



Government of **Western Australia**
Combat Sports Commission

CSC

PREPARE WELL
PERFORM BETTER



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Regulatory Proposal: Combat Sports Legislation

Minister's Foreword

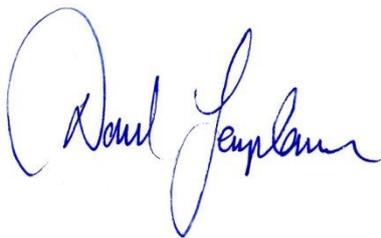
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In 2001 the *Boxing Control Amendment Bill* was raised in Parliament as an impetus for expanding boxing legislation across the wider spectrum of combat sports. That legislation eventually transformed into the *Combat Sports Act* and enabled minimum safety standards to be enshrined across the combat sports industry. At the time, my first year in the Legislative Assembly, I felt a need to specifically speak on that Bill. You see my father was a boxer and whilst I didn't follow in his sporting footsteps, I was proud of his boxing prowess and captivated by his boxing stories. I congratulated the then Minister for Sport and Recreation for introducing the Bill and commended it to the House.

Fast forward twenty-two years later and I now find myself as the Minister for Sport and Recreation. Over that time the legislation has undergone various amendments including significant changes in 2011 and regulation reforms in 2013. A lot can change in a decade, including the landscape of combat sports itself but the primary objective of the legislation remains true to its historical origins. The safety of the contestant is and always will be paramount.

I congratulate the Combat Sports Commission for having the foresight to strategically plan a legislative review and am pleased to present to you this Regulatory Proposal. I would also like to thank in advance, those of you who do decide to contribute by making a submission for the advancement of the sport.



Hon David Templeman MLA

Minister for Sport and Recreation



A lot has changed since the first legislation to regulate combat sports in Western Australia was adopted in 1987. Tremendous evolution in technology, integrity and health and safety expectations, across all sports has occurred and yet continues to divide opinions. Consequently, the legislation itself also needs to keep pace, pivot, block, clinch, defend and react.

In March 2022 the Commission had its first round of industry consultation in relation to a legislative review of the *Combat Sports Act 1987*. The Commission established a Legislative Review Working Group and informed by the stakeholder consultation commenced an in-depth review of the legislation. This gave us the opportunity to re-visit the regulatory framework and consider what changes, modernisation and reform may be necessary moving forward. From this process the Regulatory Proposal is born.

Highlighting issues and targeting topics for proposed regulatory change is an important phase necessary for progressing and drafting legislative amendments for Parliament. Recognise that different stakeholders (athletes, parents, trainers, promoters, officials, spectators, medical practitioners, sporting associations) often request and sometimes demand very different requirements from the Commission. I'm now urging you to take the time to read, absorb and respond to the proposal. Please put in the time and effort, and take the opportunity to proactively contribute to the future of your sport.

I look forward to working with you as we take the next step of drafting legislation ready for WA Parliament.

Hon. Bob Kucera APM JP

Combat Sports Commission Chair



The **Combat Sports Act 1987** (Act) and **Combat Sports Regulations 2004** (Regulations) currently regulate requirements for conducting a combat sport event within Western Australia, including boxing, kickboxing, mixed martial art and muay thai contests. The Combat Sports Commission (Commission) consists of Minister appointed members and is a regulatory body established under the Act. It is an offence to conduct a *combat sport contest*, falling within the defined terms of the Act, unless a permit has been issued by the Commission. Contests must be conducted in accordance with legislative requirements, permit conditions and contest rules. Furthermore, contestants and industry participants (promoters, matchmakers, referees, judges, timekeepers, managers, trainers and seconds) participating in a contest, must be registered with the Commission. Registration is for a 3-year term and requires ongoing requirements such as compliance with conditions of registration, contest rules and a code of conduct. Contestants additionally require serology reporting and annual certificate of fitness submissions, as endorsed by a medical practitioner.

Societal views on the nature of acceptable risks and harm in sport have changed and evolved since the development of the original legislation. Combat sports science has significantly advanced, and integrity expectations continue to rise across all sports. Issues within the current regulatory framework (Act and Regulations) have been recognised and overall, the legislation requires modernisation. The Commission has identified various policy problems and collected industry concerns, that regulatory intervention could resolve. There are also ongoing cultural issues specific to combat sports (such as rapid weight loss practices and concussion) that continue to place the sport at odds with public expectations. Following a coronial inquiry in 2020 Coroner Linton recommended amending the legislation to empower the Commission to undertake a greater role to improve the safety of combat sports in Western Australia. The Commission accepted Coroner Linton's recommendations and implemented a strategy based on four key pillars: **Education, Research, Regulation** and **Weight Assessment**. These pillars are now reflected throughout this regulatory proposal.

