

## CONTROLLED SPORTS LEGISLATION

### Development of new legislation for the regulation of combat sports in the ACT

The ACT Government closed its community consultation about the draft Controlled Sports legislation on 31 August 2018.

In September 2016, we announced that we would develop new legislation to regulate combat sports in the ACT, as the existing legislation no longer reflects the diverse forms of combat sports within the industry.

Canberra has a reputation as the most active city in Australia, and combat sports participation is a growing and evolving activity for many Canberrans, with many new forms of combat sports emerging over the last two decades. Contests are a way for athletes to build their experience and test their skills, and this brings benefits such as tourism to our city. However, we want events to be run as safely as possible and with integrity.



The Controlled Sports Bill (the Bill) has been informed by extensive consultation with a range of stakeholders, including industry participants and experts, sports scientists and academic researchers, medical practitioners, law enforcement, and sporting integrity experts, as well as relevant agencies across government.

As part of the consultation, stakeholders were able to comment on the draft legislation before it was introduced into the Legislative Assembly. This meant we could hear how the legislation would work practically and make adjustments during the drafting stage.

In drafting the Bill, stakeholder input has been supplemented by comprehensive research about the health, safety and integrity of various combat sports.

The Bill updates the regulation of combat sports contests, and other prescribed sports as required, in the ACT. It allows for an expanded scope of sports and related activities to be better regulated if the need arises. This legislation replaces the *Boxing Control Act 1993*.

## THE CONVERSATION

### Stakeholder consultation to seek views on the draft Controlled Sports Bill

We held face-to-face conversations and met directly with a range of stakeholders from 31 July to 31 August 2018.

We also met with a number of special interest groups both during and prior to industry consultation to formulate a comprehensive piece of legislation to present to the combat sports industry.

## WHO ENGAGED

### Combat sports industry, other jurisdictions and special interest groups

A number of stakeholders that are currently regulated by the *Boxing Control Act 1993* participated in the engagement. This included promoters of contests in the ACT of boxing, kickboxing, Muay Thai and Mixed Martial Arts, as well as sporting organisations representing these sports.

Stakeholders that are not currently regulated, but will be captured under the new legislation, also participated in discussions. This includes representatives from Judo, Kung Fu Wushu, Wrestling, Karate, Fencing and Aikido. Participants in the consultation were primarily from organisations representing these combat sports, as well as a small number of individual participants.

Law enforcement and medical expertise was also sought regarding the key aspects of the legislation on safety and integrity. This included ACT Policing, NSW Police, ACT Government – Justice and Community Safety and Health Directorates, the Australian Institute of Sport, Sport Australia, Sports Medicine Australia, Edith Cowan University, the AIDS Action Council and Hepatitis ACT. We also spoke with other regulating jurisdictions to develop best practice approaches and settle mutual recognition matters.

### Key insights from the community

#### Safety

1. All stakeholders showed strong support for safe participation in combat sports.
2. Medical specialists were particularly concerned with the impact of concussions and head injuries for contestants, such as long term cognitive impairments, potential for disability and fatal consequences when the brain has suffered multiple or significant injuries. It was noted that concussion policies for other sports do not suit combat sports without fundamentally changing the nature of the contest – for example, removing from contest after a strike to the head or neck. Special consideration therefore needs to be given.
3. Some stakeholders raised the safety comparisons of combat sports to other sports, stating that they felt unfairly targeted by this legislation. Others acknowledged that this project was specifically for the regulation of combat sports (to replace existing legislation), and other sports are regulated differently, including through self-regulation or co-regulation with the support of evidence-based policy and guidelines.
4. Some stakeholders felt that their particular style of combat sport was different to others because of different techniques used, and this warranted their exclusion from the legislation.
5. Many stakeholders felt they were already managing safety aspects of their combat sport, yet acknowledged the need for consistency to support compliance across all parts of the industry.

#### Integrity

6. Integrity was a primary consideration for law enforcement as well as stakeholders interested in commercial combat sports operations in the ACT.



7. Integrity approaches, particularly the introduction of inspectors was overwhelmingly supported by stakeholders.
8. Those that commented on offences and administrative sanctions were generally supportive. Stakeholders wanted to do the right thing and many sought clarity on how an error on their part may result in an offence being committed.
9. Some redrafting was undertaken to improve the language regarding non-registered events and who was committing an offence (i.e. a promoter as opposed to an authorised controlled sports body). Administrative sanctions were drafted for authorised controlled sports bodies, which will be further clarified in subordinate legislation detailing governance and standards for these bodies.

### Regulatory Approach

10. Stakeholders provided substantial feedback on the definitions within the proposed Bill, particularly relating to 'commercial purpose' and 'full-contact combat sport'.
11. Stakeholders sought more clarity on the meaning of *commercial purpose* and how this would be applied to not-for-profit organisations, charity events, and events where a reasonable public entry fee is charged. This has been further clarified, and more guidance will be offered in the code of practice (subordinate legislation).
12. Stakeholders largely felt that the definition of *full-contact combat sports* did not reflect the diversity of the industry or the purpose of the contests. This has since been modified to define *light contact combat sports* on an exclusion basis.

### Requirements for registered and non-registered events

13. Industry stakeholders were interested in the practicalities of the legislation such as how notifications and applications for events will happen; and concerns about providing the final fight card or draw to meet requirements. These matters will be settled in transition and implementation stages.
14. Most were reassured that the ACT Government will support them through this process and provide guidance and information to assist with compliance.

## WHAT'S NEXT?

### Feedback considered for re-drafting legislation

All stakeholder feedback has been considered in re-drafting particular components of the legislation, for future subordinate legislation or in the administration of the legislation. The most significant considerations are about the removal of full-contact combat sports as a way of defining which events are *included*, and introducing the concept of light contact combat sports to *exclude* particular styles or techniques on application.

Commercial purpose has been given further consideration. The decision was taken to not be too prescriptive in the Bill, but allow for further clarification in the code of practice as part of subordinate legislation. This allows it to be specific to the combat sports industry and can be updated more readily should the final definition present issues or inconsistencies.

# Controlled Sports Bill consultation

## REPORT ON WHAT WE HEARD



The Government has included the creation of an appointed registrar of controlled sports in the draft Bill to clarify decision making responsibilities (for example, registrations and event approvals). The registrar will be appointed by the Minister for Sport and Recreation.

You can register to receive project updates at: [controlledsports@act.gov.au](mailto:controlledsports@act.gov.au). To find out more about the Controlled Sports project and other sporting initiatives, policies and projects in Canberra visit [www.sport.act.gov.au](http://www.sport.act.gov.au) or follow us on [Facebook](#).

### Key Timings

#### Introduce legislation – 29 November 2018: **We are here**

Legislation will be introduced into the Legislative Assembly.

#### Development of subordinate legislation – October 2018 – March 2019:

Subordinate legislation such as the code of practice, governance requirements for approved controlled sports bodies, fees to be developed.

#### Industry transition:

Once legislation passes, the ACT Government will work with industry on transitioning.

#### Commencement of legislation – mid-2019:

The legislation will come into effect.

### THANK YOU FOR YOUR FEEDBACK

**100+**

We reached 100+ key stakeholders via email

**35**

We spoke to 35 individuals and organisations

**2**

We delivered two presentations to 10 people

**20**

We met with 20 businesses and community groups

**93**

We sent emails to 93 combat sports gyms, organisations and promoters

**24**

We have undertaken research on 24 different subject areas

**35**

We received 35 items of feedback

**95%**

of people engaged were supportive of the legislation with amendments