



Australian Capital Territory

Controlled Sports Act 2019

A2019-9

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Australian Capital Territory

Controlled Sports Act 2019

A2019-9

An Act to regulate controlled sports, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Controlled Sports Act 2019*.

2 Commencement

This Act commences 6 months after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*controlled sport*—see section 7.’ means that the term ‘controlled sport’ is defined in that section and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Objects and important concepts

6 Objects of Act

The objects of this Act are to—

- (a) regulate the conduct of certain combat and other high-risk sports events in a way that minimises harm; and
- (b) promote the health and safety of controlled sports contestants; and
- (c) promote the integrity of controlled sports events.

7 Meaning of *controlled sport*

In this Act:

controlled sport—

- (a) means—
 - (i) a combat sport; or
 - (ii) any other high-risk sport or activity prescribed by regulation; but
- (b) does not include a combat sport—
 - (i) declared under section 8; or
 - (ii) prescribed by regulation.

8 Minister may exempt light contact combat sports

- (1) A person may apply to the Minister for a declaration that a light contact combat sport is not a controlled sport.
- (2) In making a declaration, the Minister must consider the following:
 - (a) the techniques and amount of force used in the light contact combat sport;
 - (b) the rules of the light contact combat sport;
 - (c) the likelihood the light contact combat sport could involve forceful contact with a person's head, neck, spine or groin;
 - (d) the risk of injury to a person participating in the light contact combat sport.
- (3) The Minister must—
 - (a) make the declaration; or
 - (b) refuse to make the declaration.

Note The Minister's decision to refuse to declare that a light contact combat sport is not a controlled sport is a reviewable decision (see s 81).

- (4) A declaration may be subject to conditions.
- (5) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (6) In this section:

light contact combat sport means a combat sport that is not likely to involve forceful contact with a person's head, neck, spine or groin.

9 Meaning of *controlled sports event*

- (1) In this Act:

controlled sports event—

- (a) means an event involving a contest or exhibition of a controlled sport; but
- (b) does not include training.

- (2) In this section:

training—

- (a) means an activity undertaken by a person to—
 - (i) develop the person's fitness or a skill; or
 - (ii) prepare for a contest; and
- (b) includes sparring, other than at a contest.

10 Meaning of *registrable event*

- (1) In this Act, a controlled sports event is a ***registrable event*** if—

- (a) the event is held for a commercial purpose; or
- (b) contestants in the event compete for a monetary or other valuable reward; or

Example—valuable reward

an airline ticket or other travel assistance that enables a contestant to compete in an event in another State or foreign country

- (c) the event is held at a casino; or
- (d) the event is a sports bookmaking event; or
- (e) the event is held at a place that is, or part of the place is, a sports bookmaking venue; or
- (f) the event is prescribed by regulation to be a registrable event.

- (2) The Minister may declare that a controlled sports event is not a registrable event.
- (3) A declaration may be subject to conditions.
- (4) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (5) In this section:

casino—see the [Casino Control Act 2006](#), dictionary.

commercial purpose, in relation to an event, means holding the event as part of a business or otherwise with the intention of directly or indirectly making a profit.

sports bookmaking event—see the [Race and Sports Bookmaking Act 2001](#), dictionary.

sports bookmaking venue—see the [Race and Sports Bookmaking Act 2001](#), dictionary.

11 **Meaning of *controlled sports official***

- (1) In this Act:

controlled sports official, for a controlled sports event, means a person who undertakes activities in relation to the event, or a contestant in the event, in any of the following capacities:

- (a) for combat sports—
 - (i) a judge; and
 - (ii) a manager; and
 - (iii) a match maker; and
 - (iv) a medical practitioner; and
 - (v) a promoter; and
 - (vi) a referee; and

- (vii) a second; and
- (viii) a timekeeper; and
- (ix) a trainer; and
- (x) any other capacity prescribed by regulation;
- (b) for controlled sports other than combat sports—any other capacity prescribed by regulation.
- (2) For subsection (1), it is immaterial whether or not a person receives payment or other consideration for the activities.
- (3) In this section:

judge means a person who decides the points scored by each contestant in a controlled sports event.

manager means a person who represents the interests of a contestant at, and directs or controls the contestant in relation to, a controlled sports event.

match maker means a person who acts on behalf of a promoter to arrange matches at a controlled sports event between particular contestants.

promoter, of a controlled sports event, means the person who conducts the event.

Note A reference to a ***person*** generally includes a reference to a corporation as well as an individual (see [Legislation Act](#), s 160).

referee means a person who enforces the rules relating to a controlled sport during a controlled sports event.

second means a person who assists—

- (a) a trainer in the training or instruction of a contestant; and
- (b) a contestant as advised by a trainer.

timekeeper, of a controlled sports event, means a person who regulates the number and length of rounds, and the interval between rounds, of the event.

trainer means a person who—

- (a) supervises the training or instruction of a contestant; and
- (b) accompanies a contestant into or onto an event area to give advice or assistance during a controlled sports event.

Part 3 Controlled sports registration

Division 3.1 Preliminary

12 Controlled sports registrar

- (1) The Minister may appoint a public servant as the controlled sports registrar.

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

- (2) An appointment must not be for longer than 2 years.

- (3) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (4) If an appointment is not made under subsection (1), the Minister may make arrangements for the registrar (however described) responsible for exercising functions under a Commonwealth or State law that substantially correspond to this Act to exercise the functions of the controlled sports registrar.

Note **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (5) The registrar may delegate the registrar's functions under this Act or another territory law to a person.

Note 1 **Registrar**—see the dictionary.

Note 2 For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

13 Consideration of public interest

- (1) If a provision in this part requires the registrar to consider if it is in the public interest for a person to be registered as a controlled sports official or a controlled sports contestant, the registrar—
 - (a) must consider if the person, or for a corporation, a relevant person, has—
 - (i) been convicted or found guilty of a class A offence; or
 - (ii) had a controlled sports official's registration or a controlled sports contestant's registration (however described) suspended or cancelled under this Act or a corresponding law; and
 - (b) must consider any guidelines made by the Minister under subsection (2); and
 - (c) may consider if the person, or for a corporation, a relevant person, has been convicted or found guilty of a class B offence; and
 - (d) may consider any other relevant matter.

Note **Corresponding law**—see the dictionary.

Relevant person, for a corporation—see the dictionary.

- (2) The Minister may make guidelines about what the registrar must take into account when considering the public interest for a provision in this part.
- (3) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

(4) In this section:

class A offence means an offence—

- (a) against this Act; or
- (b) involving assault or violence; or
- (c) relating to the possession, storage or use of a firearm or other weapon; or
- (d) involving a controlled drug, controlled plant or controlled precursor within the meaning of the [Criminal Code](#) (other than an offence for possession); or
- (e) against any of the following:
 - (i) the [Criminal Code](#), part 3.8A (Cheating at gambling);
 - (ii) the [Crimes Act 1900](#), division 6.2A (Money laundering and organised fraud);
 - (iii) the [Criminal Code Act 1995](#) (Cwlth), schedule, part 5.3 (Terrorism);
 - (iv) the [Unlawful Gambling Act 2009](#); or
- (f) committed outside the ACT involving terrorism that is an offence against a law of the place where the offence is committed; or
- (g) against a law of the Commonwealth or a State corresponding, or substantially corresponding, to an offence mentioned in paragraphs (a) to (f).

Note **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

class B offence means—

- (a) an offence involving dishonesty or theft; or
- (b) an offence involving the use of alcohol, a controlled drug or controlled plant; or
- (c) an offence against a law mentioned in the [Gambling and Racing Control Act 1999](#), section 4, paragraphs (a) to (j); or
- (d) any other offence prescribed by regulation; or
- (e) an offence against a law of the Commonwealth or a State corresponding, or substantially corresponding, to an offence mentioned in paragraphs (a) to (d).

Note *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

Division 3.2 Registration of controlled sports officials

14 Application for registration as controlled sports official

- (1) A person may apply to the registrar for registration as a controlled sports official.

Note A fee may be determined under s 89 for this provision.

- (2) The person must be—
 - (a) for registration as a promoter—an adult or a corporation; or
 - (b) for registration in any other capacity—an individual.
- (3) An application for registration must comply with the application requirements under section 15 or section 16.
- (4) The registrar may, in writing, exempt an applicant from the requirement to provide any of the information or documents mentioned in section 15 or section 16.

