

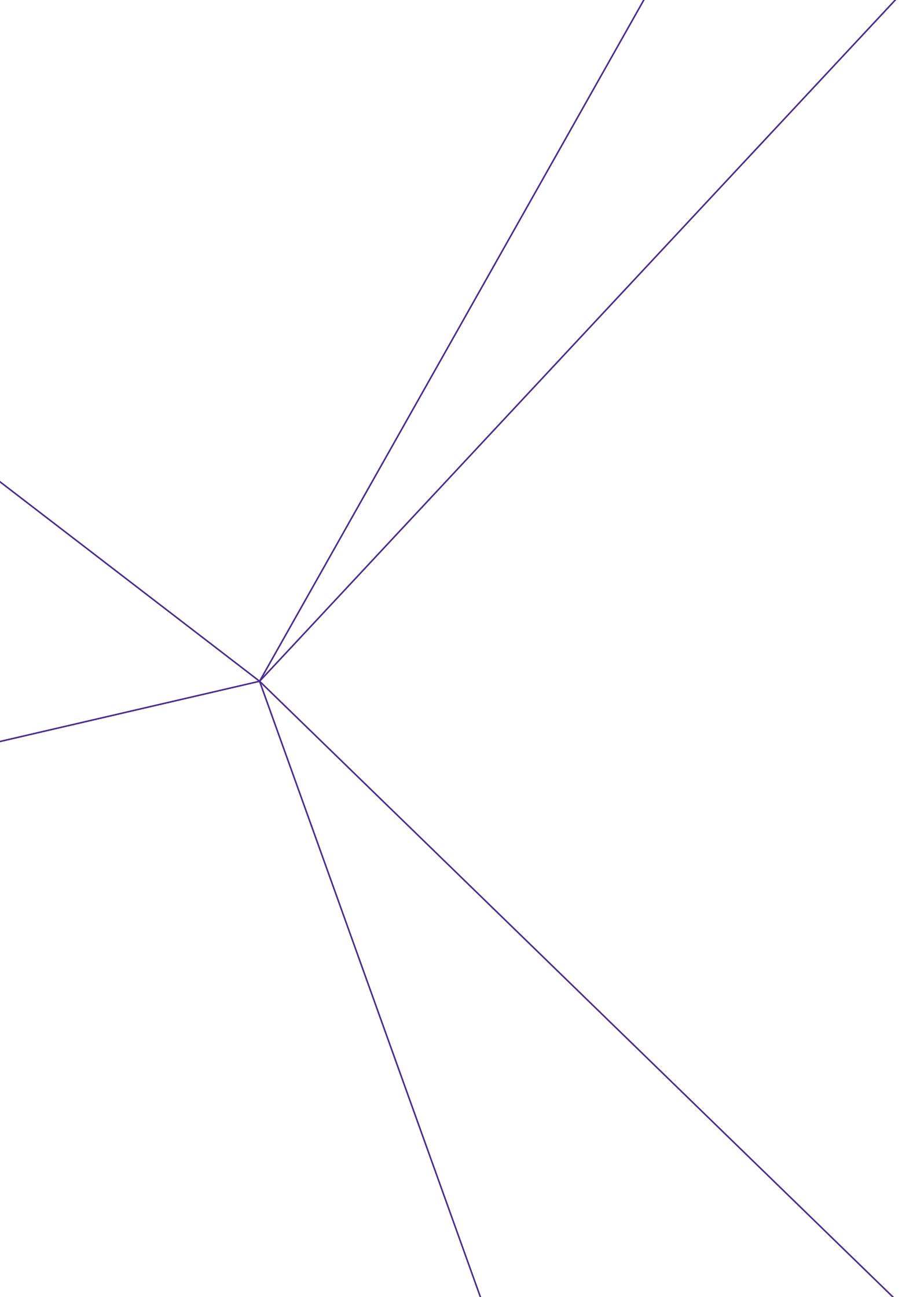


ACT
Government

POLICY POSITION PAPER:
COMBAT
SPORTS

CHIEF MINISTER, TREASURY AND
ECONOMIC DEVELOPMENT DIRECTORATE

SEPTEMBER 2016



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PURPOSE

The purpose of this document is to communicate the ACT Government's position on key issues for the regulation of combat sports in the Australian Capital Territory (ACT).

In December 2015, the Government released the Discussion Paper: *Regulation of combat sport in the ACT*.

This paper has been informed by the feedback received from members of the community and the combat sports industry¹ on the Discussion Paper, as well as earlier industry-specific consultation.