The Commission acknowledges that there is a very fine line between regulating an industry to ensure that health, safety and integrity standards are maintained, whilst not overregulating a sport to the point that the sport itself becomes diminished. It is also a balancing act for the Commission to accommodate the often opposing and conflicting appetite for risk management between the public, medical field and those within the combat sports industry itself. Industry stakeholders were previously provided with an opportunity to inform the Commission of any regulatory areas of concern or commentary over the current and historical legislative framework. At this early design stage, the Commission has subsequently contemplated how the regulatory framework can be undertaken in a proportionate and consistent manner, including the identification of *Better Regulation Principles* for each proposal. These principles, provided through the Department of Treasury - Better Regulation Program, underpin regulatory decision making for the State.

The Commission are now calling for a second round of consultation from industry stakeholders, State Sporting Associations and interested parties regarding the following regulatory proposals and suggested legislative amendments as a predecessor to drafting changes.



- 1. Changing defined terms “contest” and “combat sport”**
 - Amending defined terms and changing the criteria to determine what will not be considered a combat sport or contest for the purposes of the regulatory scheme and clarity for the industry.
- 2. Expanding the functions of the Commission**
 - Expanding the Commission’s functions to include promotion of education and training for the combat sport industry and to allow for the formulation of guidance or standards, on health, safety and integrity matters, for combat sport businesses.
- 3. Adopting generic Combat Sports Commission member descriptors**
 - Amending the Commission member descriptors to apply a generic combat sport approach as opposed to historical boxing related drafting.
- 4. Simplifying serology requirements**
 - Reducing contestant serology testing frequency from a 6-month period to a 12-month period.
 - Replacing submission of pathology reports with provision of clearance certification (signed by a Medical Practitioner).
 - Prescribing a minimum age limit (16 years and above) for serology reporting requirements.
- 5. Modernising the registration classes**
 - Removing prescribed weight classes (already managed through Rules) and listing various types of combat sports for the purpose of registration.
- 6. Notifying the Commission of registration changes**
 - Requiring registered contestants and industry participants to notify the Commission of any changes to their registration details including fit and proper person status (criminal record) and medical fitness to compete.
- 7. Requiring training and experience details for new applicants (contestant registrations)**
 - Requiring applicants for contestant registrations to provide details of their training and experience.
- 8. Creating a single event registration option for international, interstate and charity event applicants**
 - Allowing international, unregulated interstate and charity event applicants to apply for a single event registration at a pro-rata fee and to enable international applicants to register under different timeframe requirements.
- 9. Registration of Ringside Medical Practitioners**
 - Registering ringside medical practitioners as an industry participant on a fee free basis.
- 10. Requiring trainers to have first aid and working with children check requirements (where relevant)**
 - Requiring trainers to have a current first aid qualification and where relevant a working with children card, upon registration or renewal of registration as an industry participant.
- 11. Replacing contestant record book requirements with digital solutions**
 - Removing of legislative requirements for contestant record books and replacement with a digital solution for accessing information online.
- 12. Enhancing contest area compliance**
 - Compelling persons in attendance within the contest area to comply with the Commissions directions and not to act offensively.

13. Addressing Coroner’s recommendations – additional weight scheme requirements

- Requiring Medical Practitioners to conduct weight assessment.
- Requiring contestants to report Certificate of Fitness weights and self-report weight during matchmaking.
- Requiring promoters to submit contestants self-reported weight with contest card.
- Giving powers to the pre-contest medical examining practitioner and the Commission to disallow contestant from competing based on weight loss concerns/history.

14. Extending pre-contest weigh-in time limit

- Extending pre-contest weigh-ins to no more than 36 hours before a contest to allow for alignment with approved sanctioned body rules.

15. Requiring Medical Practitioner attendance at pre-contest weigh-in

- Requiring pre-contest weigh-ins to occur in conjunction with pre-contest medical examinations.

16. Clarifying the permit application process for promoters

- Embedding the current two-part permit application process (as opposed to historical process), establishing mandatory timeframes for applications, and highlighting that permits are only available to registered promoters.

17. Modernising and expanding the integrity framework and powers of inquiry

- Encompassing a modern integrity framework in alignment or akin to the National Integrity Framework including wagering prohibitions under certain conditions and increased powers of inquiry for the Commission.

18. Extending bout stoppage powers to industry representative Commission members and clarifying medical practitioner stoppage powers

- Clarifying and extending the powers of ringside medical practitioners, referees and ringside industry representative Commission members to stop a bout.

19. Implementing trainer and promoter obligation to notify Commission of contestant being admitted to hospital following a contest

- Requiring promoters or a contestant’s trainer to notify the Commission if they become aware that the contestant is admitted to hospital from injuries sustained at a contest.

20. Creating new process for State Sporting Associations, National Sporting Organisations and other not-for-profit organisations for approval as a recognised governing combat sport body

- Introducing a system of conditional approval as a *governing combat sports body* for recognition of State Sporting Associations, National Sporting Organisations and other not-for-profit organisations for exclusion from certain provisions of the Act.

21. Dealing with alleged offenders without prosecuting them (infringement notices)

- Introducing an infringement notice (modified penalty) framework for minor breaches of the legislation.