- (5) The registrar need not consider an application if—
 - (a) information required under this division is not given; or
 - (b) the registrar is not satisfied as to the identity of the applicant.
- (6) An application may be withdrawn at any time by written notice to the registrar.

15 Application requirements—individuals

- (1) An application for registration by an individual must include—
 - (a) the applicant's full name; and
 - (b) the applicant's date of birth; and
 - (c) each capacity in which the applicant proposes to be registered; and
 - (d) anything else prescribed by regulation.

Examples—par (c)

promoter, referee, trainer, manager, second, match maker, timekeeper

- (2) The application must be accompanied by—
 - (a) evidence of the applicant's date of birth; and
- ### **Examples**
- an Australian driver licence
 - a proof of age card
 - a passport
- (b) evidence of the applicant's qualifications (if any) or experience for registration; and
 - (c) a written statement by the applicant stating whether, during the 5 years before the day of application, the applicant has—
 - (i) been convicted or found guilty of an offence mentioned in section 13 (2); or

- (ii) had a controlled sports official's registration or a controlled sports contestant's registration (however described) suspended or cancelled under this Act or a corresponding law; and
- (d) a consent by the applicant for the registrar to—
 - (i) check the applicant's criminal history; and
 - (ii) obtain information held by any entity in relation to the applicant that may be relevant in deciding the application; and
- (e) anything else prescribed by regulation.

Note 1 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Note 2 **Corresponding law**—see the dictionary.

16 Application requirements—corporations

- (1) An application for registration by a corporation must include—
 - (a) the name and business address of the corporation; and
 - (b) the name and business address of each relevant person for the corporation; and
 - (c) anything else prescribed by regulation.

Note **Relevant person**, for a corporation—see the dictionary.

- (2) The application must be accompanied by—
 - (a) the financial report and directors' report for the corporation from the last financial year; and

Note For further information about financial reports and directors' reports, see the [Corporations Act](#), ch 2M (Financial reports and audit).

- (b) a written statement by each relevant person for the corporation stating whether, during the 5 years before the day of application, the relevant person has—
 - (i) been convicted or found guilty of an offence mentioned in section 13(2); or
 - (ii) had a controlled sports official's registration or a controlled sports contestant's registration (however described) suspended or cancelled under this Act or a corresponding law; and
- (c) a consent by each relevant person for the corporation for the registrar to—
 - (i) check the person's criminal history; and
 - (ii) obtain information held by any entity in relation to the person that may be relevant in deciding the application; and
- (d) anything else prescribed by regulation.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (3) In this section:

directors' report means a directors' report under the [Corporations Act](#), part 2M.3, division 1.

financial report—see the [Corporations Act](#), section 9 (Dictionary).

17 Request for further information to decide application

- (1) The registrar may, in writing, request that an applicant for registration as a controlled sports official give to the registrar additional stated information or documents that the registrar reasonably needs to decide the application.
- (2) Without limiting subsection (1), if the applicant has lived in a foreign country as an adult for a continuous period of 1 year or more in the 5 years before the day the application is made, the registrar may request that the applicant give to the registrar a certified copy of the applicant's criminal history record from that country.
- (3) In this section:

criminal history record, of an applicant, means a written report about the applicant's criminal history from an entity in a foreign country that has access to records about the criminal history of people in that country.

18 Decision on registration of controlled sports official

- (1) In deciding an application under section 14, the registrar must consider the following:
 - (a) whether the applicant has contravened this Act;

Note 1 For what is included in a reference to a ***contravention*** of this Act, see s 87.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).
 - (b) if the applicant is an individual—
 - (i) whether the applicant has suitable qualifications or experience for registration as a controlled sports official; and
 - (ii) whether it is in the public interest for the applicant to be registered as a controlled sports official;

- (c) if the applicant is a corporation—
 - (i) whether the corporation has, or has arranged, a satisfactory ownership, trust or corporate structure; and
 - (ii) whether, during the 5 years before the day of the application—
 - (A) the corporation became the subject of a winding-up order; or
 - (B) a controller or administrator was appointed for the corporation; and
 - (iii) whether it is in the public interest for the applicant to be registered as a controlled sports official;
- (d) any additional information given to the registrar under section 17;
- (e) anything else prescribed by regulation.

Note For what the registrar must and may consider when deciding whether it is in the public interest for a person to be registered as a controlled sports official, see s 13.

- (2) Subsection (1) does not limit the grounds on which the registrar may refuse to register a person as a controlled sports official.
- (3) The registrar must—
 - (a) register the applicant; or
 - (b) refuse to register the applicant.

Note The registrar's decision to refuse to register an applicant is a reviewable decision (see s 81).

- (4) The registrar must, in writing—
 - (a) tell the applicant the registrar's decision under subsection (3); and

(b) for a decision under subsection (3) (b)—

- (i) set out the reasons for the decision; and
- (ii) state that the applicant may, within 20 working days after the day the registrar tells the applicant the decision, give additional information or documents to support the application.

Note The registrar must also give the applicant a reviewable decision notice in relation to the decision to refuse to register the applicant (see s 82).

(5) If the applicant gives the registrar additional information or documents under subsection (4) (b) (ii), the registrar must, within 20 working days after receiving the information or documents—

- (a) reconsider the decision; and
- (b) either—
 - (i) register the applicant; or
 - (ii) refuse to register the applicant; and
- (c) tell the applicant, in writing, the registrar's decision; and
- (d) if the registrar refuses to register the applicant—set out the reasons for the decision.

Note The registrar's decision to refuse to register an applicant is a reviewable decision (see s 81).

(6) The registrar is not required under this Act or any other territory law to give reasons for the registrar's decision to the extent that giving those reasons would disclose security sensitive information.

Note 1 **Security sensitive information**—see the dictionary.

Note 2 If the registrar does not give reasons for the registrar's decision under s (6), and a person applies to the ACAT or the court for review of the registrar's decision, the registrar must apply to the ACAT or the court for a decision about whether the reasons disclose security sensitive information (see s 84).

19 Person registered or licensed under corresponding law taken to be registered controlled sports official

- (1) A person is taken to be registered as a controlled sports official under section 18 if the person is registered or licensed as a controlled sports official (however described) under a corresponding law.

Note **Corresponding law**—see the dictionary.

- (2) This section does not apply to—
- (a) a promoter; or
 - (b) a person living in the ACT.

20 Controlled sports official registration—conditions

- (1) It is a condition of registration that the registered controlled sports official comply with an approved code of practice.
- (2) A regulation may prescribe additional conditions of registration.
- (3) The registrar may impose additional conditions of registration—
- (a) at the time of registration; or
 - (b) at any other time.

Note The registrar's decision to impose a condition is a reviewable decision (see s 81).

- (4) If the registrar imposes a condition of registration after the time of registration, the registrar must—
- (a) give the registered controlled sports official written notice of the condition; and
 - (b) apply the condition beginning on a stated day after the written notice is given.

Note The registrar must also give the official a reviewable decision notice in relation to the decision to impose a condition (see s 82).

21 Controlled sports official registration—term

Registration as a controlled sports official must be for no longer than 3 years.

22 Controlled sports official registration—renewal

- (1) A registered controlled sports official may, before the official's registration ends, apply to the registrar for renewal of the registration.

Note A fee may be determined under s 89 for this provision.

- (2) In deciding a renewal application, the registrar must consider—
- (a) whether the applicant has contravened this Act; and
 - (b) anything else prescribed by regulation.

Note 1 For what is included in a reference to a *contravention* of this Act, see s 87.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (3) The registrar may, in writing, request an applicant to give the registrar stated information or documents that the registrar reasonably needs to decide the application.
- (4) The registrar need not decide an application unless the applicant complies with the request.
- (5) The registrar must—
- (a) register the applicant; or
 - (b) refuse to register the applicant.

Note The registrar's decision to refuse to renew an official's registration is a reviewable decision (see s 81).

- (6) The registrar must, in writing—
- (a) tell the applicant the registrar's decision under subsection (5); and

(b) for a decision under subsection (5) (b)—

- (i) set out the reasons for the decision; and
- (ii) state that the applicant may, within 20 working days after the day the registrar tells the applicant the decision, give additional information or documents to support the application.

Note The registrar must also give the applicant a reviewable decision notice in relation to the decision to refuse to renew the applicant's registration (see s 82).

