

Australian Capital Territory

# Controlled Sports Amendment Regulation 2024 (No 1)

Subordinate Law SL2024- 27

made under the

Controlled Sports Act 2019, s 90 – Regulation-making power

## EXPLANATORY STATEMENT

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The *Controlled Sports Act 2019* (the Act) regulates the conduct of certain combat and other high-risk sports events to promote the health and safety of controlled sports participants, and the integrity of combat sports in the Australian Capital Territory.

Section 90 of the Act provides the Executive with regulation making powers, to make provision in relation to the conduct of controlled sports events.

The purpose of the *Controlled Sports Amendment Regulation 2024 (No. 1)* is to amend the *Controlled Sports Regulation 2019* to clarify certain aspects of controlled sports events, per the below:

- The inclusion of a section to clarify that sports or activities meeting certain criteria are not considered controlled sports to omit activities that have been inadvertently captured by the legislation.
- The prescription of a controlled sports official role to be a ‘support trainer’ such that a registered trainer who is undertaking a second role at a controlled sports event does not require registration as a second official;
- The amendment of the title of Part 3 of the regulation to reflect the correct terminology of the conduct of ‘registered’ events to correlate with Division 4.2 of the Act; and;
- The substitution of a definition of a national sporting organisation to include a state sporting organisation recognised by a national sporting organisation.

The amendments focus on clarifying aspects of controlled sports events and do not detract from the purpose of the legislation. In addition, these amendments will not engage the *Human Rights Act 2004* as they are related to operational aspects of the conduct of controlled sports events.

## CLAUSE NOTES

### Clause 1 Name of regulation

This clause provides for the name of the regulation as the *Controlled Sports Amendment Regulation 2024 (No. 1)*.

### Clause 2 Commencement

The clause states that the regulation will commence the day after its notification day.

### Clause 3 Legislation amended

This regulation notes that the *Controlled Sports Amendment Regulation 2024 (No. 1)* amends the *Controlled Sports Regulation 2019*.

### Clause 4 New Part 1A Important concepts

There are two aspects to the new part 1A.

Firstly, a new section '5A meaning of controlled sport' will be inserted into the regulation. The new section 5A states the criteria that a sport or activity is not a combat sport if the sport or activity is not likely to involve forceful contact with a person's head, neck, spine or groin; the sport or activity is carried out solely for entertainment purposes; and the sport or activity includes movements that are choreographed; or an outcome that is predetermined; and there is no official score kept and no official winner recorded for the sport or activity. The purpose of this clause is to clarify that activities meeting these criteria are not considered a combat sport for the purposes of the Act. The criteria have been chosen to align with similar jurisdictional frameworks and to ensure that safety is maintained for these sports or activities.

Secondly, a new section '5B meaning of controlled sports official' will be inserted into the regulation. The new section 5B prescribes the capacity of a support trainer, as someone who is a registered trainer undertaking a support role, or second role for another trainer, but is not registered as a second official. The purpose of this section is to recognise the qualifications and experience of trainers in the controlled sports industry and to reduce red tape for registered trainers by removing the requirement for trainers to be registered as a second to undertake a second official role at a controlled sports event.

### Clause 5 Part 3 Heading

This clause substitutes the correct heading of Part 3 in the regulation to be 'Conduct of registered events' rather than, 'conduct of registrable events'. This amendment will make the *Controlled Sports Regulation 2019* consistent with Division 4.2 of the Act.

**Clause 6      Section 19 (7), definition of national sporting organisation**

This clause substitutes the definition of a national sporting organisation to include an additional provision to recognise that a national sporting organisation includes a state sporting organisation recognised by a national sporting organisation. The purpose of this amendment is to reduce the red tape for state sporting organisations making arrangements to conduct non-registrable events.