the purposes of any Act, a NSW government agency.
- (3) The Authority is subject to the direction and control of the Minister in the exercise of its functions, except in relation to the contents of a report or recommendation made by it to the Minister.

### **80 Members of Authority**

- (1) The Authority consists of the following members:
  - (a) a nominee of the Commissioner of Police approved by the Minister,
  - (b) not fewer than 4 and not more than 6 persons appointed by the Minister.
- (2) Of the members appointed by the Minister:
  - (a) one is, in and by the instrument of appointment or another instrument made by the Minister, to be appointed as Chairperson of the Authority, and
  - (b) one is to be a medical practitioner, and
  - (c) one is to be a person who is or has been a Judge of a court in Australia or has been an Australian lawyer for at least 7 years.
- (3) Schedule 1 contains provisions relating to the members and procedure of the Authority.

### **81 Functions of Authority**

- (1) The Authority has the following functions:
  - (a) in accordance with this Act and the regulations, to supervise and regulate professional and amateur combat sport in New South Wales,
  - (b) to advise the Minister on matters related to combat sports and this Act,
  - (c) to promote awareness of issues relating to combat sports.
- (2) The Authority has such other functions as are conferred or imposed on it by or under this or any other Act.
- (3) The Authority may do all such supplemental, incidental or consequential acts as may be necessary or expedient for the exercise of its functions.

### **82 Appointment of advisory committees**

- (1) The Authority may, with the approval of the Minister, appoint such advisory committees as the Authority considers appropriate for the purposes of advising the Authority for the purposes of this Act.
- (2) An advisory committee has such functions as the Authority may from time to time determine in respect of it.
- (3) An advisory committee consists of such committee members appointed by the Authority as the Authority thinks fit.
- (4) An advisory committee member holds office for such period as is specified in the instrument of appointment of the committee member, but any such appointment may be terminated by the Authority at any time.

- (5) One of the advisory committee members, in and by the instrument by which the committee member is appointed or another instrument made by the Authority, is to be appointed as chairperson of the committee.
- (6) An advisory committee member is entitled to be paid such fees and allowances (if any) as the Minister may determine, from time to time, in respect of the committee member.
- (7) Subject to the regulations and any directions of the Authority, the procedure of an advisory committee appointed under this section is to be as determined by the advisory committee.
- (8) The Authority may dissolve an advisory committee appointed under this section.

**83 Requirement for legal member of Authority to be present**

A member of the Authority who is or has been a Judge, or who has been an Australian lawyer for at least 7 years, must be present at any meeting of the Authority where any of the following decisions is made:

- (a) a decision to take disciplinary action against a person,
- (b) a decision to make a prohibition order,
- (c) a decision to commence proceedings for an offence against this Act or the regulations.

## **Part 7 Enforcement powers**

### **84 Appointment of combat sport inspectors and exercise of inspectorial powers by others**

- (1) The Authority may, with the approval of the Director-General of the Department of Education and Communities, appoint a Public Service employee to be a combat sport inspector for the purposes of this Act.
- (2) The Authority may appoint a class of persons nominated in writing by an approved amateur body for a style of combat sport as combat sport inspectors for the purposes of amateur combat sport contests for that style of combat sport. The appointment is to be subject to any limitations specified by the Authority.
- (3) The regulations may make provision for or with respect to authorising police officers to exercise functions conferred or imposed on combat sport inspectors by or under this Act, subject to any limitations specified in the regulations or in the authorisation. A police officer so authorised is, subject to any such limitations, taken to be a combat sport inspector.
- (4) The Authority must not appoint a person who is a member of the Authority as a combat sport inspector.

### **85 Functions of combat sport inspectors**

- (1) A combat sport inspector has such functions as are conferred or imposed on combat sport inspectors by or under this Act, subject to any limitations specified under section 84.
- (2) Without limiting subsection (1), a combat sport inspector has the following functions:
  - (a) to monitor, and report to the Authority on, the compliance of combatants, promoters, industry participants and other persons with the requirements of this Act, the regulations, the rules and any registration or permit granted under this Act,
  - (b) to attend, in accordance with this Act and the regulations, combat sport contests and weigh-ins for combat sport contests.
- (3) A combat sport inspector may, not earlier than 24 hours before the scheduled start of a combat sport contest, enter premises used or proposed to be used, or that the inspector reasonably believes are used or proposed to be used, for the contest for the purpose of monitoring compliance with the conditions of a permit issued in respect of the contest.
- (4) A combat sport inspector may also enter premises for the purpose of attending a weigh-in for a combat sport contest.
- (5) A combat sport inspector who enters premises under this section may:
  - (a) take photographs, film and audio, video and other recordings of any part of the premises used or to be used for a combat sport contest or weigh-in or that are set aside for the use of combatants, promoters or industry participants, and
  - (b) ask questions of the promoter, the combatants and any other industry participant or other person involved in the contest or weigh-in, and
  - (c) inspect, make copies of, or take extracts from, any records or documents relating to the contest or weigh-in.