The paper outlines the Government's proposed directions in terms of legislative change, increased regulation and intention to develop a new legislative framework to regulate combat sports in the ACT over the next 12 months.

**The ACT
Government's
position on key issues for
the regulation of combat
sports in the Australian
Capital Territory**

¹ The phrase "combat sports industry" is used for rhetorical purposes throughout this paper to refer to the wide range of sports, martial arts and activities where the primary objective of each contestant is to strike, kick, hit, throw or punch one or more of the other contestants.

The phrase "combat sports industry" for the purposes of this paper also encompasses "industry participants" such as matchmakers, trainers, managers, judges, referees and timekeepers.

Therefore, the terms "combat sport industry" and "industry participants" used within this paper are by no means intended to be definitive or prescriptive. These terms will be subject to further refinement following the release of this paper.

The Government acknowledges the term "combat sports" is often used to group together a disparate and disjointed collection of sports.

OVERVIEW

The challenge

The ACT's approach to regulating combat sports no longer reflects the diverse forms of combat sports within the industry.

Specifically, the ACT's *Boxing Control Act 1993* (the existing Act) and the *Boxing Control (Boxing Contests Code of Practice) Determination 1996* only apply to Boxing and Kickboxing and not other combat sports with similar risk profiles such as Mixed Martial Arts (MMA) and Muay Thai.

A number of combat sports not covered by the existing Act have emerged in the last fifteen years and are now the focus of increasingly popular commercial full contact combat sports events.

The existing Act also does not regulate safety and event management protocols for the range of commercial full contact combat sports events in the ACT. This is inconsistent with the legislative approaches in most other Australian jurisdictions.

The definition of 'professional' in the existing Act does not cover commercial events where contestants are not paid. These are the most frequent and popular events in the ACT and are currently classified as 'amateur' events. The consultation and work undertaken to date has highlighted the need to register and monitor contestants in all commercial combat sports events.

The current situation in the ACT may pose risks to the safety of contestants. There is also potential that unscrupulous promoters could seek to operate in the ACT.

The importance

The regulation of combat sports events in the ACT will contribute to a stronger combat sports industry in the ACT.

Regulation will also underpin the efficient and lawful promotion and conduct of combat sports events, and enable the suitability of participants to be assessed.

Ensuring that ACT legislation reflects the diverse forms of combat sports will help to increase the safety of combat sports for participants and the public.

Health and safety measures that reflect the risks of combat sports such as MMA and Muay Thai will assist in managing participant safety.

Registration of industry participants will allow oversight and monitoring of contests and are an important part of maintaining industry integrity.

Work to date

The ACT Government has extensively engaged key stakeholders about the regulation of combat sports in the Territory.

The most recent consultation, from December 2015 to February 2016, focussed on a set of questions aimed at measuring the appetite for regulation of the industry. The key issues raised had emerged through previous work the Government has undertaken and include the risks associated with neurological injuries, blood-borne virus transmission and criminal influence.

Feedback received during the consultation period indicates there is general support for increased regulation of combat sports. A summary of the findings of the Discussion Paper and online survey are at [Appendix A](#).

STATEMENTS OF INTENT

The following statements of policy intent reflect the findings of the consultation, research into combat sports, and regulatory approaches in other Australian jurisdictions.

1. Definition

The ACT Government's intent is to develop a new, flexible regulatory framework for combat sports in the ACT.

This framework will extend to all full contact combat sports including Boxing, Kickboxing, Muay Thai, MMA and other combat sports with similar risk profiles.

The definition of combat sports will include sports or activities involving striking, hitting, grappling, throwing or punching. The framework will have the capacity to be adaptable as changes occur within the industry.

The definition of combat sports will include sports or activities involving striking, hitting, grappling, throwing or punching.

2. Risk management

The Government's priority is to ensure that the regulation of combat sports will enable participants and promoters to provide a safer environment for contestants and spectators.

The regulatory framework will deliver improvements to safety and adopt emerging risk management practices.

Neurological injuries

The Government is keen to ensure that best practice measures to manage the known associated risks of neurological injuries and concussion are adopted in the Territory. Such measures are likely to include:

- > the mandatory use of Medical Record Books for all contestants to allow doctors conducting medical examinations to determine a contestant's injury history;
- > concussion management tools such as SCAT3²;
- > pre-contest and post-contest medical examinations of contestants;
- > provision to suspend contestants from competing on medical grounds; and
- > mandatory use of protective equipment such as mouthguards, gloves, and groin protectors for Kickboxing, Muay Thai and MMA.

