

Controlled Sports Code of Practice 2019 (No 1)

Disallowable instrument DI2019–214

made under the

Controlled Sports Act 2019, s 49 (Code of practice – approval)

EXPLANATORY STATEMENT

OUTLINE

Under section 49 of the *Controlled Sports Act 2019* (the Act):

- (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.

Section 50 of the Act specifies the contents that may be included (but not limited to) in the code of practice.

The code of practice is a key document that details the technical requirements for conducting controlled sports events in the ACT. It is designed to cover a wide range of combat sports that fall within the scope of the Act (see section 7, and dictionary). Some of the sports covered include:

Aikido	Kendo	Pankration
Boxing	Kickboxing	Sanda
Fencing	Kung Fu Wushu	Shooto
Judo	Kyokushin	Taekwondo
Ju-Jitsu or Brazilian Ju-Jitsu	Mixed Martial Arts	Sumo
Karate	Muay Thai	Wrestling

**This is not a conclusive list. As sports evolve or adapt rules, more may be included. The Act defines inclusions by technique, rather than sporting name. This list is provided as an example only.*

As defined in the Act, controlled sports are a combat sport, or any other high-risk sport or activity prescribed by regulation. Combat sports include sports or activities involving the intent of striking, hitting, grappling, throwing or punching of another person.

It is expected that the code of practice will evolve with the controlled sports it covers, and therefore require updating over time.

The Act replaces the *Boxing Control Act 1993*, and therefore the Boxing Control (Combat Sports) Code of Practice 2018 (No 1) (DI2018-42) will in effect, be replaced with this code of practice. Compliance with the code of practice is a longstanding requirement for the combat sports industry, however a number of combat sports were not previously covered by the old Act. Previously only boxing, kickboxing, Muay Thai and Mixed Martial Arts were covered. Therefore, the industry will be supported to comply with the Act and code of practice through education by the ACT Government.

Human rights considerations

This Instrument does not affect any human rights set out in the *Human Rights Act 2004* and is in accordance with the Scrutiny of Bills Committee's Terms of Reference, as set out below.

- (a) Disallowable Instrument is in accord with the general objects under the Act of which it is made. The code of practice is for the conduct of controlled sports events under s9 of the Act (meaning of controlled sports event).
- (b) The Disallowable Instrument does not unduly trespass on rights previously established by law. The Instrument determines codes of practice for the conduct of controlled sports events.
- (c) The Disallowable Instrument does not make rights, liberties and/or obligations unduly dependant on non-reviewable decisions as the code of practice relates to the conduct of controlled sports events. Reviewable decisions are linked to decisions made under the Act. Where code of practice requirements apply, these have been specified in this Explanatory Statement, and typically relate to matters where an administrative decision may be taken to suspend or cancel a registration based on non-compliance with a clause or clauses in the code of practice.
- (d) The Disallowable Instrument does not contain matters which should be properly dealt with in an Act of the Legislative Assembly as the matters contained in the code of practice are appropriate to be dealt with in subordinate legislation, as they contain the technical details relating to the conduct of controlled sports events, which directly align with the objects of the Act.

Offence provisions apply for non-compliance with the code of practice. These are detailed in the Act – sections 51, 52, 53 and 69. These offences are strict liability offences and are capped at 50 penalty units. Considerations relating to these offences have been dealt with in the Revised Explanatory Statement for the Controlled Sports Bill 2018.

Consultation

Consultation was undertaken with industry on the proposed code of practice from June to August 2019. Feedback has been considered and incorporated into the code of practice where appropriate and the revised code of practice was circulated to a number of industry representatives for final feedback.

Consultations were also undertaken with other regulating jurisdictions within Australia regarding the development of clauses, in particular relating to weigh-ins and the dangers of weight cutting, emergency protocols, contest area requirements and medical requirements (including medical exclusions for head injuries).

In addition, medical professionals were approached to provide their views on specific medical requirements. One attending medical practitioner provided their views, which have been incorporated.