- (6) A person who owns, occupies or is otherwise involved in the operation of premises entered under this section is not, for the purposes of subsection (5) (b), involved in a combat sport contest or weigh-in unless the person is a combatant or industry participant.

#### **86 Provision of information to Authority**

- (1) This section applies to the following matters:
- (a) whether a person should be or continue to be registered under this Act,
  - (b) whether a permit should be granted or revoked under this Act,
  - (c) an application for approval of a body as an approved amateur body under this Act,
  - (d) the investigation of whether a provision of this Act or the regulations or rules or a condition of a registration or permit or approval under this Act has been contravened,
  - (e) whether a prohibition order should be made, revoked or varied.
- (2) A notice under this section may be given to any of the following persons:
- (a) an applicant for registration or a permit,
  - (b) a combatant, industry participant or promoter,
  - (c) the holder of a permit,
  - (d) a person who provides or controls premises at which a combat sport contest or sparring is held or proposed to be held,
  - (e) a medical practitioner or other person who exercises functions under this Act,
  - (f) a person who is the subject of a prohibition order or proposed prohibition order,
  - (g) an approved amateur body or a body seeking approval as such a body,
  - (h) any other person the Authority has reasonable cause to believe may have relevant information about a matter to which this section applies.
- (3) The Authority may, by written notice given to a person, require the person within the period specified in the notice (not being less than 14 days after the notice is given) to do one or more of the following:
- (a) provide, in accordance with directions in the notice, such information as, in the opinion of the Authority, is relevant to a matter to which this section applies,
  - (b) produce, in accordance with directions in the notice, such records as, in the opinion of the Authority, are relevant to any such matter and are specified in the notice,
  - (c) permit the examination of any such records, the taking of extracts from them and the making of copies of them,
  - (d) authorise a person described in the notice to comply with a requirement specified in this section,
  - (e) furnish to the Authority such authorisations and consents as the Authority requires for the purpose of obtaining information about any such matter (including financial and other confidential information).
- (4) A notice under this section must not require a medical practitioner or a qualified person to disclose health information about a person unless the information relates to the exercise by the medical practitioner or qualified person of functions under this Act in relation to the person.

- (5) A notice given to a person under this section must warn the person that failure to comply with the notice, without reasonable excuse, would constitute an offence.
- (6) It is not an offence for a person to refuse to provide information or a document under this section on the ground that the information or document might tend to incriminate him or her, unless he or she was first given the warning in subsection (5).
- (7) In this section:  
*health information* has the same meaning as it has in the *Health Records and Information Privacy Act 2002*.  
*qualified person* has the same meaning as it has in section 61.

#### **87 Abrogation of privilege against self-incrimination**

- (1) A person is not excused from providing information or a document under section 86 on the ground that the information or document may tend to incriminate the person or expose the person to a penalty.
- (2) Subsection (1) applies only if the information or document is required to be provided for the purposes of an investigation of whether a provision of this Act or the regulations or the rules has been contravened.
- (3) However, the information or a document provided by an individual is not admissible as evidence against that individual in civil or criminal proceedings other than proceedings arising out of the false or misleading nature of the information or document.

#### **88 Provision of information to Commissioner of Police**

The Commissioner of Police may for the purposes of determining whether or not to make an adverse security determination about a person, by written notice given to any person, require the person within the period specified in the notice (not being less than 14 days after the notice is given) to do one or more of the following:

- (a) provide, in accordance with directions in the notice, such information as, in the opinion of the Commissioner, is relevant to the determination,
- (b) produce, in accordance with directions in the notice, such records as, in the opinion of the Commissioner, are relevant to the determination and are specified in the notice,
- (c) permit the examination of any such records, the taking of extracts from them and the making of copies of them,
- (d) authorise a person described in the notice to comply with a requirement specified in this section,
- (e) furnish to the Commissioner such authorisations and consents as the Commissioner requires for the purpose of obtaining information about any such matter (including financial and other confidential information).