22. Creating exemption process to allow certain classes of persons, types of contests or types of combat sports to be exempted from provisions of the Act

- Establishing the ability for the Minister, on the advice of the Commission, to either unconditionally or subject to conditions exempt classes of persons, types of contests or types of combat sport from provisions of the Act.

23. Miscellaneous matters, modern drafting and streamlining legislation

- Addressing miscellaneous matter including minimum ages, fees, penalties and offences.
- Modernising, updating and correcting drafting.



1. Changing defined terms “contest” and “combat sport”

Current Legislation: Part I Preliminary: section 3 - Terms used & regulation 4 - Combat sports prescribed not to be combat sport, regulation 5A - Contests prescribed not to be contest

Issue: The concept of a “contest” as defined by section 3 of the Act and its legal interpretation are imperative to administering the Act and determining whether a permit is legally required or not. Once determined whether a sport falls within the definition of a “combat sport” the Commission must ascertain whether an event falls within the definition of a “contest”. The Regulations further prescribe what is not considered to be a combat sport or contest (in other words criteria where a permit and registration is not legally required). The historical basis was always to exclude light contact, training such as sparring and traditional martial art belt gradings but to require compliance when combat sports events were being held for profiteering or public entertainment. Unfortunately, some individuals, clubs and gyms have blurred the lines and deliberately attempt to avoid seeking permits by running contests under the guise of various formats, different terminology or their own interpretations of the Act. The Commission is not opposed to certain criteria (risk assessed) falling outside the regulatory scheme for requiring a permit but will not accept unintentional or intentional acts of deceit or attempts to fall outside legal definitions. The current defined terms lack clarity and certainty for the industry when determining whether a permit is or is not required and the Commission seeks to rectify this.

Proposal: To amend the defined terms “contest” and “combat sport” and change the criteria prescribed at Regulations 4 and 5A for what will not be considered a combat sport or contest.

Better Regulation Principle: *provide clarity and certainty for all affected parties, recognising that different groups may be affected differently.*

2. Expanding the functions of the Commission

Current Legislation: Part II Combat Sports Commission: section 10 - Functions of Commission

Issue: Following the coronial inquest, a Coroner’s recommendation was made for the Minister of Sport and Recreation to amend the legislation to empower the Commission to undertake a greater role in regulating trainers and gyms, outside of contests, to improve the safety of combat sports. The Commission believes that pro-actively working with stakeholders to educate and embed a positive safety culture across the industry is imperative and potentially greater reaching than strict enforcement. The Commission’s legislative functions are currently silent on the matter of providing education and training to the industry. Whilst allowing for the formulation of standards and guidelines in combat sports and for the preparation and training of combat sports, the functions do not specifically address combat sport businesses including gyms.

Proposal: To expand the Commission’s functions to include promotion of education and training for the combat sport industry and allow for the formulation of guidance or standards, on health, safety and integrity matters, for combat sport businesses.

Better Regulation Principle: *support policy objectives and deliver maximum net benefits to the community and achieve outcomes and support regulated parties.*

3. Adopting generic Combat Sports Commission member descriptors

Current Legislation: Part II Combat Sports Commission: section 4 - Combat Sports Commission established

Issue: The establishment of the Commission was historically created solely for the sport of boxing. The legislation was originally titled the *Boxing Control Act 1987* and over time evolved to incorporate other combat sports through several amendments. Consequently, the descriptors used for the make-up of the Commission were based around boxing references. Boxing is only one of several combat sports that the Commission deals with and the word “boxing” now falls within the defined term “combat sport”.

Proposal: To amend the Commission member descriptors at sections 4(2) iv – viii by removing specific references to boxing and applying a generic combat sport approach.

Better Regulation Principle: *allow for adjustments or withdrawals as circumstances change.*

4. Simplifying serology requirements

Current Legislation: Part III Registration of contestants: sections - 16(2)(b) Applying for registration, 19(3)(b) - Term of registration and application renewal and regulation 8A - Prescribed medical information

Issue: A 6-monthly testing frequency for serology reporting, prior to competing at any event, has been historically embedded within the regulatory framework. Contestants currently provide the Commission with a copy of their pathology test and the legislation does not currently prescribe a minimum age limit for serology testing requirements. The Commission is of the opinion that serology testing of children is inappropriate and that a less frequent (12-monthly) testing requirement, for ALL contestants over the age of 16 years of age, is a more appropriate testing cycle. Furthermore, the Commission acknowledges that submission of pathology medical tests may contain sensitive information and that provision of a serology clearance certificate, certified by a medical practitioner, could instead suffice.

Proposal: To reduce contestant serology testing frequency to a 12-month period, to replace provision of pathology reports with provision of clearance certification (signed by a medical practitioner) and to prescribe a minimum age limit (16 years and above) for serology reporting requirements.

