

Combat Sports Amendment Bill 2023

Explanatory Paper

October 2023



Introduction

The Government is seeking to amend the *Combat Sports Act 2013* (the Act) and the *Combat Sports Regulation 2014* (the Regulation) through the Combat Sports Amendment Bill 2023. The amendments will promote the health and safety of combatants and improve the regulation of the combat sports industry.

The amendments are in response to recommendations made by the Combat Sports Authority of NSW (the Authority) in its review of the Act and Regulation. The Authority commenced a review of the Act and Regulation following the death of a combatant in 2015 and the consequent coronial findings. Amendments to the Act were made in 2018, following consultation with industry. Further consultation was subsequently conducted by the Authority, focussing on reforms that will improve the health and safety framework for combatants. The findings and recommendations of this review form the basis of these legislative amendments.

The amendments are informed by the following principles:

- Safety is the primary purpose of the legislative reform.
- The regulatory impact on interstate and overseas participants is to be minimised to promote event attraction, noting the need to maintain safety standards.
- Medical standards are based on medical advice from the Medical Advisory Committee (MAC) of the Authority which is made up of experienced doctors and neurologists.
- The current complexity in the regulatory scheme should be minimised, while ensuring high standards of safety and integrity are upheld.

Combat Sports Amendment Bill 2023 overview

Stopping and suspending a contest

- The amendments will introduce circumstances where a contest may be suspended for the purposes of conducting a modified head injury assessment where it is suspected a combatant has suffered a head injury. This is to ensure that a contest does not continue after a combatant has suffered a concussion or other serious head injury which has been a significant concern for the combat sports industry and the Authority.
- The power to suspend a contest will be with the referee, the Combat Sports Inspector (CSI) and/or the Attending Medical Practitioner (AMP).
- The amendments will introduce circumstances where a contest should be stopped. The power to direct a referee to stop a contest, or direct the referee to stop the contest, will be with the referee, CSI, AMP and/or the trainer.

Concussion and other serious head injury identification (COSHII) training

- Amendments will be made to mandate COSHII training for all registered industry participants. The training will focus on understanding the signs of concussion/head injury. COSHII training will be a mandatory part of registration.
- There will be two tiers of COSHII training and it will be required to be undertaken every three years.
- All industry participants will be required to undertake Level 1 training. Referees, attending medical practitioners and combat sports inspectors (CSIs) will be required to complete Level 2 training which will include specific training on when a contest should be stopped or suspended and how to conduct a modified head injury assessment.

Accreditation of attending medical practitioners (AMPs)

- There will be amendments to create a class of accreditation for AMPs.
- The accreditation will have no fee attached however there will be a requirement for AMPs to demonstrate certain criteria.
- There will be an offence for holding a combat sports contest without an accredited AMP in attendance.

Medical suspensions

- There are amendments to clarify the way medical suspensions operate and to bring the terms of automatic suspensions into the Regulation rather than the Rules where it currently is.

Public Register

- The amendments will create the requirement for the Authority to keep a public register of registered industry participants.
- The amendments will allow the Authority to make public, through an electronic public register, registration details of all people registered (industry participants, promoters, and combatants) limited to their full name, registration class and expiry dates, and for combatants specifically their ring name and whether they are eligible to compete in a contest (i.e. not subject to a suspension and serological clearance and certificate of fitness both being valid).
- The register will aid in the matchmaking process, reduce red tape and streamline the fight card development process.

Simplification of classes

- Amendments will result in a simplification of registration. There are currently 72 registration classes. These will be reduced to 38.
- The amendments also facilitate the creation of a class of Promoter for businesses. There will be a Promoter (Individual) and Promoter (Business) class to allow for Police to check the integrity of business associates.
- Referees, judges, and combatants will still be segmented by Professional/Amateur status and code type. This is due to significant differences in the rules of Professional and Amateur contests and between the codes.

Offences, penalties and powers

- The amendments will create some new powers for the Authority related to enforcement and new offences and penalties for non-compliance with the Act and Regulation.
- These changes will provide the Authority with greater flexibility in dealing with non-compliance with the legislation in a proportionate manner.

Exemption from requirements to suspend a contest

- Amendments to the Act and Regulation include the ability for the Authority to exempt persons that are residents of NSW from the operation of Sections 63A, 64A and 66A.
- This arises because for some contests there will be referees which are exempt from the COSHII requirement (because they are from interstate or overseas) and are therefore not familiar with the suspension of contest requirement or the modified head injury assessment.
- The effect of this is to allow contests in certain circumstances to continue without the requirement to suspend contests for the purposes of conducting a modified head injury assessment.
- An example may be if an Olympic Games qualifying event was to be held in NSW the contest would likely need to operate under the same rules as the Olympics which does not include suspension of the contest in the same way. It is also likely that it would have an independent referee which may be from overseas.

Matters for future amendment to the Regulation

Medical record books

The Act will be amended to facilitate the future development of the medical record books into a digital record.

The transition to a digital record is a complicated and multi-faceted development. At this time the technological solution is still in development and as such it is not appropriate to amend the Regulation.

When the solution has undergone further development an amendment will be made to the regulation to facilitate digital medical record books.

Fees

- Fees collected by the Authority have not been reviewed for a number of years.
- The Office of Sport is developing a Regulatory Impact Statement which will consider fees across the industry.
- At this time we are not in a position to amend the Regulation while changes to fees are being reviewed.
- Changes to fees will be the subject of a future amendment to the Regulation.