#### **89 Information offences**

A person must not, without reasonable excuse, fail to comply with a notice under this Part.

Maximum penalty:

- (a) in the case of a corporation—100 penalty units, or
- (b) in the case of an individual—50 penalty units.



**90 Obstruction**

A person must not, without reasonable excuse, hinder or obstruct a combat sport inspector, the Commissioner of Police, a police officer, referee or medical practitioner in the exercise of a function under this Act or the regulations.

Maximum penalty:

- (a) in the case of a corporation—200 penalty units, or
- (b) in the case of an individual—100 penalty units.

**91 No liability for supply of information under Act**

A person who complies with a requirement of a combat sport inspector under this Act or a notice under this Part or who responds to a show cause notice under this Act does not on that account incur a liability to another person.

## Part 8 Miscellaneous

### 92 False or misleading information

A person must not provide any information or produce any document that the person knows is false or misleading in a material particular, in connection with any of the following:

- (a) a request, notice or direction under this Act or the regulations by the Authority, the Commissioner of Police or a combat sport inspector,
- (b) an application under this Act,
- (c) a medical examination or medical record books under this Act,
- (d) a serological clearance.

Maximum penalty:

- (a) in the case of a corporation—200 penalty units, or
- (b) in the case of an individual—100 penalty units.

### 93 Delegation

- (1) The Minister may delegate to a person the exercise of the Minister's functions under this Act, other than this power of delegation.
- (2) The Authority may delegate to a person the exercise of any of its functions, other than:
  - (a) this power of delegation, and
  - (b) any function of the Minister delegated to it under subsection (1), unless the instrument of delegation by the Minister permits subdelegation.

### 94 Authority may consider criminal information

- (1) The Commissioner of Police may disclose a criminal intelligence report or other criminal information about an applicant for registration as a combatant, an industry participant or a promoter, or about a combatant, industry participant or promoter, to the Authority.
- (2) In determining an application for registration as a combatant, an industry participant or a promoter, any disciplinary proceedings or whether to impose a prohibition order, the Authority may consider any information so disclosed, including the following:
  - (a) information relating to spent convictions, despite anything to the contrary in the *Criminal Records Act 1991*,
  - (b) information relating to offences, despite anything to the contrary in section 579 of the *Crimes Act 1900*.

### 95 Disclosure of criminal intelligence information

- (1) The Commissioner of Police or any other police officer is not, under this or any other Act or law, required to give any reasons for determining a matter or taking other action under this Act if the giving of those reasons would disclose the existence or content of any criminal intelligence report or other criminal information.
- (2) The Authority is not, under this or any other Act or law, required to give any reasons for determining a matter or taking any other action under this Act if the giving of those reasons would disclose the existence or content of any criminal intelligence report or other criminal information provided by the Commissioner of Police or any other police officer.

## **96 Service of documents**

- (1) A document that is authorised or required by this Act or the regulations to be given to any person may be given by:
  - (a) in the case of a natural person:
    - (i) delivering it to the person personally, or
    - (ii) sending it by post to the address specified by the person for the giving or service of documents or, if no such address is specified, the residential or business address of the person last known to the person giving or serving the document, or
    - (iii) sending it by facsimile transmission to the facsimile number of the person or by email to the email address of the person, or
  - (b) in the case of the Authority or any other body corporate:
    - (i) leaving it with a person apparently of or above the age of 16 years at, or by sending it by post to, the head office, a registered office or a principal office of the Authority or body corporate or to an address specified by the Authority or body corporate for the giving or service of documents, or
    - (ii) sending it by facsimile transmission to the facsimile number of the body corporate or by email to the email address of the Authority or body corporate.
- (2) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on a person in any other manner.

## **97 Recovery of fees or other money by Authority**

Any fee or other money due to the Authority may be recovered by the Authority as a debt in a court of competent jurisdiction.

