



# **Inquiry into how to improve health and safety outcomes for combat sports contestants in high risk and amateur contests in Queensland**

**Report No. 35, 55<sup>th</sup> Parliament**  
**Finance and Administration Committee**  
**December 2016**



**Inquiry into how to improve health  
and safety outcomes for combat  
sports contestants in high risk and  
amateur contests in Queensland**

**Report No. 35, 55<sup>th</sup> Parliament**

**Finance and Administration Committee**

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## Finance and Administration Committee

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<b>Deputy Chair</b>	Mr Ray Stevens MP, Member for Mermaid Beach
<b>Members</b>	Mr Lachlan Millar MP, Member for Gregory Ms Jo-Ann Miller MP, Member for Bundamba Mr Duncan Pegg MP, Member for Stretton (to 29 November 2016) Mr Pat Weir MP, Member for Condamine Mr Linus Power MP, Member for Logan (from 29 November 2016)
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## Chair's foreword

This report presents a summary of the Finance and Administration Committee's inquiry into how to improve health and safety outcomes for combat sports contestants in high risk professional and amateur contests in Queensland which was referred to it by the Legislative Assembly on 18 August 2016.

The committee received eight submissions to the inquiry.

On behalf of the committee, I would like to thank submitters for their submissions, and departmental officers for their cooperation in providing information to the committee on a timely basis.

On consideration of the material before it, a majority of the committee members considered that there was no demonstrated need for the inquiry at this time. The committee resolved to take no further action on the inquiry.

On a personal note, I would like to acknowledge the tensions between individual and community safety, and the rights of people to pursue the recreational activities they love.

I would like to thank the members of the committee and the secretariat for their work on this inquiry.

Peter Russo MP

A handwritten signature in black ink, appearing to read 'Russo', with a long horizontal stroke extending to the right.

**Chair**

## 1. Introduction

### 1.1 Role of the committee

The Finance and Administration Committee (the committee) is a portfolio committee of the Legislative Assembly which commenced on 27 March 2015 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.<sup>1</sup>

The committee's primary areas of responsibility include:

- Premier, Cabinet and the Arts
- Treasury, Aboriginal and Torres Strait Islander Partnerships and Sport, and
- Employment, Industrial Relations, Racing and Multicultural Affairs.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles, and
- for subordinate legislation – its lawfulness.

### 1.2 Terms of reference

On 18 August 2016, the Legislative Assembly resolved to refer that the committee inquire into how to improve health and safety outcomes for combat sports contestants in high risk and amateur contests in Queensland. The inquiry terms of reference are:

1. That the Finance and Administration Committee consider and report on how to improve health and safety outcomes for combat sports contestants in high risk professional and amateur contests in Queensland, while considering at least the following options:
  - a) Continue with the existing combat sports industry self-regulation,
  - b) Implement a government and industry-initiated voluntary standard of practice to supplement the existing combat sports industry self-regulation,
  - c) An examination of Queensland's existing legislative framework and whether this could be utilised to give effect to the health and safety outcomes being sought, and
  - d) Enact specific sports contest legislation with an associated statutory enforcement regime.
2. In undertaking the inquiry, the committee should also consider:
  - a) The potential costs and benefits of the options to improve health and safety outcomes for combat sports contestants, including the cost/benefit of frameworks in other jurisdictions, and
  - b) The current structure and governance of the combat sports industry, as it supports health and safety outcomes for combat sports contestants including effectiveness of the current governing body structure; and state-wide service delivery and representation through existing governing bodies.

The committee was to report by Friday 16 December 2016.

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<sup>1</sup> *Parliament of Queensland Act 2001*, section 88 and Standing Order 131.

### 1.3 Inquiry process

The committee announced the inquiry on its website and invited submissions from interested parties on any aspect of its terms of reference. The committee also wrote to stakeholders and to subscribers to inform them of the inquiry.

Copies of material published in relation to the inquiry, including written advice, transcript of the committee's public briefing, and all published submissions, are available on the committee's website.<sup>2</sup>

#### **Submissions**

The committee called for submissions by 30 September 2016. The committee received eight submissions. A list of submitters is at **Appendix A**.

#### **Public briefing**

The Department of National Parks, Sport and Racing (the department) provided a written briefing on the inquiry and on 31 August 2016, officials from the department participated in a public briefing for the inquiry. The department took questions on notice during the hearing and further written questions from the committee. The transcript of the briefing along with the department's written responses are available on the committee's website.

## 2. Background and overview

Combat sports in Queensland are self-regulated and individual disciplines may have multiple forms of self-regulation by a number of different organisations. The department advised:

*combat sports in Queensland currently self-regulate, including for contests. The forms of self-regulation can vary significantly between and within each discipline and between amateur and professional parts of the industry.<sup>3</sup>*

The department further advised that it has contact with a limited section of the combat sports industry in Queensland by providing support for Boxing Queensland, Sports Taekwondo Queensland Inc., Wrestling Queensland, and Judo Federation of Australia (Queensland) Inc.<sup>4</sup>

### 2.1 Regulation in other jurisdictions

Western Australia, New South Wales and Victoria each have a stand-alone body to regulate combat sports. Combat sports in Tasmania and South Australia are regulated by government departments.

A comparative table of interstate regulation and relevant legislation provided by the department is at **Appendix B**.

In terms of the costs of the regulation in other jurisdictions, the department undertook to provide a jurisdictional information to assist the committee. The department reviewed relevant annual reports and provided a written response to the committee. The department advised that there is no costs/expenses information available in the annual reports they reviewed for Tasmania and South Australia. With respect to the costs for the stand-alone bodies the department advised:

**Western Australia** – *For the 2013/14 financial year, the Combat Sports Commission reported total operating costs (including Chairman and Commissioner fees, allowances and entitlements) of \$537,538. Thirty-five promotions were permitted under its regulatory system with the cost of issuing a permit for a single contest identified as \$15,358.<sup>5</sup>*

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<sup>2</sup> See: [www.parliament.qld.gov.au/FAC](http://www.parliament.qld.gov.au/FAC)

<sup>3</sup> Department of National Parks, Sport and Racing written briefing, 29 August 2016, p 1.

<sup>4</sup> Correspondence from the Department of National Parks, Sport and Racing dated 29 September 2016.

<sup>5</sup> Combat Sports Commission, Western Australia (2014) *Combat Sports Commission Annual Report: For the safety and organisation of combat sports 13/14*, p. 25, available at



**New South Wales** – For the 2014/15 financial year the Combat Sports Authority reported total expenses as \$650,000. In the period 1 January 2015 to 30 July 2015, 68 permitted contests were held in NSW.<sup>6</sup>

**Victoria** – for the 2011/12 financial year, the Victorian Professional Boxing and Combat Sports Board reported total expenditure of \$290,000.<sup>7</sup>

## 2.2 Summary of submissions received

Of the eight submissions received, four support self-regulation with some government intervention by way of mandatory or voluntary standards for combat sports.<sup>8</sup>

Three submissions were from medical organisations, and while they oppose combat sports provide recommended harm minimisations measures to protect combat sports contestants.<sup>9</sup> Two submissions support a government led commission to regulate all combat sports in Queensland.<sup>10</sup>

### Committee comment

A majority of the committee members consider that there is no demonstrated need for this inquiry at this time and the committee has resolved to take no further action on this inquiry.

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[http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3912050ac6fb4bb9abe176fb48257d5c00400838/\\$file/2050.pdf](http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3912050ac6fb4bb9abe176fb48257d5c00400838/$file/2050.pdf)

<sup>6</sup> Combat Sports Authority, New South Wales Government (2015) *Combat Sports Authority: Annual Report 2014-15*, pp 1 and 8, available at

[https://sportandrecreation.nsw.gov.au/sites/default/files/CSA\\_Annual\\_Report\\_2014-15.pdf](https://sportandrecreation.nsw.gov.au/sites/default/files/CSA_Annual_Report_2014-15.pdf)

<sup>7</sup> Victorian Competition and Efficiency Commission (2013) *The Victorian Regulatory System September 2013*, p 229, available at <http://www.vcec.vic.gov.au/Publications/Victorian-Regulatory-System/VRS-2013>

<sup>8</sup> Australian Jujitsu Federation Inc., Submission No. 1, Stephen Gapsa, Submission No. 6, ISKA, Submission No. 7, and International Mixed Martial Arts Federation, Submission No. 8.

<sup>9</sup> Australian Medical Association, Submission No. 2, Royal Australasian College of Surgeons, Submission No. 4, and Queensland Brain Institute at the University of Queensland, Submission No. 5.

**Note:** the Australian Medical Association's (AMA) position statement on boxing and combat sports states that it opposes all forms of combat sports. The AMA defines combat sports as including any sport, martial art or activity in which the primary objective of participants is to strike, kick, hit, grapple with, throw or punch one or more participants. (see Submission No. 2)

<sup>10</sup> See Ultimate Fighting Championship (Australia and New Zealand), Submission No. 3, and Queensland Brain Institute at the University of Queensland, Submission No. 5.

## Appendix A – List of submissions

<b>Submission no.</b>	<b>Submitter</b>
001	Australian Jujitsu Federation
002	Australian Medical Association
003	Ultimate Fighting Championship
004	Royal Australasian College Of Surgeons
005	Queensland Brain Institute
006	Stephen Gapsa
007	ISKA Australia
008	International Mixed Martial Arts Federation

## Appendix B – Jurisdictional comparison of combat sports regulation

	New South Wales	Victoria	Western Australia	Australian Capital Territory	South Australia	Tasmania	Queensland
<b>Legislation</b>	<p><a href="#">Combat Sports Act 2013</a> (<a href="http://www.legislation.nsw.gov.au/#/view/act/2013/96">http://www.legislation.nsw.gov.au/#/view/act/2013/96</a>)</p> <p><a href="#">Combat Sports Regulation 2014</a> (<a href="http://www.legislation.nsw.gov.au/#/view/act/2013/96">http://www.legislation.nsw.gov.au/#/view/act/2013/96</a>)</p> <p>NSW, the Combat Sports Regulation 2014 allows for styles of combat sports to be exempted from requirements of the NSW Act if the Authority is satisfied that the sport does not require regulation under that Act. A schedule in the regulation lists excluded sports, martial arts and</p>	<p><a href="#">Professional Boxing and Combat Sports Act 1985</a></p> <p><a href="#">Professional Boxing and Combat Sports Regulations 2008</a></p>	<p><a href="#">Combat Sports Act 1987</a></p> <p><a href="#">Combat Sports Regulations 2004</a></p> <p>Western Australia adopts a similar approach to New South Wales in terms of exempting particular combat sports contests undertaken by recognised authorised bodies.</p>	<p><a href="#">Boxing Control Act 1993 (ACT)</a></p> <p><a href="#">Combat Sports Act 2013 (NSW)</a></p> <p><a href="#">Boxing Contests Code of Practice (ACT)</a></p>	<p><a href="#">Boxing and Martial Arts Act 2000</a></p> <p><a href="#">Boxing and Martial Arts Regulations 2002</a></p>	<p>Minimalist regulatory approach with provision under <a href="#">Police Offences Act 1935</a>, (section 49B(1) providing Commissioner of Police, with the consent of the Minister, the power to control (prohibit or regulate) public entertainments (including boxing or other contests) to preserve public morality, good manners or decorum or to prevent a breach of the peace or danger to a performer or other person. A power to prohibit or prescribe conditions on contests as forms of public</p>	<p>No legislation specific to combat sports.</p> <p><a href="#">Work Health and Safety Act 2011</a> (WHS Act) may not cover contestants as workers without an explicit contractor relationship.</p> <p>Identification of person/party with duty of care under WHS Act may be complicated for combat sports contests.</p> <p><a href="#">Civil Liability Act 2003</a> contains explicit exclusions relating to manifestation of obvious risks.</p>