The findings and recommendations of various reports have also been used to develop a robust framework for the conduct of controlled sports events in the ACT. This includes the coroner's recommendations following the inquest into the death of boxer David Browne in NSW in 2015, and the Western Australian Contestant Safety Strategy to Address Rapid Weight Loss (Weight Cutting) by Dehydration released in 2018.

CLAUSE NOTES

Clause 1 Name of instrument

This clause provides for the name of the instrument.

Clause 2 Commencement

This clause states that the instrument will commence on 11 October 2019, upon commencement of the *Controlled Sports Act 2019*.

Clause 3 Code of Practice

This clause allows the Minister to approve the Schedule containing the Code of Practice.

SCHEDULE NOTES

PART 1 MATTERS RELATING TO REGISTRABLE AND NON-REGISTRABLE EVENTS

This section applies to both registrable and non-registrable events.

Contest rules

Clause 1

This clause states that where contest rules conflict with the code of practice, the code of practice will apply.

Inspectors and government officials

Clause 2

This clause requires that the Registrar, inspectors, ACT Government officials or their representatives be granted access free of charge to all controlled sports events and weigh-ins and specifies requirements for contest supervision. This clause makes it clear that officials, in the course of their duties, can be granted entry to an event (or an area being used for an event). Inspectors have certain powers detailed under Part 5 of the Act. This clause further clarifies these requirements and also allows other officials (such as the Registrar) to be granted access to an event. This clause would be used for the purposes of learning and development of staff that are not yet appointed as inspectors, and would not extend beyond the powers detailed in this clause.

Disciplinary action

Clause 3

This clause provides notice that the Registrar may make certain information available to other jurisdictions under corresponding law, or any other relevant party. This will ensure that any disciplinary action undertaken in the ACT is not circumvented by moving operations to another jurisdiction. It also ensures that, for Authorised Controlled Sports Bodies operating as National Sporting Organisations approved by Sports Australia, that notice is provided to Sports Australia that may warrant a review of the body's status or affiliation with the National Sporting Organisation.

Disciplinary actions are detailed in the Act and include suspension or cancellation of registration, removal of Authorised Controlled Sports Body status, and offence provisions. Details that will be shared include the disciplinary action taken and the reasons for this action, and any time period that applies.

Matching of contestants (Match Making)

Clauses 4 and 5

These clauses specify who is responsible for ensuring that contestants are suitably matched for a registered and non-registrable contest.

Clause 6

This clause outlines the considerations that must be made for matching contestants.

Clause 7

This clause makes it clear that an exhibition cannot be used to allow contestants that are not suitably matched to participate together. Exhibitions present the same or similar risks to regular contests, and therefore match making requirements must apply to ensure the safety of contestants.

Exhibitions**Clause 8**

This clause makes it clear that exhibitions cannot be used to circumvent contest rules. For example, an exhibition cannot be used to not abide by match making requirements in contest rules, or requirements to allow recovery times (such as eight counts) for contestants that may be injured or otherwise need a break from the contest.

PART 2 MATTERS RELATING TO REGISTERED EVENTS

Part 2 only applies to registered events.

Clause 9

This clause specifies the time period and information requirements for submitting an application to hold a registered event.

Clause 10

This clause specifies the time period and information requirements for submission of the finalised documents as part of an application to hold a registrable event.

Clause 11

This clause makes it clear that only contestants that are listed on the draw are permitted to compete under approval to hold a registrable event.

Clause 12

This clause makes it clear that the promoter has responsibility to ensure that only contestants that are listed on the final draw compete in the event. A final draw is also considered to contain any substitutes listed and approved in the application.

Clause 13

This clause makes it clear that a contestant has responsibility to ensure they are approved to compete in a contest at a registrable event.

Clause 14

This clause makes it clear that the ACT Government, through its approval of an event, does not endorse listed contestants as fit to compete in an event or that suitable matches have occurred. Fitness to compete is not finalised until a pre-event medical clearance has occurred, and match marking requirements are the responsibility of the match maker. An approval to hold an event therefore means that the Government has verified information provided by the promoter, and that all officials and contestants are registered in either the ACT or a jurisdiction recognised under corresponding law.