## **98 Evidence**

- (1) A certificate purporting to have been signed by the Authority or a delegate and stating:
  - (a) that on a specified day, or during a specified period, a specified person was, or was not, registered as a combatant of a specified registration class, or
  - (b) that on a specified day, or during a specified period, the registration of a person as a combatant was or was not subject to a specified condition, or
  - (c) that on a specified day the registration of a specified person as a combatant of a specified registration class had been cancelled under a specified provision of this Act, or
  - (d) that on a specified day, or during a specified period, the registration of a specified person as a combatant of a specified registration class was suspended,is admissible in evidence in any proceedings and is evidence of the truth of the statement.
- (2) A certificate purporting to have been signed by the Authority or a delegate and stating:
  - (a) that, on a specified day or during a specified period, a specified person was, or was not, registered as an industry participant of a specified registration class or as a promoter of a specified registration class, or

- (b) that on a specified day, or during a specified period, the registration of a person as an industry participant or promoter was or was not subject to a specified condition, or
- (c) that on a specified day the registration of a specified person as an industry participant of a specified registration class or as a promoter of a specified registration class had been cancelled under a specified provision of this Act, or
- (d) that on a specified day, or during a specified period, the registration of a specified person as an industry participant of a specified registration class or as a promoter of a specified registration class was suspended,

is admissible in evidence in any proceedings and is evidence of the truth of the statement.

- (3) A certificate purporting to have been signed by the Authority or a delegate and stating:

- (a) that on a specified day, or during a specified period, a specified person was, or was not, the holder of a permit for a specified combat sport contest, or
- (b) that on a specified day a permit for a specified combat sport contest was subject to specified conditions, or
- (c) that on a specified day a permit for a specified combat sport contest had been revoked under a specified provision of this Act, or
- (d) that on a specified day the permit of a specified person for a specified combat sport contest was revoked under a specified provision of this Act,

is admissible in evidence in any proceedings and is evidence of the truth of the statement

- (4) A certificate purporting to have been signed by the Authority or a delegate and stating that, on a specified day or during a specified period, a specified person was subject to a prohibition order in relation to specified matters is admissible in evidence in any proceedings and is evidence of the truth of the statement.

- (5) A certificate purporting to have been signed by the Authority or a delegate and stating:

- (a) that, on a specified day or during a specified period, a specified body was an approved amateur body for a style of combat sport, or
- (b) that, on a specified day, the approval of an approved amateur body was revoked under a specified provision of this Act,

is admissible in evidence in any proceedings and is evidence of the truth of the statement.

## **99 Proof of certain matters not required**

In any legal proceedings, proof is not required (until evidence is given to the contrary) of:

- (a) the constitution of the Authority, or
- (b) any resolution of the Authority, or
- (c) the appointment of, or the holding of office by, any member of the Authority, or
- (d) the presence of a quorum at any meeting of the Authority.

## **100 Personal liability**

- (1) No matter or thing done or omitted to be done by a protected person or any other person acting under the direction of a protected person, if the matter or thing was done or omitted to be done in good faith for the purposes of executing this Act,

subjects a protected person or other person so acting personally to any action, liability, claim or demand.

(2) In this section:

**protected person** means any of the following:

- (a) the Authority,
- (b) a member of the Authority,
- (c) an approved amateur body,
- (d) a combat sport inspector,
- (e) a medical practitioner,
- (f) a referee,
- (g) a member of an approved amateur body.

#### **101 Supply of information**

(1) The Authority may enter into arrangements, with sporting bodies and law enforcement and other agencies in Australia and elsewhere, concerning the provision of information by and to the Authority in relation to:

- (a) the registration, and the suspension or cancellation of the registration, of persons under this Act, and
- (b) the granting and revocation of permits to hold combat sport contests under this Act, and
- (c) the approval and revocation of approval of amateur bodies under this Act, and
- (d) the accreditation, and the suspension or cancellation of the accreditation, of persons under the laws of other jurisdictions, and
- (e) the making of prohibition orders against persons under this Act and the making of orders of the same kind against persons under the laws of other jurisdictions, and
- (f) without limiting any other provision of this section:
  - (i) the suitability of persons to be registered or accredited or to retain registration or accreditation, and
  - (ii) details of disciplinary action commenced or taken against any such person, and
  - (iii) details of the grounds on which disciplinary action might be taken against any such person, and
- (g) any other matters for the time being approved by the Minister.

(2) The Authority, and agencies of this State, may provide, seek and receive information in accordance with any arrangement referred to in subsection (1).

(3) In subsection (1):

**accreditation** means the registration, licensing or other accreditation (however described) of persons who participate or seek to participate in combat sports as combatants or industry participants (however described) in Australia or elsewhere.