(7) If the applicant gives the registrar additional information or documents under subsection (6) (b) (ii), the registrar must, within 20 working days after receiving the information or documents—

- (a) reconsider the decision; and
- (b) either—
 - (i) register the applicant; or
 - (ii) refuse to register the applicant; and
- (c) tell the applicant, in writing, the registrar's decision; and
- (d) if the registrar refuses to register the applicant—set out the reasons for the decision.

Note The registrar's decision to refuse to renew an official's registration is a reviewable decision (see s 81).

(8) The registrar is not required under this Act or any other territory law to give reasons for the registrar's decision to the extent that giving those reasons would disclose security sensitive information.

Note 1 **Security sensitive information**—see the dictionary.

Note 2 If the registrar does not give reasons for the registrar's decision under s (8), and a person applies to the ACAT or the court for review of the registrar's decision, the registrar must apply to the ACAT or the court for a decision about whether the reasons disclose security sensitive information (see s 84).

23 Suspension or cancellation of controlled sports official registration

- (1) The registrar may suspend or cancel a controlled sports official's registration if satisfied on reasonable grounds that—

- (a) the official has contravened this Act; or

Note 1 For what is included in a reference to a **contravention** of this Act, see s 87.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (b) the official has failed to comply with a condition of the registration; or
- (c) it is not in the public interest for the official to be registered as a controlled sports official; or
- (d) the official has failed to give the registrar information requested under subsection (2).

Note For what the registrar must and may consider when deciding whether it is in the public interest for a person to be registered as a controlled sports official, see s 13.

- (2) For subsection (1) (a), (b) and (c), the registrar may at any time, in writing, request the official to give the registrar—

- (a) a police certificate for—

- (i) the official; or
- (ii) if the official is a corporation—a relevant person; or

Note **Relevant person**, for a corporation—see the dictionary.

- (b) stated information or documents that the registrar reasonably needs.

- (3) If the registrar intends to suspend or cancel a registration under subsection (1), the registrar must give the controlled sports official a written notice—
- (a) setting out the reason for suspension or cancellation; and
 - (b) stating that the official may, within 20 working days (the ***20-day period***) after the day the registrar gives the official the notice, give reasons why the official considers that the registration should not be suspended or cancelled; and
 - (c) stating that the official must not participate as a controlled sports official at a registered event from the day after the day the registrar gives the official the notice until a decision is made under subsection (4).
- (4) The registrar must suspend or cancel a controlled sports official's registration if the registrar—
- (a) has given written notice to the official of an intention to suspend or cancel the registration; and
 - (b) has considered any reasons given by the official in accordance with the notice; and
 - (c) is satisfied on reasonable grounds of a matter mentioned in subsection (1).
- Note* The registrar's decision to suspend or cancel an official's registration is a reviewable decision (see s 81).
- (5) The registrar must tell the official, in writing—
- (a) that the official's registration is suspended or cancelled; and
 - (b) the reason for suspension or cancellation; and
 - (c) the date on which the suspension or cancellation takes effect; and

(d) for a suspension—any conditions that apply.

Note The registrar must also give the official a reviewable decision notice in relation to the decision to suspend or cancel the official's registration (see s 82).

24 Registered controlled sports official must tell registrar about convictions etc

- (1) This section applies if a registered controlled sports official is convicted or found guilty of an offence mentioned in section 13 (2).
- (2) The official must tell the registrar, in writing, about the conviction or finding of guilt as soon as possible but before the person participates as a registered controlled sports official at a registered event.

Division 3.3 Registration of controlled sports contestants

25 Application for registration as controlled sports contestant

- (1) A person may apply to the registrar for registration as a contestant (a *controlled sports contestant*).

Note A fee may be determined under s 89 for this provision.

- (2) An application must include—
 - (a) the applicant's full name; and
 - (b) the applicant's date of birth; and
 - (c) details of the applicant's training and experience; and
 - (d) anything else prescribed by regulation.

(3) The application must be accompanied by—

(a) evidence of the applicant's date of birth; and

Examples

- an Australian driver licence
- a proof of age card
- a passport

(b) a certificate of fitness issued by a medical practitioner not more than 30 days before the day the application is made; and

(c) a written statement by the applicant stating whether, during the 5 years before the day of application, the applicant has—

(i) been convicted or found guilty of an offence mentioned in section 13 (2); or

(ii) had a controlled sports official's registration or a controlled sports contestant's registration (however described) suspended or cancelled under this Act or a corresponding law; and

(d) a consent by the applicant for the registrar to—

(i) check the applicant's criminal history; and

(ii) obtain information held by any entity in relation to the applicant that may be relevant in deciding the application; and

(e) anything else prescribed by regulation.

Note 1 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Note 2 **Corresponding law**—see the dictionary.

(4) The registrar may, in writing, exempt an applicant from the requirement to provide any of the information or documents mentioned in subsection (2) or (3).

- (5) The registrar need not consider an application if—
 - (a) information required under this division is not given; or
 - (b) the registrar is not satisfied as to the identity of the applicant.
- (6) An application may be withdrawn at any time by written notice to the registrar.

26 Request for further information to decide application

- (1) The registrar may, in writing, request that an applicant for registration as a controlled sports contestant give to the registrar additional stated information or documents that the registrar reasonably needs to decide the application.
- (2) Without limiting subsection (1), if the applicant has lived in a foreign country as an adult for a continuous period of 1 year or more in the 5 years before the day the application is made, the registrar may request that the applicant give to the registrar a certified copy of the applicant's criminal history record from that country.
- (3) In this section:

criminal history record, of an applicant, means a written report about the applicant's criminal history from an entity in a foreign country that has access to records about the criminal history of people in that country.

27 Decision on registration of controlled sports contestant

- (1) In deciding an application under section 25, the registrar must consider the following:
 - (a) whether the applicant has contravened this Act;

Note 1 For what is included in a reference to a **contravention** of this Act, see s 87.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (b) whether the applicant has suitable training and experience for registration as a controlled sports contestant;
- (c) whether it is in the public interest for the applicant to be registered as a controlled sports contestant;
- (d) the applicant's physical or mental health as indicated in the certificate of fitness issued under section 25 (3) (b);
- (e) any additional information given to the registrar under section 26;
- (f) anything else prescribed by regulation.

Note For what the registrar must and may consider when deciding whether it is in the public interest for a person to be registered as a controlled sports contestant, see s 13.

- (2) Subsection (1) does not limit the grounds on which the registrar may refuse to register a person as a controlled sports contestant.
- (3) The registrar must—
 - (a) register the applicant; or
 - (b) refuse to register the applicant.

Note The registrar's decision to refuse to register an applicant is a reviewable decision (see s 81).

- (4) The registrar must, in writing—
 - (a) tell the applicant the registrar's decision under subsection (3); and
 - (b) for a decision under subsection (3) (b)—
 - (i) set out the reasons for the decision; and

- (ii) state that the applicant may, within 20 working days after the day the registrar tells the applicant the decision, give additional information or documents to support the application.

Note The registrar must also give the applicant a reviewable decision notice in relation to the decision to refuse to register the applicant (see s 82).

- (5) If the applicant gives the registrar additional information or documents under subsection (4) (b) (ii), the registrar must, within 20 working days after receiving the information or documents—
 - (a) reconsider the decision; and
 - (b) either—
 - (i) register the applicant; or
 - (ii) refuse to register the applicant; and
 - (c) tell the applicant, in writing, the registrar's decision; and
 - (d) if the registrar refuses to register the applicant—set out the reasons for the decision.

Note The registrar's decision to refuse to register an applicant is a reviewable decision (see s 81).

- (6) The registrar is not required under this Act or any other territory law to give reasons for the registrar's decision to the extent that giving those reasons would disclose security sensitive information.

Note 1 **Security sensitive information**—see the dictionary.

Note 2 If the registrar does not give reasons for the registrar's decision under subsection (6), and a person applies to the ACAT or the court for review of the registrar's decision, the registrar must apply to the ACAT or the court for a decision about whether the reasons disclose security sensitive information (see s 84).

28 Person registered or licensed under corresponding law taken to be registered controlled sports contestant

- (1) A person is taken to be registered as a controlled sports contestant under section 27 if the person is registered or licensed as a controlled sports contestant (however described) under a corresponding law.

Note **Corresponding law**—see the dictionary.

- (2) This section does not apply to a person living in the ACT.

