



**Combat Sports
Authority**

Review of the Combat Sports Act 2013

Consultation Paper

April 2018

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FOREWORD BY THE CHAIRPERSON OF THE COMBAT SPORTS AUTHORITY OF NSW

The Combat Sports Authority is pleased to conduct a review of the *Combat Sports Act 2013* as it recognises that improvements can be made to how we regulate combat sports in NSW.

The review is considering the Deputy State Coroner's findings and recommendations arising from the inquest into the tragic death of professional boxer David Browne in 2015. We hope that any changes that increase combatant health and safety will provide some comfort to the Browne family.

This consultation paper will help you provide us with feedback on how we can improve the regulatory system.

The consultation paper is based around a number of themes. For example, we are seeking your views on which sports we should regulate including whether we should continue to regulate amateur combat sports.

The Authority is keen to understand how we can improve or streamline the registration system for combatants, industry participants and promoters as we understand the system may appear unnecessarily complex and a burden on the industry.

We are also interested in your views on how combat sport contests should be conducted including the roles of different people in stopping a contest. Your opinion is also sought on whether, and how, contests should be suspended to allow for medical examinations in certain situations where the health and safety of the combatant may be at risk.

We understand that you may not be interested in all the questions being asked. Please feel free to provide your views on all or any of the questions in the consultation paper either through writing or emailing us, or through the online survey. We also invite you to express your views on any other issue you would like to raise.

I thank you for your interest in, and input to, the review of the *Combat Sports Act 2013*.

Adam Casselden SC
Chairperson
For, and on behalf of, the Combat Sports Authority of NSW

BACKGROUND

The *Combat Sports Act 2013* (the Act) regulates the conduct of amateur and professional combat sports and combat sport contests in NSW. It also establishes the Combat Sports Authority of NSW (the Authority).

The Act replaced the *Combat Sports Act 2008* and strengthened the regulation of combat sports in NSW to better promote the health and safety of combatants and the integrity of combat sport contests.

WHY REVIEW?

The Minister for Sport, the Honourable Stuart Ayres MP (the Minister), has directed the Authority to comprehensively review the Act to improve the regulation of combat sport in NSW. There are two key drivers.

On 22 June 2017, the Coroner's Court of NSW released the final report arising from the inquest into the death of professional boxer David Browne (the Deputy State Coroner's Report). That report made seven recommendations to improve the health and safety of combatants. These will be considered in this review.

Secondly, the Authority has identified provisions within the Act that may be creating unnecessary regulatory burden.

The Minister is required to review the Act as soon as possible after October 2018 to determine whether its policy objectives and terms remain valid and appropriate. The Minister has brought forward this review to address these important issues.

The review will comply with better regulation principles. In particular, that government action is effective and proportional and any unnecessary regulatory burden on the NSW community is removed.

HOW CAN I CONTRIBUTE?

The Authority welcomes submissions from interested parties to inform its review of the Act. This consultation paper highlights issues and raises specific questions for consideration by the Authority. There will also be a series of facilitated public forums across NSW for interested parties to attend.

Submissions may address one or more of the numbered questions listed throughout the paper and/or address other issues not described. Submissions must be received by **5pm on Friday 11 May 2018** via:

- Sending written comments:
 - By email to the Authority at: actreview@sport.nsw.gov.au
 - By post to the Combat Sports Act Review, Locked Bag 1422 Silverwater NSW 2128.

- After reading the Consultation Paper, completing the [online survey](#) also located on the [Authority's web page](#).

Please note that all survey responses and written submissions will be made public and placed on the Authority website.

1. OBJECTS OF THE ACT

1. Are the objectives of the Act right? If not, what changes are required?

The objects of the Act are to:

- promote the health and safety of combat sport contestants
- promote the integrity of combat sport contests
- regulate combat sport contests on a harm minimisation basis.

The current objectives of the Act explain the role of government in regulating combat sports in NSW. The objectives try to balance the need to promote health and safety against the inherent risks of combat sports by focusing on harm minimisation.

In other sports the accepted norm is that sports run sport. This is based on the principle that those closest to the contest are best able to regulate and promote the interests of their sport and that any government action is effective and proportional. This is particularly relevant in an environment of rapidly changing sport offerings.