#### **102 Exemptions for persons not resident in the State**

(1) The Authority may exempt any person or any specified class of persons from the operation of this Act or such of the provisions of this Act as are specified by the Authority.

(2) The Authority must not exempt a person who is ordinarily resident in New South Wales or a class or description of persons who are ordinarily so resident.

- (3) An exemption may be granted subject to such terms or conditions as are specified in the notice by which the exemption is granted.
- (4) The Authority may revoke or vary an exemption.
- (5) Notice of an exemption, or of the revocation or variation of an exemption:
  - (a) of an individual is to be given by notice in writing to the individual and is to be published in the Gazette as soon as practicable after the notice is given, or
  - (b) of a specified class of persons is to be published in the Gazette as soon as practicable after the notice is given.
- (6) This section does not limit the power to make regulations for or with respect to the exemption of persons or classes of persons from provisions of this Act.

### **103 Offences by corporations**

- (1) If a corporation contravenes, whether by act or omission, any provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.
- (2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or been convicted under that provision.
- (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act or the regulations.

### **104 Nature of proceedings for offences**

- (1) Proceedings for an offence under this Act or the regulations may be dealt with:
  - (a) summarily before the Local Court, or
  - (b) summarily before the Supreme Court in its summary jurisdiction.
- (2) If proceedings are brought in the Local Court, the maximum monetary penalty that the Local Court may impose for the offence is the lesser of:
  - (a) 200 penalty units (in the case of an individual) or 500 penalty units (in the case of a corporation), despite any higher maximum monetary penalty provided in respect of the offence, or
  - (b) the maximum monetary penalty provided by this Act in respect of the offence.
- (3) Proceedings for an offence under this Act or the regulations must be commenced not later than 2 years from when the offence was alleged to have been committed.
- (4) In the case of proceedings for an offence that relate to the death of a person that is or has been the subject of a coronial inquest that concludes later than 2 years from when the offence was alleged to have been committed, the proceedings must be commenced not later than 6 months after the conclusion of the inquest.

### **105 Penalty notices**

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against this Act or the regulations, being an offence prescribed by the regulations as a penalty notice offence.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person can pay, within the time and to the person specified in the notice, the amount of the penalty prescribed by the regulations for the offence if dealt with under this section.

- (3) A penalty notice under this section is declared to be a penalty notice for the purposes of the *Fines Act 1996*.
- (4) A penalty notice may be served personally or by post.
- (5) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence, except disciplinary action under this Act or the making of a prohibition order under Part 4.
- (6) Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
- (7) The regulations may:
  - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
  - (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and
  - (c) prescribe different amounts of penalties for different offences or classes of offences.
- (8) The amount of a penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.
- (9) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (10) In this section, **authorised officer** means a member of the Authority or a member of staff of the Department of Education and Communities authorised in writing by the Director-General of that Department as an authorised officer for the purposes of this section.

## 106 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, regulations may be made for or with respect to the following:
  - (a) the use and custody of the seal of the Authority,
  - (b) any matter in relation to which a rule may be made,
  - (c) the exemption of persons or classes of persons, or styles of combat sports, from provisions of this Act, either unconditionally or subject to conditions,
  - (d) the waiver, refunding or reduction of fees or other charges payable under this Act or the regulations.
- (3) The regulations may contain provisions of a savings or transitional nature consequent on regulations made for the purposes of or in connection with the definition of **combat sport** in section 4 (1).
- (4) The regulations may create an offence punishable by a penalty not exceeding 50 penalty units.
- (5) In the event of any inconsistency between a regulation and a rule, the regulation prevails to the extent of the inconsistency.