29 Controlled sports contestant registration—conditions

- (1) It is a condition of registration that the registered controlled sports contestant must—

- (a) provide an updated certificate of fitness—

- (i) every 12 months from the date of registration; or
(ii) as prescribed by regulation; and

- (b) not compete in a registered event if the contestant does not have—

- (i) a pre-event medical clearance certificate; and

Note **Pre-event medical clearance certificate**—see the dictionary.

- (ii) if the contestant was stopped from competing in a registered event by a registered medical practitioner under section 58 or by any other registered official on medical grounds—a certificate of fitness issued for the contestant after the day the contestant was stopped from competing; and

- (iii) if the contestant's registration has been suspended under section 32 (2)—a certificate of fitness issued for the contestant after the day the suspension ended; and

Note 1 Under s 58, a registered medical practitioner may stop a registered event at any time if the medical practitioner believes on reasonable grounds that a controlled sports contestant competing in the event is no longer medically fit to compete at the event.

Note 2 A contestant may also be stopped from competing on medical grounds by a registered referee (see s 55) or an inspector (see s 77 (3)).

Note 3 Under s 32 (2), the registrar may suspend or cancel a controlled sports contestant's registration if satisfied on reasonable grounds that the contestant is no longer medically fit to compete as a contestant at a registered event.

- (c) comply with an approved code of practice.

- (2) A regulation may prescribe additional conditions of registration.

- (3) The registrar may impose additional conditions of registration—

- (a) at the time of registration; or

- (b) at any other time.

Note The registrar's decision to impose a condition is a reviewable decision (see s 81).

- (4) If the registrar imposes a condition of registration after the time of registration the registrar must—

- (a) give the registered controlled sports contestant written notice of the condition; and

- (b) apply the condition beginning on a stated day after the written notice is given.

Note The registrar must also give the contestant a reviewable decision notice in relation to the decision to impose a condition (see s 82).

30 Controlled sports contestant registration—term

Registration as a controlled sports contestant must be for no longer than 3 years.

31 Controlled sports contestant registration—renewal

- (1) A registered controlled sports contestant may, before the contestant's registration ends, apply to the registrar for renewal of the registration.

Note A fee may be determined under s 89 for this provision.

- (2) In deciding an application the registrar must consider—
- (a) whether the applicant has contravened this Act; and
 - (b) anything else prescribed by regulation.

Note 1 For what is included in a reference to a *contravention* of this Act, see s 87.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (3) The registrar may, in writing, request an applicant to give the registrar stated information or documents that the registrar reasonably needs to decide the application.
- (4) The registrar need not decide an application unless the applicant complies with the request.
- (5) The registrar must—
- (a) register the applicant; or
 - (b) refuse to register the applicant.

Note The registrar's decision to refuse to renew a contestant's registration is a reviewable decision (see s 81).

- (6) The registrar must, in writing—
- (a) tell the applicant the registrar's decision under subsection (5); and
 - (b) for a decision under subsection (5) (b)—
 - (i) set out the reasons for the decision; and
 - (ii) state that the applicant may, within 20 working days after the day the registrar tells the applicant the decision, give additional information or documents to support the application.

Note The registrar must also give the applicant a reviewable decision notice in relation to the decision to refuse to renew the applicant's registration (see s 82).

- (7) If the applicant gives the registrar additional information or documents under subsection (6) (b) (ii), the registrar must, within 20 working days after receiving the information or documents—
- (a) reconsider the decision; and
 - (b) either—
 - (i) register the applicant; or
 - (ii) refuse to register the applicant; and
 - (c) tell the applicant, in writing, the registrar's decision; and
 - (d) if the registrar refuses to register the applicant—set out the reasons for the decision.

Note The registrar's decision to refuse to renew a contestant's registration is a reviewable decision (see s 81).

- (8) The registrar is not required under this Act or any other territory law to give reasons for the registrar's decision to the extent that giving those reasons would disclose security sensitive information.

Note 1 **Security sensitive information**—see the dictionary.

Note 2 If the registrar does not give reasons for the registrar's decision under s (8), and a person applies to the ACAT or the court for review of the registrar's decision, the registrar must apply to the ACAT or the court for a decision about whether the reasons disclose security sensitive information (see s 84).

32 Suspension or cancellation of controlled sports contestant registration

- (1) The registrar may suspend or cancel a controlled sports contestant's registration if satisfied on reasonable grounds that—

- (a) the contestant has contravened this Act; or

Note 1 For what is included in a reference to a **contravention** of this Act, see s 87.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (b) the contestant has failed to comply with a condition of the contestant's registration; or

- (c) it is not in the public interest for the contestant to be registered as a controlled sports contestant; or

- (d) the contestant has failed to give the registrar information requested under subsection (3).

Note For what the registrar must and may consider when deciding whether it is in the public interest for a person to be registered as a controlled sports contestant, see s 13.

- (2) The registrar may also suspend or cancel a controlled sports contestant's registration if satisfied on reasonable grounds that the contestant is no longer medically fit to compete as a registered controlled sports contestant at a registered event.

Note A registered medical practitioner may recommend a contestant's registration be suspended or cancelled if the contestant is no longer medically fit to compete (see s 58 (3)).

- (3) For subsections (1) (a), (b) and (c) and (2), the registrar may at any time, in writing, request the contestant to give the registrar—
- (a) a police certificate for the contestant; or
 - (b) stated information or documents that the registrar reasonably needs.
- (4) If the registrar intends to suspend or cancel a registration for a reason mentioned in subsection (1) or (2), the registrar must give the controlled sports contestant a written notice—
- (a) setting out the reason for suspension or cancellation; and
 - (b) stating that the contestant may, within 20 working days (the **20-day period**) after the day the registrar gives the contestant the notice, give reasons why the contestant considers the registration should not be suspended or cancelled; and
 - (c) stating that the contestant must not compete as a controlled sports contestant at a registered event from the day after the day the registrar gives the contestant the notice until a decision is made under subsection (5).
- (5) The registrar must suspend or cancel a controlled sports contestant's registration for a reason mentioned in subsection (1) or (2) if the registrar—
- (a) has given written notice to the contestant of an intention to suspend or cancel the registration; and

- (b) has considered any reasons given by the contestant in accordance with the notice; and
- (c) is satisfied on reasonable grounds of a matter mentioned in subsection (1) or (2).

Note The registrar's decision to suspend or cancel a contestant's registration is a reviewable decision (see s 81).

- (6) If the registrar suspends or cancels a registration, the registrar must tell the contestant, in writing—
 - (a) the contestant's registration is suspended or cancelled; and
 - (b) the reason for suspension or cancellation; and
 - (c) the date on which the suspension or cancellation takes effect; and
 - (d) for a suspension—any conditions that apply.

Note The registrar must also give the contestant a reviewable decision notice in relation to the decision to suspend or cancel the contestant's registration (see s 82).

33 Registered controlled sports contestant must tell registrar about convictions etc

- (1) This section applies if a registered controlled sports contestant is convicted or found guilty of an offence mentioned in section 13 (2).
- (2) The contestant must tell the registrar, in writing, about the conviction or finding of guilt as soon as possible before the person competes as a contestant at a registered event.

Division 3.4 Registered events

34 Application to register controlled sports event

- (1) A registered promoter may apply, in writing, to the registrar to register a registrable event.

Note 1 Registrable event—see s 10.

Note 2 A fee may be determined under s 89 for this provision.

- (2) An application must include—
- (a) details of the applicant; and
 - (b) details of the controlled sports event for which registration is sought; and
 - (c) details of the other registered controlled sports officials and contestants who will be involved in the event; and
 - (d) anything else prescribed by regulation.
- (3) The registrar may, in writing, require an applicant to give the registrar additional information in writing or documents that the registrar reasonably needs to decide the application.
- (4) The registrar need not consider an application if the information required under subsection (3) is not given.
- (5) An application may be withdrawn at any time by written notice to the registrar.

35 Decision on application for registration of controlled sports event

- (1) In deciding an application under section 34, the registrar must consider the following:
- (a) whether the controlled sports officials for the event are registered;

(b) whether the controlled sports contestants for the event are registered;

(c) anything else prescribed by regulation.

(2) The registrar must—

(a) register the event (a *registered event*); or

(b) refuse to register the event.

Note The registrar's decision to refuse to register an event is a reviewable decision (see s 81), and the registrar must give the applicant a reviewable decision notice in relation to the decision to refuse to register the event (see s 82).

36 Conditions of registered events

(1) The registrar may impose a condition on a registered event—

(a) at the time the event is registered; or

(b) at any other time.

