

Passed by both Houses



New South Wales

Combat Sports Bill 2008

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Combat Sports Bill 2008

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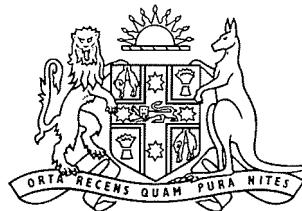
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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2008*



New South Wales

Combat Sports Bill 2008

Act No , 2008

An Act to regulate the conduct of professional combat sports; to regulate the conduct of wrestling and amateur combat sport contests; to constitute the Combat Sports Authority of New South Wales and to define its functions; to repeal the *Boxing and Wrestling Control Act 1986*; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

Clause 1 Combat Sports Bill 2008

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Combat Sports Act 2008*.

2 Commencement

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

3 Definitions (cf 1986 Act s3)

(1) In this Act:

amateur combat sport contest means a contest, display or exhibition of a combat sport other than a professional combat sport contest.

approved form means a form approved under section 72 by the Minister or the Minister's delegate.

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

combat sport means any of the following or a combination of any of the following:

(a) boxing (or fist fighting) in any of its styles,

(b) kick boxing in any of its styles,

(c) any sport, martial art or activity in which each contestant in a contest, display or exhibition of that sport, art or activity is required to strike, kick, hit, grapple with, throw or punch one or more other contestants and that is prescribed by the regulations,

(d) sparring in any category covered in paragraph (a)–(c), except to the extent prescribed by the regulations.

combat sport inspector means a person appointed by the Authority as a combat sport inspector for the purposes of this Act.

Note. Section 61 provides for the authorisation of members of the Authority or police officers to exercise functions of, and to be taken to be, combat sport inspectors (subject to any limitations referred to in that section).

combat sport official means a person appointed by the Authority to officiate at combat sport contests.

combatant means a person who engages in a combat sport as a contestant in professional combat sport contests.

Department means the Department of the Arts, Sport and Recreation.

disciplinary breach—see sections 13 and 29.

exercise a function includes perform a duty.

fighting means engaging in a combat sport as a combatant.

fine:

- (a) in relation to a disciplinary breach by a combatant—see section 13, and
- (b) in relation to a disciplinary breach by an industry participant—see section 29.

function includes a power, authority and duty.

industry participant means a person who, otherwise than as a combatant, engages in or is employed in any profession, occupation or business, whether on a full-time, part-time or casual basis, and whether or not the person receives any payment or other consideration, in relation to a combat sport, and (without limitation) includes the following:

- (a) a promoter, being any person who promotes a professional combat sport contest,
- (b) a match-maker, being a person who acts on behalf of a promoter to arrange professional contests between particular combatants,
- (c) a manager, being a person who undertakes to represent the interests of a combatant in procuring or arranging the conduct of any professional combat sport contest in which the combatant is a contestant or who directs or controls the professional combat sport activities of any combatant,
- (d) a trainer, being a person who supervises the training or instruction of a combatant or who accompanies a combatant into the ring or onto the contest arena to give advice or assistance during a professional combat sport contest,
- (e) a second, being a person who assists a combatant as advised by a trainer and who assists a trainer in the preparation of combatants,
- (f) a judge, being a person who determines the points scored by each combatant in a professional combat sport contest,
- (g) a referee, being a person who enforces the rules relating to a combat sport during a professional combat sport contest,
- (h) a timekeeper, being a person who regulates the number and length of rounds, and the interval between rounds, of a professional combat sport contest.

prescribed class—see sections 7 and 22.

professional combat sport contest means:

- (a) a contest, display or exhibition of a combat sport between combatants for a monetary prize or other reward in money or money's worth, or

- (b) a contest, display or exhibition of a combat sport between persons otherwise than for a monetary prize or other reward in money or money's worth, where:
 - (i) at least one of the combatants has at any time been a combatant in a contest, display or exhibition that is referred to in paragraph (a) (the *earlier event*), and
 - (ii) the combat sport involved in the earlier event was, at the time of the earlier event, within the definition of *combat sport*, or
- (c) a contest, display or exhibition of a combat sport between combatants for gain or reward, in respect of which the Authority has made a determination under section 4, or
- (d) an event of a class or description prescribed by the regulations, but does not include:
 - (e) sparring if it is not for public entertainment, or
 - (f) an event of a class or description excepted by the regulations.

promote includes arrange or hold.

registered means registered under this Act.

unregistered person means a person who is not registered under this Act.

wrestling contest means a contest, display or exhibition of wrestling, whether or not for a monetary prize or other reward.

- (2) A sport, martial art or activity may be prescribed by the regulations for the purposes of paragraph (c) of the definition of *combat sport* even if it is or may be in a category covered in paragraph (a) or (b) of that definition.
- (3) An event may be prescribed by the regulations for the purposes of paragraph (d) of the definition of *professional combat sport contest* even if it is or may be in a category covered in another paragraph of that definition.
- (4) Notes included in this Act do not form part of this Act.

Note. A reference in this Act to the 1986 Act is a reference to the *Boxing and Wrestling Control Act 1986*, which is repealed by this Act.

4 Determination of certain events to be professional combat sport contests

- (1) This section has effect for the purposes of paragraph (c) of the definition of *professional combat sport contest* in section 3 (1).

-
- (2) The Authority may, having regard to any information available to it, determine that a proposed or advertised contest, display or exhibition of a combat sport is to be treated as a professional combat sport contest for the purposes of this Act.
 - (3) The Authority must not make a determination unless the Authority:
 - (a) believes or suspects that the contest, display or exhibition is for gain or reward, and
 - (b) is of the opinion that it is desirable to make the determination to protect the health and safety of any of the combatants, whether or not there is any relevant information available to the Authority concerning health and safety issues.
 - (4) A determination has no effect if it is made after the time prescribed by the regulations before the start of the contest, display or exhibition.
 - (5) A determination has no effect unless, before the prescribed time before the start of the contest, display or exhibition, notice of its terms is either:
 - (a) published in a newspaper circulating generally in the State, or
 - (b) served on a promoter of the contest, display or exhibition, or both.
 - (6) The Authority may amend or revoke a determination.
 - (7) A contest, display or exhibition of a combat sport may be the subject of a determination even if it is or may be in a category covered in another paragraph of the definition of *professional combat sport contest*.

Clause 5 Combat Sports Bill 2008

Part 2 Registration of combatants

Part 2 Registration of combatants

Division 1 Registration

5 Requirement for registration—offence for unregistered persons (cf 1986 Act s15)

A person must not engage in a professional combat sport contest as a combatant if the person is not registered as a combatant of at least one prescribed class.

Maximum penalty: 10 penalty units or imprisonment for 6 months, or both.