These measures are currently used in other jurisdictions as part of harm minimisation measures for contestants.

² SCAT3 refers to the Sport Concussion Assessment Tool – 3rd Edition. SCAT3 is a standardised tool for evaluating injured athletes for concussion and can be used in athletes aged from 13 years and older. The SCAT3 is designed for use by medical professionals. (sma.org.au/wp-content/uploads/2013/08/2013_Sports_Concussion_Assessment_Tool_3_SCAT3_1.pdf)



Blood-borne virus transmission

The Government intends to introduce mandatory serology testing for all contestants. On safety grounds, contestants testing positive for diseases such as Hepatitis C and HIV will be prevented from being registered and competing. Other measures which the Government will seek to implement for combat sports contests include:

- > serology test clearances which are signed off by a licensed medical practitioner;
- > the requirement for a medical practitioner to examine a prospective contestant during the individual's application to register as a combat sports contestant;
- > policies to limit exposure to blood; and
- > a range of other 'best practice' medical requirements.

The Government's approach reflects the strong stakeholder support for regulatory intervention in this matter.

Crime

The Government is also strongly supportive of introducing measures to reduce the risks associated with crime in relation to combat sports. In particular, regulatory measures which seek to address the risks of Performance and Image Enhancing Drugs and the potential influence of criminal elements are of priority. As in other jurisdictions (such as NSW), this is likely to take the form of a suitability assessment, including consideration of relevant criminal history.

Prohibited weapons or articles

The Government will ensure that the new regulatory framework for combat sports will address the use of otherwise prohibited weapons or articles³.

³ There are existing provisions under the *Prohibited Weapons Act 1996* and the *Prohibited Weapons Regulation 1997* that allow for the possession and use of otherwise prohibited weapons or articles (e.g. nunchaku) in the context of combat sports.

3. Amateur vs professional

The Government will further consider the distinction between the two categories of 'amateur' and 'professional'.

Advice received during industry and community consultation strongly indicates that safety measures should be implemented at all events.

The Government will require the registration of all combat sports contestants regardless of the type of event. As noted above, the regulatory framework will be flexible where required.

4. Industry registration

Combat sports contestants and contest/event promoters are considered the primary industry participants who will require registration as an 'Industry Participant'.

The Government will also give due consideration to balancing the costs and burdens of administrative processes and the implications for those involved in the combat sport industry in the ACT.

Promoters

Promoters are individuals who often have a strong financial stake in a combat sports contest. Therefore, the Government believes that such individuals should be subject to additional scrutiny.

Registration as a combat sports contest/event promoter is most likely to involve:

- > providing evidence of insurances held; and
- > a suitability assessment including financial solvency and relevant criminal history.



The Government's approach reflects the strong stakeholder support for regulatory intervention in this matter.

Contestants

As stated previously, the Government will require the registration of all combat sports contestants.

As in other jurisdictions, registration will include safety and suitability elements.

Judges

The registration of contest judges/referees is also supported in-principle. However, further consideration will be required to determine the appropriate pre-registration requirements for judges and referees.

5. Mutual recognition

The Government will consider the capacity of the ACT to recognise the registration of participants under a mutual recognition arrangement (as is the case in several other Australian States).

6. Sanctioning/peak bodies

The Government will seek to avoid duplicating processes to reduce administrative burden for industry participants.

However, further consideration will need to be given to this matter, as some combat sports organisations that are approved sanctioning bodies in the ACT are no longer sanctioned in NSW.

7. Recognition by the Australian Sports Commission

Feedback has indicated that there is support for some level of self regulation for combat sports bodies or organisations that are recognised by Government agencies, such as the Australian Sports Commission (ASC).

The ASC already recognises sporting organisations that are considered peak bodies for sports such as Muay Thai, Taekwondo, Judo and Boxing.

Therefore, the Government will consider this matter further prior to finalising legislation to regulate combat sports.

8. NSW regulation and the ACT

The Government recognises that there may be opportunities for further cooperation and efficiencies to be realised between the ACT and NSW.

The ACT already requires professional contestants to be registered in NSW. The NSW Combat Sports Authority is the peak regulatory body for combat sports in NSW.

At a minimum, the Government considers that it would be appropriate for Medical Record Books and contestant registration to be mutually recognised in each jurisdiction.

9. Code of practice

The existing *Boxing Control (Boxing Contests Code of Practice) Determination 1996* (the existing Code of Practice) will be superseded by the new regulatory framework.

The Government will consider the continued relevance of a Code of Practice, noting that a new regulatory framework will be flexible enough to address specific differences between types of combat sports.