Note The registrar's decision to impose a condition is a reviewable decision (see s 81).

(2) If the registrar imposes a condition on an event after it has been registered, the registrar must—

(a) give the registered promoter for the registered event written notice of the condition; and

(b) apply the condition beginning on a stated day after the day the written notice is given.

Note The registrar must also give the registered promoter a reviewable decision notice in relation to the decision to impose a condition (see s 82).

37 Minimum age for contestants

A regulation may prescribe—

- (a) the minimum age for contestants to compete in a registered event; and
- (b) different techniques or rules for a controlled sport that apply to contestants of a stated age competing in a registered event.

38 Suspension or cancellation of registration of controlled sports event

- (1) The registrar may suspend or cancel registration of a registered event if satisfied on reasonable grounds that—
 - (a) the registered promoter for the registered event has contravened this Act; or
 - (b) the registered promoter has failed to comply with a condition of the registration.

Note 1 For what is included in a reference to a **contravention** of this Act, see s 87.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

Note 3 The registrar's decision to suspend or cancel an event's registration is a reviewable decision (see s 81).

- (2) If the registrar suspends or cancels a registration under subsection (1), the registrar must give the registered promoter for the registered event written notice of—
 - (a) the reason for the suspension or cancellation; and
 - (b) when the suspension or cancellation takes effect.

Note The registrar must also give the registered promoter a reviewable decision notice in relation to the decision to suspend or cancel the event's registration (see s 82).

39 Offence—conduct registrable event without registration

A person commits an offence if—

- (a) the person conducts a controlled sports event; and
- (b) the event is a registrable event; and
- (c) the event is not registered.

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

Note **Registrable event**—see s 10.

40 Offences—conduct registered event in breach of condition

(1) A person commits an offence if—

- (a) the person is the registered promotor of a registered event; and
- (b) the registered event is subject to a condition; and
- (c) the person engages in conduct that fails to comply with the condition; and
- (d) the person is reckless about whether the conduct complies with the condition.

Maximum penalty: 200 penalty units, imprisonment for 6 months or both.

(2) A person commits an offence if—

- (a) the person is the registered promotor of a registered event; and
- (b) the registered event is subject to a condition; and
- (c) the person fails to comply with the condition.

Maximum penalty: 50 penalty units.

(3) An offence against subsection (2) is a strict liability offence.

41 Offences—unregistered official at registered event

- (1) A person commits an offence if the person—
- (a) conducts, or promotes the future conduct of, a registered event;
and
 - (b) is not registered as a promoter; and
 - (c) is reckless about whether the person is registered as a promoter.

Maximum penalty: 200 penalty units.

- (2) A person commits an offence if the person—
- (a) conducts, or promotes the future conduct of, a registered event;
and
 - (b) is not registered as a promoter.

Maximum penalty: 50 penalty units.

- (3) A person commits an offence if the person—
- (a) participates as a controlled sports official, other than as a promoter, at a registered event; and
 - (b) is not a registered controlled sports official in the capacity in which the person participates.

Maximum penalty: 50 penalty units.

- (4) An offence against subsection (2) or (3) is a strict liability offence.

42 Offence—official participate at registered event when given notice of intended cancellation or suspension of registration

- (1) A person commits an offence if the person—
- (a) is a registered controlled sports official; and

- (b) has been given written notice under section 23 (3) (c) that the registrar intends to suspend or cancel the official's registration; and
- (c) participates as a controlled sports official at a registered event at any time after the day the registrar gives the official the notice.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

43 Offences—conduct registered event with unregistered official

- (1) A person commits an offence if—
 - (a) the person is the registered promotor of a registered event; and
 - (b) another person who participates as a controlled sports official at the event is not registered as a controlled sports official; and
 - (c) the registered promoter is reckless about whether the other person is registered as a controlled sports official.

Maximum penalty: 200 penalty units.

- (2) A person commits an offence if—
 - (a) the person is the registered promotor of a registered event; and
 - (b) another person who participates as a controlled sports official at the event is not registered as a controlled sports official.

Maximum penalty: 50 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

44 Offence—unregistered contestant at registered event

- (1) A person commits an offence if the person—
 - (a) competes as a contestant in a registered event; and
 - (b) is not registered as a controlled sports contestant.Maximum penalty: 50 penalty units.
- (2) An offence against this section is a strict liability offence.

45 Offences—conduct registered event with unregistered contestant

- (1) A person commits an offence if—
 - (a) the person is the registered promotor of a registered event; and
 - (b) a contestant in the event is not registered as a controlled sports contestant; and
 - (c) the person is reckless about whether the contestant is registered as a controlled sports contestant.Maximum penalty: 200 penalty units.
- (2) A person commits an offence if—
 - (a) the person is the registered promotor of a registered event; and
 - (b) a contestant in the event is not registered as a controlled sports contestant.Maximum penalty: 50 penalty units.
- (3) An offence against subsection (2) is a strict liability offence.

46 Offences—participate at registered event as both official and contestant

- (1) A person commits an offence if the person—
- (a) participates as a controlled sports official at a registered event; and
 - (b) competes as a controlled sports contestant at the event.

Maximum penalty: 50 penalty units.

- (2) A registered promoter commits an offence if—
- (a) a person participates as a controlled sports official at a registered event; and
 - (b) the same person competes as a controlled sports contestant at the event.

Maximum penalty: 50 penalty units.

- (3) An offence against this section is a strict liability offence.

Division 3.5 Controlled sports register

47 Register

- (1) The registrar must keep a register of controlled sports.
- (2) The register—
- (a) must include—
 - (i) for registration as a controlled sports official or controlled sports contestant under this part—
 - (A) the name of the official or contestant; and
 - (B) whether the registration is as an official or a contestant; and
 - (C) the period of registration; and

- (ii) for each suspension or cancellation of registration under this part—whether a registration has been suspended or cancelled; and
- (iii) for an event registered under this part—details about each contest at the event; and

Examples—subpar (iii)

draw, score or result, contestant weight

- (b) may include any further information prescribed by regulation.
- (3) The registrar must make information in the register available for public inspection.

48 Correcting register and keeping it up-to-date

- (1) The registrar may correct a mistake, error or omission in the register.
- (2) The registrar may change a detail included in the register to keep the register accurate and up-to-date.

Part 4 **Conduct of controlled sports events**

Division 4.1 **Code of practice for controlled sports events**

49 **Code of practice—approval**

- (1) The Minister may approve a code of practice in relation to controlled sports events.
- (2) An approved code of practice is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

50 **Code of practice—contents**

A code of practice may include, but is not limited to, matters about the following for controlled sports events:

- (a) conduct of events, including techniques and styles for particular controlled sports and contestants;
- (b) medical examinations and treatment of contestants at events, including how injuries are managed;
- (c) the number and functions of medical practitioners in relation to events;
- (d) availability and location of medical equipment at events;
- (e) insurance requirements;
- (f) reporting requirements;
- (g) venue requirements, including requirements for cages or rings;
- (h) requirements for protective clothing or equipment at events;
- (i) procedural requirements for events;

- (j) procedural requirements for contestants at events;
- (k) age, experience or qualification requirements for controlled sports officials.

Examples—par (i)

- advertising of events
- entertainment at events

Example—par (j)

weighing-in of contestants before events

51 Offences—registered promoter at registered event in breach of approved code of practice

- (1) A person commits an offence if the person—
 - (a) is the registered promoter for a registered event; and
 - (b) engages in conduct that fails to comply with a requirement of an approved code of practice; and
 - (c) is reckless about whether the conduct complies with an approved code of practice.

Maximum penalty: 200 penalty units, imprisonment for 6 months or both.

- (2) A person commits an offence if the person—
 - (a) is the registered promoter for a registered event; and
 - (b) fails to comply with a requirement of an approved code of practice.

Maximum penalty: 50 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

52 Offence—registered official at registered event in breach of approved code of practice

- (1) A person commits an offence if the person—
- (a) is a registered controlled sports official, other than as a promoter, at a registered event; and
 - (b) fails to comply with a requirement of an approved code of practice.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

53 Offence—registered contestant at registered event in breach of approved code of practice

- (1) A person commits an offence if the person—
- (a) is a registered controlled sports contestant at a registered event; and
 - (b) fails to comply with a requirement of an approved code of practice.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

Division 4.2 Conduct of registered events

Subdivision 4.2.1 Referees at registered events

54 Referee must act independently

A registered referee for a registered event must—

- (a) not referee in a way that unfairly favours any controlled sports contestant or official in the event; and
- (b) take all reasonable steps to avoid any actual or perceived conflict of interest in refereeing the event.