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	<p>activities conducted by authorised bodies. These authorised bodies do not, therefore, require a permit to conduct contests and the registration of participants is also not required. Examples of excluded activities include: judo undertaken by Judo NSW, Judo Federation of Australia Inc. and the International Judo Federation; and kung fu (Wu Shu) undertaken by Australian Kung Fu (Wu Shu) Federation Inc., International Wu Shu Federation and Kung Fu Wushu NSW.</p>					<p>entertainment, should contests be deemed likely to endanger health and safety, breach the peace or undermine public standards of behaviour. However, it is understood that these powers have, to date, not been used by the Commissioner to regulate or prohibit any particular combat sports contest in Tasmania.</p>	<p><a href="#">Workers' Compensation and Rehabilitation Act 2003</a> contains specific exclusions for professional sportspersons.</p>
<b>Other regulatory mechanisms</b>	<p>Ministerial policy.</p> <p>National sporting body policy (minimum age of combatants).</p>	<p>Ministerial directive (Minister determines what is sport under Act).</p>		<p>Ministerial policy (boxing contests require Ministerial approval) and National sporting body policy (medical checks).</p>	<p>Ministerial policy but Minister can delegate powers to any person or body; Minister approves rules for conduct of professional or public boxing or</p>	<p>Tasmania has <a href="#">Standards for Boxing and Combat Sport Contests</a>, including a provision that all contests be overseen by a sanctioning body</p>	<p>Self-regulation, with inconsistent standards and approaches across amateur and professional combat sports</p>

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				Part 3 of the ACT Act provides for the Minister to establish a code of practice.	martial arts events; and National sporting body policy (minimum age boxing competition).	<p>recognised by Communities, Sport and Recreation (CSR) Tasmania.</p> <p>Despite their wording, it is not clear what regulatory weight the <i>Standards</i> carry.</p> <p>Administration of the boxing and combat sports contest standards, including encouraging industry compliance with the standards, is undertaken by one officer from Sport and Recreation Tasmania and it is understood that this model is primarily complaints driven.</p>	disciplines and contests.

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						The Tasmanian Government reviewed the <i>Standards</i> in August 2016. They were first introduced in June 2013.	
<b>Objectives of regime</b>	<p>Health and safety of contestants.</p> <p>Integrity of contests.</p> <p>Harm minimisation.</p>	<p>Control professional boxing and professional combat sports.</p> <p>Reduce the risk of malpractice.</p> <p>Promote safety.</p> <p>Uphold industry integrity.</p>	<p>The Act does not include a provision explicitly defining its purpose. The content of the Act implies its purpose relates to:</p> <p>Health and safety of contestants.</p> <p>Industry integrity.</p>	Not explicit.	The long title states the Act is to regulate professional or public boxing or martial art events; to promote safety in boxing and martial arts; and for other purposes.	<p>The Standards aim to:</p> <ul style="list-style-type: none"> <li>• Protect the interests and safety of participants including, competitors, trainers, officials, promoters and spectators;</li> <li>• Preserve public morality;</li> <li>• Assist the boxing and combat sports industry to fulfil its duty of care and uphold the integrity of boxing and combat sports</li> </ul>	N/A

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<b>Scope</b>	<p>Regulates all amateur and professional sports unless excluded by prescription in the <i>Combat Sports Regulation 2014</i>.</p> <p>The Regulation excludes a range of activities if they are sanctioned by prescribed bodies (e.g. Australian Jujitsu Federation; Australian Fencing Federation; International Jousting Association).</p> <p>The Regulation also excludes activities meeting specific conditions (e.g. activities that involve only light contact, or wrestling conducted solely for theatrical purposes).</p>	<p>Covers professional boxing and professional combat sports only.</p>	<p>Covers both amateur and professional contests, contestants and industry participants.</p> <p>The Regulations exclude fencing, paintball and wrestling for theatrical or humorous purposes.</p> <p>The Regulations also exclude contests conducted by specific State Sporting Associations, such as Boxing WA, Judo WA and other specified bodies.</p> <p>Similar to NSW, the Regulations exclude activities meeting specific conditions (e.g. activities that involve only light contact).</p>	<p>ACT Act regulates amateur and professional boxing.</p>	<p>Regulates professional and public boxing or martial arts events.</p> <p>The Minister may exempt a person or class of persons from compliance with a specified provision of the Act and may, at his or her discretion, vary or revoke that exemption.</p>	<p>The <i>Standards</i> apply to professional and amateur contests.</p> <p>The <i>Police Offences Act 1935</i>, only becomes relevant where public events are deemed likely to endanger health and safety, breach the peace or undermine public standards of behaviour.</p>	N/A

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<b>Authority / Commission</b>	<p><i>Combat Sports Authority of New South Wales</i></p> <p>Up to 7 members including:</p> <ul style="list-style-type: none"> <li>- a nominee of the Commissioner of Police</li> <li>- a medical practitioner</li> <li>- a person who is or has been a judge or has been a lawyer for at least 7 years.</li> </ul> <p>Core functions:</p> <ul style="list-style-type: none"> <li>- supervise and regulate professional and amateur combat sports</li> <li>- Advise the Minister</li> <li>- Promote awareness of issues</li> <li>- Other functions as conferred by</li> </ul>	<p><i>Professional Boxing and Combat Sports Board</i></p> <p>Minimum of 5 but no more than 7 members, including:</p> <ul style="list-style-type: none"> <li>- A police officer, and</li> <li>- up to 5 members appointed by the Minister, with good knowledge of boxing or one or more combat sports.</li> </ul>	<p><i>Combat Sports Commission</i></p> <p>Consists of 9 members.</p> <p>8 appointed by the Minister, including:</p> <ul style="list-style-type: none"> <li>- a chairman</li> <li>- a police officer</li> <li>- a medical practitioner</li> <li>- a person with knowledge of the boxing industry</li> <li>- a person with knowledge of combat sports other than boxing</li> <li>- a person to represent boxing contestants</li> <li>- a person to represent contestants from other combat sports</li> </ul>	None.	None but a full-time Boxing and Martial Arts Compliance Officer runs an annual industry information workshop and a bi-annual ringside physician workshop, which are requirements of its legislation.	None.	None.



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	the Act or other Acts.		<ul style="list-style-type: none"> <li>- a person who has knowledge of the mixed martial arts industry.</li> </ul> <p>1 member is to be the chief executive of the department or his/her delegate.</p> <p>Core functions:</p> <ul style="list-style-type: none"> <li>- formulate or recommend industry standards</li> <li>- advise the Minister.</li> </ul>				
<b>Registration</b> - <b>Combatants</b>	Yes.	Yes.	Yes.  The Regulation prescribes classes of contestants that must be registered - boxing, kickboxing, Muay Thai, Brazilian Jujitsu, full contact	Yes.  <i>Professional</i> boxers must be registered under the NSW Act.  Amateur boxing contestants must	Yes.	No.	No.

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			karate, mixed martial arts.	be members of Boxing Australia Inc. or affiliated body.  Amateur kick boxing contestants must have written approval for a contest by a Minister-approved body.			
<b>Registration – Industry participants &amp; promoters</b>	Yes.  A corporation cannot be an industry participant or arrange a combat sports contest unless it is carried out by an officer or employee who is a registered participant.	Yes.  Industry participants (promoters, trainers, match-makers, referees, judges) must be licensed and promoters have explicit duties under the Act.	Yes.  Participants prescribed in the Act and Regulations must be registered (promoters, matchmakers, managers, trainer referees, judges, timekeepers).  Only a 'natural person' can be registered.	Yes.  Boxing officials for <i>professional</i> contests must be registered under the NSW Act.  Amateur boxing officials must be members of Boxing Australia Inc. or affiliated body.	Promoters must be licensed.	No.  The <i>Standards</i> state that contests must be conducted by a sanctioning body recognised by CSR Tasmania.	No.

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				Amateur kick boxing officials must have written approval for a contest by a Minister-approved body.			
<b>Permits required for contests</b>	All contests require permits other than amateur contests conducted by an amateur body approved under s 8 of the Act.  The permit holder must also be registered as a promoter.	All events with one or more professional contests require permits.	All contests require permits unless exempted under the Regulations (see 'Scope' above).	The Minister's approval is required for boxing contests to be conducted.		No.	No.
<b>Compulsory medical checks</b>	Yes, pre and post contest.  Registered combatants are issued with medical record books.	Yes, pre and post contest.	Yes, pre contest only (Act).  Registered contestants are issued with contestant record		Yes, pre and post contest.	No.  The <i>Standards</i> require a pre-contest medical examination and, where a deemed	No.

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			books which include medical information.			<p>necessary by a medical practitioner or other official, a post-contest examination is also required. Medical examinations should include an examination of the central nervous system and an examination of the chest, lungs, heart, abdomen, musculoskeletal system, ears, nose, throat, skin and eyes.</p> <p>Post-contest the medical practitioner may issue medical suspension from competition on any contestant that has sustained a concussion or injury during contest to protect the health and safety of the competitor. The length and any</p>	

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						<p>other requirements of medical suspension are issued at discretion of the medical practitioner. Promoters must provide details of medical suspension to National or International Governing Body and CSR and this information may be shared with other states and territories.</p> <p>Contests that involve striking: promoters must require contestants to provide results of blood test (for HIV, Hepatitis B, and/or Hepatitis C) that is no more than six months old before the contest in which they intend to compete. Promoters must record</p>	

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						competitors' blood test results and medical examinations and have this information available one week before, during and three months after the contest. Promoters are responsible for maintaining confidentiality of blood test and medical examination information.	
<b>Definition – combat sports</b>	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	Includes: (a) kickboxing; or (b) any sport or activity (other than boxing) in which each contestant in a contest or exhibition of that sport or activity is required to strike, kick, hit, grapple with,	Includes: (a) boxing; or (b) any other martial art, sport or activity that involves 2 or more participants whose primary objective is to do any or any combination of the following —	<b>Boxing</b> means fist fighting, kick boxing or any other style of fighting in relation to which a class of boxers is prescribed under the New South Wales Act, and includes sparring in any such style.	<b>Boxing</b> means fist fighting.  <b>Martial art</b> means— (a) kickboxing; or (b) any sporting or other activity (other than boxing) organised so that	For the purposes of the Standards, boxing and combat sports are defined as:  “Any sport or activity in which each contestant in a contest or exhibition of that sport or activity engages the other contestant(s) in	Working definition of combat sports used in internal documents:

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	prescribed by the regulations.	throw or punch the other contestant, and that is determined by the Minister to be a combat sport for the purposes of this Act.	(i) grapple with, punch, kick or throw each other; or  (ii) strike or hit each other, whether or not with a weapon, unless it is prescribed not to be a combat sport for the purposes of this Act.		contestants engage in a fight principally by inflicting blows on each other.	striking, kicking, hitting, grappling, throwing or punching.”	The term ‘combat sports’ is generally used to describe any sport, martial art or other activity (including boxing/fist fighting of any style) which involves striking, kicking, hitting, grappling, throwing or punching for the purposes of a contest or display.
<b>Definition – contest</b>	A contest, display or exhibition of combat sports:  (a) to which the public are admitted on payment of a fee, or  (b) arranged or held on a for profit basis, or  (c) that is held on premises licensed under the Liquor Act 2007 or the	A professional boxing or combat sports contest is any contest or exhibition (including an exhibition of sparring)—  (a) that is conducted for profit; or  (b) in which the contestants participate for a monetary reward; or	A contest or exhibition of a combat sport —  (a) that is organised, arranged or promoted for profit; or  (b) that is conducted for public entertainment; or  (c) to which the public is invited, unless it is	A boxing contest is a contest, display or exhibition of boxing (other than a contest, display or exhibition prescribed by regulation).  <i>A professional boxing contest</i> means a boxing contest for a monetary prize or	<i>Professional or public boxing or martial art event</i> means a boxing or martial art event (including an exhibition of sparring)—  (a) that is conducted for profit; or  (b) in which the contestants participate for	For the purpose of the Standards, a contest is:  “Any event, competition, exhibition, tournament or similar of a combat sport.	None.

