### 

## What we’re asking

The ACT Government is gathering information, feedback and ideas from you and other members of the community on three important matters:

1. Considering the conditions for how a sporting body can become an Authorised Controlled Sports Body
2. Determining the conditions for non-registrable events being approved by Authorised Controlled Sports Bodies
3. Considering the list of requirements for notification of non-registrable events

## Who we’re talking to

* Industry participants including promoters, combat sports bodies, gyms and training centres
* The Australian Institute of Sport

## Your say matters

Your input is very important.

* We want the requirements for non-registrable events to reflect the industry and be useful and easy to understand.
* We will consider different perspectives on the matters to be included in the regulation.
* Your input will influence the Government’s decision-making process.
* You can provide input through one of our forums or submit a written response.

## What next

The following fact sheets can help you better understand these matters.

* However, these issues may not be easy to understand, so please ask questions during the discussion!
* No input from you is “right” or “wrong” – we welcome your input.

All feedback will be considered by the government when drafting the regulation. Following this, the Minister for Sport and Recreation will consider the draft and approve it to become law. Organisations will be able to apply to become an Authorised Controlled Sports Body in August, ahead of the scheme’s commencement on 11 October 2019.

# becoming an authorised controlled sports body

### FACTSHEET

## Key Questions

* What factors should the government consider when creating the conditions under which entities are to be approved as authorised controlled sports bodies?
  + What should the ACT Registrar consider when approving an application?

**Proposed outline of regulation**

### Requirements for Declaration to be an Authorised Controlled Sports Body

Some requirements are already outlined in the Act (under Section 63 (3) (a-c)), including:

1. Whether the entity operates on a not for profit basis
2. The activities the entity is involved in, or proposes to be involved in (for example, a particular style of combat sport)
3. The rules and procedures of the entity, including any different rules for different styles of a controlled sport.

These requirements cannot be modified. This regulation would add to this list of requirements with the following:

1. Education, training and accreditation processes for officials used at non-registrable events
2. Key elements of good governance including a constitution, board structure, appropriate risk management policies/practices/insurances and ability to communicate with its members/stakeholders.
3. Medical processes and procedures for events

*Note: Entities that are National Sporting Body affiliates of their combat style will be automatically recognised as Authorised Controlled Sports Bodies. Evidence will need to be provided to the ACT Registrar for Controlled Sports as proof of this. Others will be able to apply to become recognised and need to meet these conditions.*

### Conduct of Authorised Controlled Sports Bodies

Mandatory conduct requirements will be established for Authorised Controlled Sports Bodies:

1. Ensure that each contestant listed on the draw has appropriate medical clearances before providing approval to the non-registrable event promoter;
2. Ensure that non-registrable event promoters have met all stated conditions of the Authorised Controlled Sports Body before providing approval;
3. Provide honest and accurate information to the Registrar for Controlled Sports; and
4. Cooperate with any inspection of events or records held by the entity in relation to non-registrable events;
5. Ensure the non-registrable event is appropriately insured, including through the provision of the Authorised Controlled Sports Body’s insurance coverage;
6. Report any serious injuries, deaths of any contestant, official, or member of the public, or disruption to public order to the ACT Registrar for Controlled Sports or their nominated representative immediately following the incident whether or not the promoter believes the serious injury, death or disruption to pubic order was a direct result of the event or contest.

### Authorised Controlled Sports Bodies must not

1. Undermine the ACT Registrar for Controlled Sports or their representatives;
2. Engage in illegal activity relating to match fixing, illegal gambling, money laundering or cheating.
3. Interfere in the medical practitioner’s role in any way during the contest.
4. The promoter must not represent the Authorised Controlled Sports Body approving the event, including through a direct relationship

### Compliance

There will be sanctions in relation to non-compliance with these requirements, including:

1. Offence of 50 penalty units (for both the Authorised Controlled Sports Body or individual)
2. Temporary suspension of recognition as an Authorised Controlled Sports Body
3. Permanent cancellation of recognition as an Authorised Controlled Sports Body

## *Note, these decisions are reviewable.*

## Background Information

Having the “right” level of:

* Regulation to ensure Authorised Controlled Sports Bodies are held to the highest standards of integrity
* Requirements for Authorised Controlled Sports Bodies to understand their expectations and duties
* Processes and procedures to ensure Authorised Controlled Sports Bodies are monitoring non-registrable contests in an appropriate and safe manner.

# conditions for approval of non-registrable events

### Fact Sheet

## Key Questions

What factors are important when determining whether a non-registrable event should be approved by an Authorised Controlled Sports Body?

* Which safety and integrity requirements should be considered for Authorised Controlled Sports Bodies approving events?

**Proposed regulation outline**

Authorised Controlled Sports Bodies will be approved by the Minister for Sport and Recreation to approve non-registrable events. The Minister may prescribe the conditions for approval of non-registrable events under Section 62 (2) of the *Controlled Sports Act 2019*.

### Authorised body responsibilities

Authorised Controlled Sports Bodies will have the ability to:

* Require applications;
* Provide approvals (with/without conditions);
* Suspend contestants and officials;
* Impose conditions or cancel registrations;
* Require medical clearance of contestants, in line with certificate of fitness requirements for registered contestants (see Division 3.3 of the Act)
* Review approvals

An Authorised Controlled Sports Body will have the authority to undertake certain activities for non-registrable events or require an authorised official to do this on behalf of the body. This includes to:

* Supervise the weigh-in and other official procedures prior to a non-registrable event;
* Ensure a medical practitioner or paramedic attends the event to supervise each contest, and undertake pre-and post-event medical checks on all contestants;
* Appoint, and oversee the performance of, referees, judges and timekeepers officiating at the contest;
* Support the controlled sports inspector to ensure the contest is conducted in accordance with the Act, Regulations and the Code of Practice;
* Implement its risk management policies and procedures, as submitted to the ACT Registrar, in relation to non-registrable events;
* Record the contest result in the contestant’s medical record book;
* Maintain a record of the results of the contest.