2. REGULATORY FRAMEWORK

a) **COMBAT SPORTS REGULATED OR EXCLUDED?**

2. Is the definition of *combat sport* right? If not, why not?
3. Should currently excluded sports, martial arts and activities continue to be excluded from the Act or should they be regulated if they fit the definition of *combat sport*?
4. Should any of the excluded, combat sports, martial arts or activities be partially regulated and if so in what way?

Definition of Combat Sport

The Act defines *combat sport* as:

“any sport, martial art or activity in which the primary objective of each contestant in a contest, display or exhibition of that sport, art or activity is to strike, kick, hit, grapple with, throw or punch one or more other contestants, but does not include a sport, martial art or activity that is prescribed by the regulations.”

Excluded combat sports, martial arts and activities

Combat sports, martial arts and activities listed in the Regulation are excluded from the definition of combat sport if they are held under the rules of, and sanctioned by,

organisations also listed in the Regulation. Combat sports and martial arts currently listed are:

- Aikido, Brazilian Jiu-Jitsu, Fencing, Hapkido, Jousting, Judo, Ju-Jitsu, Karate, Kendo, Koshiki Karatedo, Kung Fu (Wu Shu), Paintball, Pankration, Sumo, Taekwondo and Wrestling.

Other exclusions from the definition are contained in the Regulation including combat sports, martial arts and activities involving only light contact or grappling activity in prescribed situations.

The exclusion provisions were introduced to avoid regulating combat sports where the health and safety of combatants and the integrity and governance arrangements for the sport are deemed satisfactory.

The requirement for excluded combat sports, martial arts and activities to be conducted under the rules of, and sanctioned by, specified organisations is to ensure that only legitimate activities are excluded. This provision was also intended to stop contests that should be regulated being excluded by just renaming the style of combat sport.

Since the commencement of the Act there has not been a review of the listed excluded combat sports, martial arts and activities, or the associated organisations. Further, there is no criteria or process for combat sports to be added or removed from the list of excluded combat sports, martial arts and activities. The Authority has received inquiries from industry that suggest the exclusions outlined in the Regulation are confusing and subjective. Greater clarity may remove inappropriate interpretation of the exclusion and risks of harm to combatants.

Alternatives

- Regulate all combat sports, martial arts and other activities captured by the definition of *combat sport*. The benefit of this approach would be that all sports that have inherent risks due to the nature of the activity would be subject to the same oversight and regulation as other similar combat sports. It may however add unnecessary regulatory burden and costs for sports and martial arts activities that have not suffered serious injuries or deaths of combatants due to their effective governance and health and safety arrangements.
- Partially regulate listed combat sports, martial arts or activities. For example, requiring the promoter to obtain a combat sport contest permit so that the Authority is aware of the contest and enable combat sport inspectors to attend using a risk based compliance approach.

b) AMATEUR COMBAT SPORTS

5. Should amateur combat sports continue to be regulated? If yes, what if any changes are needed? If not, how could they regulate themselves to promote integrity of the sport and combatant health and safety?
6. If amateur combat sports are still to be regulated, what changes, if any, should be made to the current system?
7. Should different regulatory requirements apply to amateur and professional contests? If different, how would they differ?

Greater regulatory oversight of amateur combat sports was included in the *Combat Sports Act 2013*. This was due to concern that the health and safety protections for amateur combatants were inadequate.

Factors that informed that decision included some combat sports having several international sanctioning bodies with differing sets of rules and the wide range of capacity within organisations that sanction contests. For some sports there was also difficulty in determining if an event was a professional or amateur contest.

Whilst regulatory oversight is mostly the same for professional and amateur contests, approved amateur bodies have been granted limited functions. For example, the appointment of certain officials to a contest.

Other states either do not regulate amateur combat sports (Victoria) or do not separate registration of amateur from professional combatants (South Australia).

Alternatives

- Allow approved amateur bodies greater or total responsibility for regulation of amateur combat sports including the registration of amateur combatants.
- Remove distinctions between amateur and professional combat sports in the Act by aligning the processes and conditions of registration and regulation of amateur combat sport contests with that of professional combat sports.

c) PROFESSIONAL COMBAT SPORT

8. Is the definition of a *professional combat sport* contest correct? If not, what changes should be made to the definition?
9. Should current or former professional combatants in a style of sport be able to register as an amateur in that style of sport under certain circumstances, for example if they have been professional combatants in the past? If so, what criteria, if any, should they meet?