6 Requirement for registration in a prescribed class—disciplinary breach for registered persons (cf 1986 Act s15)

- (1) A registered combatant must not engage in a professional combat sport contest as a combatant of a prescribed class if the registered combatant is not registered as a combatant of that class.
- (2) A contravention of subsection (1) is a disciplinary breach attracting a fine.

7 Prescribed classes of combatants (cf 1986 Act s6)

- (1) For the purpose of registering combatants, classes of combatants may be prescribed by the regulations according to the style of fighting involved.
- (2) Without limiting subsection (1), a class of combatants may be prescribed by reference to:
 - (a) the style of fighting of which the combat sport concerned consists, or
 - (b) a style of fighting included in the combat sport concerned, or
 - (c) all styles of fighting other than specified styles.
- (3) A reference in this Act to a **prescribed class** of combatants is a reference to a class prescribed by the regulations under subsection (1).

8 Application for registration (cf 1986 Act s8)

- (1) A person of or above the age of 18 years may make an application to the Authority to be registered as a combatant of a prescribed class.
- (2) An application must be:
 - (a) in or to the effect of the approved form, and
 - (b) accompanied by:

- (i) a certificate of fitness for participating in a combat sport of the class in respect of which registration is sought, being a certificate in or to the effect of the approved form that has been given by a medical practitioner not more than 7 days before the date on which the application is made, and
- (ii) the fee prescribed by the regulations.

9 Determination of application (cf 1986 Act s9)

- (1) On receipt by the Authority of an application made by a person of or above the age of 18 years under section 8:
 - (a) where the Authority is satisfied that:
 - (i) the application complies with the requirements of section 8 (2), and
 - (ii) the applicant is a fit and proper person to be registered as a combatant of the prescribed class in respect of which the registration is sought, and
 - (iii) in the case of a subsequent application referred to in section 13 (6) or 29 (6)—the applicant has complied with any conditions imposed under either subsection in relation to the applicant's registration as a combatant,
 - the Authority:
 - (iv) must register the applicant as a combatant of the relevant class, and
 - (v) if, in the opinion of the Authority, it is in the interests of the health or safety of the applicant to be registered for a limited time, may register the applicant for a specified period, or
 - (b) where it is not so satisfied, the Authority must refuse to register the applicant as such a combatant.
- (2) The Authority must give notice to an applicant, in writing, of the applicant's registration as a combatant of a prescribed class or of the refusal of the Authority to so register the applicant, as the case may be, within 7 days after the date of registration or refusal of registration.
 - (3) Where the Authority refuses to register an applicant as a combatant on the ground that the applicant is not a fit and proper person to be so registered, the Authority must, in the notice under subsection (2), so inform the applicant.

10 Conditions on or during registration

- (1) The Authority may register a combatant:
 - (a) unconditionally, or

- (b) subject to conditions of either or both of the following kinds:
 - (i) conditions determined by the Authority to help protect the combatant's health and safety,
 - (ii) conditions prescribed by the regulations or of a kind prescribed by the regulations.
- (2) A condition may be imposed:
 - (a) at the time of registration, or
 - (b) during the currency of registration, subject to any applicable requirements of section 13.
- (3) A person who is a registered combatant must comply with any conditions to which the person's registration is subject.
- (4) A contravention of subsection (3) is a disciplinary breach attracting a fine.
- (5) This section does not limit any other power of the Authority under this Act to impose conditions.

11 Duration of registration (cf 1986 Act s10)

- (1) The registration of a combatant remains in force:
 - (a) except as provided by paragraph (b)—indefinitely, or
 - (b) where the registration is for a fixed period—for the period currently fixed under this Part (see sections 9 and 13), unless the registration is sooner cancelled.
- (2) A person whose registration as a combatant is for a fixed period may, if otherwise eligible, apply under section 8 for further registration after the fixed period or within a period during the fixed period prescribed by the regulations.

12 Annual returns by registered combatants (cf 1986 Act s12)

- (1) In order to avoid suspension of registration, a person registered as a combatant of a prescribed class must, not earlier than 56 days and not later than 21 days before 31 December in each year, forward an annual return to the Authority.
- (2) An annual return must be:
 - (a) in or to the effect of the approved form, and
 - (b) accompanied by:
 - (i) a certificate of fitness for participating in a combat sport of the class in respect of which the person making the return is registered, being a certificate in or to the effect of the

- approved form that has been given by a medical practitioner not more than 7 days before the date on which the return is forwarded, and
- (ii) the fee prescribed by the regulations.
- (3) The Authority may, in accordance with section 13, suspend the registration of a combatant if:
- (a) an annual return is not made and forwarded as required by this section, or
- (b) the annual return is not accompanied by the certificate of fitness or prescribed fee.
- (4) Subsection (1) does not apply in a year to a person whose registration is for a fixed period and the fixed period ends on or before 31 December in that year.

13 Fines, suspension and other sanctions (cf 1986 Act s11(1)–(3))

(1) Definition

In this section:

disciplinary breach by a registered combatant means a contravention of this Act, the regulations or the rules by the registered combatant (whether or not the contravention is declared to be a disciplinary breach attracting a fine), but does not include a contravention of a kind prescribed by the regulations.

(2) Circumstances in which action may be taken

The Authority may take action under this section in respect of registered combatants in connection with:

- (a) disciplinary breaches by registered combatants, or
- (b) the health and safety of registered combatants, or
- (c) other matters that the Authority considers should be dealt with under this section.

(3) Show cause notice

The Authority may, by notice in writing served on a person who is a registered combatant, require the person to show cause, by a date and time specified in the notice (being a date not less than 14 days after the date of service of the notice) for any one or more of the following:

- (a) why the person should not pay a fine of a specified amount for a disciplinary breach attracting a fine,
- (b) why a condition should not be imposed on the person's registration,

- (c) why the person's registration should not be suspended,
- (d) why the person's registration should not be cancelled,
- (e) why the person's registration should not be for a fixed period,
- (f) where the person's registration is already for a fixed period, why that period should not be reduced.

The notice must specify the grounds on which the action is proposed to be taken.

(4) Action if sufficient cause not shown

If, by the date and time referred to in the notice under subsection (3), a person has not shown sufficient cause as referred to in that subsection, the Authority may, by order in writing, do any one or more of the following (whether or not the action was that mentioned in the notice):

- (a) impose a fine of a specified amount for a disciplinary breach attracting a fine,
- (b) impose a condition on the person's registration,
- (c) suspend the person's registration,
- (d) cancel the person's registration,
- (e) fix a period of registration of such duration as the Authority thinks fit where there is not an existing period of registration,
- (f) reduce an existing period of registration by a period of such duration as the Authority thinks fit.

(5) Conditions for suspension to be lifted

If a person's registration is suspended, the Authority may impose such conditions as it thinks fit with which the person must comply before consideration is given to lifting the suspension.