Contest rules

Clauses 15 and 16

These clauses makes it clear that an event may only be conducted in accordance with the contest rules submitted as part of the event application, and that multiple sets of rules are permitted for multi-disciplinary events.

Clause 17

This clause specifies that a promoter must have permission of the author or creator of the contest rules to use the rules for the proposed event.

Clause 18

This clause makes it clear that a registrable event can run concurrently with an exempted light contact combat sport.

Exhibitions

Clauses 19 and 20

These clauses specify that contestants participating in exhibitions are still required to undergo all medical requirements specified, and if declared unfit, are not permitted to participate in exhibitions.

Promoter responsibilities

Clause 21

This clause requires that the promoter advise the Registrar as soon as possible once they become aware that a registrable event is not proceeding.

Clause 22

This clause specifies the requirements for the supply of gloves for contestants competing in disciplines that use gloves.

Clause 23

This clause details the equipment the promoter must provide for an event.

Clause 24

This clause details the matters that the promoter must be satisfied of for running an event, or particular contests within an event.

Clause 25

This clause makes it clear that the promoter must not allow a contest to commence or continue when the referee and/or medical practitioner are not present in the contest area.

Clause 26

This clause specifies the reporting requirements after an event has concluded or been stopped.

Insurance

Clauses 27 and 28

These clauses detail the insurance requirements and recommendations for registrable events.

Inspectors and Government Officials

Clauses 29 and 30

These clauses make it clear that inspectors and government officials can have no involvement in matters relating to the payment of officials or contestants.

International contestants

Clause 31

This clause details the requirements for international contestants to be registered in an Australian jurisdiction (either the ACT or a jurisdiction recognised under corresponding law), and makes clear that an international contestant may apply to be exempt from some requirements of the registration process (for example, a criminal background check).

Criminal background checking for international contestants is likely to yield little results as it only applies to offences committed within Australia. Further, immigration checking upon entry to Australia is likely to mitigate the risk of not undertaking a criminal background check for international applicants.

Clauses 32 and 33

These clauses specify requirements for evidence of affiliation with a home jurisdiction or sporting body for international contestants and the time period for submission of this information. This will assist the Registrar in determining if the applicant is suitably experienced to partake in a contest.

Clauses 34

This clause makes it clear that certificate of fitness assessments for international contestants must be undertaken by an Australian-based medical practitioner and the timeframe for submission of this information to the Registrar. It also includes the necessary testing to determine fitness to compete.

Clause 35

This clause details the promoter's responsibility to ensure timeframes are adhered to in relation to international contestant registration and medical clearance.

Doping

Clauses 36 and 37

These clauses make clear that doping or the use of certain substances are not permitted for registrable events. Some sports are governed by the regulations of the Australian Sports Anti-Doping Authority, whereas others (such as Mixed Martial

Arts) are not. Therefore these clauses have been made broad to cover the scope of coverage of other regulations.

Weight cutting

Weight-cutting measures are being established to address dangerous weight-cutting practices known to exist within the combat sports industry. Losing weight through dehydration can have a significant impact on a person's health, and can lead to loss of coordination, organ failure and sometimes death. While it is acknowledged that it is difficult to eliminate the practice entirely from combat sports, the measures outlined in clauses 36-38 attempt to discourage the behaviour, whilst the guidelines for weigh-ins (clauses 41-48) establish parameters for official weigh-ins that will discourage weight cutting immediately prior to a weigh-in or event that could potentially leave a person more vulnerable to injury. These requirements will be supported by policy and industry education.

Clause 38

This clause makes it clear that weight cutting is not permitted and provides specific examples of dangerous weight cutting techniques known to be used by combat sports contestants to lose weight quickly leading up to a contest.

Clause 39

This clause prohibits any registered official from encouraging a contestant to cut (lose) weight for a contest.

Clause 40

This clause authorises the registered medical practitioner to undertake any necessary testing to determine if a contestant is dehydrated. This may include, for example, urine specific gravity testing.

Weigh-ins (for disciplines that conduct weigh-ins and/or prescribe weight classes only)

Clause 41

This clause makes it clear that only a single weigh-in attempt is permitted.

Clause 42

This clause makes it clear time frames for when a single weigh-in must be conducted.