A *professional combat sport contest* is defined as a contest:

- (a) where at least one of the combatants is competing for a monetary prize or other valuable reward, or
- (b) where at least one of the combatants is registered, or has been previously registered, in a registration class applicable to professional combat sport contests for the style of combat sport concerned, or
- (c) where at least one of the combatants has previously been a combatant in a professional combat sport contest for the style of combat sport concerned.

There is no definition of a professional combatant in the Act. However, in a style of sport, once a combatant has been registered as a professional combatant, or has engaged in a professional combat sport contest, they cannot be registered as an amateur combatant in that style except where they can provide evidence that they have never actually competed in a contest. Also, any contest in which they engage is deemed to be a professional combat sport contest. This provision was introduced to prevent current and former professional combatants competing in amateur contests.

Some combatants registered as amateur combatants receive financial reward from approved amateur bodies, either due to winning a medal in a contest (for example medal at an Olympic or Commonwealth Games) or to allow the combatant to dedicate themselves to the sport on a full time basis. This may be a 'valuable reward' making any contest in which they engage a professional combat sport contest under the Act and subject to professional contest requirements under the Act.

The current approach prevents, for example, "masters" combatants competing in amateur combat sport contests once their professional careers are over. It also prevents former professional combatants from interstate or overseas competing in amateur contests of the same style at events such as the Commonwealth or Olympic Games in NSW, a restriction not usually applied to non-combat sports.

Alternative

- The Act could be amended to allow former professional combatants to compete in amateur combat sport contests, in prescribed circumstances.

Factors in determining whether former professional combatants may compete in amateur contests could include the health and safety of the applicant or their opposition. Such an approach would rely on matchmakers to make sure combatants were appropriately matched to ensure safe contests.

d) REGISTRATION CLASSES - COMBATANTS

10. Should the registration requirements and classes be simplified? If so, what changes should be made?

Simplification of Registration Classes

Combatants are registered in professional or amateur classes. These classes are then separated into the following sport styles:

- Boxing in any of its styles
- Kick boxing in any of its styles, including Muay Thai
- Mixed martial arts in any of its styles
- Other martial arts.

There are currently eight separate registration classes for combatants.

Application requirements for each combatant class are essentially the same, irrespective of the style of sport. A person must hold the appropriate registration class to engage in a combat sport contest.

A combatant may not hold a professional and amateur registration class of the same style of sport. Persons under the age of 18 cannot be registered as a professional combatant. A registered professional combatant, or those who have previously engaged in a professional combat sport contest, cannot be registered in an amateur combatant class for that style of sport.

The multiple registration classes impose high administrative burden to the regulation of combat sport in NSW and make registration onerous and confusing for combatants.

Alternatives

- Registration classes could be limited to just amateur and professional combatant classes. This would enable the person to engage in an amateur or professional contest of any style of combat sport.
- Registration classes could be limited to just a single combatant class. In this scenario the person could engage in amateur or professional contests for any style of sport. However, risks associated with current or former professional combatants competing against amateur contestants would need to be managed through registered matchmakers or approved amateur bodies.

- **Eligibility Requirements and Conditions of Registration**

11. Should the existing combatant registration eligibility requirements, and conditions imposed on registration, continue or should changes be made?

The Act sets out the process and eligibility requirements for a combatant to register in a class as well as ongoing conditions of registration. The Act also provides that the Authority must keep a register of combatants.

Some industry stakeholders have suggested that some of the eligibility requirements are no longer necessary.

The prescribed eligibility requirements for registration as a combatant include the production of:

- a current serological clearance
- a certificate of fitness (issued no earlier than 28 days before the date the application for registration is made).

In determining the application, the Authority considers numerous matters including:

- minimum age (must be 18 years and over for professional classes)
- results of a fit and proper person test.

Conditions imposed on registration classes include the requirement to undertake an annual medical examination and to provide a current serological clearance every 6 months (adults) or 12 months (minors).

The Authority must not register a person as a professional combatant in a style of sport for the first time until 21 days after the application is made. This is to provide applicants with a “cooling off” period. It has been suggested that the 21 day “cooling off” period is an unnecessary barrier to the organisation of combat sport contests.