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	New South Wales	Victoria	Western Australia	Australian Capital Territory	South Australia	Tasmania	Queensland
	<p>Casino Control Act 1992, or</p> <p>(d) where at least one of the combatants is competing for a monetary prize or other valuable reward, or</p> <p>(e) that is prescribed by the regulations for the purposes of this definition, but does not include a contest, display or exhibition excluded from this definition by the regulations.</p>	<p>(c) to which the public is admitted on the payment of a fee for admission, <b>except</b> if the fee is charged—</p> <p>(i) for a public charitable purpose; or</p> <p>(ii) for an event that is organised by, or under the control of, an amateur boxing association recognised by the Minister (for this purpose).</p>	<p>prescribed not to be a contest for the purposes of this Act.</p>	<p>other reward in money or money's worth.</p>	<p>a prize (other than a trophy) or for a monetary reward; or</p> <p>(c) public attendance at which is actively promoted by the event's promoter (whether or not a fee is charged for admission).</p>		
<b>Minimum ages</b>	<p>Persons under 18 years of age cannot be registered for professional contests.</p>	<p>Only an adult (18 years or older) can apply for registration as a contestant.</p>	<p>The Regulations prescribe minimum ages for contestants in contests for specific disciplines. These range from 6 to 18 years.</p>			<p>The <i>Standards</i> state that professional contestants and officials must be over 18 years of age.</p>	<p>None.</p>



Inquiry into how to improve health and safety outcomes for combat sports  
contestants in high risk and amateur contests in Queensland

	<b>New South Wales</b>	<b>Victoria</b>	<b>Western Australia</b>	<b>Australian Capital Territory</b>	<b>South Australia</b>	<b>Tasmania</b>	<b>Queensland</b>
						Amateur contestants and officials must be at least the minimum age specified by a sanctioning body recognised by Sport and Recreation Tasmania.	

**Statement of reservation**

**Statement of reservation**

Mr Peter Russo MP, Member for Sunnybank

The below is the statement of reservation of Mr Peter Russo MP, Member for Sunnybank. I disagree with the process and the conclusion of the majority of the Finance and Administration Committee detailed in the committee's report above.

I have detailed my views on the process of the committee and on the evidence and recommend that combat sports in Queensland be regulated through legislation to enact a specific sports commission responsible for the registration or licensing of contestants and others involved in combat sports.

The *Parliament of Queensland Act 2001* provides a formula for committee membership which reflects the make-up of the Legislative Assembly in terms of numbers of government and non-government members. Because of the current finely balanced Parliament, portfolio committees have three government and three non-government members. Unlike in some other committees, the Chair has no casting vote. If a motion is put, and votes for and against the motion are even, the motion is resolved in the negative. This reality can be particularly frustrating for those seeking to promote a position, or to adopt a report, that is not agreed by a clear majority of committee members. However, I do note that it reflects the situation in the Legislative Assembly itself.

A handwritten signature in black ink, appearing to read 'Peter Russo', with a long horizontal stroke extending to the right.

**Peter Russo MP**

Member for Sunnybank

Chair

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## 1. Introduction

On 18 August 2016, the Legislative Assembly resolved to refer that the Finance and Administration Committee (the committee) inquire into how to improve health and safety outcomes for combat sports contestants in high risk and amateur contests in Queensland. The inquiry terms of reference are:

1. That the Finance and Administration Committee consider and report on how to improve health and safety outcomes for combat sports contestants in high risk professional and amateur contests in Queensland, while considering at least the following options:
  - a) Continue with the existing combat sports industry self-regulation,
  - b) Implement a government and industry-initiated voluntary standard of practice to supplement the existing combat sports industry self-regulation,
  - c) An examination of Queensland's existing legislative framework and whether this could be utilised to give effect to the health and safety outcomes being sought, and
  - d) Enact specific sports contest legislation with an associated statutory enforcement regime.
2. In undertaking the inquiry, the committee should also consider:
  - e) The potential costs and benefits of the options to improve health and safety outcomes for combat sports contestants, including the cost/benefit of frameworks in other jurisdictions, and
  - f) The current structure and governance of the combat sports industry, as it supports health and safety outcomes for combat sports contestants including effectiveness of the current governing body structure; and state-wide service delivery and representation through existing governing bodies.

The committee was to report by Friday 16 December 2016.

### 1.1 Inquiry process

The committee wrote to 96 stakeholders and over 750 subscribers to announce its inquiry and call for submissions. Copies of all material is available on the committee's website.<sup>11</sup>

It is unfortunate that the committee only received eight submissions. This could be reflective of disparate nature of the combat sports industry, with many groups and organisations operating in relative isolation from each other.

As noted in the committee's report, the Department of National Parks, Sport and Racing (the department) provided a written briefing on the inquiry and on 31 August 2016, officials from the department participated in a public briefing for the inquiry.

#### ***Lack of a public hearing***

Public hearings often provide the committee with much needed insight into the matters into which the committee inquires.

The committee did not hold a public hearing on this inquiry.

I consider that a full inquiry process, including public hearings, should have been conducted to fully engage with industry participants and experts on the matters arising in respect of this inquiry. I consider that a public hearing would have provided an opportunity to those people, groups and organisations that did not make a submission.

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<sup>11</sup> See: [www.parliament.qld.gov.au/FAC](http://www.parliament.qld.gov.au/FAC)

## 2. Regulating combat sports in Queensland?

The terms of reference required the committee to consider a range of options for possible regulation of combat sports in Queensland. The options in the terms of reference include to:

- a) Continue with the existing combat sports industry self-regulation,
- b) Implement a government and industry-initiated voluntary standard of practice to supplement existing combat sports industry self-regulation,
- c) An examination of Queensland's existing legislative framework and whether this could be utilised to give effect to the health and safety outcomes being sought, and
- d) Enact specific sports contest legislation with an associated statutory enforcement regime.

### 2.1 Current situation in Queensland

Combat sports in Queensland are self-regulated and individual disciplines may have multiple forms of self-regulation by a number of different organisations. The department advised that combat sports in Queensland currently self-regulate, including for contests. *'The forms of self-regulation can vary significantly between and within each discipline and between amateur and professional parts of the industry.'*<sup>12</sup>

The department advised at the public briefing:

*Combat sports in Queensland currently self-regulate, including for contests. The forms of self-regulation vary significantly between and within each discipline and between the amateur and professional parts of the industry. Where rules exist they may cover contests, safety of participants and the skills and integrity of coaches and officials.*<sup>13</sup>

The department was unable to provide details on the current regulatory models used by the combat sports industry in Queensland. The department advised that it has contact with a limited section of the combat sports industry in Queensland by providing support for Boxing Queensland, Sports Taekwondo Queensland Inc., Wrestling Queensland, and Judo Federation of Australia (Queensland) Inc.<sup>14</sup> The department provides funding for people to get involved in sports. This interaction is a funding relationship only and the department has no governance roles with respect to the funding it provides. In the 2015-16 year it funded:

- *Get Started Vouchers program, which provides \$150 to offset club membership fees for children and young people who can least afford, or may otherwise benefit from joining a sport and recreation club. 881 Get Started vouchers with a total value of \$169,673 were redeemed for combat sport clubs, providing opportunities for children to participate in aikido, boxing, kick boxing, ju jitsu, judo, karate, mixed martial arts, taekwondo and zen do kai martial arts.*
- *Get Going Clubs provides up to \$7,500 for projects to support not-for-profit local sport and recreation organisations to create and provide access to participation opportunities for Queenslanders. Eight projects were approved with a total value of \$42,683.*
- *Get Playing Places and Spaces provides up to \$100,000 to assist local sport and recreation organisations with the development of places and spaces so Queenslanders are encouraged to become involved in sport and active recreation. In Round 4, one project was approved for karate at a total value of \$18,200.*

<sup>12</sup> Department of National Parks, Sport and Racing, written briefing, 29 August 2016, p 1.

<sup>13</sup> Department of National Parks, Sport and Racing, public briefing transcript, 31 August 2016, p 2.

<sup>14</sup> Correspondence from the Department of National Parks, Sport and Racing, dated 29 September 2016.

Mr Stephen Gapsa notes in his submission that Queensland has no minimum health, safety and public standards to manage the expectations of the government, combat sports industry and the community in combat sports. There is no single Queensland or national body responsible to coordinate consistent, effective and standardised self-regulation of combat sports to ensure suitable risk management and minimum health, safety and public standards. There are no publicly available standards that articulate how to minimise health and safety harm arising from combat sports.<sup>15</sup>

Mr Gapsa notes that the Queensland *Criminal Code, Summary Offences Act 2005* (Qld) and the *Police Powers and Responsibilities Act 2000* (Qld) may have provisions to deter criminal physical contact but knowledge of the specific provisions and their application to combat sports is limited.<sup>16</sup>

## 2.2 Self-regulation and health and safety

Given there are an unknown number of combat sports groups and organisations operating in Queensland, it is difficult to obtain a clear understanding of how each and every combat sports event deals with the associated risks to health and safety of the participants and the spectators. There appears to be no activity of the department to collate any information on how combat sports are self-regulated in Queensland and I have no data or reliable facts upon which to base any findings.

When asked whether cage fighting or kickboxing in Queensland has the same level of self-regulation as some boxing organisations in Queensland, the department advised:

*We do not know. I think that is the crux of the issue: we do not know.*

...

*We do not know what the practices are within those sports and within each discipline of those sports.<sup>17</sup>*

The Queensland Brain Institute at the University of Queensland (QBI) considers that self-regulation is insufficient to protect participants in high risk combat sports. While it notes that some codes have introduced detailed regulations to protect their contestants, enforcing such rules would increase harm minimisation.<sup>18</sup>

Submitters provided details of the health and safety requirements of their particular organisations.

The Ultimate Fighting Championship, Australia and New Zealand (UFC) submitted that the health and safety of its athletes and spectators who attend its events are at the core of its business and it supports this inquiry. In relation to its self-regulation, the UFC advised that it established health and safety standards for athletes. It has partnered with doctors, athletic commissions, researchers and law makers to ensure its rules and procedures for competition and training foster safe, entertaining sports experiences.<sup>19</sup>

The UFC states that each fight is attended by medical staff and is overseen by an appropriate regional athletic commission, providing independent evaluation and rules enforcement. It evaluates and clears contestants for each competition and following the fight, determined whether an athlete requires a medical suspension from training and competition.<sup>20</sup>

The International Mixed Martial Arts Federation (IMMAF) submission advises it is a fully regulated federation. The regulation covers requirements leading up to a competition, requirements of the

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<sup>15</sup> Stephen Gapsa, Submission No. 6

<sup>16</sup> Stephen Gapsa, Submission No. 6

<sup>17</sup> Department of National Parks, Sport and Racing, public briefing transcript, 31 August 2016, p 6.