Clause 43

This clause specifies that, in the event that an event is postponed more than 24 hours, contestants must be weighed-in again. This is counted as a single weigh-in only.

Clauses 44 – 45

These clauses detail the rules regarding weigh-ins for contestants and substitute contestants.

Clause 46

This clause details the attire that is permitted for contestant's being weighed prior to a contest.

Clause 47

This clause makes clear that a private weigh-in must be provided on request. A private weigh-in is defined in the dictionary.

Clause 48

This clause specifies that the Registrar must be informed of the details of the weigh-in.

Pre-event medical requirements**Clause 49**

This clause makes it clear that substitute contestants must also be weighed in prior to competing.

Clause 50

This clause specifies that for disciplines that have a weigh-in, the pre-event medical clearance assessment must be undertaken after the weigh-in. This will ensure that the registered medical practitioner is able to observe and assess a contestant in the state in which they will compete. For example, if a contestant does partake in weight cutting and has been given 24 hours to recover after the weigh-in, the registered medical practitioner will be better able to assess the impact of the weight cutting and determine if the contestant is fit to compete.

Medical requirements for events**Clause 51**

This clause specifies the medical equipment that the registered medical practitioner must supply.

Clause 52

This clause specifies that the promoter must supply two spinal boards for each event.

Clause 53

This clause specifies that evacuation routes must be in place and an evacuation plan must be supplied to the Registrar upon application.

Clause 54

This clause specifies the requirements for nominating an adult person to contact emergency services if required.

Clause 55

This clause makes it clear that a contest can only commence or continue when a registered medical practitioner is at the contest side.

Clause 56

This clause specifies that the registered medical practitioner and referee must agree on a signal for when there is a need to stop the contest or the need for a medical examination.

Clause 57

This clause specifies circumstances in which a referee must confer with a registered medical practitioner in relation to the health or wellbeing of a contestant.

Clause 58

This clause makes it clear that registered medical practitioners must have unrestricted access to carry out all required duties.

Medical exclusions**Clause 59**

This clause makes it clear that medical suspensions apply to all controlled sports.

Clauses 60 and 61

These clauses detail minimum medical suspension requirements for loss by Knockout, Technical Knockout (excluding tap out in Mixed Martial Arts contests), concussion or loss of consciousness.

Clause 62

This clause specifies the potential for additional requirements a contestant may need to meet in order to have a medical suspension lifted.

Clause 63

This clause specifies that contestants must not compete for five days after a contest, regardless of the outcome, and recommends that they refrain from sparring or training to allow for recovery.

Contest area requirements**Clauses 64 – 72**

These clauses specify the requirements for the set-up of the contest area/s for a registrable event. These requirements are established to provide for clear expectations regarding the contest area that better support contestant safety, for example, for adequate padding and standard ring or cage sizes. Standard sizes mean that contestants have trained with similar requirements and are therefore less likely to rely on a ringside or cage-side that may be in a different place without standard sizing.

Protective clothing and equipment**Clause 73**

This clause makes clear that the protective equipment specified in the contest rules supplied by the promoter in the application must be used by contestants.

Clause 74

In addition to clause 73, this clause makes clear the mandatory requirements for protective clothing and equipment.

Clause 75

This clause specifies that gloves specifications must be made available for inspection by an inspector at the event.

Clause 76

This clause specifies the requirements for the use of petroleum jelly or a similar substance.

Clause 77

This clause specifies the requirements for the clean-up of any spills in the contest area or on contestants.

Integrity of score cards**Clauses 78 and 79**

These clauses specify the requirements relating to score cards completed by registered judges.

Appointment of international officials**Clause 80**

This clause specifies how international officials may be appointed.

Conflicts of interest**Clause 81**

This clause specifies that the promoter must not act as a judge, referee or timekeeper, or work in the corner [for a contestant] at an event they promote. This is to ensure the integrity of the event.

Clause 82

This clause specifies the rights of the Registrar to place conditions, refuse or revoke approval for an event where there is a real or perceived conflict of interest that has not been addressed. These actions are subject to reviewable decision notice in accordance with the Act.