(6) Conditions for re-registration after cancellation

If a person's registration is cancelled, the Authority may impose such conditions as it thinks fit with which the person must comply before any subsequent application by the person for registration as a combatant or industry participant may be dealt with under this Act.

(7) Notice of action taken

The Authority must, within 7 days of taking action under subsection (4) against a person, give the person written notice of the action taken and of any conditions imposed under subsection (5) or (6).

(8) **Amount of fine**

The amount of a fine is such amount as the Authority determines but not exceeding:

- (a) an amount equivalent to 50 penalty units, unless paragraph (b) applies, or
- (b) a lower amount prescribed by the regulations.

(9) **Limitations may be prescribed**

The regulations may provide that:

- (a) action, or particular action, may only be taken under this section in specified circumstances, or
- (b) action, or particular action, may not be taken under this section in specified circumstances.

14 Conditions, suspension or cancellation—health or safety (cf 1986 Act ss11(4) and (5), 16)

- (1) The Authority may, if it is of the opinion that it is in the interests of the health or safety of a person who is registered as a combatant to do so otherwise than in accordance with section 13, by notice in writing served on the person:
 - (a) impose conditions on the person's registration as a combatant of any prescribed class, or
 - (b) suspend the person's registration as a combatant of any prescribed class, or
 - (c) cancel the person's registration as a combatant of any prescribed class.
- (2) A notice under subsection (1) takes effect from the date of service of the notice on the person or a later date specified in the notice.
- (3) A person must not engage in sparring in a particular style of fighting at any time during which the person's registration as a combatant of the prescribed class that is appropriate to that style of fighting is cancelled under this section.
Maximum penalty: 10 penalty units or imprisonment for 6 months, or both.
- (4) A person must not engage in sparring in a particular style of fighting at any time during which the person's registration as a combatant of the prescribed class that is appropriate to that style of fighting is suspended under this section.
- (5) A contravention of subsection (4) is a disciplinary breach attracting a fine.

15 Effect of suspension

- (1) If a person's registration as a combatant of a prescribed class is suspended, the person must not engage in a professional combat sport contest as a combatant of that class while the suspension continues.
- (2) A contravention of subsection (1) is a disciplinary breach attracting a fine.
- (3) The person's registration as a combatant is not otherwise affected by the suspension.

16 Lifting of suspension

- (1) The Authority may lift the suspension of a person's registration as a combatant if satisfied that it is appropriate to do so.
- (2) Before lifting the suspension of a person's registration, the Authority may require the person to pay either or both of the following:
 - (a) the fee prescribed by the regulations,
 - (b) the whole or a specified part of any outstanding annual fees.

17 Register (cf 1986 Act ss7(1), 11(6))

- (1) The Authority must keep a register of combatants, in which are to be recorded:
 - (a) the names and addresses of persons who are registered as combatants, and
 - (b) the prescribed class of combatants to which each registered combatant belongs, and
 - (c) particulars of any conditions imposed under this Part, and
 - (d) particulars of any suspension or cancellation of registration under this Part, and
 - (e) particulars of any period of registration fixed or reduced under this Part, and
 - (f) such other particulars as may be prescribed by the regulations.
- (2) A register may include such additional particulars as the Authority thinks appropriate.
- (3) A register is to be kept in such manner and form as the Authority thinks appropriate.

Division 2 Medical record books and cards

18 Issue of medical record books and cards (cf 1986 Act s33)

- (1) The Authority must issue each registered combatant with a medical record book in such format as the Authority thinks fit.
- (2) A medical record book may contain one or more medical record cards in or to the effect of the approved form.

19 Provisions relating to medical record books and cards

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

Clause 20 Combat Sports Bill 2008

Part 3 Registration of industry participants

Part 3 Registration of industry participants

20 Requirement for registration—offence for unregistered persons (cf 1986 Act s27)

A person must not carry on the business of, or be employed as, an industry participant if the person is not registered as an industry participant of at least one prescribed class.

Maximum penalty: 10 penalty units or imprisonment for 6 months, or both.

21 Requirement for registration in a prescribed class—disciplinary breach for registered persons (cf 1986 Act s27)

- (1) A registered industry participant must not carry on the business of, or be employed as, an industry participant of a prescribed class if the registered industry participant is not registered as an industry participant of that class.
- (2) A contravention of subsection (1) is a disciplinary breach attracting a fine.

22 Prescribed classes of industry participants (cf 1986 Act s17)

- (1) For the purpose of registering industry participants, classes of industry participants may be prescribed by the regulations according to the nature of their participation in any profession, occupation or business, whether on a full-time, part-time or casual basis, in relation to a combat sport.
- (2) A reference in this Act to a *prescribed class* of industry participants is a reference to a class prescribed by the regulations under subsection (1).

23 Application for registration (cf 1986 Act s19)

- (1) A person may make an application to the Authority to be registered as an industry participant of a prescribed class.
- (2) An application must be:
 - (a) in or to the effect of the approved form, and
 - (b) accompanied by the fee prescribed by the regulations.

24 Determination of application (cf 1986 Act s20)

- (1) On receipt by the Authority of an application under section 23:
 - (a) where the Authority is satisfied that:
 - (i) the application complies with the requirements of section 23 (2), and

- (ii) the applicant is a fit and proper person to be registered as an industry participant of the prescribed class in respect of which the registration is sought, and
 - (iii) the applicant has complied with any conditions imposed under section 25 in relation to the applicant's registration, and
 - (iv) in the case of a subsequent application referred to in section 13 (6) or 29 (6)—the applicant has complied with any conditions imposed under either subsection in relation to the applicant's registration as an industry participant, the Authority must register the applicant as such an industry participant, or
- (b) where it is not so satisfied, the Authority must refuse to register the applicant as such an industry participant.
- (2) The Authority must give notice to an applicant, in writing, of the applicant's registration as an industry participant of a prescribed class or of the refusal of the Authority to so register the applicant, as the case may be, within 7 days after the date of registration or refusal of registration.
 - (3) Where the Authority refuses to register an applicant as an industry participant on the ground that the person is not a fit and proper person to be so registered, the Authority must, in the notice under subsection (2), so inform the applicant.

25 Conditions to be satisfied before registration (cf 1986 Act s21)

The regulations may prescribe, in relation to a prescribed class of industry participants, conditions (including the passing of any courses of training) with which an applicant for registration as an industry participant of that class must comply before the applicant may be so registered.

26 Conditions on or during registration

- (1) The Authority may register an industry participant:
 - (a) unconditionally, or
 - (b) subject to conditions prescribed by the regulations or of a kind prescribed by the regulations.
- (2) A condition may be imposed:
 - (a) at the time of registration, or
 - (b) during the currency of registration, subject to any applicable requirements of section 29.

- (3) A person who is a registered industry participant must comply with any conditions to which the person's registration is subject.
- (4) A contravention of subsection (3) is a disciplinary breach attracting a fine.
- (5) This section does not limit any other power of the Authority under this Act to impose conditions.