Alternatives

- Reduce or change combatant registration eligibility requirements and ongoing conditions of registration.
- Remove or change the 21 day professional combatant “cooling off” period.

- **Exemptions from registration**

12. Are the current exemptions from registration provided to certain interstate and international combatants correct or should we change them?

Combatants who don't usually live in NSW or are from overseas are not required to be registered if they satisfy certain conditions. This may include producing evidence of registration with an interstate or overseas authority, or an approved national or international sporting organisation (for amateur combatant) and a current certificate of fitness and current serological clearance obtained within Australia.

Issues with the operation and validity of these exemptions include how genuine some of the overseas clearances are, and possible inconsistent understanding of terms such as approved sporting organisations across the combat sport industry.

e) REGISTRATION CLASSES – INDUSTRY PARTICIPANTS AND PROMOTERS

13. Are the definitions and activities of each type of industry participant and promoter right in the Act? If not what changes should be made?

- ***Definitions and registration classes***

Industry participants and promoters must be registered. The Act separates industry participants into classes, and provides a definition, of referee, judge, timekeeper, second, trainer, manager and matchmaker. These classes, and promoter classes, are further separated into professional and amateur classes. These classes are further separated into separate the following sport styles:

- Boxing in any of its styles
- Kick boxing in any of its styles, including Muay Thai
- Mixed martial arts in any of its styles
- Other martial arts

The role of a promoter and the activities of all industry participants are defined. Stakeholders have suggested that the definitions are unclear and do not adequately describe the activities undertaken. Further, they suggest the activities of a promoter in arranging and holding a contest are performed by multiple people within a business or organisation.

- ***Simplification of Industry Participant and Promoter Registration Classes***

14. Should the registration requirements and classes for industry participants and promoters be simplified and if so changed in what way?

There are 64 registration classes relating to industry participants and promoters. This imposes significant regulatory burden that does not exist in other states. In other states, some participants such as managers do not need to be registered.

NSW is the only state with separate trainer and second registration classes. These activities could be combined to create a cornerman definition and registration class. Similarly, as the promotion of a contest does not necessarily require expert knowledge of the combat sport style, a promoter class could be created to control the promotion of all amateur and professional types of combat sport styles and contests.

- **Eligibility Requirements and Conditions of Registration**

15. Should the existing industry participant and promoter registration eligibility requirements, and conditions imposed on registration, continue or should changes be made?

The Act sets out the processes and eligibility requirements for each industry participant and promoter registration class, and the ongoing conditions of registration. It also requires the Authority to keep a register of combatants. The eligibility requirements for registration of industry participants and promoter include:

- Minimum ages
- The passing of an exam
- Must be an individual not a corporation
- Fit and proper person assessment.

Referees, judges and timekeepers must also satisfy the Authority that they possess the relevant qualifications, skills and endorsements for the registration class. Applications for registration as a match maker, manager of promoter are referred to the Commissioner for Police for a security determination. If an adverse security determination is made the application must be refused.

Conditions imposed on industry participant and promoter registration classes include the requirement to complete education programs on areas such as drug testing and integrity and to comply with the Authority code of conduct.

- **Skills, knowledge and experience of industry participants and promoters**

16. Should the Authority set out in law the skills, experience and knowledge of industry participants or promoters as part of the registration process? If so, what would you recommend?

Applicants for registration as a referee, judge and timekeeper class are required to provide relevant qualifications and a skills and endorsement document from an Approved Amateur Body or other acceptable sporting organisation.

For other industry participants there is limited eligibility criteria setting the required skills or qualifications. For example, the ability to assess the relative skills and abilities of combatants is an important capability of a matchmaker to effectively match combatants in a fair and safe manner. However, there are no specific skills and experience criteria to be registered as a professional matchmaker.

In Victoria, there are eligibility requirements, including specific skills and demonstrated knowledge or experience, that certain industry participants must demonstrate to be licensed.

- ***Training for registered industry participants attending medical practitioners and promoters***

17. Should industry participants, medical practitioners and promoters be required to undertake specific initial and annual training with regards to combat sport contests and combatant health and safety? If so, what type of training and how often?