Better Regulation Principle: *allow for risk based regulatory assessment and decision making focused on outcomes.*

5. Modernising the registration classes

Current Legislation: Part III Registration of contestants: section 14 – Prescribed classes of contestants and regulation 5 - Schedule 2 – Prescribed class of contestants

Issue: The legacy of section 14 was created for the registration of boxers directly into a specified boxing weight classes. This later evolved into prescribed weight classes across various types of combat sports (muay thai, mixed martial arts, brazilian ju jitsu and full contact karate). Various weight classes and weight class requirements are contained within approved contest rules, including approved sanctioned body rules which may contain different weight classes than those currently prescribed in the Regulations at Schedule 2. It has historically always been an offence under section 24(a) to participate in a particular class of combat sport if not registered as a contestant of that class.

Administratively, when registering, contestants nominate a class of combat sport (as in type of combat sport) they wish to compete in and are not registered into Schedule 2 prescribed weight classes. However, weight class nominations for contestants are mandatory as part of a promoter's contest permit submission. Therefore, to ensure that the legislation reflects the administrative registration process and to avoid confusion Schedule 2 will prescribe types of combat sports without prescribed weight classes.

Proposal: To amend Schedule 2 by removing prescribed weight classes and replacing with a listing of various types of combat sports for the purpose of registration.

Better Regulation Principle: *allow for well-considered, efficient and effective administration and enforcement arrangements and allow for adjustments or withdrawals as circumstances change.*

6. Notifying the Commission of registration changes

Current Legislation: Part III Registration of contestants: section 15 - Register

Issue: The Commission is legislatively required to maintain a register of contestants and industry participants. It is currently a code of conduct requirement for contestants and industry participants to advise the Commission of any changes to contact details, fit and proper person status (criminal record) and medical status. To better enable the Commission to maintain correct and accurate information on the register it is proposed that these requirements be directly incorporated within the Act.

Proposal: To require registered contestants and industry participants to notify the Commission of any changes to their registration details including fit and proper person status (criminal record) and medical fitness status to compete.

Better Regulation Principle: *ensure regulatory staff develop and maintain appropriate capabilities & encourage a culture that embraces information sharing and collaboration across agency lines.*

7. Requiring training and experience details for new applicants (contestant registrations)

Current Legislation: Part III Registration of contestants: section 16(2) - Applying for registration, section 17 - Registering contestants

Issue: When applying for registration as a contestant, applicants are not currently required to provide evidence of their competency to compete. Evidence of competency (training or experience) would better enable the Commission to determine whether an individual should be registered as a contestant and is ready to compete.

Proposal: To require applicants for contestant registrations to provide details of their training and experience.

Better Regulation Principle: *allow for risk based regulatory assessment and decision making focused on outcomes.*

8. Creating a single event registration option for international, interstate and charity event applicants

Current Legislation: Part III Registration of contestants: section 19 - Term of registration and application renewal, Part IV Registration of industry participants: section 30 - Term of registration

Issue: The registration period for contestants and industry participants is currently 3 years regardless of residency or type of contest being entered. International and interstate residents, when competing or participating within WA, from an unregulated state or territory (NT, QLD & Tas) are still required to register in WA for the full term and must pay the full 3-year fee. Furthermore, contestants and participants entering a charity event are also required to undergo full registration. In many instances these competitors/participants are only registering to participate at a single event or are unlikely to participate again within WA and consequently do not require a 3-year WA registration. There is often a need for international applicants to be dealt with under different registration timeframe requirements than those residing in the State, to accommodate obtaining Australian documentation upon arrival.

Proposal: To allow international, unregulated interstate and charity event applicants to apply for a single event registration at a pro-rata fee and to enable international applicants to register under different timeframe requirements.

Better Regulation Principle: *provide clarity and certainty for all affected parties, recognising that different groups may be affected differently.*

9. Registration of Ringside Medical Practitioners

Current Legislation: Part IV Registration of industry participants: section 26 - Register of industry participants

Issue: Ringside medical practitioners play an integral role during combat sport contests and various legislative requirements embed that role within the Act. Ringside medical practitioners are not, however, classified as an industry participant and are not required to be registered by the Commission. They are not contracted by the Commission and are not bound by the same schedule of fees, code of conduct or conditions of registration as other officials. Promoters directly source, engage and pay ringside medical practitioners but the choice of medical practitioner must be approved by the Commission. In the equivalent Australian Capital Territory combat sports system, ringside medical practitioners are registered on a fee free basis. The Commission is of the opinion that ringside medical practitioners should be registered and agree that registration fees should be waived to encourage participation.

Proposal: To register ringside medical practitioners as an industry participant on a fee free basis.

Better Regulation Principle: *consider the perspective and experience of regulated parties and affected stakeholders, as well as cross jurisdictional developments.*

10. Requiring trainers to have first aid and working with children check requirements (where relevant)

Current Legislation: Part IV Registration of industry participants: section 27 - Applying to be registered, section 26 - Register of industry participants and regulation 10 - Register of industry participants: Prescribed particulars

Issue: Combat sport trainers are not currently required to have a first aid qualification. First aid certification for sport coaching accreditation has become a common and widespread requirement across most sports and should be adopted within the combat sports community. In response to the Coroner's recommendations the Commission committed to undertake regulatory amendment to ensure that all registered trainers hold a current first aid certificate.