27 Duration of registration (cf 1986 Act s22)

The registration of an industry participant remains in force indefinitely, unless the registration is sooner cancelled.

28 Annual returns by registered industry participants (cf 1986 Act s24)

- (1) In order to avoid suspension of registration, a person registered as an industry participant of a prescribed class must, not earlier than 56 days and not later than 21 days before 31 December in each year, forward an annual return to the Authority.
- (2) An annual return must be:
 - (a) in or to the effect of the approved form, and
 - (b) accompanied by the fee prescribed by the regulations.
- (3) The Authority may, in accordance with section 29, suspend the registration of an industry participant if:
 - (a) an annual return is not made and forwarded as required by this section, or
 - (b) the annual return is not accompanied by the prescribed fee.

29 Fines, suspension and other sanctions (cf 1986 Act s23)

(1) **Definition**

In this section:

disciplinary breach by a registered industry participant means a contravention of this Act, the regulations or the rules by the registered industry participant (whether or not the contravention is declared to be a disciplinary breach attracting a fine), but does not include a contravention of a kind prescribed by the regulations.

(2) **Circumstances in which action may be taken**

The Authority may take action under this section in respect of registered industry participants in connection with:

- (a) disciplinary breaches by registered industry participants, or
- (b) the health and safety of registered combatants, or

- (c) other matters that the Authority considers should be dealt with under this section.

(3) **Show cause notice**

The Authority may, by notice in writing served on a person who is a registered industry participant, require the person to show cause, by a date and time specified in the notice (being a date not less than 14 days after the date of service of the notice) for any one or more of the following:

- (a) why the person should not pay a fine of a specified amount for a disciplinary breach attracting a fine,
- (b) why a condition should not be imposed on the person's registration,
- (c) why the person's registration should not be suspended,
- (d) why the person's registration should not be cancelled.

The notice must specify the grounds on which the action is proposed to be taken.

(4) **Action if sufficient cause not shown**

If, by the date and time referred to in the notice under subsection (3), a person has not shown sufficient cause as referred to in that subsection, the Authority may, by order in writing, do any one or more of the following (whether or not the action was that mentioned in the notice):

- (a) impose a fine of a specified amount for a disciplinary breach attracting a fine,
- (b) impose a condition on the person's registration,
- (c) suspend the person's registration,
- (d) cancel the person's registration.

(5) **Conditions for suspension to be lifted**

If a person's registration is suspended, the Authority may impose such conditions as it thinks fit with which the person must comply before consideration is given to lifting the suspension.

(6) **Conditions for re-registration after cancellation**

If a person's registration is cancelled, the Authority may impose such conditions as it thinks fit with which the person must comply before any subsequent application by the person for registration as an industry participant or combatant may be dealt with under this Act.

(7) Notice of action taken

The Authority must, within 7 days of taking action under subsection (4) against a person, give the person written notice of the action taken and of any conditions imposed under subsection (5) or (6).

(8) Amount of fine

The amount of a fine is such amount as the Authority determines but not exceeding:

- (a) an amount equivalent to 50 penalty units, unless paragraph (b) applies, or
- (b) a lower amount prescribed by the regulations.

(9) Limitations may be prescribed

The regulations may provide that:

- (a) action, or particular action, may only be taken under this section in specified circumstances, or
- (b) action, or particular action, may not be taken under this section in specified circumstances.

30 Effect of suspension

- (1) If a person's registration as an industry participant of a prescribed class is suspended, the person must not carry on the business of, or be employed as, an industry participant of that class while the suspension continues.
- (2) A contravention of subsection (1) is a disciplinary breach attracting a fine.
- (3) The person's registration as an industry participant is not otherwise affected by the suspension.

31 Lifting of suspension

- (1) The Authority may lift the suspension of a person's registration as an industry participant if satisfied that it is appropriate to do so.
- (2) Before lifting the suspension of a person's registration, the Authority may require the person to pay either or both of the following:
 - (a) the fee prescribed by the regulations,
 - (b) the whole or a specified part of any outstanding annual fees.

32 Register (cf 1986 Act s18 (1))

- (1) The Authority must keep a register of industry participants, in which are to be recorded:
 - (a) the names and addresses of persons who are registered as industry participants, and
 - (b) the prescribed class of industry participants to which each registered industry participant belongs, and
 - (c) particulars of any conditions imposed under this Part, and
 - (d) particulars of any suspension or cancellation of registration under this Part, and
 - (e) such other particulars as may be prescribed by the regulations.
- (2) A register may include such additional particulars as the Authority thinks appropriate.
- (3) A register is to be kept in such manner and form as the Authority thinks appropriate.

Clause 33 Combat Sports Bill 2008

Part 4 Professional combat sport contests

Part 4 Professional combat sport contests

Division 1 Permit to promote professional combat sport contest

33 Division applies to single and multiple contests (cf 1986 Act s41)

In this Division (this section excepted) a reference to a professional combat sport contest is a reference to:

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

34 Requirement for permit (cf 1986 Act s45)

- (1) An unregistered person must not promote a professional combat sport contest unless a permit has been granted under section 36 in respect of the contest.

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

- (2) A registered person must not promote a professional combat sport contest unless a permit has been granted under section 36 in respect of the contest.

- (3) A contravention of subsection (2) is a disciplinary breach attracting a fine.

35 Application for permit (cf 1986 Act s42)

- (1) A person may apply to the Authority for a permit to promote a professional combat sport contest.

- (2) An application must be:

- (a) in or to the effect of the approved form, and
- (b) accompanied by the fee (if any) prescribed by the regulations, and
- (c) made not less than 21 days before the date of the proposed contest.

36 Determination of application (cf 1986 Act s43)

On receipt of an application under section 35 in respect of a professional combat sport contest, the Authority may:

- (a) grant a permit to the applicant in respect of the contest, subject to such conditions as the Authority thinks fit, or
- (b) refuse to grant a permit in respect of the contest.

37 Notification of permit to Commissioner of Police (cf 1986 Act s44)

If the Authority grants a permit under section 36, it must, as soon as practicable afterwards, cause the Commissioner of Police to be notified of the date, time and place of the professional combat sport contest in respect of which the permit is granted.

Division 2 General regulation of professional combat sport contests**38 Conduct of professional combat sport contests**

- (1) The regulations may make provision for or with respect to the conduct of professional combat sport contests, and (without limitation) for or with respect to the health and safety of combatants who are, will be or intend to be engaged in a professional combat sport contest.
- (2) Without limiting subsection (1), the regulations may make provision for or with respect to any or all of the following:
 - (a) the holding of, and a combatant's participation in, a weigh-in before the combatant engages in a professional combat sport contest,
 - (b) the attendance of a combat sport inspector at a weigh-in,
 - (c) the recording of a combatant's particulars at a weigh-in for such a contest,
 - (d) the attendance of a combat sport inspector at a professional combat sport contest,
 - (e) the attendance of a medical practitioner at a professional combat sport contest (including any weigh-in held immediately before the contest).