55 Referee may stop a registered event

A registered referee may stop a registered event, or any contest at the event, at any time if the referee believes on reasonable grounds that—

- (a) the health or wellbeing of any person at the event is at risk; or
- (b) stopping the event is necessary for public order.

Examples—health or wellbeing at risk

head injury, fatigue or exhaustion, broken bone, open wound, significant blood loss

Subdivision 4.2.2 Medical supervision of registered events

56 Promoter duties in relation to medical supervision

- (1) The registered promoter of a registered event must ensure that a registered medical practitioner is available to supervise the conduct of a registered event.
- (2) The registered promoter of a registered event must ensure that a registered medical practitioner, in performing the duties required under this Act, has unrestricted access to—
 - (a) the contestants; and
 - (b) the premises at which the event is to be held; and

- (c) all required medical equipment at the event.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

57 Registered medical practitioner—duties

- (1) A registered medical practitioner has the following duties in relation to a registered event:
 - (a) to assess the medical condition of each contestant in the 48 hours before the event and to issue a pre-event medical clearance certificate if appropriate;
 - (b) to ensure that the pre-event medical clearance examinations have been completed for each contestant;
 - (c) to be present for the duration of the event;
 - (d) to monitor the safety and wellbeing of each contestant in the event;
 - (e) to assess the medical condition of each contestant as soon as reasonably practicable after the event, but before the contestant leaves the event premises;
 - (f) to complete any medical reporting requirements prescribed by regulation.
- (2) In this section:

pre-event medical clearance examinations means the medical reports and investigations prescribed by regulation for a pre-event medical clearance certificate.

Note ***Pre-event medical clearance certificate***—see the dictionary.

58 Registered medical practitioner may stop contestant competing in registered event

- (1) A registered medical practitioner may stop a registered event at any time if the medical practitioner believes on reasonable grounds that a controlled sports contestant competing in the event is no longer medically fit to compete at the event.

Examples—no longer medically fit to compete

head injury, fatigue or exhaustion, broken bone, open wound, significant blood loss

- (2) To avoid doubt, a contestant who is stopped from competing in an event under subsection (1) must not compete in any other contest at the event.

Note A contestant who is stopped from competing in a registered event by a registered medical practitioner must not compete at any other registered event until the contestant is issued a new certificate of fitness (see s 29 (1) (b) (ii)).

- (3) If the medical practitioner believes the contestant is no longer medically fit to compete as a registered controlled sports contestant at registered events, the medical practitioner may recommend the registrar—

- (a) suspend the contestant's registration for a stated period; or
- (b) cancel the contestant's registration.

Note If the registrar suspends a controlled sports contestant's registration because the contestant is no longer medically fit to compete (see s 32 (2)), the contestant must not compete at any other registered event until the contestant is issued a new certificate of fitness after the suspension has ended (see s 29 (1) (b) (ii)).

59 Offence—conduct registered event without registered medical practitioner

A person commits an offence if—

- (a) the person is the registered promoter of a registered event; and
- (b) the person conducts the event; and
- (c) there is no registered medical practitioner present during the event to supervise the conduct of the event.

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

60 Offences—conduct registered event without contestant pre-event medical clearance

(1) A person commits an offence if—

- (a) the person is the registered promoter of a registered event; and
- (b) a registered controlled sports contestant in the event has not been issued a pre-event medical clearance certificate for the event.

Maximum penalty: 300 penalty units.

(2) A person commits an offence if—

- (a) the person is the registered promoter of a registered event; and
- (b) a registered controlled sports contestant competing in the event was stopped from competing in an earlier registered event by a registered medical practitioner under section 58; and
- (c) the contestant has not been issued a certificate of fitness since the contestant was stopped from competing.

Maximum penalty: 300 penalty units.

(3) A person commits an offence if—

- (a) the person is the registered promoter of a registered event; and

- (b) a registered controlled sports contestant in the event has had the contestant's registration suspended under section 32 (2); and
- (c) the contestant has not been issued a certificate of fitness since the suspension has ended.

Maximum penalty: 300 penalty units.

Division 4.3 Conduct of non-registrable events

61 Application—div 4.3

- (1) This division applies to a controlled sports event that is not a registrable event (a ***non-registrable event***) if the event—
 - (a) involves a controlled sport that is a combat sport; or
 - (b) is open to the public, other than a demonstration event.
- (2) However, this division does not apply to an event declared by the Minister not to be a registrable event under section 10 (2).

Note ***Registrable event***—see s 10.

- (3) In this section:

demonstration event means an event—

- (a) to showcase the skill of the participants and the particular movements of the style of a controlled sport; and
- (b) for which no official score is kept and no official winner recorded.

Examples—demonstration event

- karate contest display between students at a high school open day
- exhibition by students and instructors from a taekwondo school at a local shopping mall
- an inter-club demonstration activity

open to the public—an event is *open to the public* if the general public are permitted to watch the event or watch or listen to a broadcast of the event (whether or not a fee is charged).

62 Non-registrable events must be approved by authorised controlled sports body

- (1) A non-registrable event must not be conducted without the written approval of an authorised controlled sports body.
- (2) A regulation may prescribe conditions for the approval of a non-registrable event.

63 Declaration of authorised controlled sports body

- (1) In this Act:

authorised controlled sports body means—

- (a) a national sporting organisation; or
 - (b) an entity declared by the Minister to be an authorised controlled sports body.
- (2) An entity may apply to the Minister for a declaration under this section.

Note A fee may be determined under s 89 for this provision.
- (3) In making a declaration under this section, the Minister must consider the following:
 - (a) whether the entity operates on a not-for-profit basis;
 - (b) the activities that the entity is involved in or proposes to be involved in;
 - (c) the rules and procedures of the entity, including any different rules for different styles of a controlled sport;
 - (d) anything else prescribed by regulation.

(4) The Minister must—

- (a) make the declaration; or
- (b) refuse to make the declaration.

Note The Minister's decision to refuse to declare that an entity is an authorised controlled sports body is a reviewable decision (see s 81).

(5) A declaration is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the [Legislation Act](#).

Note 2 The power to make an instrument includes the power to amend or repeal the instrument (see [Legislation Act](#), s 46).

(6) The Minister may repeal a declaration that an entity is an authorised controlled sports body if—

- (a) any of the information about the entity mentioned in subsection (3) changes; or
- (b) the entity has contravened this Act.

Note 1 For what is included in a reference to a **contravention** of this Act, see s 87.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation or code of practice (see [Legislation Act](#), s 104).

Note 3 The Minister's decision to repeal a declaration that an entity is an authorised controlled sports body is a reviewable decision (see s 81).

(7) In this section:

national sporting organisation means a national sporting organisation recognised by the Australian Sports Commission.

64 Person conducting event must tell registrar about non-registrable event

- (1) At least 28 working days before a non-registrable event is held, the person intending to conduct the event must tell the registrar, in writing, about the event.
- (2) A regulation may prescribe the content of a notice under subsection (1).

65 Non-registrable events to be conducted under authorised controlled sports body rules and code of practice

A non-registrable event approved by an authorised controlled sports body must be conducted in accordance with—

- (a) any rules of the authorised body; and
- (b) anything in an approved code of practice that is stated to apply to a non-registrable event.

Note **Approved code of practice**—see s 49.

66 Minimum age for contestants

A regulation may prescribe—

- (a) the minimum age for contestants to compete in a non-registrable event; and
- (b) different techniques or rules for a controlled sport that apply to contestants of a stated age competing in a non-registrable event.

67 Offence—conduct non-registrable event without authorised controlled sports body approval

- (1) A person commits an offence if—
- (a) the person conducts a non-registrable event; and
 - (b) the event has not been approved by an authorised controlled sports body.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

68 Offence—conduct non-registrable event without telling registrar

- (1) A person commits an offence if—
- (a) the person conducts a non-registrable event; and
 - (b) the event has been approved by an authorised controlled sports body; and
 - (c) the person fails to tell the registrar, in writing, about the event at least 28 days before the event.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

69 Offence—conduct non-registrable event in breach of approved code of practice

- (1) A person commits an offence if—
- (a) the person conducts a non-registrable event; and
 - (b) the event has been approved by an authorised controlled sports body; and

- (c) the person fails to comply with a requirement of an approved code of practice.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

Part 5 Enforcement

70 **Meaning of *occupier*—pt 5**

In this part:

occupier, of premises or a part of premises, means a person having the management or control, or otherwise being in charge, of the premises or part of the premises.