REFERENCES

The ACT already requires professional contestants to be registered in NSW. The NSW Combat Sports Authority is the peak regulatory body for combat sports in NSW.

- > *Boxing Control Act 1993* (ACT)
www.legislation.act.gov.au/a/1993-24/current/pdf/1993-24.pdf
- > *Boxing Control (Boxing Contests Code of Practice) Determination 1996* (ACT)
www.legislation.act.gov.au/di/1996-233/19961011-11778/pdf/1996-233.pdf
- > Chief Minister, Treasury and Economic Development Directorate. Discussion Paper – *Regulation of combat sport in the ACT*, ACT Government, December 2015,
[http://timetotalk.act.gov.au/storage/Discussion%20Paper%20-%20Combat%20Sports%20\(2\).pdf](http://timetotalk.act.gov.au/storage/Discussion%20Paper%20-%20Combat%20Sports%20(2).pdf)
- > *Combat Sports Act 2013* (NSW) <http://legislation.nsw.gov.au/#/view/act/2013/96/whole>
- > *Prohibited Weapons Act 1996* (ACT)
www.legislation.act.gov.au/a/1996-75/current/pdf/1996-75.pdf
- > *Prohibited Weapons Regulation 1997* (ACT)
www.legislation.act.gov.au/sl/1997-12/current/pdf/1997-12.pdf

APPENDIX A

Summary of findings - Discussion paper

Overview

The Discussion Paper entitled *Regulation of combat sport in the ACT* was released for community and industry consultation on the ACT Government's Time to Talk website from 19 December 2015 to 9 February 2016.

An online survey was also available via Survey Monkey for respondents to submit feedback.

There were 20 online survey responses and three formal written submissions received.

Communications methodology

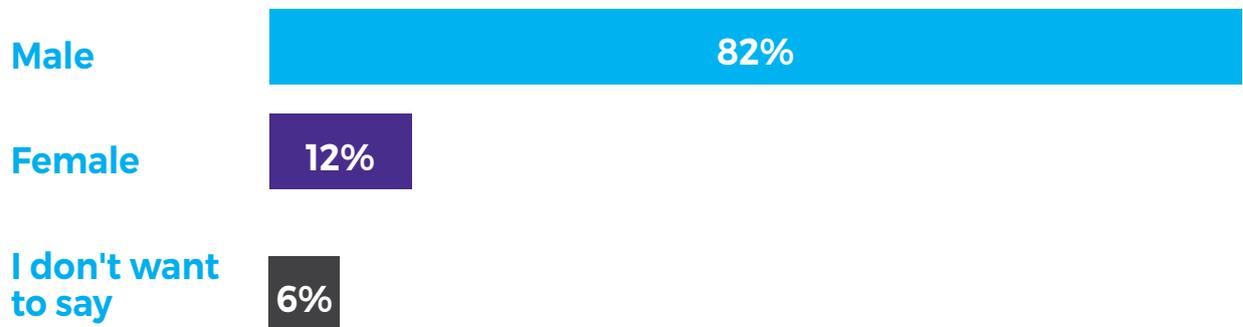
The release of the Discussion Paper was also advertised via the following communication channels:

- > ACT Government Facebook posts: 1
- > ACT Government Twitter posts: 7
- > ACT Sport and Recreation Facebook posts: 5
- > ACT Sport and Recreation Twitter posts: 7
- > Consultation related news articles: 3

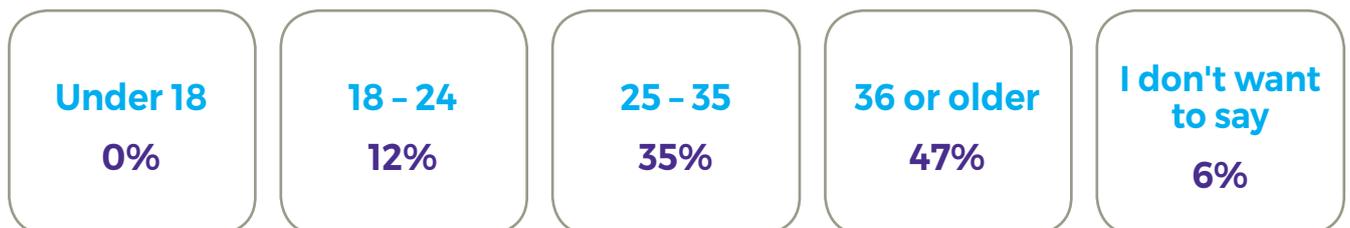
Summary of findings - Consultation data

Respondent demographics

Gender



Age group





Responses to survey questions

How should combat sports be described? Is the following description appropriate?