An Authorised Controlled Sports Body, as a condition of being approved, must:

* Ensure each contestant listed on the draw has appropriate medical clearances before providing approval to the non-registrable event promoter. Appropriate medical clearances should include a yearly certificate of fitness
* Ensure non-registrable event promoters have met all stated conditions of the Authorised Controlled Sports Body before providing approval;
* Ensure the non-registrable event is appropriately insured, including through the provision of the Authorised Controlled Sports Body’s insurance coverage (see ‘Insurance coverage for events’ table below);
* Report event results to the ACT Registrar for Controlled Sports within five working days of the end of the contest. This includes contestant names, results of each contest (win, loss, draw), the type of win/loss (if applicable), scores, winnings;
* Report any serious injuries or death of any contestant, official, or member of the public to the ACT Registrar for Controlled Sports as soon as possible but within 24 hours of the serious injury or death, whether or not the Authorised Controlled Sports Body believes the serious injury or death was a direct result of the event or contest.

Authorised Controlled Sports Bodies must not:

* Undermine the ACT Registrar for Controlled Sports or their representatives; and
* Engage in any illegal activity relating to match fixing, illegal gambling, money laundering or cheating.

### Promoter/ organiser responsibilities

Promoters/ organisers of events must ensure:

* The event is run with the approval of an Authorised Controlled Sports Body
* Contestants are medically fit to compete by providing the appropriate medical check
* The event is run in accordance with the approving Authorised Controlled Sports Body’s rules relating to the style/s of combat sports in the event program
* They supply the following documents to the ACT Registrar of Controlled Sports at least five business days prior to the event:
  + a copy of the approval to hold the event from the Authorised Controlled Sports Body
  + a copy of the final draw or list of contestants to be matched at the event noting contestant names and ages (unless prior agreement is arranged for late submission); and
  + a copy of the relevant insurance for the event

*Note: Provision of a final draw is preferable. In instances where final matches are not determined until after the submission deadline has passed, provision of the list of contestants is acceptable.*

Promoters/ organisers of events must not:

* Undermine the ACT Registrar for Controlled Sports or their representatives; and
* Engage in any illegal activity relating to match fixing, illegal gambling, money laundering or cheating.
* Be representing or have any direct relationship with a Controlled Sports Body that is approving holding the event.

### Insurance coverage for events

Insurance is required at the following level for each event:

|  |  |  |  |
| --- | --- | --- | --- |
| **Role** | **Insurances** | **Mandatory or Recommended** | **Level (minimum)** |
| Promoter | Public Liability | Mandatory | $20 million |
| Professional Indemnity (covering promoter & officials) | Mandatory | $5 million |
| Worker’s Compensation | Mandatory (where an employment relationship exists\*) | N/A |
| Trainer/  Second | Professional Indemnity | Recommended | N/A |
| Referee | Private Health | Recommended | N/A |
| Contestant | Private Health | Recommended | N/A |

## Background Information

The ACT Government will implement conditions for the approval of non-registrable events because:

* Safety of contestants, promoters and officials is a significant priority for the government
* Many people in the ACT currently compete in non-registrable events (currently known as amateur)
* The government’s expectations on industry for the approval of non-registrable events should be outlined clearly, including building on our previous knowledge of this process under the *Boxing Control Act 1993*
* Non-registrable events should have an integrity-based framework to govern the conduct of all parties involved

The government can support conditions on approving non-registrable events in several ways:

* Encouraging probity and best practice in the industry
* To support the capability of Authorised Controlled Sports Bodies to co-regulate
* To provide rules for ensuring there is safety and integrity of events

Other jurisdictions require conditions on non-registrable (amateur) events including New South Wales, Victoria and Tasmania.

# non-registrable event notification

### Fact Sheet

## Key Questions

* Are the requirements for notifying non-registrable events appropriate and manageable for Authorised Controlled Sports Bodies and/or the non-registrable event promoter?
  + What works?
  + What doesn’t work?
  + What do you think about the proposed notification requirements?

**Proposed outline of regulation**

Organisers/promoters of non-registrable events must notify the ACT Registrar for Controlled Sports 28 days prior to the scheduled date of the event. This notification must include the following details:

1. Name of event;
2. The name of the Authorised Controlled Sports Body approving (or pending approval of) the event;
3. Approval by Authorised Controlled Sports Body (if available);
4. Combat sporting style/s to be contested at event;
5. Date, time and location of event;
6. Details of the promoter;
7. Names of all officials and the role to be performed;
8. A draft draw of contestants noting contestant names and ages;
9. Provision of the approved rules of the combat sporting styles that will be contested, including any modified rules for contestants under the age of 18 years; and
10. A completed checklist that confirms that the event does not meet the criteria for a registrable event.

## Background Information

The Government is seeking this information under Section 64 (2) of the *Controlled Sports Act* 2019 which ensures the safety and integrity measures are applied consistently across industry and allows the government to follow up where these standards fall short.

Having the “right” level of notification requirements can be beneficial for combat sports contestants including:

* Ensuring safety and integrity are held to high standards
* Monitoring contestants participating in both registrable and non-registrable contests
* Information about combat sports contests is recorded in an appropriately.