<sup>18</sup> Queensland Brain Institute at the University of Queensland, Submission No. 5

<sup>19</sup> Ultimate Fighting Championship (Australia and New Zealand), Submission No. 3

<sup>20</sup> Ultimate Fighting Championship (Australia and New Zealand), Submission No. 3



competition and requirements post competition. To participate in federation sanctioned events, the MMA event must subscribe and comply with IMMAF.<sup>21</sup>

It considers that its current approach to regulation (detailed below) addresses the majority of controllable risk and it is acceptable within the MMA sporting community:<sup>22</sup>

#### **Pre Controls**

- *Competitor Selections and pairing*
- *Competitor eligibility:*
  - *legal age,*
  - *physical and mental ability,*
  - *experience.*
- *Blood tests before competitions*
- *Annual Medical Examinations*
- *Anti-doping*

#### **Competition Controls**

- *Weight Category Competitions – contest categories which ensure weight bands are adhered to. Strict tolerances are placed on the weight increases between weigh in time and fight time.*
- *For multi-day events, competitors must weigh in every day. This is discourage unhealthy weight cutting*
- *Competition equipment – there is a safe cage specification, specified gloves and pads.*
- *Contest Controls – every IMMAF referee has been qualified as eligible to referee a Local, National or International card. Qualifications are controlled and recorded in a public online repository (My Next Match). Training and accreditation as a referee is managed by IMMAFA in Australia.*
- *First Aid – All IMMAF sanctioned competitions have mandatory medical support and a medical emergency plan. This includes the ability of the Medical representative to intervene at the request of the referee during a contest.*
- *All competitors must report to the medical officer to be cleared before each contest*

#### **Post Controls**

- *All competitors must report to the medical after every contest for medical check*
- *Recording and managing concussion and applying fight bans where appropriate – My Next Match repository*
- *Recording of match results, by event, for public record – My Next Match repository*
  - *These results are available online for every sanctioned event*
- *Code of Conduct training and control – Member acknowledge and comply*
- *Referee Training*
- *Official Training*
- *Sanctioning IMMAFA Clubs as IMMAFA Accredited*
  - *involves physical audit against federations minimum building safety standards.*
- *Competition Planning*

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<sup>21</sup> International Mixed Martial Arts Federation, Submission No. 8

<sup>22</sup> International Mixed Martial Arts Federation, Submission No. 8

- *Risk assessing future competition, embedding lessons learnt into the operational planning.*

I note the lengths that some organisations go to (outlined above with respect to the UFC and IMMAF), to promote the health and safety of their contestants and to mitigate risks associated with contestants' participation in combat sports. However, there is no clear evidence that there are any industry standards that operate across the board. It appears that it is open, in Queensland, for each combat sports group, activity or event to have differing rules, or even no rules or procedures regarding the health and safety of the contestants.

### **2.3 Lack of available information on combat sports injuries and deaths in Queensland**

Due to the lack of regulation of combat sports in Queensland and the vast number of self-regulated combat sports groups and organisations, I was unable to readily source reliable, accurate information and data on the occurrence and types of injuries sustained by combat sports contestants. It is unclear, though likely that there are no requirements on organisers of combat sports activities, i.e. training and events, to report injuries or knockout details. I am unclear on whether organisers of future events understand the medical situation of the contestants participating in their events regarding concussion etc.

Likewise, the lack of regulation means that the Department of National Parks, Sport and Racing also cannot access information on combat sports related injuries and deaths.

*To make that comparison, firstly, we would have to be able to obtain data within Queensland on the injury and death rates. With the current status in Queensland, that information is not readily available. It is only what is reported through the media or through hospital presentations for injury. Again, there is no determination of whether that is done through a formal contest or whether that is done through training.*

*In terms of other jurisdictions, depending on the legislation that is in place, they have some requirements to record injuries and deaths. The only information I can provide you is that one of the most recent unfortunate deaths was within New South Wales, which has legislation in place. In terms of comparing the number and the severity of injuries, we do not have data in Queensland to be able to make that comparison. That data from other jurisdictions is not shared across jurisdictions.<sup>23</sup>*

Given the requirements in other jurisdictions for contestants to report and record information on injuries, concussion and knock-outs, such information is readily available in the states that regulate and collect data on combat sports, particularly those states that have a separate, stand-alone board or commission.

#### **Concussion and head trauma**

Despite the lack of available data in Queensland, it is clear that repeated blows to the head during combat sports will cause head trauma. The Australian Medical Association (AMA) has a position statement that opposes boxing and combat sports. The AMA states that *'as medical practitioners, the AMA continues to be concerned by any sports that involve displays of interpersonal violence and where the goal is to injure the opponent to the point that they are unable to continue.'* The AMA notes that the sports involved in combat sports and boxing usually require the participants to inflict blows on each other, including to the head to cause a 'knock out'. Even where a knock out is not achieved, *'sustaining repeated blows to the head is intrinsically dangerous'* and head injuries are invisible and can evolve over time, with minor head injuries becoming serious quickly.<sup>24</sup>

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<sup>23</sup> Department of National Parks, Sport and Racing, public briefing transcript, 31 August 2016, p 7.

<sup>24</sup> Australian Medical Association, Submission No. 2

The QBI is undertaking a longitudinal study of concussion sufferers using functional MRI, and is developing plans for a Concussion Research Centre. The QBI notes, as other submitters have, that concussion symptoms may not be present and concussion may go unrecognised or unreported. It also notes that significant brain injury can occur without recognisable concussion. Children and adolescents have a lower threshold for concussion and take longer to recover, which compromises their participation in schooling.<sup>25</sup>

I note the interest of the combat sports industry to understand concussion and head traumas, as well as other injuries sustained during combat sports. The UFC submission advises that it has a centre for Athlete Health and Performance scheduled to open in 2017. The centre will provide research and knowledge around training, health and safety and will provide rehabilitation, recovery and treatment. Its aim is to reduce injuries and elongate careers. Additionally, it supports a Cleveland (USA) study into better understanding of the effects of head strikes sustained in combat sports on long term brain functionality. The purpose of the study is to identify risk factors for susceptibility to brain injury, including genetics, lifestyle characteristics or the exposure to and the types of head trauma. This will allow athletes, doctors and sports organisations to make informed decisions around athlete health and safety.<sup>26</sup>

### **Combat sports related deaths - Coronial information**

The Queensland Coroner provided information sourced from the National Coronial Information System on the number of deaths which have occurred in Queensland and nationally between 1 July 2000 and 31 August 2016. The correspondence and reports provided by the Coroner are available on the committee's website.<sup>27</sup>

The Coroner advised that there were two combat sports related fatalities in Queensland due to external causes in the relevant period. The deaths involved young men who had competed in boxing matches in Mackay in 2010 and in Toowoomba in 2015.<sup>28</sup>

The report shows that during that time, there were seven deaths (with an external cause of death) notified to an Australian coroner related to a combat sport activity. Two of those deaths were of young men in Queensland who were engaging in boxing. One person was aged between 11 and 20, five were aged between 21 and 30 and one was aged between 31 and 40.<sup>29</sup>

The report also details deaths of people engaged in combat sports activities from natural causes, i.e. underlying medical issues. Between 1 July 2000 and 31 August 2016, there were 22 deaths from natural causes related to combat sports. Four causes were unknown, 17 related to circulatory system diseases and 1 related to a congenital or chromosomal abnormality. Eight related to karate, five to boxing, three to Tae Kwon Do, one to Kung Fu, one to Jujitsu, one to Judo, two to a specified combat sport (not identified in the report) and one to an unspecified combat sport.<sup>30</sup>

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<sup>25</sup> Queensland Brain Institute at the University of Queensland, Submission No. 5

<sup>26</sup> Ultimate Fighting Championship (Australia and New Zealand), Submission No. 3

<sup>27</sup> <http://www.parliament.qld.gov.au/documents/committees/FAC/2016/l6-CombatSports/l6-cor-2Nov2016.pdf>

<sup>28</sup> Terry Ryan, Queensland Coroner, correspondence, 2 November 2016

<sup>29</sup> National Coronial Information System, *Coronial Report: CR16-46 Deaths from Professional and Amateur Combat Sports in Australia, 2000 – 2016*, November 2016, p 6.

<sup>30</sup> National Coronial Information System, *Coronial Report: CR16-46 Deaths from Professional and Amateur Combat Sports in Australia, 2000 – 2016*, November 2016, p 7.

Of the seven deaths related to combat sports injuries, four were caused by head trauma from being struck by another person. Three were head trauma caused by contact with the floor. Three related to boxing, and one each from karate, kickboxing, wrestling –freestyle, and an unspecified combat sport.<sup>31</sup>

### **Coronial recommendations**

The report referred to above provides case summaries of the combat sports related fatalities, included at **Appendix D**. Coroners may make recommendations following coronial inquests into deaths. The Queensland Coroner advised that no recommendations were made by Queensland coroners in relation to these deaths as inquests were not held as part of the investigation of the deaths. Under section 46 of the *Coroners Act 2003* a coroner can only make comments relating to public health and safety and ways to prevent similar deaths following an inquest. However, recommendations made by other State and Territory Coroners are referred to in the NCIS Report.<sup>32</sup>

The Coroner in one case made the below comments:

*It is clearly evident that the risk of death or serious injury to the brain is one that is faced by participants in the sport of boxing. There have been regular calls for bans on the sport, particularly by national medical associations around the world including the Australian Medical Association.*

*On 22 November 2015 the Australian Medical Association published a position statement concerning combat sport including boxing, recommending that it be banned from both the Olympic and Commonwealth Games and prohibiting the sport for people under the age of 18.*

*The statement also recommended a number of steps designed to minimise harm to amateur and professional participants. In particular there was a recommendation that no contest be permitted unless it occurs where there are readily available adequate neurosurgical and resuscitative facilities for the emergency treatment of an injured participant.*

*In this case the event was held in a regional town where it was thought necessary to transfer [the deceased] to a tertiary facility in [a city] which had expertise in head injuries. Whether earlier treatment at that level would have made a difference in this case is uncertain but it is also clear that the earlier optimal treatment is provided the more likelihood of there being a better outcome.*

*It is the view of the coroner that there is very significant merit in the position of the Australian Medical Association and that its recommendations should be seriously considered.*

*As well there have been recent references in the media noting that [the state in which the deceased died] is the only state in Australia where combat sports are completely unregulated. The [State] Minister for Sport has advised in statements published in the media that he will seriously look at regulating combat sports.*

*In recent times there has been particular references and government responses to [an anti-violence campaign]. That of course is in response to gratuitous attacks on unsuspecting victims involving punches to the head. By contrast, boxing and other combat sports involve consensual participation in such activities involving much the same risk.*

### **3. Regulation in other jurisdictions**

Western Australia, New South Wales and Victoria each have a stand-alone body to regulate combat sports (see **Appendix B**). Combat sports in Tasmania and South Australia are regulated by government departments (see **Appendix C**).

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<sup>31</sup> National Coronial Information System, *Coronial Report: CR16-46 Deaths from Professional and Amateur Combat Sports in Australia, 2000 – 2016*, November 2016, p 7.

<sup>32</sup> Terry Ryan, Queensland Coroner, correspondence, 2 November 2016

### 3.1 Specific stand-alone commissions/boards

Those jurisdictions that have specific legislation which enact specific bodies to consider applications, and issue licences and regulation of contestants and industry participants, such as promoters, match-makers, referees, judges etc. have more comprehensive legislation than those jurisdictions where regulation is undertaken by the Minister and departments.