Apart from first aid qualifications, there is no prescribed training to be registered as an industry participant or promoter.

The Deputy State Coroner raised the need for registered industry participants, attending medical practitioners and promoters to undertake annual training in the following areas:

- The rules applicable to combat sports contests in New South Wales
- The roles of industry participants
- When a contestant should be medically examined during a contest and when a contest should be stopped on account of the condition of the combatant
- The identification, significance and risks associated with serious head injuries including concussion.

f) PUBLIC REGISTER OF ALL PERSONS INVOLVED IN COMBAT SPORT

18. Should there be a public register of combatants, industry participants and promoters? If so, what information should be available to the public?

The Authority maintains a register of combatants, industry participants and promoters and upon request can provide the name, gender and registration status to police, regulators, amateur sport bodies, promoters, managers or matchmakers. The requirement that the registrar of combatants be made available only upon request imposes an administrative burden upon the Authority and the industry.

A public register of combatants, industry participants and promoters would give the industry ready access to information on combatants when they are organising contests. It provides greater transparency and also minimises the burden and cost.

g) MEDICAL PRACTITIONERS

- ***Registration of Medical Practitioners***

19. Should medical practitioners that attend combat sports contests be registered under the Act like other industry participants?

20. What expertise should medical practitioners possess to be registered and what if any ongoing mandatory training is required?

21. Should the medical practitioner continue to be appointed by the promoter or be appointed by the Authority? Who should pay for the services?

The Act does not require medical practitioners who are engaged by the promoter to oversee the combat sport contest to be registered under the Act. They must be registered by the Australian Medical Board as a medical practitioner and in most cases are general practitioners with lengthy involvement in the combat sport environment.

The Act does not provide a definition of a medical practitioner. Medical practitioners are appointed to contests by the promoter. The only oversight the Authority has regarding the medical practitioner is that the promoter must supply the name of the medical practitioner five days before a contest.

Medical practitioners may not specifically be aware or have had specialised training in the identification of combatants suffering concussion or best practice treatments for combat sport combatants in emergency situations. There is also the potential for conflicts of interest when the promoter engages the practitioner.

Alternatives

- The Authority could require medical practitioners to be registered under the Act as are all other industry participants at a combat sport contest.
- The registration process for medical practitioners could require evidence of specialised medical training such as advanced life support or concussion identification training.

• **Roles of Paramedics at a Combat Sport Contest**

22. Should any other type of medical person (such as a paramedic) be required to attend a combat sport contest? If so, who should attend and who should pay for their services?

The Deputy State Coroner proposed that a paramedic be required to attend a combat sport contest with the medical practitioner.

Having another person with medical skills would assist in an emergency. This may be unnecessary as emergency situations are infrequent at combat sport contests. It would impose an additional burden and cost on the promoter who currently engages and pays the medical practitioner.

Finding medical practitioners to attend a combat sport contest, particularly in rural areas, can be difficult. Paramedics could replace medical practitioners at contests in these situations.

Alternatives

- Require a paramedic to be present at all combat sport contests
- Allow a paramedic to replace a medical practitioner at a contest if a medical practitioner is not available

3. COMBAT SPORT CONTESTS

The Act, Regulations and Combat Sport Rules establish conditions and roles for all participants involved before, during and after a combat sports contest is conducted.

a) PRE-CONTEST

- **Permits**

23. Should current combat sport contest permit application processes be changed? If so how?
24. Should any changes be made to the arrangements around Fight Cards such as being accompanied by confirmation from a registered matchmaker that combatants are appropriately matched?
25. Are the conditions and processes for the Authority or the Commissioner of Police to revoke permits still valid?

For a combat sport contest to be held the promoter of the contest must be suitably registered and obtain a combat sport contest permit. The permit imposes conditions on the contest including conditions relating to weigh ins and fight cards.

Applications for a permit must be submitted no less than 28 days before the contest. Permits can be revoked by the Authority or the Commissioner of Police (with regards to risks to public health and safety or substantial damage to property).

Fight Cards

Final fight cards must be submitted to the Authority at least five days prior to the contest. Some industry stakeholders maintain this is difficult to achieve as fight cards are not finalised, particularly amateur contests, until just prior to contest. Conversely, as the fight card is forwarded to the relevant Patrol Area Command in the NSW Police Force, the five-day period may not be sufficient time for police officers to conduct the final pre- contest risk assessment.