In addition, since the creation of the Act, working with children (WWC) screening requirements have been adopted across Australia. Under the State based WWC system, not all trainers require a WWC card. Trainers working with children are advised to refer to the WWC check website to assess their legal obligations. Those required to have a WWC card will need to hold a current card prior to registering or renewing as a trainer.

Proposal: To require trainers to have a current first aid qualification and where relevant a WWC card, upon registration or renewal of registration as an industry participant.

Better Regulation Principle: *transparently measure and clearly demonstrate net benefits for Western Australians as a whole.*

11.Replacing contestant record book requirements with digital solutions

Current Legislation: Part VI Contestant record books: section 35 to 42 and Part VII Contests: sections 48, 49A, 50 & 52

Issue: Contestant record books (CRB) are a print material booklet (hardcopy) that requires ongoing handwritten transcribing of legislatively prescribed information. They are an administrative and financial burden, costly and time consuming to transcribe. The Commission is legally required to record contest information across individual CRB for every contestant during each contest. Contestants are legally required to produce their record book at pre-contest weigh-ins and medical examinations, however contestants losing, damaging or misplacing their CRB is an ongoing concern. A contestant cannot compete in a contest without producing a CRB and a prescribed fee (\$100) applies should contestants require a replacement book. A medical practitioner is also required to inspect and certify the contestant record books prior to a contest. The Commission desires to upgrade the legacy system to improve service delivery, transition towards a paperless model and commence digital transformation in alignment with the WA public sector digital strategy.

Proposal: Removal of legislative requirements for contestant record books and replacement with a digital solution for accessing information online.

Better Regulation Principle: *encourage digital and online solutions for improved efficiency.*

12.Enhancing contest area compliance

Current Legislation: Part VII Contests

Issue: The Commission is responsible for enforcing various requirements within the contest area including a restricted area, known as an exclusion zone, which extends outside the ring or enclosure. Contest area restrictions are contained within the contest rules, permit conditions and code of conduct but are currently only enforceable against contestants and industry participants. Maintaining order in the contest area is vital for the safety and fairness of contestants competing and essential for allowing officials to do their job without interruption or distraction. Combat sport events can also reflect a more professional and positive image during broadcasting or live streaming when the contest area is managed appropriately. To enable the Commission to better enforce the contest area and to extend potential compliance coverage to the public, the Commission desires to introduce two requirements that are currently adopted in the equivalent NSW legislation. This includes requiring persons to comply with directions given by the Commission and not to use offensive, intimidatory, defamatory, racist or inappropriate language or behaviour whilst within the contest area.

Proposal: To compel persons in attendance within the contest area to comply with the Commissions directions and not to act offensively.

Better Regulation Principle: *ensure regulatory staff develop and maintain appropriate capabilities.*

13. Addressing Coroner's recommendations – additional weight scheme requirements

Current Legislation: Part VII Contests: sections 44 - Applying for permits to conduct contests, 48 - Pre-contest weigh-ins, 49A - Pre-contest medical examinations and regulation 8A. Prescribed medical information

Issue: Following a coronial inquiry in 2020 Coroner Linton made two recommendations both involving consideration for legislative amendment. The Coroner's recommendations were two-fold, the first called for greater regulation over trainers and gyms, the second a scheme involving contestant weight reporting for Commission consideration towards bout safety determination. The Commission has already put in place a strategy attempting to address rapid weight loss. Unfortunately, certain gyms, trainers and contestants continue to practice and embrace rapid weight loss strategies. A cultural acceptance of using weight manipulation to circumvent/cheat competing within fair and equitable weight classes is a global scale problem across combat sports. The answer does not lie with one entity but instead requires all those within the industry (contestants, trainers, matchmakers, promoters, medical practitioners and the Commission) to take a greater responsibility and an integrated approach to change the culture. In an attempt to address the Coroner's recommendations, the Commission proposes the following (some of which will require legislative amendments, some of which can be accommodated through policy and process changes).

Proposal:

- To require medical practitioners to conduct weight assessment during contestant Certificate of Fitness (CoF).
- To require contestants to report their CoF recorded weight to the Commission.
- To require contestants to declare a current self-reported weight, at a point in time (PIT), to a promoter or matchmaker during contest match up and weight class negotiation.
- To require promoters to include a contestant's declared PIT weight and date of declaration when submitting the Part-2 permit contest card information (21-day requirement).
- To allow contestants weight history (CoF weight, PIT weight and pre-contest weight) to be made available to the medical practitioner conducting a pre-contest medical examination.
- Medical practitioner to have the power to deem contestant unfit to fight based on medical opinion of unacceptable weight loss over period of time, following consideration of contestant's weight history and pre-contest medical examination.
- Commission to have power to cancel a bout directly following a pre-contest weigh-in based on health and safety concerns due to significant missed weight or weight loss concerns.