The licensing of participants and contestants in Western Australia, New South Wales and Victoria is subject to advice from the relevant police commissioners as to whether the applicants are fit and proper to hold the relevant licence and whether they are subject to control orders under the various criminal organisations legislation in those states.

Licenses can be varied, suspended or revoked by the various bodies to ensure that only people who are fit and proper can participate.

The legislation for those stand-alone bodies is also prescriptive as to medical requirements, e.g. medical practitioners who must be present at the contests and their roles and responsibilities towards the contents prior to, during and following contests. There are also requirements around the types of testing for fitness to compete, including physical fitness and blood tests etc. and the records of that information. Contestants who are found to be unfit to participate or who receive unsatisfactory blood test results are not eligible to compete.

Regulation of fitness, including appropriate blood screening, ensures that the safety of contestants is paramount.

The New South Wales legislation also prohibits industry participants from placing bets on the contests that they participate in.

Information on the regulation in Western Australia, New South Wales and Victoria is included at **Appendix B**.

### 3.2 Ministerial regulation

The legislation in jurisdictions with Ministerial or departmental regulation is less comprehensive. South Australia provides a framework for the registration of contestants and trainers, and the licensing of promoters, and medical requirements for contestants to compete in contests, including blood testing and medical fitness. The Minister can register, licence certain people and can impose conditions and restrictions or revoke those registrations or licences as necessary.

South Australia has varied age requirements for contestants based on the type of sport for which they want to register as a contestant.

Tasmania has a Standard which provides for acknowledgment of governing and sanctioning bodies which are recognised by the Australian Sporting Commission. The Standards set the minimum age requirement for contestant of professional contests at 18 years.

The Tasmanian Standard sets out the medical requirements, for medical practitioners to conduct pre- and post-contest examinations of contestants. Blood test requirements attempt to mitigate the risk of HIV and Hepatitis B and C in both South Australia and Tasmania.

## 4. Should combat sports be regulated in Queensland?

I consider that Queensland should regulate combat sports.

### 4.1 Submitter views on how combat sports should be regulated in Queensland

#### *Joint industry and government approach*

There appears from the submissions a clear push towards some form of government intervention and regulation in the combat sports industry. Three submitters recommended a joint self-regulation and government intervention model with standard guidelines or standards. These submitters recommend

that the government work closely, and in an open and consultative manner, with the combat sports industry to develop standards and guidelines that promote health and safety outcomes without any burdensome costs.

The Australian Jujitsu Federation Inc. (AJJF) considers that self-regulation is the most cost-effective way in which to introduce new initiatives for combat sports. It seeks accreditation for coaches, and mandatory accreditation under the Australia Sports Commission National Officials Accreditation Scheme for all officials (e.g. judges and referees) in combat sports competitions. It also recommends that modified rules, as used in NRL and AFL, be implemented for younger combat sports participants to compete at a lower, and safer, skill level.<sup>33</sup>

However, rather than self-regulation alone, the AJJF suggests that guidelines should be developed by the Department of National Parks, Sport and Racing in consultation with the combat sports industry. It notes however, that self-regulation will only be adhered to by the honest, legitimate and already accredited practitioners. It therefore recommends a combat sports review committee to oversee any implementation and monitoring of new initiatives.<sup>34</sup>

ISKA is an Australian sanctioning body for combative martial arts which has international standard of competition regulations and tournament rules, promoter requirements including health and safety requirements for competition participants and highly professional officials.<sup>35</sup>

ISKA notes the shared goals of the industry and the government to ensure most effective means to promote and improve safety for sport participants. It recommends that mandatory combat sports standards be developed by the government in conjunction with legitimate members of the combat sports industry. This will require an open and consultative process on all aspects of a proposed legislative framework. It recommends an effective framework to ensure compulsory adoption of best practice rules, competition and competitor requirements, and strict standards for combat sports competition. It cautions however, that any such framework should avoid associated high costs in combat sports regulation in other jurisdictions.<sup>36</sup>

ISKA recommends a government led framework should include the following:<sup>37</sup>

- a primary goal to develop model to provide optimal outcomes for the sport and the health and safety of its members,
- intervention defined by suitable and relevant objectives developed in conjunction with the sport stakeholders,
- suitable mix of government intervention and sport/industry co-regulation,
- transparent consultation and decision making process,
- appropriate, benchmarked rules, requirements and standards for all styles of combat sports competition and competitors, equivalent to those adopted by the sports' peak, legitimate sanctioning organisations,
- government inspectors appointed to monitor events held under the mandatory standards,
- competitor registration system to include identification, competition history, medical and blood tests results and injury/suspension monitoring,
- mechanisms to promote the sport,
- formal recognition of legitimate peak bodies and governing organisations at all levels of combat sports competition – a detailed recognition process should be adopted for granting appropriate autonomy to ensure their ability to protect the integrity of the sport,

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<sup>33</sup> Australian Jujitsu Federation Inc., Submission No. 1

<sup>34</sup> Australian Jujitsu Federation Inc., Submission No. 1

<sup>35</sup> ISKA, Submission No. 7

<sup>36</sup> ISKA, Submission No. 7

<sup>37</sup> ISKA, Submission No. 7

- establishment of an Advisory Board to advise the Minister, including membership that represents a true cross-section of the legitimate members of the sport and members with sufficient technical expertise and experience and the use of external expert advisers when needed, and
- computer classification of contestants.

The International Mixed Martial Arts Federation (IMMAF) states it is willing to work with the government to develop appropriate combat sports controls. The UK chapter of IMMAF has an arrangement with the UK government to apply or adhere to an overarching regulation. The overarching interpretation is what has helped the UK IMMAF and the broader IMMAF tailor its controls and safety procedures for the international federation.<sup>38</sup>

It notes that controls outside the current self-regulatory model will incur costs whereas if the government works within the self-regulated regime, the costs of government interventions will be minimal.<sup>39</sup>

Mr Gapsa considers that a stand-alone legislative regime is only likely to increase regulatory burden for government and industry with no appreciable benefit as such regimes have not prevented serious injury or death. He instead suggests that the Queensland Government could implement and administer a government and industry-initiated voluntary standard of practice to supplement the existing combat sports industry self-regulation. These standards of practice could be underpinned by key principles of complying with the rules and playing culture of the combat sports, understanding the laws that applies to physical contact and breaching of the peace and the obligations to prevent or minimise any health and safety harm by risk managing key health and safety requirements.<sup>40</sup>

#### ***Medical standards to minimise harm to participants***

While the AMA is opposed to combat sports and boxing, it makes recommendations in its position statement for harm minimisation until such time as it is banned. The recommendations are similar to the regulation in New South Wales and Victoria and include:<sup>41</sup>

- 5.1 *At all contests and exhibitions, a medical practitioner should be present and responsible for the medical supervision of that contest. The medical practitioner must be adequately trained to perform ringside resuscitation, including endotracheal tube insertion;*
- 5.2 *All combat sport jurisdictions should ensure that medical practitioners overseeing any contest are authorised to stop the contest at any time to examine a participant and, if necessary, terminate the bout;*
- 5.3 *Combat sport jurisdictions should conduct on-going health education and first-aid training for all ringside personnel; and*
- 5.4 *The AMA recommends to all combat sport jurisdictions that no amateur or professional contest or exhibition be permitted unless:*
  - 5.4.1 *the contest or exhibition occurs where there are readily available adequate neurosurgical and resuscitative facilities for the emergency treatment of an injured participant;*
  - 5.4.2 *current resuscitation equipment is available at the ringside; and*

<sup>38</sup> International Mixed Martial Arts Federation, Submission No. 8

<sup>39</sup> International Mixed Martial Arts Federation, Submission No. 8

<sup>40</sup> Stephen Gapsa, Submission No. 6

<sup>41</sup> Australian Medical Association, *Position Statement Combat Sport 2015*, Submission No. 2

*5.4.3 there is a comprehensive evacuation procedure for the removal of any injured participant to medical facilities. This procedure should be rehearsed prior to each event.*

*5.5 All combat sport jurisdictions must extend all recommended safety measures to sparring partners.*

*Until such time as combat sports are banned, the AMA believes that, to reduce the morbidity and mortality rates associated with combat sport, the following modifications to equipment and rules should be undertaken:*

*6.1 increase the time interval between the weigh-in and the bout to at least 72 hours, to allow the participants to rehydrate;*

*6.2 increase the size of the gloves used in both amateur and professional bouts;*

*6.3 introduce the compulsory use of standardised and correctly fitted mouthguards for sparring, exhibition and competition;*

*6.4 decrease the emphasis on scoring blows to the head and awarding points instead for defensive manoeuvres; and*

*6.5 introduce graded exclusion periods for participants who have been knocked out or have sustained significant blows to the head. Information relating to a knock out history should be recorded in order to inform future decisions.*

The Royal Australasian College of Surgeons (RACS) supports the recommendations of the Neurosurgical Society of Australasia (NSA) on the Prevention and Management of Head and Spine Injuries in Sport,<sup>42</sup> for the development of nationally consistent legislation and guidelines for boxing and mixed martial arts, requiring:

- pre-registration of participants which is to include neurological, neuropsychological assessment and other testing,
- a national register,
- a board to oversee the regulations,
- licensed renewal conditional on three yearly neurological, neuropsychological assessment and other testing,
- strict knockout and technical knock-out policy,
- amateur and professional participants included under the same controls,
- minimum age limits, and
- improvements in glove design and further use of boxing helmets.

The RACS further supports controls around participation after concussion. It supports the NSA recommendations around requiring:

- participants to not return to sport until there is complete recovery of symptoms, signs and neuropsychological status,
- educational programs on concussion in sport to be developed and enhanced for trainers, coaches and health professionals, and
- health professionals such as physicians, sports physicians, neuro-psychologists, neurosurgeons and neurologists being the experts who manage concussion in sport.<sup>43</sup>

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<sup>42</sup> Neurosurgical Society of Australasia, *Policy on sport: Prevention and Management of Head and Spine Injuries in Sport*, 2013, referred to in Submission No. 4

<sup>43</sup> Royal Australasian College of Surgeons, Submission No. 4



***Stand-alone commission or board******Industry support for independent commission***

The UFC submitted that it fully supports the establishment of a state-led combat sports/athletic commission to oversee and regulate all combat sports, both amateur and professional, in Queensland.<sup>44</sup>

As noted above, the QBI considers self-regulation of combat sports is insufficient and urges the enacting of specific legislation to improve health and safety outcomes and minimise risk of brain injury. This should be coupled with statutory enforcement bodies, as operate in NSW, Vic, SA, WA and ACT (see **Appendix B** and **C** for discussion on other jurisdictions).<sup>45</sup>

The QBI notes its philosophical opposition to boxing, mixed martial arts and similar high risk combat sports which allows deliberate force to the head which causes damage to the brain, even where there is no loss of consciousness. The QBI places particular focus on the protection of children under 18 years of age. Children and adolescents have a lower threshold for concussion and take longer to recover, which compromises their participation in schooling. Legislation should include strict guidelines emphasising age-appropriate prevention, assessment and management. Longer rest-periods between exposure to repeated concussion should be mandatory for under 18s. It recommends parental permission in writing be obtained following mandatory education of the risks associated with the child's participation.