While registered matchmakers are responsible for ensuring combatants are appropriately matched, promoters are not required to confirm this to the Authority when submitting the final Fight Card.

- ***Medical equipment present at the contest***

26. What medical equipment should be required at a combat sport contest?
27. Whose responsibility should it be to ensure this equipment is present at the contest – the promoter or the medical practitioner?

In NSW the promoter of a combat sport contest must provide a bed or plinth in each dressing room for use by a doctor for medical examinations. A stretcher must also be at ringside.

The Authority requires attending medical practitioners to have the following equipment at a contest: Basic doctor's bag kit, disposal gloves and gauze swabs. The Authority also recommends that oxy-viva/oxygen be present at the contest.

The Deputy State Coroner has recommended as a minimum the following medical equipment be present at a combat sport contest:

- Airway support
- An oxy-viva mask
- Oxygen.

In Victoria the medical practitioner must supply all necessary medical equipment. In addition to specifying the type of equipment that should be present at a contest, the responsibility for its provision (medical practitioner or promoter) needs clarification.

- ***Weigh-ins***

28. What changes could be made to weigh-ins to further promote combatant safety?

The legislation sets out the manner and times upon which weigh-ins must occur for professional and amateur combat sport contests. For professional contests, a combat sport inspector is required to attend. All weigh-ins must take place within 24 hours of the commencement of the contest and combatants must weigh-in on the same set of scale.

The unfortunate death of a female Muay Thai combatant in Western Australia in 2017, due to "weight cutting", which is the practice of undertaking actions to generate extreme weight loss over a relatively short timeframe, highlights the potential need for change. There is evidence that losing weight very quickly carries considerable risks and permanent organ damage and/or death due in part to extreme dehydration or low sodium levels.

Alternatives

- 'Staggered' weigh-ins which would allow the contestant to reach the necessary weight in a safer manner. For example, the World Boxing Council guidelines allow for 30 day and 10 day weight checks and then a final weigh-in 24 hours prior to the contest.
- Other safeguards such as checks for dehydration or the maximum weight loss over a period of time could also be set in regulation/rules.

- ***Evacuation Plan for injured combatant***

29. Should an injured combatant evacuation plan be submitted to the Authority by the promoter as part of the contest permit application? Should the plan be tested prior to the contest?

The Deputy State Coroner has recommended that promoters submit a venue Evacuation Plan to the Authority prior to holding a boxing contest. The plan is to ensure that there is a process to evacuate an injured combatant safely and quickly in an emergency and everyone involved in the combat sport contest including industry participants, promoters and attending medical practitioners understand their role in implementing the plan. The Deputy State Coroner has also recommended that the attending medical practitioner, the promoter and all industry participants be present at the contest to inspect the route for the evacuation plan at the venue before the commencement of a boxing contest.

- **Pre-Contest Medical Examination**

30. What changes, if any, should be made to the pre contest combatant medical examination?

The law provides that a pre-contest medical examination be undertaken on the combatant in the approved form on the day of the contest. Issues have been raised as to the time allowed at contests to undertake this medical examination to ensure the combatant is fit to compete. Anecdotally, concerns have been raised that doctors have in some instances been given a very short timeframe to undertake the examination prior to the contest which could result in a less than thorough exam. Concerns have also been raised that the medical examination does not effectively assess for concussion.

Alternative

- Legislation could prescribe when a medical examination must be conducted to allow enough time for a thorough examination. It could also allow for an examination the day before or earlier.
- Concussion testing on combatant occur before the contest.

b) DURING A CONTEST

- **Stopping a Contest**

31. Should there be any changes to the roles and responsibilities of industry participants (including referees, trainers and seconds), medical practitioners, combat sports inspectors, police officers or promoters in stopping a combat sport contest?

The Act outlines situations where a referee must stop a combat sport contest. It also requires medical practitioners and combat sport inspectors to direct a referee to stop a contest in certain circumstances.

In the Act “the attending medical practitioner must direct the referee to stop a combat sport contest (where the referee has not done so) if, in the opinion of the medical practitioner, a combatant is exhausted or injured to such an extent as to be unable to defend himself or herself or to continue the contest”.