Better Regulation Principle: *support policy objectives and deliver maximum net benefits to the community and allow for risk based regulatory assessment and decision making focused on outcomes.*

14. Extending pre-contest weigh-in time limit

Current Legislation: Part VII Contests: section 48(2)(b) - Pre-contest weigh-ins

Issue: Pre-contest weigh-ins must currently take place within 24 hours before a contest. The Commission acknowledges that rapid weight loss (RWL) through dehydration continues to be a concern for the industry. Several sanctioning body rules, across various combat sports, provide for up to 36-hour weigh-ins in support of the belief that athletes should be provided with greater timeframes prior to a contest to enable full rehydration. Alternatively same day weigh-ins are supported by other sanctioned bodies with the belief that athletes will simply choose not to engage in rapid weight-loss, so close to a contest. Regardless of the weigh-in requirements certain individuals will always seek to circumvent the system. When applying for a permit, Promoters ultimately have the discretion to apply approved sanctioned body contest rules of their choice and therefore promoters can determine the start time of the weigh-in within those rules.

Proposal: To extend pre-contest weigh-ins to no more than 36 hours before a contest to allow for legislative alignment with approved sanctioned body rules.

Better Regulation Principle: *consider the perspective and experience of regulated parties and affected stakeholders, as well as cross jurisdictional developments.*

15. Requiring medical practitioner attendance at pre-contest weigh-in

Current Legislation: Part VII Contests: sections 48 - Pre-contest weigh-in, 49A - Pre-contest medical examinations

Issue: The pre-contest weigh-in legislation does not currently require a medical practitioner to be in attendance during the weigh-in. It has, however, become industry practice for the mandatory pre-contest medical examinations to take place in conjunction with the pre-contest weigh-in. This has the added advantage of allowing for a medical practitioner to examine contestants at a critical point in time. Contestants engaging in rapid weight loss, in deliberate attempts to manipulate their body weight, are known to present to the pre-contest weigh-in, with signs or symptoms associated to significant dehydration or glycogen depletion. Based on a contestant's medical condition, during the pre-contest medical examination, a medical practitioner can deem a contestant not medically fit to compete. In the interest of safety and health and to allow for better informed medical examinations, the Commission is of the preference that pre-contest weigh-ins occur in the presence of a medical practitioner, unless circumstances beyond the promoter's or attending medical practitioner's control prevent this from occurring.

Proposal: To require pre-contest weigh-ins to occur in conjunction with pre-contest medical examinations.

Better Regulation Principle: *allow for risk based regulatory assessment and decision making focused on outcomes.*

16. Clarifying the permit application process for promoters

Current Legislation: Part VII Contests: section 44 - Applying for permits to conduct contests

Issue: The legislation currently only mentions the historical 42-day permit application process and does not reflect the actual staggered two-part permit process. The legislation also does not clarify that only registered promoters can apply for a contest permit. The Commission allows promoters a more flexible two-part process with submission of contest card information at 21 days. Promoters will, however, be required to finalise contest cards 5 days prior to the contest or within a shorter period (for extenuating circumstances only) upon approval by the Commission. There are administrative stressors and financial burdens placed on the Commission/Departmental staff when contestants,

industry participants and promoters leave it until the final days to register, make changes or submit documents that should have been arranged previously. The Commission acknowledges that in some cases extenuating circumstances do arise and shorter timeframes may be accommodated but otherwise the Commission expects for all those involved in a contest to have completed registration at least 5 days prior to a contest.

Proposal: To outline the two-part permit application process, establish mandatory timeframes, and highlight that permits are only available to registered promoters.

Better Regulation Principle: *be proportionate and designed in collaboration with key stakeholders.*

17. Modernising and expanding the integrity framework and powers of inquiry

Current Legislation: Part VII Contests: sections 47(2 -5) Offences, 48A - Sham contests, inquiries into

Issue: “Sham” contests are an offence under the combat sports legislation and include Commission powers of inquiry. However, the Act requires evolution towards a more modern approach for mitigating multifaceted integrity concerns. Ensuring the integrity of contests, contestants and industry participants (particularly officials) is critical for a successful and credible combat sport sector. In addition to sham contests other integrity type requirements are currently embedded within the Code of Conduct, conditions of registration and contest rules. During stakeholder consultation, some within the combat sport industry told us that they had concerns and allegations of doping within the sport. A National Integrity Framework for sports is in existence, as administered by Sport Integrity Australia, covering anti-doping, child safeguarding, sports wagering and competition manipulation such as match fixing. The NSW combat sport equivalent legislation specifically prohibits betting by contestants and industry participants for contests at which they are participating. The Commission desires to reinforce and expand the legacy integrity requirements through regulatory amendments including increasing the Commissions powers of inquiry into alleged breaches of the Act.