The QBI recommends a similar approach as legislation in Washington, USA, in which requires parents to sign, annually, concussion and head injury information documents, the immediate removal of the participant from a contest or training after any suspected concussion, and written medical clearance from a registered health provider before return to training or contests.<sup>46</sup>

Accordingly, the QBI recommends that professional participation should be limited to over 18s with modified rules for amateur and under 18 participants. All participants for mixed martial arts should be over 18 due to the risks posed, even in a modified form.<sup>47</sup>

The QBI supports legislation akin to that in New South Wales which requires:<sup>48</sup>

- medical practitioner attendance at all contests with the authority to stop contests,
- registration of all contestants by one body, with each to hold a single medical record book to be taken to each contest,
- pre-registration and yearly medical fitness examinations,
- pre- and post- contest examinations including concussion assessment with medical practitioners,
- imposition of medical suspensions from training or competition, and
- exclusion periods after knockouts (as in NSW and WA), but also after concussion without loss of consciousness, are important additional clauses to allow brain recovery.

It also recommends that any Commission established should include, as a member, a neurologist, neurosurgeon or medical practitioner with specific knowledge of concussion.<sup>49</sup>

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<sup>44</sup> Ultimate Fighting Championship (Australia and New Zealand), Submission No. 3

<sup>45</sup> Queensland Brain Institute at the University of Queensland, Submission No. 5

<sup>46</sup> Queensland Brain Institute at the University of Queensland, Submission No. 5, referring 2009 legislation of *Youth sports -Concussion and head injury guidelines (Zachary Lystedt Law)*, see: <http://apps.leg.wa.gov/rcw.default.aspx?cite=28A.600.190>

<sup>47</sup> Queensland Brain Institute at the University of Queensland, Submission No. 5

<sup>48</sup> Queensland Brain Institute at the University of Queensland, Submission No. 5

<sup>49</sup> Queensland Brain Institute at the University of Queensland, Submission No. 5

## 5. A legislated commission to regulate combat sports in Queensland

Having considered the available information on how other jurisdictions regulate combat sports, and the views of submitters, I am of the view that an independent sports commission should be established, based on the New South Wales model which appears to be the most comprehensive.

### 5.1 Establishment of a Queensland Combat Sports Commission

Legislation should be enacted to establish a Queensland Combat Sports Commission which should be responsible for the licensing and registration of combat sports contestants and participants. Participants should include people who promote, act as a matchmaker or otherwise participate in the training, coaching, or officiating (e.g. referees, judges, timekeepers).

The legislation should require that only those people who are fit and proper – to be clearly defined in legislation and consistently applied – should be able to be registered and licenced to participate.

The legislation should provide some acknowledgement of combat sports participants that are registered or licensed in other jurisdictions. This will allow participants from other jurisdictions to participate in Queensland's regulated combat sports industry easily.

There is also merit in pursuing a nationally consistent approach to regulation of combat sports in Australian jurisdictions. The department advised that there have been discussions at an officer level, but the issue had, at that time, not been considered at a national ministerial level.<sup>50</sup>

#### **Contestants**

The legislation should provide for both professional and amateur combat sports and should specify age requirements for professional contestants and amateur participants for different combat sports based on risks involved. New South Wales and Western Australia regulate both professional and amateur combat sports.

#### **Medical matters**

While I note that responsible bodies already have rules and regulations around these matters, it is clear that there is no requirement for those regulations to adhere to any particular guidance set down by the medical industry. There is also no guarantee of consistency or the application of best practice standards. Different groups and organisations within the same discipline may impose different requirements.

There is also no monitoring or guarantees to contestants and other participants, that the rules or regulations under which their particular sport or organisation operates are best practice, or current standards.

Legislation to enact a Queensland Combat Sports Commission should be drafted to increase the safety of contestants and participants. Therefore the legislation enacting the Commission should also include minimal requirements relating to medical examinations, blood tests and fitness tests for contestants.

This should include a requirement for:

- pre-registration medical examinations,
- regular on-going medical examinations,
- regular blood screening,
- pre and post-contest medical examinations,
- medical practitioners and referees etc. to be able to stop a contest where it is in the interests of the contestant to do so,
- mandatory medical record keeping,
- mandatory reporting of specified and serious injuries, concussions and knock-outs,

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<sup>50</sup> Department of National Parks, Sport and Racing, public briefing transcript, 31 August 2016, p. 4

- mandatory rest periods and medical suspensions based on injuries sustained, and
- medical suspensions where necessary.

There may also be merit in providing for data sharing with other jurisdictions and allowing the commission to share data with approved researchers to assist medical research around concussion and head trauma etc.

### ***Integrity***

The New South Wales and Victorian legislation prohibits people involved in combat sports from placing bets on contests in which they are involved.

The legislation should also include a prohibition on people participating in the contests from betting, or causing bets to be placed on, the outcome of the contests. This will ensure that unscrupulous people cannot manipulate the contests to their own gain.

Legislation in most jurisdictions requires registered or licenced participants to be fit and proper to hold the relevant licence or registration. In some jurisdictions, this includes referring an application for a licence or registration to the relevant state police commissioner to inform the Commission of the police commissioner's view on the application. In New South Wales and Victoria, the legislation prohibits persons who are subject to criminal control orders.

In Queensland, control orders are included in the *Penalties and Sentences Act 1992*.

The legislation to establish the Queensland Combat Sports Commission should also provide an avenue for the Queensland Police Commissioner to provide input on the applicants for registration or licensing, and should exclude certain people, such as those subject to a control order.

## **5.2 What sports should be regulated?**

It is important to determine which sports should be included in any regulatory regime. As is clear from the information above, there appears to be no standard definition for what constitutes a combat sport. The terms of reference refer to high-risk professional and amateur combat sports. The department advised it considers that the terms of reference restricts the inquiry to high risk combat sports which could exclude low risk combat sports e.g. mat-based martial arts such as judo, jujitsu, karate and taekwondo.<sup>51</sup>

The AMA defines combat sports as:

*Combat sport includes any sport, martial art or activity in which the primary objective of participants is to strike, kick, hit, grapple with, throw or punch one or more participants.*

*Victory is obtained by inflicting on the opponent such a measure of physical injury that the opponent is unable to continue, or which at least can be seen to be significantly greater than is received in return.<sup>52</sup>*

The issue in relation to the definition of combat sports is somewhat clouded. Whilst the department considers that the inquiry should be restricted to high risk combat sports, participants are still injured in low risk combat sports.

It may be that regulation should be restricted to high risk combat sports, but further consultation and guidance is required from the industry and the department.

<sup>51</sup> Department of National Parks, Sport and Racing, written briefing, 29 August 2016, p 1.

<sup>52</sup> Australian Medical Association, *Position statement Combat Sports 2015*, Submission No. 2

### 5.3 Costs and benefits of regulation

The terms of reference required the committee to consider the potential costs and benefits of the options to improve health and safety outcomes for combat sports contestants, including the cost/benefit of frameworks in other jurisdictions.

In terms of the monetary costs of the regulation in other jurisdictions, the department provided some jurisdictional information to assist the committee. The department reviewed relevant annual reports and provided a written response to the committee. The department advised that there is no costs/expenses information available in the annual reports they reviewed for Tasmania and South Australia.

With respect to the costs for the stand-alone bodies the department advised:

**Western Australia** – For the 2013/14 financial year, the Combat Sports Commission reported total operating costs (including Chairman and Commissioner fees, allowances and entitlements) of \$537,538. Thirty-five promotions were permitted under its regulatory system with the cost of issuing a permit for a single contest identified as \$15,358.<sup>53</sup>

**New South Wales** – For the 2014/15 financial year the Combat Sports Authority reported total expenses as \$650,000. In the period 1 January 2015 to 30 July 2015, 68 permitted contests were held in NSW.<sup>54</sup>

**Victoria** – for the 2011/12 financial year, the Victorian Professional Boxing and Combat Sports Board reported total expenditure of \$290,000.<sup>55</sup>

I note that there is also a cost imposed on participants, in terms of fees for applications, registrations or licence fees. Costs associated with permits to hold contests will likely be passed on to spectators, in the admission fees. Costs will also relate to the mandatory fitness and medical examinations and serological testing, and associated certification, required to participate as a contestant.

Self-regulation is simply insufficient given the increased popularity and participation in combat sports. While there will be a cost to the government in establishing a commission and a cost in terms of fees etc. for participants of the contests, the benefits outweigh any initial inconvenience that uniform, standardised regulation of these sports may cause.

Regulation of combat sports will provide benefits to contestants in terms of safer outcomes and clear, best practice rules and guidelines for contests and training.

Requirements for contestants to undergo medical examinations prior to, and following contests will ensure that issues relating to concussion and other injuries are monitored and addressed.

#### Recommendation

I recommend that specific legislation be enacted to regulate combat sports in Queensland. The objects of the legislation should be to provide for the health and safety of combat sports contestants and participants and to promote and maintain the integrity of combat sports.

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<sup>53</sup> Combat Sports Commission, Western Australia (2014) *Combat Sports Commission Annual Report: For the safety and organisation of combat sports 13/14*, p 25, available at [http://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/3912050ac6fb4bb9abe176fb48257d5c00400838/\\$file/2050.pdf](http://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/3912050ac6fb4bb9abe176fb48257d5c00400838/$file/2050.pdf)

<sup>54</sup> Combat Sports Authority, New South Wales Government (2015) *Combat Sports Authority: Annual Report 2014-15*, pp 1 and 8, available at [https://sportandrecreation.nsw.gov.au/sites/default/files/CSA\\_Annual\\_Report\\_2014-15.pdf](https://sportandrecreation.nsw.gov.au/sites/default/files/CSA_Annual_Report_2014-15.pdf)

<sup>55</sup> Victorian Competition and Efficiency Commission (2013) *The Victorian Regulatory System September 2013*, p 229, available at <http://www.vcec.vic.gov.au/Publications/Victorian-Regulatory-System/VRS-2013>

This legislation should be based on the New South Wales model and should establish a Queensland Combat Sports Commission responsible for the registration and licencing of combat sports participants.

The legislation should also provide clear requirements around:

- a) the definition of combat sports,
- b) eligibility for registration and licensing as participants, including referring applications to the Police Commissioner,
- c) promoting, holding and participation in contests,
- d) medical examinations, fitness testing and blood screening of contestants, and
- e) a prohibition on activities which could bring the sport into disrepute.