"Combat sports are a sport or activity in which each participant or contestant is required to strike, hit, grapple with, throw or punch the other contestant."



Are the risks associated with neurological injuries and concussion in combat sports substantial enough to warrant intervention?



Are the risks associated with blood-borne viruses in combat sports substantial enough to warrant intervention?



Is there a relevant distinction between amateur and professional sports contestants?

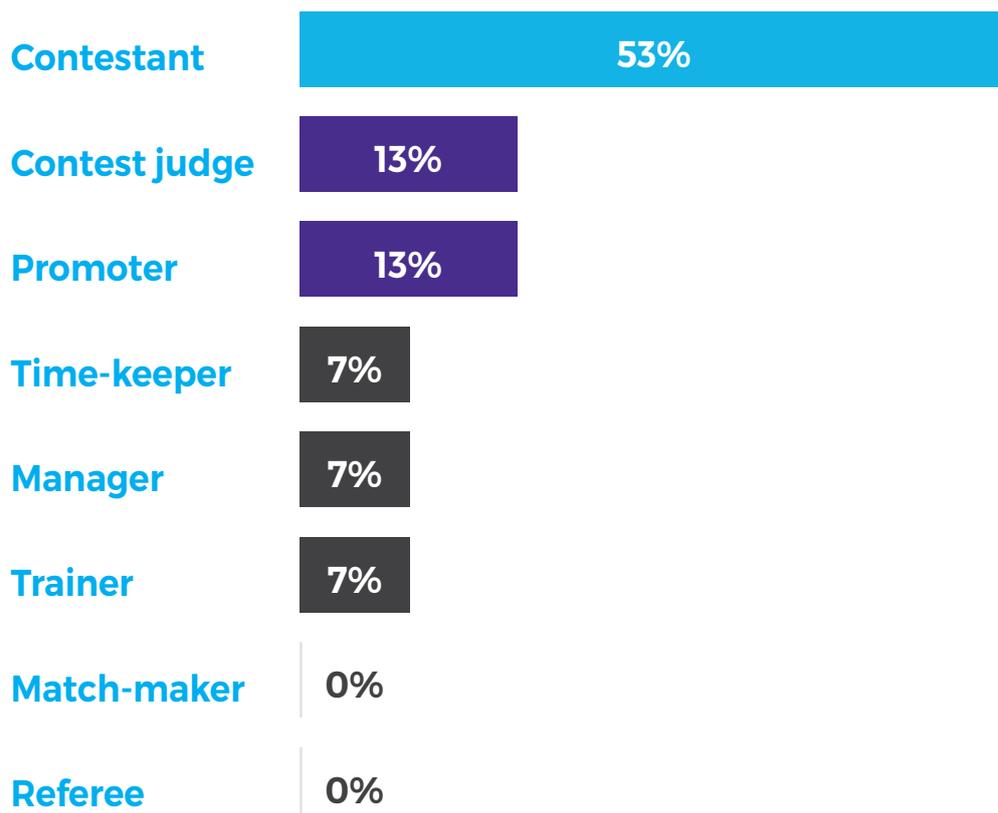




Are the risks associated with crime in combat sports substantial enough to warrant intervention?



Which combat sports participants should require registration?

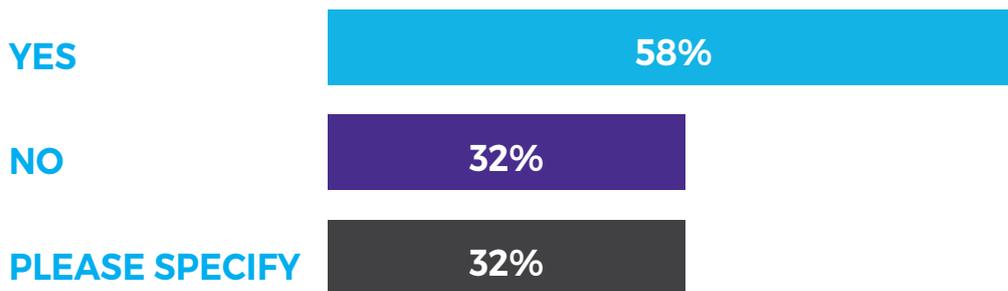




Should both amateur and professional sports contestants be required to be registered?



Should any combat sports be excluded from government regulation?



Does the existing Code of Practice adequately address key industry participant responsibilities for boxing and kickboxing?