Division 3 Health and safety of combatants at professional combat sport contests**39 Medical examination organised by combatant (cf 1986 Act s49)**

- (1) A combatant must not engage in a professional combat sport contest unless the combatant has, within the period of 24 hours immediately before the contest:
 - (a) requested a medical practitioner to exercise (in relation to the combatant) the functions of an examining medical practitioner under section 41, and
 - (b) submitted to being examined by the medical practitioner so as to enable the medical practitioner to exercise those functions.

- (2) A contravention of subsection (1) is a disciplinary breach attracting a fine.

40 Medical examination directed by Authority (cf 1986 Act s50)

- (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 on or before a specified date to an examination or investigation by a qualified person to determine any particular matter or thing concerning the combatant's health and 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**

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

- (5) A contravention of subsection (4) is a disciplinary breach attracting a fine.

- (6) **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):

- (a) the functions of an examining medical practitioner under section 41, or
- (b) such other functions relating to the health or safety of the combatant as the Authority may specify in its request,
or both.

(7) **Authority authorised to make request to qualified person**

The Authority may request a qualified person referred to in this section to conduct such an examination or investigation of the combatant as the Authority may specify and to report to the Authority concerning any such examination or investigation.

(8) **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.

41 Functions of examining medical practitioner (cf 1986 Act s51)

The functions of an examining medical practitioner under this section in relation to a combatant who proposes to engage in a professional 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 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 proposed contest,
- (d) if the medical practitioner has certified under paragraph (c) that the combatant is not medically fit to engage in the proposed 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:
 - (i) any professional combat sport contest, or
 - (ii) any professional combat sport contest or any sparring, before a specified date,
- (e) where the medical practitioner has given a certificate under paragraph (c) or (d), without delay:
 - (i) to notify the combatant and, where the examination was carried out immediately before the proposed contest, the combat sport inspector present at the contest of the matters as to which the medical practitioner has certified, and
 - (ii) to prepare and forward to the Authority a report of the examination.

42 Unfit combatant not to engage in contests or sparring (cf 1986 Act s52)

- (1) Except to the extent that the Authority, on the advice or recommendation of a medical practitioner or after considering the report of a medical practitioner, otherwise directs, the following provisions have effect:
 - (a) if, following a medical examination under section 40, a medical practitioner gives, in relation to a combatant and a proposed professional combat sport contest, a certificate that, in the opinion of the medical practitioner, the combatant is not medically fit to engage in that contest—the combatant must not engage in that contest,
 - (b) if a medical practitioner certifies under section 41 (c) that, in the opinion of the medical practitioner, a combatant is not medically fit to engage in a proposed professional combat sport contest—the combatant must not engage in that contest,
 - (c) if a medical practitioner gives, in relation to a combatant a certificate under section 41 (d)—the combatant must not, before the date specified in the certificate, engage in any professional combat sport contest or any sparring, or both, as may be specified in the certificate,
 - (d) if, following a medical examination under section 41, a medical practitioner gives, in relation to a combatant, a certificate to the same effect as a certificate under section 41 (d)—the combatant must not, before the date specified in the certificate, engage in any professional combat sport contest or any sparring, or both, as may be specified in the certificate.
- (2) Despite any direction given by the Authority under subsection (1) or the opinion of any other medical practitioner, if the medical practitioner present at a professional combat sport contest is of the opinion, immediately before the contest, that the combatant is not medically fit to engage in the contest, and so informs the combatant, the combatant must not engage in the contest.
- (3) A contravention of subsection (1) or (2) is a disciplinary breach attracting a fine.

43 Obligation of promoter—medical examination of combatant (cf 1986 Act s53)

A person who promotes a professional combat sport contest must not permit a combatant to engage in the contest if the combatant has not complied with section 39 in relation to the contest.

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

44 Obligation of promoter—examination of medical record book (cf 1986 Act s54)

A person who promotes a professional combat sport contest must examine the medical record book of a combatant who proposes to engage in that contest after the time when the combatant has complied with section 39 in relation to that contest and before the time when the combatant is due to be engaged in that contest.

Maximum penalty: 500 penalty units.

45 Obligation of promoter—unfit combatant (cf 1986 Act s55)

- (1) If a medical practitioner certifies under section 41 (c) that, in the opinion of the medical practitioner, a combatant is not medically fit to engage in a proposed professional combat sport contest, the promoter of the proposed contest must not permit the combatant to engage in that contest.

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

- (2) Subsection (1) does not apply if the Authority, on the advice or recommendation of a medical practitioner or after considering the report of a medical practitioner, otherwise directs.

46 Combatant to submit to medical examination after contest (cf 1986 Act s56)

- (1) A combatant must, immediately upon the conclusion of a professional combat sport contest in which the combatant has been a contestant, submit to a medical examination by a medical practitioner engaged by the promoter of the contest to exercise (in relation to the combatant) the functions of an examining medical practitioner under section 48.

- (2) A contravention of subsection (1) is a disciplinary breach attracting a fine.

- (3) Subsection (1) does not apply where the combatant is rendered unconscious or is otherwise unable to comply with the subsection for medical reasons.

47 Obligation of promoter—combatant rendered unconscious or unable to submit to examination by examining medical practitioner (cf 1986 Act s57)

If a combatant who engages in a professional combat sport contest is rendered unconscious or otherwise appears to the promoter of the contest to be unable to comply with section 46, the promoter must without delay arrange for a medical practitioner engaged by the promoter to exercise, in relation to the combatant:

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- (a) the functions of an examining medical practitioner under section 48, and
 - (b) such other functions as may be necessary in the circumstances of the case.

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

48 Functions of medical practitioner after contest (cf 1986 Act s58)

The functions of an examining medical practitioner under this section in relation to a combatant who has engaged in a professional 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) where 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:
 - (i) any professional combat sport contest, or
 - (ii) any professional combat sport contest or any sparring, before a specified date,
 - (d) where the medical practitioner has given a certificate under paragraph (c), without delay:
 - (i) to notify the combatant and the combat sport inspector present at the contest in which the combatant was engaged of the matters as to which the medical practitioner has certified, and
 - (ii) to prepare and forward to the Authority a report of the examination.

49 Combatant not to engage in further contests or sparring (cf 1986 Act s59)

- (1) If a medical practitioner gives, in relation to a combatant a certificate under section 48 (c), the combatant must not, before the date specified in the certificate, engage in any professional combat sport contest or any sparring, or both, as may be specified in the certificate.
 - (2) A contravention of subsection (1) is a disciplinary breach attracting a fine.
 - (3) Subsection (1) does not apply 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.