## Appendix A – List of submissions

<b>Submission no.</b>	<b>Submitter</b>
001	Australian Jujitsu Federation
002	Australian Medical Association
003	Ultimate Fighting Championship
004	Royal Australasian College Of Surgeons
005	Queensland Brain Institute
006	Stephen Gapsa
007	ISKA Australia
008	International Mixed Martial Arts Federation

## Appendix B – Regulation by statutory bodies

### Legislation

#### *New South Wales*

The *Combat Sports Act 2013* (NSW) and the *Combat Sports Regulation 2014* (NSW) regulate combat sports in New South Wales. The *Combat Sports Act 2013* creates the Combat Sports Authority of New South Wales, which is responsible for the regulation of all combat sports contests conducted in New South Wales.<sup>56</sup>

The objects of the *Combat Sports Act 2013* are to:

- to promote the health and safety of combat sports contestants
- to promote the integrity of combat sports contests
- to regulate combat sports contests on a harm minimisation basis.<sup>57</sup>

#### *Victoria*

The *Professional Boxing and Combat Sports Act 1985* (Vic) (the Vic Act) and the *Professional Boxing and Combat Sports Regulations 2008* (Vic) regulate professional boxing and combat sports in Victoria. The objects of the Act are to Control professional boxing and professional combat sports, reduce the risk of malpractice, promote safety and uphold industry integrity.<sup>58</sup> The Vic Act also establishes the Professional Boxing and Combat Sports Board.<sup>59</sup>

#### *Western Australia*

The *Combat Sports Act 1987* (WA) and the *Combat Sports Regulations 2004* (WA) regulate combat sports in Western Australia. While the Act does not include a provision explicitly defining its purpose. The content of the Act implies its purpose relates to the health and safety of contestants and industry integrity.<sup>60</sup> The *Combat Sports Act 1987* (WA) establishes the Combat Sports Commission.<sup>61</sup>

### Definition of combat sports

#### *New South Wales*

The definition of combat sports under the *Combat Sports Act 2013* (NSW) is:

*combat sport means 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.*<sup>62</sup>

The NSW Combat Sports Regulation specifically excludes from the definition of combat sports Aikido, Brazilian jiu jitsu, Fencing, Hapkido, Jousting, Judo, ju jitsu, karate, kendo, koshiki karetedo, paintball, sumo, taekwando, and wrestling.<sup>63</sup>

<sup>56</sup> *Combat Sports Act 2013* (NSW), Part 6

<sup>57</sup> *Combat Sports Act 2013* (NSW), s 3

<sup>58</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 4

<sup>59</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 14

<sup>60</sup> i.e. the long title of the Act is 'An Act to control combat sports and for other and incidental purposes'

<sup>61</sup> *Combat Sports Act 1987* (WA), s 4

<sup>62</sup> *Combat Sports Act 2013* (NSW), s 4(1)

<sup>63</sup> *Combat Sports Regulation 2014* (NSW), ss 4, 5, Schedule 1

Additionally, certain sports, martial arts or activities are prescribed as not being included within the definition:<sup>64</sup>

- sports, martial arts or activities that involve only light contact and no scores are kept; that involve only light contact or grappling activity conducted solely for the purpose of determining the proficiency of a person engaged in the sport, martial art or activity;
- for which the rules specify that a person engaged in the sports, martial arts or activities is penalised if the person strikes, kicks, hits, grapples with, throws or punches in a manner that does not involve light contact with the other person;
- for which the rules of which do not allow any contact to be made to the head of a person engaged in the sports, martial arts or activities and require that all strike zones on the body of a person are fully protected by use of protective material;
- that involve only limited physical contact between persons engaged in the sports, martial arts or activities and that are conducted only to demonstrate the moves of strikes, kicks, hits, grapples, throws or punches in a predominantly artistic context either with or without a weapon such as wrestling conducted solely for theatrical or humorous entertainment.

### **Victoria**

Combat sports are defined under the Vic Act as:

- a) kickboxing; or
- b) any sport or activity (other than boxing) in which each contestant in a contest or exhibition of that sport or activity is required to strike, kick, hit, grapple with, throw or punch the other contestant, and that is determined by the Minister to be a combat sport for the purposes of the Act.<sup>65</sup>

Boxing is defined as 'fist fighting'.<sup>66</sup>

### **Western Australia**

The WA Act covers both amateur and professional contests, contestants and industry participants.

The WA Act defines combat sports as including:

- a) boxing; or
- b) any other martial art, sport or activity that involves 2 or more participants whose primary objective is to do any or any combination of the following —
  - i. grapple with, punch, kick or throw each other; or
  - ii. strike or hit each other, whether or not with a weaponunless it is prescribed not to be a combat sport for the purposes of this Act.<sup>67</sup>

The Act defines boxing as fist fighting or sparring.<sup>68</sup>

The Regulations exclude fencing, paintball and wrestling for theatrical or humorous purposes.<sup>69</sup>

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<sup>64</sup> *Combat Sports Regulation 2014* (NSW), s 5

<sup>65</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 5

<sup>66</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 5

<sup>67</sup> *Combat Sports Act 1987* (WA), s 3

<sup>68</sup> *Combat Sports Act 1987* (WA), s 3

<sup>69</sup> *Combat Sports Regulation 2004* (WA), r 4



## Combat Sports Authorities and Commissions

### ***New South Wales***

Part 6 of the *Combat Sports Act 2013* (NSW) establishes the Combat Sports Authority of New South Wales (the NSW Authority).<sup>70</sup>

The NSW Authority consists of a nominee of the Commissioner of Police approved by the Minister and between 4 and 6 people appointed by the Minister. Of the members appointed by the Minister, one must be the Chairperson, one must be a medical practitioner and one must be or have been a judge of a court in Australia or an Australian lawyer for at least 7 years.<sup>71</sup>

The functions of the NSW Authority are to supervise and regulate professional and amateur combat sports in New South Wales, to advise the Minister on matters related to combat sports and the Act, and to promote awareness of issues relating to combat sports.<sup>72</sup>

### ***Victoria***

Section 14 of the Vic Act establishes the Professional Boxing and Combat Sports Board (the Board).

The Board must have at least five and not more than seven members appointed by the Minister. The members are a chairperson, a police officer and up to five people who, in the Minister's opinion have a good knowledge of boxing or one or more combat sports.<sup>73</sup>

The functions of the Board are to advise the Minister on all matters relating to professional contests to supervise the conduct of weigh-ins and promotions. It also has other functions set out in the Act discussed below. The Board can engage people with special experience to assist it perform its functions and must comply with any directions given by the Minister regarding carrying out its functions under the Act.<sup>74</sup>

### ***Western Australia***

Section 4 of the WA Act established the Combat Sports Commission (it combined the former Professional Combat Sports Commission and the Western Australian Boxing Commission).<sup>75</sup> The Act provides guidance on the operation of the Commission, e.g. its meetings and vacancies in the offices etc.<sup>76</sup>

The Western Australian Combat Sports Commission consists of 9 members. One member must be the chief executive of the department or his/her delegate. Eight members are appointed by the Minister and include:<sup>77</sup>

- a chairman,
- a police officer,
- a medical practitioner,
- a person with knowledge of the boxing industry,

<sup>70</sup> *Combat Sports Act 2013* (NSW), s 79

<sup>71</sup> *Combat Sports Act 2013* (NSW), s 80

<sup>72</sup> *Combat Sports Act 2013* (NSW), s 81

<sup>73</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 14

<sup>74</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 14A

<sup>75</sup> *Combat Sports Act 1987* (WA), s 4

<sup>76</sup> *Combat Sports Act 1987* (WA). See for example s 4 – 8 re membership etc. and 11 – 13 re staffing and funding of the Commission.

<sup>77</sup> *Combat Sports Act 1987* (WA), s 4

- a person with knowledge of combat sports other than boxing,
- a person to represent boxing contestants,
- a person to represent contestants from other combat sports, and
- a person who has knowledge of the mixed martial arts industry.

The Commission is subject to the control of the Minister.<sup>78</sup> Its functions are to:

- a) carry out the functions conferred on the Commission under this or any other Act,
- b) formulate or recommend standards, specifications, codes of conduct or other forms of guidance for the purpose of maintaining proper standards in combat sports,
- c) advise the Minister on combat sports and any matter that is connected with or incidental to combat sports, and
- d) devise and approve standards or guidelines for the preparation or training of persons participating in or proposing to participate in contests.<sup>79</sup>

Additionally, the Commission may adopt standards, specifications, codes of conduct or guidelines connected with or incidental to a combat sport.<sup>80</sup>

### **Combatants / contestants**

#### ***New South Wales***

A combatant is a person who engages or proposes to engage as a contestant in a combat sports contest.<sup>81</sup> To engage in a combat sports contest, a person must be registered as a combatant of the registration class applicable to that contest.<sup>82</sup> Registration lasts for up to three years, unless the authority determines the registration should be extended.<sup>83</sup> The Authority determines the registration of combatants for both amateur and professional combat sports contests for different styles of combat sports.<sup>84</sup> The authority may impose conditions on the registration of combatants for any reason it thinks fit, including health and safety of the combatant.<sup>85</sup> The following are conditions that the Authority must impose on the registration of a combatant. The combatant must:<sup>86</sup>

- a) undergo an annual medical check, no later than the anniversary of the combatant's registration,
- b) provide the Authority with an updated certificate of fitness, provided by a medical practitioner in the approved form, no later than 1 month after each annual check,
- c) complete any drug education program required by the Authority,
- d) submit to any drug testing regime required by the Authority,
- e) ensure that the combatant's medical record book is updated by a medical practitioner in attendance following every contest in which the combatant is engaged, including any contest held interstate or overseas,

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<sup>78</sup> *Combat Sports Act 1987 (WA)*, s 9

<sup>79</sup> *Combat Sports Act 1987 (WA)*, s 10

<sup>80</sup> *Combat Sports Act 1987 (WA)*, s 10

<sup>81</sup> *Combat Sports Act 2013 (NSW)*, s 4(1)

<sup>82</sup> *Combat Sports Act 2013 (NSW)*, s 9. Section 11 of the Act sets out the application process.

<sup>83</sup> *Combat Sports Act 2013 (NSW)*, s 15

<sup>84</sup> *Combat Sports Act 2013 (NSW)*, s 10

<sup>85</sup> *Combat Sports Act 2013 (NSW)*, s 14

<sup>86</sup> *Combat Sports Regulation 2014*, s 7

- f) complete any sport integrity program required by the Authority,
- g) not place a bet on any combat sports contest in which the combatant is engaged,
- h) not cause any bet to be placed on the combatant's behalf on any combat sports contest in which the combatant is engaged, and
- i) abide by the Combatants Code of Conduct.

Certain people are excluded from registration as a combatant i.e. controlled members of a declared organisation.<sup>87</sup> A combatant must be 18 years or over to be registered as a professional combatant.<sup>88</sup>

A person who has registered as a professional combatant cannot then be registered as an amateur combatant unless the authority is satisfied that the person has not competed in a contest for that style and class of combat sports for prize money or other reward.<sup>89</sup>

The Authority must keep a register of combatants containing prescribed information including personal contact details, registration details (class, conditions, suspensions, cancellations etc.) and details of each serological clearance.<sup>90</sup>

### **Victoria**

The Vic Act defines professional contestants as a boxer who boxes in any professional boxing contest; or (b) a person who competes in a professional combat sport contest.<sup>91</sup> Section 10 of the Vic Act provides that a person must not compete in a professional contest unless the person is registered as a professional contestant. Penalties apply for non-compliance.

Section 10(2) allows contestants registered in another state or territory to compete without being registered in Victoria, unless the Board advises, in a written notice, that that section does not apply to the person.