71 **Appointment of inspectors**

The registrar may appoint a person as an inspector for this Act.

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

72 **Identity cards for inspectors**

- (1) The registrar must give an inspector appointed under section 71 an identity card that states the person is an inspector for this Act and shows—
 - (a) a recent photograph of the person; and
 - (b) an identification number for the person; and
 - (c) the date of issue of the card; and
 - (d) an expiry date for the card; and
 - (e) anything else prescribed by regulation.
- (2) An identity card may be in electronic form.

Note It is an offence to falsely represent oneself to be a territory public official in a particular capacity (see [Criminal Code](#), s 360 (2)).

73 Power to give directions

If an inspector believes on reasonable grounds that a person is contravening the Act, the inspector may direct the person to stop contravening the Act.

Note 1 For what is included in a reference to a **contravention** of this Act, see s 87.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

74 Power to enter premises

- (1) For this Act, an inspector may enter premises—
 - (a) at any reasonable time—
 - (i) that the public are entitled to use or that are open to the public (whether or not on payment); and
 - (ii) that are being used, or prepared for use in a controlled sports event, including the parts of premises where contestants weigh-in, medical treatment areas, administrative areas and training areas; and
 - (b) at any time with the occupier's consent.
- (2) However, subsection (1) (a) does not authorise entry into a part of premises that is being used only for residential purposes.
- (3) An inspector may, without the consent of the occupier of premises, enter land around the premises to ask for consent to enter the premises.
- (4) To remove any doubt, an inspector may enter premises under subsection (1) without payment of an entry fee or other charge.
- (5) In this section:
controlled sports event includes a registered event and a non-registrable event.

75 Production of identity card

An inspector must not remain at premises entered under this part if the inspector does not produce the inspector's identity card when asked by the occupier.

76 Consent to entry

- (1) When seeking the consent of an occupier of premises to enter the premises under section 74 (1) (b), an inspector must—
 - (a) produce the inspector's identity card; and
 - (b) tell the occupier—
 - (i) the purpose of the entry; and
 - (ii) anything found and seized under this part may be used as evidence in court; and
 - (iii) consent may be refused.
- (2) If the occupier consents, the inspector must ask the occupier to sign a written acknowledgment (an *acknowledgement of consent*)—
 - (a) that the occupier was told—
 - (i) the purpose of the entry; and
 - (ii) anything seized under this part may be used as evidence in court; and
 - (iii) consent may be refused; and
 - (b) that the occupier consented to the entry; and
 - (c) stating the time and date consent was given.
- (3) If the occupier signs an acknowledgment of consent, the inspector must immediately give a copy to the occupier.

- (4) A court must find that an occupier did not consent to entry to the premises by the inspector under this part if—
- (a) the question arises in a proceeding in the court whether the occupier consented to the entry; and
 - (b) an acknowledgment of consent is not produced as evidence; and
 - (c) it is not proved that the occupier consented to the entry.

77 General powers on entry to premises

- (1) An inspector who enters premises under this part may, for this Act, do 1 or more of the following in relation to the premises or anything on the premises:
- (a) inspect or examine;
 - (b) take measurements or conduct tests;
 - (c) take samples;
 - (d) take photographs, films, or audio, video or other recordings;
 - (e) require the occupier, or anyone at the premises, to give information, answer questions, or produce documents or anything else, reasonably needed to exercise the inspector's functions under this Act.

Note 1 The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (2) A person must take all reasonable steps to comply with a requirement made of the person under subsection (1) (e).

Maximum penalty: 10 penalty units.

- (3) An inspector may stop a controlled sports event taking place at the premises at any time if the inspector believes on reasonable grounds that—
- (a) the health or wellbeing of any person at the event is at risk; or
 - (b) stopping the event is necessary for public order.

78 Power to require name and address

- (1) An inspector may require a person to state the person's name and home address if the inspector suspects on reasonable grounds that the person is committing or has just committed an offence against this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (2) The inspector must tell the person the reason for the requirement and, as soon as practicable, record the reason.
- (3) The person may ask the inspector to produce the inspector's identity card for inspection by the person.
- (4) A person must comply with a requirement made by the inspector under subsection (1) if the inspector—
- (a) tells the person the reason for the requirement; and
 - (b) complies with any request made by the person under subsection (3).

Maximum penalty: 10 penalty units.

- (5) An offence against subsection (4) is a strict liability offence.

79 Power to seize things

- (1) An inspector who enters premises under this part with the occupier's consent may seize anything at the premises if—
 - (a) the inspector is satisfied on reasonable grounds that the thing is connected with an offence against this Act; and
 - (b) seizure of the thing is consistent with the purpose of the entry told to the occupier when seeking the occupier's consent.
- (2) An inspector who enters premises under this part (whether with the occupier's consent or otherwise) may seize anything at the premises if satisfied on reasonable grounds that—
 - (a) the thing is connected with an offence against this Act; and
 - (b) the seizure is necessary to prevent the thing from being—
 - (i) concealed, lost or destroyed; or
 - (ii) used to commit, continue or repeat the offence.
- (3) Having seized a thing, an inspector may remove the thing from the premises where it was seized to another place.
- (4) A person commits an offence if the person—
 - (a) interferes with a seized thing; and
 - (b) does not have an inspector's approval to interfere with the thing.Maximum penalty: 10 penalty units.
- (5) An offence against this section is a strict liability offence.

80 Receipt for things seized

- (1) As soon as practicable after an inspector seizes a thing under this part, the inspector must give a receipt for it to the person from whom it was seized.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the inspector must leave the receipt, secured conspicuously, at the premises where the thing was seized.
- (3) A receipt under this section must include the following:
 - (a) a description of the thing seized;
 - (b) an explanation of why the thing was seized;
 - (c) the inspector's name, and how to contact the inspector;
 - (d) if the thing is moved from the premises where it is seized—where the thing is to be taken.

Part 6 Notification and review of decisions

81 Meaning of *reviewable decision*—pt 6

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

82 Reviewable decision notices

- (1) If a decision-maker makes a reviewable decision, the decision-maker must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The decision-maker must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#).

- (2) In this section:

decision-maker means—

- (a) for a decision under section 8 or section 63—the Minister; or
- (b) in any other case—the registrar.

83 Applications for review

The following people may apply to the ACAT for a review of a reviewable decision:

- (a) a person mentioned in schedule 1, column 4 in relation to the decision;

- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the [ACT Civil and Administrative Tribunal Act 2008](#) for the application, the form must be used.

84 ACAT or court review—decision on security sensitive information

- (1) This section applies if—
 - (a) a person applies to the ACAT or a court for review of a decision of the registrar under this Act (the *relevant decision*); and
 - (b) the registrar has not given reasons for the relevant decision under section 18 (6) or section 27 (6).
- (2) The registrar must apply to the ACAT or the court for a decision about whether the reasons disclose security sensitive information.
- (3) The registrar need not notify anyone about the registrar's application (including the applicant for the review of the relevant decision) unless the ACAT or the court otherwise orders.
- (4) On application, the ACAT or the court must decide whether the information is, or is not, security sensitive information.

Note *Security sensitive information*—see the dictionary.

85 ACAT or court review—dealing with security sensitive information

- (1) This section applies if the ACAT or the court decides under section 84 that reasons for a relevant decision disclose security sensitive information.
- (2) In deciding an application for review of the relevant decision, the ACAT or the court must—
 - (a) ensure security sensitive information is not disclosed in any reasons for the decision; and

- (b) receive evidence and submissions that would disclose security sensitive information in private, in the absence of the public, the applicant for review, the applicant's representative and any other interested party.

Note ***Security sensitive information***—see the dictionary.

- (3) However, the ACAT or court need not receive evidence or submissions in accordance with subsection (2) (b) if the registrar otherwise agrees.
- (4) In this section:
relevant decision—see section 84 (1) (a).

Part 7 Miscellaneous

86 Establishment of advisory committee

- (1) The Minister may establish an advisory committee to inform or advise the Minister about controlled sports.
- (2) Members of an advisory committee must include—
 - (a) people with an interest in controlled sports; and
 - (b) anyone else prescribed by regulation.