## **107 Rules**

- (1) The Authority may make rules, not inconsistent with this Act or the regulations, for or with respect to any aspect of engagement in combat sports in New South Wales.
- (2) Without limiting subsection (1), rules may be made for or with respect to all or any of the following:
  - (a) any of the functions of the Authority or of approved amateur bodies for the purposes of this Act,
  - (b) medical record books and medical record cards,
  - (c) the functions of combat sport inspectors for the purposes of this Act,
  - (d) the appointment of, and fees payable to, combat sport officials for professional combat sport contests,
  - (e) the establishment of ratings for combatants,
  - (f) weigh-ins,
  - (g) combat sport titles,
  - (h) combat sport equipment,
  - (i) age limits for combatants,
  - (j) the regulation of combat sport contests,
  - (k) the accreditation and functions of medical officers in connection with combat sport contests,
  - (l) rest periods for combatants,
  - (m) the wearing or use of protective clothing or equipment by combatants,
  - (n) the making and observance of codes of conduct for registered combatants and registered industry participants and promoters,
  - (o) requirements for insurance cover for combatants, industry participants and promoters.
- (3) A rule cannot be made except with the approval of the Minister.
- (4) A rule must not be inconsistent with a provision of this Act or the regulations.
- (5) The Authority may, by making a rule, amend or revoke a rule made under this section.
- (6) A rule:
  - (a) must be published in the Gazette, and
  - (b) takes effect on and from the date of publication or a later date specified in the rule.
- (7) A provision of a rule may:
  - (a) apply generally or be limited in its application by reference to specified exceptions or factors, or
  - (b) apply differently according to different factors of a specified kind, or
  - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,or may do any combination of those things.

## **108 Notification and taking effect of decisions**

- (1) The Authority must notify, in writing:



- (a) an applicant for registration or a permit under this Act of a decision to grant or refuse the registration or permit, and
  - (b) a registered person of a decision to impose a condition of registration or to revoke or vary a condition of registration, and
  - (c) a person of a decision to impose a registration pre-condition with respect to the person or to revoke or vary a registration pre-condition with respect to the person, and
  - (d) a person granted a permit of a decision to impose a condition on the permit or to revoke or vary a condition of a permit or to revoke the permit.
- (2) The Minister must notify, in writing, an amateur combat sport body of a decision to approve the body as an approved amateur body for a style of combat sport or to revoke or vary any such approval or a condition of such an approval.
  - (3) A decision that is required by this section to be notified takes effect on the giving of the notice or such later day as is specified in the notice.

**109 Repeal of Combat Sports Act 2008**

The *Combat Sports Act 2008* is repealed.

**110 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

## Schedule 1 Constitution and procedure of the Authority

(Section 80 (3))

### Part 1 General

#### 1 Definitions

In this Schedule:

**appointed member** means a person who is appointed by the Minister as a member of the Authority.

**Chairperson** means the Chairperson of the Authority.

**member** means any member of the Authority.

### Part 2 Constitution

#### 2 Terms of office of members

- (1) Subject to this Schedule, an appointed member holds office for such period (not exceeding 4 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.
- (2) A person may not be appointed as a member for a total period that exceeds 6 years.
- (3) The **total period** of appointment of a member includes:
  - (a) any past period as a member, including under this Act or as a member of the Authority under the *Combat Sports Act 2008*, whether or not served consecutively, and
  - (b) the period of any proposed appointment.

#### 3 Remuneration

An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

#### 4 Deputies

- (1) The Minister may, from time to time, appoint a person to be the deputy of an appointed member, and the Minister may revoke any such appointment.
- (2) The nominee of the Commissioner of Police may, from time to time, with the approval of the Minister, appoint a person to be his or her deputy as a member.
- (3) In the absence of a member, the member's deputy may, if available, act in the place of the member.
- (4) While acting in the place of a member, a person:
  - (a) has all the functions of the member and is taken to be a member, and
  - (b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.
- (5) For the purposes of this clause, a vacancy in the office of a member is taken to be an absence of the member.

## **5 Vacancy in office of member**

- (1) The office of a member becomes vacant if the member:
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is removed from office by the Governor under this clause, or
  - (e) is absent from 4 consecutive meetings of the Authority of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings before the expiration of 4 weeks after the last of those meetings, or
  - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - (g) becomes a mentally incapacitated person, or
  - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Governor may at any time remove a member from office.
- (3) Without affecting the generality of subclause (2), the Governor may remove from office a member who contravenes the provisions of clause 7.

## **6 Filling of vacancy in office of member**

- (1) If:
  - (a) the office of a member referred to in section 80 (1) (a) or (2) (b) or (c) becomes vacant, or
  - (b) the membership of the Authority (not counting any deputies of members) is reduced to fewer than 5 members as a result of the office of a member becoming vacant,a person is, subject to this Act, to be appointed to fill the vacancy.
- (2) A person may, subject to this Act, be appointed to fill any vacancy other than a vacancy that is to be filled under subclause (1).