Division 4 Record of professional combat sport contest

50 Contest result sheet (cf 1986 Act s60)

- (1) For the purpose of making a record of a professional combat sport contest, it is the duty of the combat sport inspector present at the contest, and a function of the medical practitioner so present, to write up in duplicate, and, by an original signature, to sign each copy of, a contest result sheet in relation to the contest.
- (2) The contest result sheet must be:
 - (a) in or to the effect of the approved form, and
 - (b) written up in accordance with the directions on the sheet.

51 Forwarding of contest result sheet (cf 1986 Act s61)

- (1) The combat sport inspector present at a professional combat sport contest is to send the original contest result sheet to the Authority when completed.
- (2) The Authority must cause the information contained in a contest result sheet forwarded to it under subsection (1) to be filed in the office of the Authority for such time as it thinks fit.

Division 5 Prohibition of professional combat sport contests at certain places

52 Professional combat sport contests prohibited at certain places (cf 1986 Act s62)

- (1) An unregistered person must not promote, or engage in, a professional combat sport contest at:
 - (a) a place prescribed by the regulations, or
 - (b) a place of a class or description prescribed by the regulations.Maximum penalty: 500 penalty units or imprisonment for 12 months, or both.
- (2) A registered person must not promote, or engage in, a professional combat sport contest at:
 - (a) a place prescribed by the regulations, or
 - (b) a place of a class or description prescribed by the regulations.
- (3) A contravention of subsection (2) is a disciplinary breach attracting a fine.

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| Clause 53 | Combat Sports Bill 2008 |
| Part 5 | Amateur combat sport contests, and amateur and professional wrestling contests |

Part 5 Amateur combat sport contests, and amateur and professional wrestling contests

53 Application of Part (cf 1986 Act s62A)

- (1) This Part applies to:
 - (a) amateur combat sport contests, and
 - (b) wrestling contests, whether amateur or professional (other than a wrestling contest referred to in subsection (2)), held for public entertainment.
- (2) This Part does not apply to a wrestling contest if it is a professional combat sport contest within the meaning of this Act.
Note. Professional combat sport contests are regulated by Part 4 and other provisions of this Act.
- (3) For the purposes of this section:
public entertainment means:
 - (a) entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission, or
 - (b) the entertainment of:
 - (i) patrons of any premises licensed under the *Liquor Act 2007* or registered under the *Registered Clubs Act 1976*, or
 - (ii) the public or a section of the public at a building or temporary structure subject to an approval, in force under Part 1 of Chapter 7 of the *Local Government Act 1993*, for use as a place of public entertainment (within the meaning of that Act).

54 Permit required for amateur combat sport contests or wrestling contests (cf 1986 Act s62B)

- (1) An unregistered person must not promote an amateur combat sport contest or a wrestling contest:
 - (a) without a permit under this Part, or
 - (b) contrary to the conditions subject to which such a permit was granted.

Maximum penalty: 20 penalty units.
- (2) A registered person must not promote an amateur combat sport contest or a wrestling contest:
 - (a) without a permit under this Part, or

- (b) contrary to the conditions subject to which such a permit was granted.
- (3) A contravention of subsection (2) is a disciplinary breach attracting a fine.

55 Application for permit (cf 1986 Act s62C (1))

- (1) A person may apply to the Minister for a permit to promote an amateur combat sport contest or a wrestling contest:
- (2) An application must be:
 - (a) in or to the effect of the approved form, and
 - (b) made not less than 21 days before the date of the proposed contest.

56 Determination of application (cf 1986 Act s62C (2))

- (1) The Minister:
 - (a) may grant a permit to promote an amateur combat sport contest or a wrestling contest unconditionally or subject to such conditions as the Minister thinks fit to impose, or
 - (b) may refuse to grant a permit.
- (2) A permit may be granted so as to authorise one or more contests.

Part 6 Disqualification

57 Disqualification

- (1) The Authority may, by notice in writing served on a person who is or has been registered under this Act, require the person to show cause, by a date and time specified in the notice (being a date not less than 14 days after the date of service of the notice), why the person should not be disqualified under this section from participating in specified classes of activities.
- (2) If, by the date and time referred to in the notice under subsection (1), a person has not shown sufficient cause as referred to in that subsection, the Authority may, by order in writing, disqualify the person either:
 - (a) indefinitely, or
 - (b) for a period specified by the Authority, from participating in either or both of the following:
 - (c) specified kinds of activities prescribed by the regulations relating to combat sports,
 - (d) (if it is not a combat sport) any specified form of sparring or wrestling.
- (3) Examples of the kinds of activities that may be prescribed by the regulations as activities from which a person may be disqualified include the following:
 - (a) engaging in a specified combat sport as a contestant,
 - (b) engaging in or being employed in any profession, occupation or business, whether on a full-time, part-time or casual basis, in relation to a combat sport (whether or not in connection with a professional combat sport contest, an amateur combat sport contest or a wrestling contest),
 - (c) attending any premises at which a professional combat sport contest, an amateur combat sport contest or a wrestling contest is being held or is to be held within a specified period on a day when the contest is or is to be held,
 - (d) attending specified premises where training for any combat sport is conducted, whether generally or during particular periods.
- (4) The Authority must, within 7 days of taking action under subsection (2) against a person, give the person written notice of the action taken.
- (5) The Authority may vary or revoke an order of disqualification.
- (6) The regulations may make provision for or with respect to the making, variation or revocation of orders of disqualification.

58 Effect of disqualification

- (1) An unregistered person who is disqualified under this Part must not participate in any activity specified in an order of disqualification in force in respect of the person.
Maximum penalty: 500 penalty units or imprisonment for 12 months, or both.
- (2) A registered person who is disqualified under this Part must not participate in any activity specified in an order of disqualification in force in respect of the person.
- (3) A contravention of subsection (2) is a disciplinary breach attracting a fine.

Part 7 Review by Administrative Decisions Tribunal

59 Review of decisions by Administrative Decisions Tribunal (cf 1986 Act s28)

A person may apply to the Administrative Decisions Tribunal for a review of any of the following decisions:

- (a) a decision under section 9 (1) (a) (v) that the person be registered for a specified period,
- (b) a decision under section 9 (1) (b) to refuse to register the person as a combatant where the refusal is on the ground that the person is not a fit and proper person,
- (c) a decision under section 10 to impose conditions in respect of the person,
- (d) a decision under section 13 (4) to take action of the kind referred to in that subsection in respect of the person,
- (e) a decision under section 24 (1) (b) to refuse to register the person as an industry participant where the refusal is on the ground that the person is not a fit and proper person,
- (f) a decision under section 26 to impose conditions in respect of the person,
- (g) a decision under section 29 (4) to take action of the kind referred to in that subsection in respect of the person,
- (h) a decision under section 36 (b) to refuse to grant a permit to the person in respect of a professional combat sport contest,
- (i) a decision under section 41 to give a certificate that the person is not medically fit to engage in a proposed professional combat sport contest,
- (j) a decision under section 56 to refuse to grant a permit to the person to promote an amateur combat sport contest or a wrestling contest,
- (k) a decision under section 57 to disqualify a person from participating in certain activities.