The Deputy State Coroner has suggested that the provisions of these parts of the Act do not adequately cover all situations when a contest should be stopped to protect the health and safety of combat sport participants and could be improved by obliging the medical practitioner to stop the contest where:

- In the opinion of the medical practitioner there is a serious impairment of the combatant/boxer's ability to defend him or herself
- There is a likelihood of serious injury to combatant/boxer's health if the contest were to continue
- It is desirable to do so in the interests of the safety and welfare of the combatant.

These provisions could also apply to combat sport inspector provisions in the Act.

The Combat Sport Rules currently allow a trainer to "throw in the towel" to indicate that the bout should cease. There is however no specific requirement in the rules for the referee to stop the contest at the request of the trainer or any legal authority for a trainer to direct a referee to stop a contest.

Alternatives

- The Act be amended to expand the scenarios when a medical practitioner and combat sport inspector must direct a referee to stop a contest in line with the Deputy State Coroner's recommendations.
- That the Act and/or Combat Sport Rules be amended to provide that the referee must stop the contest at the direction of the combatant's trainer or second.

• ***Suspending a Contest***

32. Should the referee, attending medical practitioner and combat sport inspectors be allowed by law to suspend a contest for the purposes of a combatant medical examination?
33. What, if any, changes are required to the process for suspending a contest to allow for a medical examination, due to incidences such as a "trigger event"? Should these be set out in law?

The Deputy State Coroner has proposed the attending medical practitioner should be able to direct a referee to suspend a contest to enable an examination of a combatant to determine if the combatant has suffered a concussion (as guided by an applicable concussion identification tool). More specifically, the Deputy State Coroner has recommended that there are certain circumstances, including trigger events, when a contest must be suspended and a medical examination must take place. This may involve stopping the round and if necessary, extending the time between rounds. These events are:

- A knockdown caused by a blow to the head
- Suspicion of concussion
- A direction to that effect by the Combat Sports Inspector or referee.

Other changes recommended by the Deputy State Coroner for inclusion in the Authority's prescribed Combat Sport Rules include:

- There must be a clear pre-determined means, whether by bell, hammer, prescribed hand signal or another method, by which the attending medical practitioner can indicate the need for or desirability of a medical examination of a combatant during the contest
- The referee must confer with the attending medical practitioner about the need for a medical examination following any round in which a combatant receives a significant number of heavy blows to the head or appears to suffer from signs and symptoms consistent with a concussion
- A clear predetermined means by which the attending medical practitioner can indicate the need for or desirability of a medical examination of a combatant during the contest
- There be a clear definition of knockdown
- That the medical practitioner must position themselves to allow effective communication with the referees and to ensure as far as reasonably practicable they have an unobstructed view of the combatant
- The introduction of automatic timing systems for all boxing contests.

The legislation or the Combat Sports Rules do not set out any process by which a combat sport contest can be suspended and then restarted. However, each sport regulated under the Act has its own rules as to the process for suspension.

The changes proposed by the Deputy State Coroner, particularly suspending contests to allow for a medical examination in various situations, would likely have an impact on the nature of a combat sport. The introduction may also provide referees, medical practitioners and combat sport inspectors greater confidence to intervene in a contest knowing that it may recommence if the combatant is deemed fit to continue.

In consideration of these recommendations, a balance would need to be found between changes that potentially further promote combatant health and safety and the essential elements of each combat sport.

c) POST CONTEST

• Post Contest Medical Examination

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| <p>34. Are there changes that should be made to the post contest medical examination? If so what changes should be made?</p> <p>35. Should combatants be required to have a post contest medical examination by a GP or specialist medical practitioner in the days or weeks after a contest in some circumstance before being cleared to compete? If yes, when should this occur?</p> |
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The law states that a post-contest medical examination must be undertaken on the combatant immediately upon conclusion of a contest. There is concern the doctor lacks the time required to undertake the medical examination to ensure the

combatant is well. Recently the winner of a boxing contest in England demonstrated signs of distress in a post-match interview and died the following day.

The need for mandatory post contest medical examinations in the days and weeks after a contest has been raised. This includes:

- A concussion examination where there have been “trigger events” in the contest such as those listed above
- In circumstances where concussion or other serious injury is suspected.

