

Australian Capital Territory

# **Boxing Control (Combat Sports) Code of Practice 2018 (No 1)**

**Disallowable instrument DI2018–42**

made under the

**Boxing Control Act 1993, s 15 (Code of practice)**

## **EXPLANATORY STATEMENT**

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## OUTLINE

Under section 15 of the *Boxing Control Act 1993*:

- (1) The Minister may approve a code of practice about the conduct of boxing contests.

Under the *Boxing Control Act 1993*, a ‘boxing contest’ is defined as a contest, display or exhibition of boxing (other than a contest, display or exhibition prescribed by regulation). ‘Boxing’ is defined by the link to New South Wales legislation, and the full range of combat sports regulated by New South Wales are considered within the coverage of the *Boxing Control Act 1993*. The definition of ‘boxing contest’ refers to this expanded definition of combat sports and is thus referred to as a ‘combat sport contest’ in the Code of Practice.

The Boxing Control (Combat Sports) Code of Practice 2018 (No 1) has been made to replace the existing Boxing Control (Boxing Contests Code of Practice) Determination 1996 [DI1996-233] given the expanded definition of sports covered by the *Boxing Control Act 1993*, and to ensure that appropriate measures are in place to ensure the safety of all participants in combat sports.

The Boxing Control (Combat Sports) Code of Practice 2018 (No 1) provides the requirements in which a combat sport contest must be operated and forms part of the conditions for approval under Section 8 (5) of the Act.

The Boxing Control (Combat Sports) Code of Practice 2018 (No 1) encompasses a wider scope of combat sports than the previous version and clearly defines responsibilities relating to medical requirements, venue requirements, registration, promoters and protective clothing. The main updates relate to time periods in which applications and fight card submissions must be made for consideration, and requirements for promoters. These updates are being made to provide clarity around the roles and responsibilities of individuals involved in combat sports, and improve the effectiveness of the approval system in a timely manner.

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

- a) Disallowable Instrument is in accord with the general objects under the Act which it is made. The code of practice is for the conduct of combat sport contests under s 15 of the Act (defined as ‘boxing contest’).
- b) The Disallowable Instrument does not unduly trespass on rights previously established by law. The Instrument determines codes of practice for the conduct of combat sport contests.
- c) The Disallowable Instrument does not make rights, liberties and/or obligations unduly dependant on non-reviewable decisions as the Code of Practice relates to the approval of a combat sport contest, which is a reviewable decision under Schedule 1 of the Act (referring to s 8 (1) (b) and (c), s 9, s 14 (4) (b) and (c)).

- d) The Disallowable Instrument does not contain matters in which should be properly dealt with in an Act of the Legislative Assembly as the matters contained in the code of practice are appropriate to be dealt with in subordinate legislation and are in accordance with s 15 of the Act.

## **CLAUSE NOTES**

### **Clause 1      Name of disallowable instrument**

This clause provides for the name of the disallowable instrument.

### **Clause 2      Commencement**

This clause allows for the disallowable instrument to commence the day after its notification day.

### **Clause 3      Code of Practice (Combat Sports)**

This clause allows the Minister to approve the Schedule containing the Code of Practice (Combat Sports).

### **Clause 4      Revocation**

This clause revokes the existing Code of Practice – the Boxing Control (Boxing Contests Code of Practice) Determination 1996 [DI1996-233].

## SCHEDULE NOTES

The Schedule outlines a number of important requirements relating to undertaking activities covered by the *Boxing Control Act 1993*. The Code should be read in conjunction with the Act so that people applying for and undertaking an approved activity are fully aware of all of the requirements applying to that activity.

In addition, this part clarifies other important documents that must be read in conjunction with the Code of Practice, for instance, the operating rules of an organisation subject to approval under the Act, such as an Approved Body of a combat sports discipline.

The following paragraphs outline important information regarding particular provisions in the Schedule:

*Medical Requirements (Provisions 3, 4 and 5)* relate to the attending medical practitioner. That is, the qualified medical practitioner that attends a combat sports contest for the purposes of pre and post contest examinations of combatants, and monitoring combat sport contests. These requirements do not relate to the requirements of medical practitioners that provide a Certificate of Fitness to a combatant as required by the Combat Sports Authority of NSW as a condition of professional combatant registration.

*Venue Requirements (Provisions 6 and 7)* relate to the capacity and liquor licencing requirements for combat sport contests, and the requirements for combat sport contests held inside a caged area. For safe evacuation and medical aid purposes, Provision 7 requires that a cage must have a minimum of two entrances.

*Registration Requirements (Provisions 8, 9, 10, 11, 12 and 13)* detail the requirements for registration of combatants and officials. This includes requirements for Working with Vulnerable People registration and should be read in conjunction with the *Working with Vulnerable People (Background Checking) Act 2011*. It also details the requirements for registration with the Combat Sports Authority of NSW, and the specific requirements for combatants that reside in unregulated jurisdictions (at the time of notification, this was Queensland and the Northern Territory).

Provisions 11 and 12 explain the submission requirements of draft fight cards for approval of a combat sport contest. These provisions are intended to provide the ACT Government with adequate time to cross-check registration and medical information with other Australian jurisdictions and should be adhered to. It recognises that draft fight cards will change in the lead up to a contest, which is appropriately recognised by the option of providing substitute combatants on the relevant application form, and a final fight card five (5) days prior to the boxing contest. The Code of Practice also allows for arrangements to be made where these circumstances cannot be met.

Provision 13 allows for the ACT Government Authority (or their associates) to access a combat sport contest at any time to perform their duties.

*Promoters Requirements (Provisions 14 and 15)* details the duties or positions for which a promoter cannot undertake for a combat sport contest that they promote.

These provisions are in place for safety and integrity purposes to ensure that a promoter is able to meet all obligations specified in the Code of Practice.

*Protective Clothing Requirements (Provisions 16 and 17)* specify the protective clothing required for combatants and should be read in conjunction with the combat sport organisation's requirements as specified in the approval. Where these rules are in conflict, this Code of Practice will apply.