Part 8 Combat Sports Authority

60 Combat Sports Authority (cf 1986 Act s4)

- (1) There is constituted by this Act a corporation under the corporate name of the Combat Sports Authority of New South Wales.
- (2) The Authority:
 - (a) has and may exercise the functions conferred or imposed on it by or under this or any other Act, and
 - (b) is a NSW Government agency, and
 - (c) is, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), subject to the control and direction of the Minister.
- (3) The Authority cannot employ any staff.
Note. Staff may be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the Authority to exercise its functions.
- (4) The Authority consists of not fewer than 7 and not more than 9 part-time members appointed by the Governor.
- (5) Of the members:
 - (a) one is, in and by the instrument by which the member is appointed, to be appointed as the Chairperson of the Authority, and
 - (b) one is to be a medical practitioner nominated by the Australian Sports Medicine Federation, New South Wales Branch.
- (6) The Minister may make such arrangements as the Minister considers appropriate for the receipt of nominations for the purposes of subsection (5) (b).
- (7) Schedule 1 has effect with respect to the constitution and procedure of the Authority.

Part 9 Miscellaneous

61 Appointment of combat sport inspectors and exercise of inspectorial powers by others (cf 1986 Act s63A)

- (1) The Authority may appoint an officer of the Department to be a combat sport inspector for the purposes of this Act.
- (2) A combat sport inspector has such functions as are conferred or imposed on combat sport inspectors by or under this Act.
- (3) The Authority may authorise a member of the Authority to exercise functions conferred or imposed on combat sport inspectors by or under this Act, subject to the limitations (if any) specified in the authorisation. A member so authorised is, subject to any such limitations, taken to be a combat sport inspector.
- (4) 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 the limitations (if any) 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.

62 Delegation (cf 1986 Act s64)

- (1) The Minister may delegate to a person the exercise of the Minister's functions under section 56 or 72 (or both).
- (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.

63 Service of documents (cf 1986 Act s66)

- (1) A document may be served on the Authority by leaving it at, or by sending it by post to:
 - (a) the office of the Authority, or
 - (b) if it has more than one office—any one of its offices.
- (2) Nothing in subsection (1) affects the operation of any provision of a law or of the rules of a court authorising a document to be served on the Authority in a manner not provided for by subsection (1).

- (3) A notice required or permitted by this Act to be served on a person by the Authority may be served personally or by mail addressed to the person at the address last shown in the records of the Authority as the person's address.

64 Recovery of fines, fees or other money by Authority (cf 1986 Act s68)

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

65 Evidence (cf 1986 Act ss7(2), 18(2))

- (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 class, or
 - (b) that on a specified day the registration of a specified person as a combatant of a specified class had been cancelled under a specified provision of this Act, or
 - (c) that on a specified day, or during a specified period, the registration of a specified person as a combatant of a specified class was in a state of suspension,
- 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 class, or
 - (b) that on a specified day the registration of a specified person as an industry participant of a specified class had been cancelled under a specified provision of this Act, or
 - (c) that on a specified day, or during a specified period, the registration of a specified person as an industry participant of a specified class was in a state of suspension,
- 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 that, on a specified day or during a specified period, a specified person was disqualified under this Act in relation to specified classes of activities is admissible in evidence in any proceedings and is evidence of the truth of the statement.

66 Proof of certain matters not required (cf 1986 Act s69)

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.

67 Liability of members and others (cf 1986 Act sch 1, cl 9)

No matter or thing done by the Authority, any member of the Authority or any person acting under the direction of the Authority, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subjects a member of the Authority or a person so acting personally to any action, liability, claim or demand.

68 Supply of information

- (1) The Authority may enter into arrangements, with sporting bodies and law enforcement 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 accreditation, and the suspension or cancellation of the accreditation, of persons otherwise than under this Act, and
 - (c) without limiting paragraphs (a) and (b):
 - (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
 - (d) any other matters for the time being approved by the Minister.
- (2) The Authority, and sporting bodies and law enforcement agencies of the 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 contestants or industry participants (however described) in Australia or elsewhere.

69 Exemptions for persons not resident in the State (cf 1986 Act s63)

- (1) The Authority may, by notification published in the Gazette, exempt any person named in the notification or any class or description of persons specified in the notification from the operation of this Act or such of the provisions of this Act as are specified in the notification.
- (2) The Authority must not, under subsection (1), 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 under subsection (1) may be granted subject to such terms or conditions as are specified in the notification by which the exemption is granted.
- (4) The Authority may, by notification published in the Gazette, revoke, alter or vary a notification referred to in subsection (1).
- (5) 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.

70 Offences by corporations (cf 1986 Act s70)

- (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.

71 Nature of proceedings for offences (cf 1986 Act s71)

- (1) Proceedings for an offence under this Act or the regulations may be dealt with:
 - (a) summarily before a Local Court, or
 - (b) summarily before the Supreme Court in its summary jurisdiction.
- (2) If proceedings are brought in a Local Court, the maximum monetary penalty that the Local Court may impose for the offence is the lesser of:
 - (a) 50 penalty units, 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.

72 Approved forms

The Minister may approve forms for the purposes of this Act.

73 Regulations (cf 1986 Act s72)

- (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 combat sports or classes or aspects of combat sports, from provisions of this Act,
 - (d) the revocation of, and the imposition or variation of conditions on, permits after they have been granted under this Act.
- (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 3 (1).
- (4) The regulations may create an offence punishable by a penalty not exceeding 50 penalty units.
- (5) The regulations may declare a contravention of the regulations to be a disciplinary breach attracting a fine, but cannot make such a declaration if the contravention is punishable as an offence.
Note. A contravention that is declared to be a disciplinary breach attracting a fine can be dealt with by the Authority by way of imposition of a fine (see sections 13 and 29).
- (6) In the event of any inconsistency between a regulation and a rule, the regulation prevails to the extent of the inconsistency.

74 Rules (cf 1986 Act s73)

- (1) The Authority may make rules, not inconsistent with this Act, for or with respect to any aspect of professional 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,
 - (b) medical record books and medical record cards,
 - (c) the appointment and functions of an executive officer of the Authority,
 - (d) the appointment, functions and remuneration of combat sport inspectors for the purposes of this Act,
 - (e) the appointment of, and fees payable to, combat sport officials,
 - (f) the establishment of ratings for combatants,
 - (g) combat sport titles,
 - (h) combat sport equipment,
 - (i) contracts between combatants and industry participants,
 - (j) the regulation of professional combat sport contests,
 - (k) the accreditation and functions of medical officers in connection with professional combat sport contests,
 - (l) rest periods for combatants,
 - (m) age limits for registered combatants,
 - (n) the undertaking of guarantees, and the lodgement of security deposits, by promoters of professional combat sport contests,
 - (o) the making and observance of codes of conduct for registered combatants and registered industry participants.
- (3) The rules may declare a contravention of the rules to be a disciplinary breach attracting a fine.
 - (4) A rule cannot be made except with the approval of the Minister.
 - (5) 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.
 - (6) 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.