Whether a further examination by a general practitioner or specialist prior to the combatant being cleared to compete again should also be considered.

- ***Post contest suspension periods***

36. What, if any, changes should be made to the mandatory medical suspension and ‘layoff’ periods?

The Authority has determined mandatory minimum medical suspensions and “lay off” periods for combatants following any loss by knockout or technical knockout.

Some stakeholders have argued that the mandatory medical suspension and “lay off” periods should be extended to any combatant that suffers a concussion or when the referee stops the contest. Further, the suspension and layoff period should continue until a combatant has obtained a medical certificate that states that they have recovered from the injury or concussion.

4. COMBAT SPORTS RULES

a) PRESCRIBED RULES FOR EACH COMBAT SPORT CONTEST

37. Should the rules for each professional and amateur combat sport style be set by the Authority?
38. Should the Authority continue to set exception rules that apply to all regulated combat sports?
39. Should the rules issued by each sporting body for all styles of combat sport be published at a single location as the authoritative rule set for all combatants and other industry participants?

The Authority does not develop or approve the contest rules for combat sports. This is the responsibility of the relevant sporting body.

However, the Authority has made general combat sport rules that apply to all combat sports regulated by the Act. These mandatory rules support contest rules developed by sporting bodies to reduce the risk of harm to combatants. They prevail when the contest rules are deemed to be insufficient or inconsistent.

The Deputy State Coroner proposed that there is potential for confusion amongst the combatants and other industry participants, as to the exact rules governing a boxing [or other] contest. This may be due to their being multiple sets of rules for each style of combat sport that are set by different sanctioning bodies and that the rules have been changed or overturned. Industry participants may also be unaware of changes.

The Deputy State Coroner has proposed the Authority considers approving all boxing rules in NSW. Other jurisdictions (Victoria and Western Australia) set and publish rules for each combat sport that is regulated.

A single source for the rules may ensure that the combatants have a clear understanding of the rules governing that contest. It may reduce confusion where old rules have been replaced and not effectively communicated to current industry participants. It would also allow for any changes to the rules developed by the Authority to be easily located at a single place and freely available to industry participants, promoters and combatants.

The potential disadvantage would be the administrative burden on the Authority in approving the rules for each style of combat sport. Gaining consensus across each sport as to which rules apply may be difficult where there is more than one governing body within each sport. It could also be perceived as an unnecessary burden as the current system allows for sports to govern sports except for mandated rules that all combat sport contests must comply with.

Combat sports propose rule changes on a reasonably frequent basis. The process by which these proposed rules changes are communicated to and agreed by the Authority would need to be developed.

It would also be necessary for the prescription of separate rules for amateur and professional combat sports.

Alternatives

- Only prescribe and publish the rules for professional combat sports and allow amateur controlling bodies to conduct contests under their sporting rules subject to exception rules set by the Authority.

In this scenario, the onus would be on approved amateur bodies to communicate their rules to industry participants and combatants. The Authority would still prescribe mandatory rules that apply to all combat sports contest including amateur contest.

- No change to the current approach to rule making but make it easier for combatants as well as other industry participants to access the authoritative set of exception rules set by the Authority by requiring they also be published by each sporting body for each combat style on a single website.

5. COMPLIANCE WITH AND BREACHES OF THE ACT

a) *DISCIPLINARY ACTIONS AND HEARINGS*

40. Are the current processes for dealing with breaches of the law through disciplinary hearings suitable? If not, what changes could be made?

The Authority has the power to take disciplinary action for a breach of the law against any registered combatant, industry participant or promoter. The actions can include cancellation or suspension of registration. Authorised persons may also issue a penalty notice for breaches of the Act.

Before taking disciplinary action the person is invited to a disciplinary hearing meeting of the Authority to respond to the notice. This process of inviting attendance at a disciplinary hearing for every breach dealt with by the disciplinary process of the Act, however minor, may be imposing an unnecessary burden on the industry.

An alternative is to reduce the types of matters where the person must be invited to attend a disciplinary hearing of the Authority. Disciplinary hearings could remain for more serious breaches of the Act, regulation and rules that are not dealt with by the issuing of a penalty notice or prosecution action.

6. OTHER ISSUES

41. Are there any other issues you would like to raise or any other comments?