Examples—par (a)

controlled sports participants, medical practitioners

- (3) The Minister must give notice of the committee members.
- (4) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (5) In exercising a function under this Act, the Minister must consider any relevant information or advice given to the Minister by an advisory committee.

87 References to *contravention* of this Act

In this Act, a reference to a *contravention* of this Act includes a reference to a contravention of the following:

- (a) the [Criminal Code](#), part 2.4 (Extensions of criminal responsibility) in relation to an offence against this Act or otherwise in relation to this Act;
- (b) the [Criminal Code](#) in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act;

- (c) the [Criminal Code](#) in relation to anything done, or not done, under or in relation to this Act.

Note For mentions of a **contravention** of this Act, see s 18 (1) (a), s 22 (2) (a), s 23 (1) (a), s 27 (1) (a), s 31 (2) (a), s 32 (1) (a), s 38 (1) (a), s 63 (6) (b) and s 73.

88 Protection from liability

- (1) A public officer is not civilly liable for conduct engaged in honestly and without recklessness—
 - (a) in the exercise of a function under this Act; or
 - (b) in the reasonable belief that the conduct was in the exercise of a function under this Act.

- (2) Any civil liability that would, apart from this section, attach to the public officer attaches instead to the Territory.

- (3) In this section:

conduct means an act or omission to do an act.

public officer means—

- (a) the Minister; or
- (b) the registrar; or
- (c) an inspector appointed under section 71; or
- (d) a public servant exercising a function under this Act.

89 Determination of fees

- (1) The Minister may determine fees for this Act.

Note The [Legislation Act](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

90 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) A regulation may make provision in relation to the following:
- (a) the conduct of controlled sports events, including reporting requirements for registered events;
 - (b) the conduct and responsibilities of controlled sports officials and contestants at controlled sports events.
- (3) A regulation may create offences and fix maximum penalties of not more than 20 penalty units for the offences.

Part 8 Repeals

91 Legislation repealed

- (1) The following legislation is repealed:
 - *Boxing Control Act 1993* (A1993-24)
 - *Boxing Control Regulation 2018* (SL2018-1).
- (2) All other legislative instruments under the *Boxing Control Act 1993* are repealed.

Part 15 Transitional

150 Meaning of *commencement day*—pt 15

In this part:

commencement day means the day this Act, section 3 commences.

151 Person living in ACT registered or licensed under corresponding law taken to be registered controlled sports official

- (1) This section applies to a person living in the ACT who, immediately before the commencement day, was registered or licensed as a controlled sports official (however described) under a corresponding law.
- (2) Despite section 19 (2) (b), the person is taken to be registered as a controlled sports official under section 18 for a term of 1 year from the commencement day.

152 Person living in ACT registered or licensed under corresponding law taken to be registered controlled sports contestant

- (1) This section applies to a person living in the ACT who, immediately before the commencement day, was registered or licensed as a controlled sports contestant (however described) under a corresponding law.
- (2) Despite section 28 (2), the person is taken to be registered as a controlled sports contestant under section 27 for a term of 1 year from the commencement day.

153 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of this Act.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

154 Expiry—pt 15

This part expires 12 months after the day it commences.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Schedule 1 Reviewable decisions

(see s 81)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	8	refuse to exempt light contact combat sport as a controlled sport	applicant for declaration
2	18	refuse to register applicant	applicant for registration
3	20	impose condition on official's registration	applicant for registration or registered official
4	22	refuse to renew official's registration	applicant for renewal
5	23	suspend or cancel official's registration	registered official
6	27	refuse to register applicant	applicant for registration
7	29	impose condition on contestant's registration	applicant for registration or registered contestant
8	31	refuse to renew contestant's registration	applicant for renewal
9	32	suspend or cancel contestant's registration	registered contestant
10	35	refuse to register event	registered promoter
11	36	impose condition on event registration	registered promoter
12	38	suspend or cancel event registration	registered promoter
13	63	refuse to declare entity to be an authorised controlled sports body	applicant for declaration
14	63	repeal declaration that entity is an authorised controlled sports body	entity

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- adult
- Commonwealth
- corporation
- [Corporations Act](#)
- Criminal Code
- disallowable instrument (see s 9)
- Executive
- exercise
- found guilty
- function
- individual
- may (see s 146)
- medical practitioner
- Minister (see s 162)
- must (see s 146)
- notifiable instrument (see s 10)
- penalty unit (see s 133)
- person (see s 160)
- public servant
- State
- the Territory
- working day.

another jurisdiction means a State or territory other than the ACT.

approved code of practice means a code of practice approved under section 49.

authorised controlled sports body—see section 63.

certificate of fitness means a certificate issued for a person by a medical practitioner that—

- (a) states the person is medically fit to compete in a registered event; and
- (b) includes the details, medical reports and investigations prescribed by regulation.

Example—medical investigation

serological testing

combat sport means a sport or activity in which a person strikes, kicks, hits, grapples with, throws or punches another person.

Examples—grapple

joint lock, chokehold, submission hold

controlled sport—see section 7.

controlled sports contestant—see section 25 (1).

controlled sports event—see section 9.

controlled sports official, for a controlled sports event—see section 11.

corresponding law means a law of another jurisdiction that corresponds or substantially corresponds to this Act and includes a law of another jurisdiction that is prescribed by regulation to be a corresponding law for this Act.

law enforcement agency means each of the following:

- (a) the Australian Federal Police;
- (b) the police service or force of a State, another territory or a foreign country;
- (c) the Department of Home Affairs (Cwlth);
- (d) the Australian Criminal Intelligence Commission;
- (e) the New South Wales Independent Commission Against Corruption or a similar entity established under the law of another State or territory;
- (f) the New South Wales Crime Commission or a similar entity established under the law of another State or territory;
- (g) the ACT Gambling and Racing Commission;
- (h) an entity prescribed by regulation.

non-registrable event—see section 61.

occupier, of premises or a part of premises, for part 5 (Enforcement)—see section 70.

police certificate, for a person, means a written statement by the Australian Federal Police or a police force of a State or Territory indicating—

- (a) whether, according to the records held by that entity or another entity (for example, the Australian Criminal Intelligence Commission), the person has been charged with, or convicted of, an offence against a law of—
 - (i) the Territory; or
 - (ii) the Commonwealth; or
 - (iii) a State; or
 - (iv) another country; and

- (b) if so—particulars of each offence.

Note A conviction does not include a spent conviction or an extinguished conviction (see [Spent Convictions Act 2000](#), s 16 (c) (i) and s 19H (1) (c) (ii)).

pre-event medical clearance certificate, for a controlled sports contestant competing in a registered event, means a certificate issued for the contestant by a registered medical practitioner within 48 hours of the event that—

- (a) states the contestant is medically fit to compete in the event; and
- (b) includes the details, medical reports and investigations prescribed by regulation.

registered controlled sports contestant means a controlled sports contestant registered under section 27.

registered controlled sports official means a controlled sports official registered under section 18.

registered event—see section 35 (2) (a).

registered medical practitioner means a person registered in the capacity of medical practitioner under section 18.

registered promoter means a person registered in the capacity of promoter under section 18.

registered referee means a person registered in the capacity of referee under section 18.

registrable event—see section 10.

registrar means—

- (a) the controlled sports registrar appointed under section 12 (1); or
- (b) if an appointment is not made under section 12 (1), the person exercising the functions of the controlled sports registrar under an arrangement mentioned in section 12 (4).

relevant person, for a corporation, means—

- (a) an executive officer of the corporation; or
- (b) a person who may exercise a relevant power in relation to the corporation.

Examples—par (a)

director, secretary

Example—par (b)

an influential shareholder

relevant power, for a corporation, means a power to—

- (a) take part in a directorial, managerial or executive decision for the corporation; or
- (b) elect or appoint a person as an executive officer in the corporation; or
- (c) exercise a significant influence in relation to the conduct of the corporation.

reviewable decision, for part 6 (Notification and review of decisions)—see section 81.

security sensitive information means information held by a law enforcement agency that relates to actual or suspected criminal activity (whether in the ACT or elsewhere) the disclosure of which could reasonably be expected to—

- (a) prejudice a criminal investigation; or
- (b) enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement; or
- (c) endanger a person's life or physical safety.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 November 2018.

2 Notification

Notified under the [Legislation Act](#) on 11 April 2019.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Controlled Sports Bill 2019, which originated in the Legislative Assembly as the Controlled Sports Bill 2018 and was passed by the Assembly on 2 April 2019.

Clerk of the Legislative Assembly

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