## **7 Disclosure of pecuniary interests**

- (1) If:
  - (a) a member has a direct or indirect pecuniary interest in:
    - (i) a matter being considered or about to be considered at a meeting of the Authority, or
    - (ii) a thing being done or about to be done by the Authority, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Authority.

- (2) A disclosure by a member at a meeting of the Authority that the member:
- (a) is a member, or is in the employment, of a specified company or other body, or
  - (b) is a partner, or is in the employment, of a specified person, or
  - (c) has some other specified interest relating to a specified company or other body or to a specified person,
- is a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person that may arise after the date of the disclosure and that is required to be disclosed under subclause (1).
- (3) Particulars of any disclosure made under this clause must be recorded by the Authority in a book kept for the purpose and that book must be open at all reasonable hours for inspection by any person on payment of the fee determined by the Authority.
- (4) After a member has disclosed the nature of an interest in any matter or thing, the member must not, unless the Minister or the Authority otherwise determines:
- (a) be present during any deliberation of the Authority with respect to the matter or thing, or
  - (b) take part in any decision of the Authority with respect to the matter or thing.
- (5) For the purposes of the making of a determination by the Authority under subclause (4), a member who has a direct or indirect pecuniary interest in a matter or thing to which the disclosure relates must not:
- (a) be present during any deliberation of the Authority for the purpose of making the determination, or
  - (b) take part in the making of the determination by the Authority.
- (6) A contravention of this clause does not invalidate any decision of the Authority.
- (7) A reference in this clause to a *meeting* of the Authority includes a reference to a meeting of a committee of the Authority.

## **8 Effect of certain other Acts**

- (1) The statutory provisions relating to the employment of Public Service employees do not apply to the appointment or office of an appointed member.
- (2) If by or under any Act provision is made:
- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
  - (b) prohibiting the person from engaging in employment outside the duties of that office,
- the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

## **Part 3 Procedure**

### **9 General procedure**

The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Authority.

**10 Quorum**

The quorum for a meeting of the Authority is a majority of its members.

**11 Presiding member**

- (1) The Chairperson (or, in the absence of the Chairperson, another member elected as chairperson for the meeting by the members present) is to preside at a meeting of the Authority.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**12 Voting**

A decision supported by a majority of the votes cast at a meeting of the Authority at which a quorum is present is the decision of the Authority.

**13 Minutes**

The Authority must cause full and accurate minutes to be kept of the proceedings of each meeting of the Authority.

**14 Transaction of business outside meetings or by telecommunication**

- (1) The Authority may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Authority for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Authority.
- (2) The Authority may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Authority.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Authority.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

**15 First meeting**

The Minister may call the first meeting of the Authority in such manner as the Minister thinks fit.

## Schedule 2 Savings and transitional provisions

### Part 1 Preliminary

#### 1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

### Part 2 Provisions arising from enactment of this Act

#### 2 Definitions

In this Part:

*existing disqualification show cause notice* means a show cause notice issued under section 57 (1) of the former Act not earlier than 14 days before the repeal of that section.

*existing member* means a person who was a member of the Authority immediately before the commencement of section 80.

*existing registration show cause notice* means a show cause notice issued under section 13 (3) or 29 (3) of the former Act not earlier than 14 days before the repeal of the section concerned.

*former Act* means the *Combat Sports Act 2008*.

#### 3 General provision

- (1) Anything done or omitted to be done or commenced to be done under or in relation to a provision of the former Act is taken to have been done or omitted or commenced to be done under or in relation to the corresponding provision of this Act.
- (2) This clause does not apply:
  - (a) to the extent that its application is inconsistent with any other provision of this Schedule or a provision of a regulation made under this Schedule, or
  - (b) to the extent that its application would be inappropriate in a particular case.

#### 4 Continuation of Authority

The Authority is a continuation of, and the same legal entity as, the Combat Sports Authority of New South Wales constituted by the former Act.

## **5 Existing members of Authority**

- (1) An existing member is taken to have been appointed as a member of the Authority under this Act and the person's term of appointment ends on the same day on which it would have ended had the former Act not been repealed.
- (2) It does not matter that the number of existing members appointed under this clause exceeds the total number of members permitted to be appointed to the Authority by this Act.