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Part 9 Miscellaneous

75 Repeal of Boxing and Wrestling Control Act 1986 No 11 (cf 1986 Act s74)

The *Boxing and Wrestling Control Act 1986* is repealed.

76 Amendments

The Acts specified in Schedule 2 are amended as set out in that Schedule.

77 Savings and transitional provisions (cf 1986 Act s75)

Schedule 3 has effect.

78 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 60)

Part 1 General

1 Definitions

In this Schedule:

Chairperson means the Chairperson of the Authority.

member means any member of the Authority.

Part 2 Constitution

2 Terms of office of members

Subject to this Schedule, a 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.

3 Remuneration

A 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 a member, and the Minister may revoke any such appointment.
- (2) In the absence of a member, the member's deputy may, if available, act in the place of the member.
- (3) 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.
- (4) 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:
 - (i) except on leave granted by the Minister, or
 - (ii) 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 the member referred to in section 60 (5) (b) becomes vacant, or
 - (b) the membership of the Authority (not counting any deputies of members) is reduced to fewer than 7 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.

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Schedule 1 Constitution and procedure of the Authority

- (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 *Public Sector Employment and Management Act 2002* does not apply to the appointment of an appointed member and an appointed member is not, as such a member, subject to that Act (except Chapter 5).
- (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 Amendments

(Section 76)

2.1 Administrative Decisions Tribunal Act 1997 No 76

[1] Schedule 2, Part 4, Division 2, clause 2 Functions allocated to Division

Omit “*Boxing and Wrestling Control Act 1986*”.

Insert instead “*Combat Sports Act 2008*”.

[2] Schedule 2, Part 4, Division 3, clause 3 Combat Sports Act 2008 (Reviewable decisions)

Omit “section 28 of the *Boxing and Wrestling Control Act 1986*”.

Insert instead “section 59 of the *Combat Sports Act 2008*”.

2.2 Combat Sports Act 2008

[1] Section 71 Nature of proceedings for offences

Omit section 71 (1) (a). Insert instead:

(a) summarily before the Local Court, or

[2] Section 71 (2)

Omit “a Local Court”. Insert instead “the Local Court”.

Schedule 3 Savings and transitional provisions

(Section 77)

Part 1 General

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:
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 in the Gazette, 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 consequent on enactment of this Act

2 Definition

In this Part:

the former Act means the *Boxing and Wrestling Control Act 1986*.

3 General provision

Subject to this Schedule, 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.

4 References to Boxing Authority

A reference (however expressed) in any Act or statutory instrument, or any other instrument, or any contract or agreement to the Boxing Authority of New South Wales is taken to be or to include a reference to the Combat Sports Authority of New South Wales.

5 Members of Boxing Authority

A person holding office as a member of the Boxing Authority immediately before the commencement of section 60:

- (a) ceases to hold office as a member of the Boxing Authority on that commencement, and
 - (b) does not become a member of the Combat Sports Authority whether by virtue of clause 4 or otherwise,
- but is eligible (if otherwise qualified) to be appointed as a member of the Combat Sports Authority.

6 Registration of boxers

- (1) A person registered under Part 3 of the former Act as a boxer immediately before the commencement of Part 2 of this Act is taken to be correspondingly registered under Part 2 of this Act as a combatant:
 - (a) for the balance of the period for which the person was registered under the former Act had this Act not been enacted, and
 - (b) for such further period (if any) not exceeding 12 months as may be specified by the Authority in relation to the person or class of persons to which the person belongs,

unless it sooner expires under this clause or is sooner cancelled under this Act.
- (2) The registration provided by this clause expires when registration is granted under Part 2 of this Act to the person as a combatant of the corresponding prescribed class.
- (3) The registration provided by this clause is otherwise subject to the provisions of this Act (including, for example, provisions relating to the suspension of registration and the imposition of conditions on registration, but excluding section 11 and any other inconsistent provision).

7 Registration of industry participants

- (1) A person registered under Part 4 of the former Act as an industry participant immediately before the commencement of Part 3 of this Act is taken to be correspondingly registered under Part 3 of this Act as an industry participant:
 - (a) for the balance of the period for which the person was registered under the former Act had this Act not been enacted, and

- (b) for such further period (if any) not exceeding 12 months as may be specified by the Authority in relation to the person or class of persons to which the person belongs,
unless it sooner expires under this clause or is sooner cancelled under this Act.
- (2) The registration provided by this clause expires when registration is granted under Part 3 of this Act to the person as an industry participant of the corresponding prescribed class.
- (3) The registration provided by this clause is otherwise subject to the provisions of this Act (including, for example, provisions relating to the suspension of registration and the imposition of conditions on registration, but excluding section 27 and any other inconsistent provision).

8 Other provisions relating to registration

- (1) A requirement to show cause made under section 11 (1) of the former Act (not earlier than 14 days before the commencement of section 13 of this Act) is taken to be a requirement made under section 13 (3) of this Act.
- (2) A requirement to show cause made under section 23 (1) of the former Act (not earlier than 14 days before the commencement of section 29 of this Act) is taken to be a requirement made under section 29 (3) of this Act.
- (3) A cancellation or suspension of registration under section 11 of the former Act, or a reduction of the period of a registration under section 11 (2) (c) of that Act, that affected any person immediately before the commencement of section 13 of this Act continues to affect the person as if it were a cancellation, suspension or reduction effected under section 13 of this Act.
- (4) A cancellation or suspension of registration under section 23 of the former Act that affected any person immediately before the commencement of section 29 of this Act continues to affect the person as if it were a cancellation or suspension effected under section 29 of this Act.

9 Medical record book

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

10 Weigh-ins

A weigh-in conducted in accordance with the former Act before the commencement of section 38 of this Act, in connection with a boxing contest held on or after the commencement of that section, is taken to have been carried out in accordance with any applicable regulations.

11 Definition of “professional combat sport contest”—earlier events

- (1) This clause has effect for the purposes of paragraph (b) of the definition of *professional combat sport contest* in section 3 (1).
- (2) The reference in that paragraph to an earlier event includes an event conducted while the former Act was in force, where the event was a boxing contest as defined in the former Act. The reference does not otherwise include an earlier event held while the former Act was in force.

12 Disqualification

A reference in section 57 to a person who has been registered under this Act includes a reference to a person who has been registered under the former Act.