Proposal: To encompass a modern integrity framework in alignment or akin to the National Integrity Framework including wagering prohibitions under certain conditions and increased powers of inquiry for the Commission.

Better Regulation Principle: *allow for well-considered, efficient and effective administration and enforcement arrangements & encourage a culture that embraces information sharing and collaboration across agency lines.*

18. Extending bout stoppage powers to industry representative Commission members and clarifying medical practitioner stoppage powers

Current Legislation: Part VII Contests: section 49 - Medical practitioner to notify referee at contest if contestant unfit to participate

Issue: The ringside medical practitioner has the legal power to stop a bout based on a contestant’s medical condition, however, the wording provided at section 49 is not clear and only implies bout stoppage by use of the phrase “contestant should not continue to participate”. Referees must stop a bout on the advice of a medical practitioner but can also independently stop a bout in accordance with the contest rules. The referees’ powers of stoppage are not directly incorporated into the Act. Trainers can also “throw in the towel” to indicate to a referee to stop a bout but the Commission notes

a reliance on a Contestant's corner to do so is often compromised by trainer reluctance or conflicts of interest. The Commission intends to adopt clearer language and stoppage legislation as used by equivalent NSW and ACT combat sport regulatory bodies. In alignment with the NSW inspector powers the Commission also proposes to extend the power of bout stoppage to the *industry representative* Commission members. The Commission considers the safety and health of a contestant is paramount and believes both short-term AND long-term health effects should be contemplated when determining whether to stop a bout.

Proposal: To clarify and extend the powers of ringside medical practitioners, referees and ringside industry representative Commission members to stop a bout.

Better Regulation Principle: *allow for risk based regulatory assessment and decision making focused on outcomes.*

19. Implementing contestant, trainer or promoter obligation to notify Commission of contestant being admitted to hospital following a contest

Current Legislation: Part VII Contests: section 51 - duties of promoter and medical practitioner

Issue: Unlike NSW, there is currently no legislative obligation for a promoter to advise the Commission if a contestant is admitted to hospital in the days following a contest. A contestant may not present for hospital admission immediately following a contest and the full extent of an injury may only appear in the days following. The Commission believes that it should be notified, as soon as practicable, by either the contestant, contestant's trainer or promoter, who becomes aware of a contestant being hospitalised as the direct result of injuries sustained from competing at a contest.

Proposal: To require contestant's, contestant's trainer or a promoter to notify the Commission if they become aware that the contestant is admitted to hospital from injuries sustained at a contest.

Better Regulation Principle: *encourage a culture that embraces information sharing and collaboration across agency lines.*

20. Creating new process for State Sporting Associations, National Sporting Organisations and other not-for-profit organisations for approval as a recognised governing combat sport body

Current Legislation: Regulation 5A (2) - Contests prescribed not to be contest

Issue: Contests conducted by a very limited number of specific entities, listed by name only, under regulation 5A(2) have been historically exempted from the legislation. This was on the basis that State Sporting Associations (SSA) had already met certain minimum standards, applied risk management practices and complied with governance requirements, to gain official government recognition as a SSA. During previous stakeholder consultation, some individuals voiced concern over the standard of contests being run by certain SSA.

The historical listing of entities in this manner is problematic. Several of the entities listed at Regulation 5A(2) are no longer recognised SSA, were never an officially recognised SSA or are now amalgamated or have undergone name changes. In addition, not all currently recognised combat sports SSA are listed. The legacy legislation has also been challenging in that only National Sporting Organisations (NSO) or an international parent body of a prescribed SSA can use the exemption. Some current

combat sports NSO do not operate under a SSA arrangement but are officially recognised by the Australian Sport Commission as the national body representing a particular sport and regularly conduct contests interstate.

To enable the Commission to ensure that combat sport SSA contest standards are maintained to an acceptable level and to extend the same exemption opportunities to NSO or other entities operating under a not-for-profit basis, the Commission proposes to introduce a new approval process. SSA, NSO or other not-for-profit organisations can apply to become an approved *governing combat sport body*. Approval will be conditional upon maintaining minimum standards and supplying annual information to the Commission. By gaining approval, contests conducted by the approved body will be exempted under the legislation, permits will not be required and contestants/industry participants will not require Commission based registration. Whilst the Commission acknowledges this may mean further administration requirements for SSA, it conversely means that the Commission can improve networking and information sharing with combat sport SSA and better advise the Minister across all combat sports.

Proposal: To introduce a system of conditional approval as a *governing combat sports body* for recognition of State Sporting Associations, National Sporting Organisations and other not-for-profit organisations for exclusion from certain provisions of the Act.