## **6 Existing registrations**

- (1) A person who was, immediately before the repeal of section 9 of the former Act, registered as a combatant of a prescribed class is taken to be registered as a combatant of the corresponding registration class under this Act and is subject to the same conditions of registration.
- (2) A person who was, immediately before the repeal of section 24 of the former Act, registered as an industry participant (including a promoter) of a prescribed class is taken to be registered as an industry participant or promoter of the corresponding registration class, as applicable, under this Act and is subject to the same conditions of registration.
- (3) A registration taken to be in force under this clause ends on the day on which the registration would have ended but for the repeal of section 11 or 27 of the former Act, unless it is sooner cancelled under this Act.

## **7 Amateur combatants**

- (1) Section 9 does not apply to a person who engages in an amateur combat sport contest as a combatant within the transitional period.
- (2) The *transitional period* is the period:
  - (a) of 6 months commencing on the commencement of section 9, or
  - (b) such longer period after that commencement (not exceeding 2 years) as the Authority may approve in respect of persons who engage in a contest approved by a particular approved amateur body.

## **8 Industry participants or promoters for amateur combat sport contests**

- (1) Section 20 does not apply to a person who acts as an industry participant for an amateur combat sport contest within the transitional period.
- (2) The *transitional period* is the period:
  - (a) of 6 months commencing on the commencement of section 20, or
  - (b) such longer period after that commencement (not exceeding 2 years) as the Authority may approve in respect of persons who act as industry participants for a contest approved by a particular approved amateur body.
- (3) Section 20 does not apply to any act done by a person in the capacity of a promoter for an amateur combat sport contest within 90 days after the commencement of that section.

## **9 Permits for combat sport contests**

A person who was, immediately before the repeal of section 36 or 56 of the former Act, the holder of a permit to promote a combat sport contest is taken to be the holder of a permit under this Act for the contest.

**10 Existing combat sport inspectors**

- (1) A person who, immediately before the repeal of section 61 of the former Act, was a combat sport inspector under that Act is taken to be a combat sport inspector appointed under this Act.
- (2) This clause does not apply to a combat sport inspector appointed as such in his or her capacity as a member of the Authority.

**11 Existing disciplinary proceedings**

- (1) An existing registration show cause notice given to a registered combatant or a registered industry participant is taken to be a notice issued under section 31 of this Act.
- (2) A suspension of the registration of a combatant under the former Act that had effect immediately before the repeal of section 13 of the former Act is taken to be a suspension, for the same period, in force under Division 4 of Part 2 of this Act.
- (3) A suspension of the registration of an industry participant under the former Act that had effect immediately before the repeal of section 29 of the former Act is taken to be a suspension, for the same period, in force under Division 4 of Part 2 of this Act.

**12 Existing disqualifications**

- (1) An existing disqualification show cause notice given to a person is taken to be a notice issued under section 67 of this Act.
- (2) An order disqualifying a person made under section 57 of the former Act, and in force immediately before the repeal of that section, is taken to be a general prohibition order made under this Act.

**13 References to previous disciplinary actions in registers**

A requirement to include in a register under this Act particulars of any suspension or cancellation of registration, or any registration pre-condition, includes any suspension, cancellation or registration pre-condition in force under the former Act immediately before the commencement of the requirement.

**14 Medical record books**

A medical record book issued, or taken to be issued, under the former Act is taken to be a medical record book issued under this Act.

**15 Part subject to regulations**

This Part is subject to the regulations.



## **Schedule 3 Consequential amendment of other Acts**

### **3.1 Administrative Decisions Tribunal Act 1997 No 76**

#### **[1] Schedule 2 Composition and functions of Divisions**

Omit “*Combat Sports Act 2008*” from clause 2 (1) of Part 4.

Insert instead “*Combat Sports Act 2013*”.

#### **[2] Schedule 2, Part 4, clause 3**

Omit the clause. Insert instead:

##### **3 Combat Sports Act 2013 (Reviewable decisions)**

Applications made under section 77 of the *Combat Sports Act 2013* are to be determined by the Tribunal constituted by 1 Division member of the General Division of the Tribunal who is a judicial member.

### **3.2 Crimes (Criminal Organisations Control) Act 2012 No 9**

#### **Section 27 Prohibition on carrying on of certain activities when interim control order or control order takes effect**

Insert after paragraph (l) of the definition of *prescribed activity* in section 27 (6):

- (11) acting as a combatant, industry participant or promoter within the meaning of the *Combat Sports Act 2013*,

[Second reading speech made in—

Legislative Assembly on 23 October 2013

Legislative Council on 13 November 2013]