Conduct of officials**Clauses 83 - 86**

These clauses specify the conduct requirements for officials as a condition of registration. These matters relate to the integrity and safety of controlled sports in the ACT, in line with the objects of the Act.

Conduct requirements are similar to those that exist for other licences and employment arrangements. It establishes the ethical principles and values expected of officials representing ACT Government approved events and makes clear the standards and expectations required to perform the role.

Failure to comply with conduct requirements may provide grounds for suspension or cancellation of an official's registration, which is a reviewable decision.

Conduct of contestants

Clause 87

Similar to clauses 83 - 86, this clause specifies the conduct requirements for contestants as a condition of registration. These matters relate to the integrity and safety of controlled sports in the ACT, in line with the objects of the Act.

Conduct requirements are similar to those that exist for other licences and employment arrangements. It establishes the ethical principles and values expected of contestants representing ACT Government approved events and makes clear the standards and expectations required to participate as a registered contestant.

Failure to comply with conduct requirements may provide grounds for suspension or cancellation of an official's registration, which is a reviewable decision.

Clause 88

This clause makes it clear that contestants must disclose all relevant information relating to prior contests to enable officials to make an informed decision about matters such as fitness to compete and suitably matched opponents. In the majority of cases, this information will be recorded in the contestant's medical record book.

Entertainment

Clauses 89 and 90

These clauses stipulate appropriate types of entertainment at registrable events. Clause 89 specifies that this entertainment must not be sexually explicit, and clause 90 specifies that it must be age appropriate (for instance, for all ages events where children are spectating).

PART 3 MATTERS RELATING TO NON-REGISTRABLE EVENTS

Matters in part 3 only relate to non-registrable events.

Clause 91

This clause makes it clear that it is the promoter's responsibility to ensure that their event is not a registrable event.

Clause 92

This clause makes it clear that a promoter cannot act as a representative for an authorised controlled sports body for an event that they promote. This ensures that the integrity of the authorised controlled sports body is protected.

Authorised controlled sports body responsibilities

Clause 93

This clause details the authorised controlled sports body's responsibilities in relation to an event.

Inspectors and government officials

Clause 94

This clause specifies that a copy of the final draw must be made available for inspection on the day of the event.

Contest rules

Clauses 95 and 96

This clause makes clear that non-registrable events must be run in accordance with the rules specified in the notification of the event, and makes clear that multiple rules are permitted for multi-disciplinary events.

Clause 97

This clause makes it clear that a non-registrable event can run concurrently with an exempted light contact combat sport.

Exhibitions

Clause 98

This clause makes clear that exhibitions must be recorded on the contest results supplied to the Registrar. This enables monitoring of contestants that participate in both registrable and non-registrable events for safety purposes.

Medical requirements

Clause 99

This clause specifies that contestants must meet the medical requirements of the authorised controlled sports body authorising the event.

Clauses 100 and 101

These clauses specify the required medical equipment for non-registrable events.

Clauses 102 and 103

This clause requires that a medical professional must be in attendance for contests, and where the medical professional must be in relation to a contest.

Clause 104

This clause specifies that the medical professional and referee must agree on a signal for when there is a need to stop the contest or the need for a medical examination.

Clause 105

This clause specifies the requirements for nominating an adult person to contact emergency services if required.

Clause 106

This clause specifies circumstances in which a referee must confer with a medical professional in relation to the health or wellbeing of a contestant.

Clause 107

This clause makes it clear that medical professionals must have unrestricted access to carry out all required duties.

Protective clothing and equipment**Clauses 108 – 111**

These clauses specify the requirements relating to protective clothing and equipment.

Weigh-ins (for disciplines that conduct weigh-ins and/or prescribe weight classes only)**Clause 112**

This clause makes clear that a private weigh-in must be provided on request. Private weigh-in is defined in the dictionary.

Clauses 113 and 114

These clauses specify the requirements for weighing-in children.

Conduct of authorised controlled sports bodies**Clauses 115 and 116**

These clauses specify the conduct requirements for authorised controlled sports bodies in relation to non-registrable events in line with the safety and integrity objects of the Act.