Better Regulation Principle: *encourage a culture that embraces information sharing and collaboration across agency lines and transparently measure and clearly demonstrate net benefits for Western Australians as a whole.*

21. Dealing with alleged offenders without prosecuting them (infringement notices)

Current Legislation: Various penalty offence sections – 24, 33, 36, 38, 39, 47AA, 47, 48A, 49A, 49, & 50 – 53

Issue: An infringement notice is a notice issued by the police, local government or prosecuting agency, alleging that a person has breached a law but giving that person the opportunity to pay a fixed amount rather than be prosecuted in court (e.g. speeding or parking ticket). Infringement notices allow for non-compliance to be dealt with proportionate to the seriousness. Various offence penalties exist within the combat sports regulatory regime whereby the Commission can prosecute a person for breaches of the legislation to a maximum fine currently set to \$12 000. When dealing with minor breaches the Commission would ideally prefer to deal with alleged offenders through an infringement notice framework rather than court prosecution. A person who is issued an infringement notice can choose to pay a modified penalty as an alternative to going to court and the amount payable for an infringement notice is significantly lower than the penalty that a court could impose for the same offence.

Proposal: To introduce an infringement notice (modified penalty) framework for minor breaches of the legislation.

Better Regulation Principle: *allow for well-considered, efficient and effective administration and enforcement arrangements.*

22. Creating exemption process to allow certain classes of persons, types of contests or types of combat sports to be exempted from provisions of the Act

Current Legislation: Nil

Issue: Grappling (non-striking) combat sports currently fall within the regulatory regime as evidenced by the phrase “grapple”, used within the defined term “combat sport” (section 3). Regulations 8B(a) and Schedule 2 – Division 2 (prescribed weight classes) specifically prescribes “Brazilian Ju jitsu”. Furthermore, under regulation 4, only wrestling that is *intended to be theatrical or humorous* is prescribed not to be a combat sport. This implies that the intent has always been for all other forms of wrestling to be regulated. There are, however, two grappling based organisations listed for exemption under regulation 5A(2), only one is a current SSA. It is arguable that grappling only combat sports may present with lower risk than striking based sports regarding concussion and transmission of blood borne viruses. Nevertheless, grappling based sports are not without risk and in some circumstances present with different risks such as choking, spinal damage and joint locks. Some grappling-based contests are also conducted in very different event formats than traditional striking based promotions. Such as mass participation events where the sole purpose is grass-root or junior competition, not involving paid entertainment and without payment/purses to athletes. Consequently, many of the integrity type issues that may be associated with public entertainment promotions are diminished. For these reasons the Commission is proposing that certain classes of persons participating in certain non-striking contests should be eligible for exemption from the Act, particularly exclusion from unnecessary serology requirements. However, the Commission believes that promoters of non-striking events must still be registered and must still obtain a permit for conducting non-striking contests to ensure that safety and health standards are maintained.

Along similar lines some promoters run charity or training finale type striking contests where either celebrity guests or debuts/novices compete against professional boxers or their own personal trainers under controlled circumstances. Usually following several weeks of block training in preparation for a public entertainment type event. As these events are deemed contests for the purposes of requiring a permit the very nature of the controlled circumstances or sometimes choreographed results has the unintended consequences of falling within the scope of a sham contest. To better facilitate the running of these types of contests certain provisions of the Act could be conditionally exempted whilst still maintaining a requirement for promoters to obtain a permit.

Proposal: To insert into the legislation the ability for the Minister, on the advice of the Commission, to either unconditionally or subject to conditions exempt classes of persons, types of contests or types of combat sport from provisions of the Act.

Better Regulation Principle: *be proportionate and designed in collaboration with key stakeholders; allow for adjustments or withdrawals as circumstances change and allow for risk based regulatory assessment and decision making focused on outcomes.*

23. Miscellaneous matters, modern drafting and streamlining legislation

Current Legislation: Various

Issue: Various amendments will be required to bring the legislation in line with the electronic registration, allow for digitalisation of the contestant record books, implement the regulatory proposals and generally update the current legislation. Several miscellaneous matters such as age

restrictions, penalty amounts and fees may require the amendment of prescribed numbers following further review. Unnecessary bulk and complexity to the Act due to duplicative sections (such as registration and renewals) could be dealt with by consolidation and streamlining sections. Furthermore, the regulations will require amendment to align with any changes made to the Act and to enable the prescribing of information.

Proposal: The following is proposed to address miscellaneous matters and modernise, update and correct drafting:

- Age limits to be reviewed and may be amended.
- Penalty amounts to be reviewed and may be amended.
- Fee amounts to be reviewed and amended in accordance with standard index and provision for Commission to waiver fees.
- Offences to be reviewed and amended.
- Listing of infringement notice offences and penalty amounts to be introduced.
- Alignment with National Automatic Mutual Recognition laws.
- Registration requirements updated to reflect electronic registration requirements.
- Gender-neutral language to be adopted.
- Consolidation of some sections and streamlining duplicated wording.
- Minor legislative amendments, renumbering and correction of drafting errors.

Better Regulation Principle: *allow for well-considered, efficient and effective administration and enforcement arrangements; avoid duplication or conflict with other existing or proposed regulations; be streamlined and allow for adjustments or withdraws as circumstances change.*