A person can apply to the Board for registration, or renewal of a registration, as a professional contestant. The application must be in the approved form with the required fee and must be accompanied by a certificate of fitness for participation in professional contests which must be signed by a medical practitioner within 14 days of the application. The Board must register, or renew the registration, of an applicant where they have complied with the requirements set out in the Act. The Board can impose conditions and may vary those conditions on a registration. Registrations last for three years and may be renewed.<sup>92</sup>

The Board must cancel or suspend a person's registration as a professional contestant if it is notified that a person is unfit to engage in professional contests, or where the Board considers that, considering the person's level of professional skills, it is not in the interests of their health and safety to engage in professional contests. The person can re-register when they satisfy the Board that they are either fit to compete, or that they have the level of professional skills to engage in professional contests.<sup>93</sup>

In determining the person's professional skills the Board must consider any factors the Board considers relevant and must consider the person's defensive and evasive skills, mobility and ring generalship, strategic and tactical awareness, endurance and stamina.<sup>94</sup>

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<sup>87</sup> *Combat Sports Act 2013 (NSW)*, s 13(2b). See also *Crimes (Criminal Organisations Control) Act 2012 (NSW)*, s 27(6) (II)

<sup>88</sup> *Combat Sports Act 2013 (NSW)*, s 12

<sup>89</sup> *Combat Sports Act 2013 (NSW)*, s 16

<sup>90</sup> *Combat Sports Act 2013 (NSW)*, s 17

<sup>91</sup> *Professional Boxing and Combat Sports Act 1985 (Vic)*, s 5

<sup>92</sup> *Professional Boxing and Combat Sports Act 1985 (Vic)*, s 10A

<sup>93</sup> *Professional Boxing and Combat Sports Act 1985 (Vic)*, s 10B

<sup>94</sup> *Professional Boxing and Combat Sports Act 1985 (Vic)*, s 10B

The Board may cancel or suspend the registration of a contestant where the person is convicted of an offence under the Act (or the laws of another state or territory that correspond with the provisions of the Vic Act), such as not presenting for a medical examination prior to a contest under s 12, or contravenes any conditions imposed on their registration.<sup>95</sup>

### **Western Australia**

A contestant is a person who participates in a contest whether for reward or not.<sup>96</sup>

The WA Regulation prescribes classes (by weight divisions) of contestants that must be registered - boxing, kickboxing, Muay Thai, Brazilian Jujitsu, full contact karate, and mixed martial arts.<sup>97</sup>

The Commission must register applicants (or renew registrations) where it is satisfied that the applicant is a fit and proper person, is of the prescribed age for the class of registration sought,<sup>98</sup> is medically and physically fit for registration in that class and understands the duties imposed on registration (i.e. under the Act) and there are no health and safety reasons (with respect to the applicant or other contestants) not to do so.<sup>99</sup> The Commission can impose conditions on the registration of contestants.<sup>100</sup>

Where a person meets all requirements other than the age requirement, the Commission may recommend to the Minister that the applicant be registered. The Minister may direct and authorise the Commission to register the applicant, on such terms as the Minister determines.<sup>101</sup>

Registration lasts for three years unless it is suspended or revoked by the Commission.<sup>102</sup> The Commission issues a certificate of registration to contestants which notes any conditions or restrictions on the registration.<sup>103</sup>

The Commission must keep a register of each class of contestant which includes:

- the names and contact details of the registered contestants,
- the class of the contestant,
- details of the contests the contestant has participated in
  - the number of years they participated
  - the win/loss records
  - details of any injuries sustained during that participation,
- details of previous registration or licensing as a contestant in a combat sport, including where they were registered/licensed, the particular combat sport and the class,
- details of convictions in (Western Australia, other States and Territories or other countries) for criminal offences or other disciplinary measures under a corresponding law,
- a recent photograph of the contestant,

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<sup>95</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 10B

<sup>96</sup> *Combat Sports Act 1987* (WA), s 3

<sup>97</sup> *Combat Sports Act 1987* (WA), s 14 and *Combat Sports Regulations 2004* (WA), Schedule 2

<sup>98</sup> See *Combat Sports Regulations 2004* (WA), r 8B

<sup>99</sup> *Combat Sports Act 1987* (WA), s 17 and 21

<sup>100</sup> *Combat Sports Act 1987* (WA), s 17(3)

<sup>101</sup> *Combat Sports Act 1987* (WA), s 17(2)

<sup>102</sup> *Combat Sports Act 1987* (WA), ss 19, 23 to 25A

<sup>103</sup> *Combat Sports Act 1987* (WA), s 18

- identifying details from the person's driving licence, or other approved identification document,
- details of medical information required under the Act, and
- next of kin and emergency contact details.<sup>104</sup>

Each contestant has a contestant record book which includes information about the contestant, including their name, address and registration details e.g. class, conditions etc.<sup>105</sup>

## Medical requirements

### *New South Wales*

The promoter must ensure that a medical practitioner is present during and after the contest.<sup>106</sup> The promoter must notify the Authority in writing of any hospitalisations or deaths of combat sports combatants which occurred within 48 hours of a contest.<sup>107</sup>

#### Serological clearances

Serological clearances are certificates that certify the person is not capable of transmitting medical conditions or diseases specified in the regulation.<sup>108</sup> Current serological clearances are required for combatants to engage in contests; penalties apply for promoters and combatants who do not comply.<sup>109</sup> For under 18's the clearance must have been provided within 12 months of a contest and for over 18's within 6 months of the contest.<sup>110</sup>

The Authority must ensure that each combatant is issued with a medical record book on their first registration as a combatant.<sup>111</sup> The combatant must present this record book to a medical practitioner (for a certificate of fitness / unfitness or a serological clearance) or at the request of the Authority, a combat sports inspector, or a representative of an approved body at an amateur combat sports contest.<sup>112</sup> Penalties apply for mistreating or making unauthorized entries or alterations in a combatant's medical record book.<sup>113</sup>

#### Fitness

A combatant must not, and a promoter must not permit a combatant to, engage in a contest if a medical practitioner certifies (and notifies the combatant) that they are not medically fit to participate.<sup>114</sup> The Authority provides details on the purpose of the examination and what a medical practitioner should look for during the examination.<sup>115</sup>

Certain exceptions apply. Penalties apply for non-compliance.<sup>116</sup>

<sup>104</sup> *Combat Sports Act 1987 (WA)*, s 15 and *Combat Sports Regulations 2004 (WA)*, r 6

<sup>105</sup> *Combat Sports Act 1987 (WA)*, ss 35 – 42

<sup>106</sup> *Combat Sports Act 2013 (NSW)*, s 53

<sup>107</sup> *Combat Sports Act 2013 (NSW)*, s 54

<sup>108</sup> *Combat Sports Act 2013 (NSW)*, s 7

<sup>109</sup> *Combat Sports Act 2013 (NSW)*, s 49, s 57

<sup>110</sup> *Combat Sports Act 2013 (NSW)*, s 7

<sup>111</sup> *Combat Sports Act 2013 (NSW)*, s 19 and *Combat Sports Regulation 2014 (NSW)*, r 10

<sup>112</sup> *Combat Sports Regulation 2014*, s 13

<sup>113</sup> *Combat Sports Regulation 2014*, s 14

<sup>114</sup> *Combat Sports Act 2013 (NSW)*, s 50

<sup>115</sup> Combat Sports Authority of NSW, Certificate of Fitness, available at:

[https://sportandrecreation.nsw.gov.au/sites/default/files/CSA\\_Form\\_Certificate\\_of\\_Fitness\\_for\\_Combat\\_Sports.pdf](https://sportandrecreation.nsw.gov.au/sites/default/files/CSA_Form_Certificate_of_Fitness_for_Combat_Sports.pdf)

<sup>116</sup> *Combat Sports Act 2013 (NSW)*, s 50

### Medical examinations

Before a contest commences, the medical practitioner must check that medical equipment is at ringside (including the stretcher), identify and set up the medical area to handle any trauma resulting from a contest and discuss with the referees and combat sports inspectors how communication will take place during a bout and how each will fulfil their responsibilities. This should include establishing a chain of command.<sup>117</sup>

### **Pre-contest medical examination**

The medical practitioner must examine all combatants to determine whether they are fit to fight and, for each combatant, fill in an approved form and their medical record books advising of their opinion as to whether the combatant is fit to fight or not.<sup>118</sup>

The medical practitioner may declare a contestant to be unfit where in their opinion the combatant has a condition that would render him/her more likely than usual to suffer injury in the normal course of any contest, or be less able to adequately defend themselves e.g. signs of use of a prohibited substance or alcohol, a recent fracture or cut, an acute illness, a skin disease or any other condition that in the opinion of the medical practitioner would be detrimental to the combatant or their opponent or the contest in general.<sup>119</sup>

### **During the contest**

The medical practitioner must be present during and after the contest and remain at the ringside for the contest to begin and continue. The medical practitioner must observe the combatants during the contest and render medical assistance if required. The medical practitioner must direct the referee to stop the contest (if the referee has not already done so) if, in their opinion the combatant is exhausted or injured to such an extent they are unable to defend themselves or continue the contest.<sup>120</sup>

A fight should be stopped where the combatant's health is at risk e.g. too many hard hits to the head, loss of balance, unable to defend themselves, or exhaustion or where in the opinion of the medical practitioner a cut to the eyes is significant e.g. which reduces vision.<sup>121</sup>

### **Post contest medical examination**

The medical practitioner must complete an examination of each combatant to determine whether any medical suspension is to be imposed on the combatant. Any suspension must be noted on the post

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<sup>117</sup> Combat Sports Authority of NSW, *The Role of the Medical Practitioner in Combat Sport in NSW*, available at:

[https://sportandrecreation.nsw.gov.au/sites/default/files/CSA\\_factsheet\\_Role\\_of\\_Medical\\_Practitioner.pdf](https://sportandrecreation.nsw.gov.au/sites/default/files/CSA_factsheet_Role_of_Medical_Practitioner.pdf)

<sup>118</sup> *Combat Sports Act 2013* (NSW), s 57

<sup>119</sup> Combat Sports Authority of NSW, *The Role of the Medical Practitioner in Combat Sport in NSW*, available at:

[https://sportandrecreation.nsw.gov.au/sites/default/files/CSA\\_factsheet\\_Role\\_of\\_Medical\\_Practitioner.pdf](https://sportandrecreation.nsw.gov.au/sites/default/files/CSA_factsheet_Role_of_Medical_Practitioner.pdf)

<sup>120</sup> Combat Sports Authority of NSW, *The Role of the Medical Practitioner in Combat Sport in NSW*, available at:

[https://sportandrecreation.nsw.gov.au/sites/default/files/CSA\\_factsheet\\_Role\\_of\\_Medical\\_Practitioner.pdf](https://sportandrecreation.nsw.gov.au/sites/default/files/CSA_factsheet_Role_of_Medical_Practitioner.pdf)

<sup>121</sup> Combat Sports Authority of NSW, *The Role of the Medical Practitioner in Combat Sport in NSW*, available at:

[https://sportandrecreation.nsw.gov.au/sites/default/files/CSA\\_factsheet\\_Role\\_of\\_Medical\\_Practitioner.pdf](https://sportandrecreation.nsw.gov.au/sites/default/files/CSA_factsheet_Role_of_Medical_Practitioner.pdf)

contest medical examination form and in the combatant's medical record book.<sup>122</sup> Minimum suspensions apply for combatants who have sustained a head injury or been knocked out.<sup>123</sup>

## **Victoria**

### Medical examinations and fitness tests.

Section 12 sets out the compulsory medical examinations and fitness tests. Contestants must submit to a fitness test every 12 months,<sup>124</sup> and must present themselves for a medical examination within 24 hours before and 24 hours after a contest and at any other time before a contest, or for a medical examination or fitness test as directed by the Board. They must also comply with the regulations regarding medical examinations and fitness tests.<sup>125</sup>

The tests are conducted by a medical practitioner who must record the results in a form attached to the regulation. Penalties apply for non-compliance.<sup>126</sup>

If the medical practitioner finds the contestant unfit to compete in a particular contest, or contests generally, they must declare the contestant unfit and notify the contestant and the Board, and the promoter for a particular contest. They must also provide a report to the Board about the medical examination or fitness test.<sup>127</sup>

A contestant who is declared unfit cannot compete in a professional contest until they are declared fit to do so.<sup>128</sup> The requirements regarding fitness and medical examinations apply to a person who is not required to be registered because they are registered in another state or territory.<sup>129</sup>

### **Medical records**

Each contestant has a contestant registration record. Medical practitioners must record details of the contestant's contests in the record including:<sup>130</sup>

- the result for the professional contest (win, lose, draw),
- whether a result was achieved by knockout, technical knockout, scoring a majority of points, or whether the referee stopped the contest,
- date and location of the contest,
- the contestant's weight,
- name of opponent,
- number of rounds fought,
- particulars of concussion or other injuries suffered by the contestant,
- whether the contestant is declared unfit, and

<sup>122</sup> Combat Sports Authority of NSW, *The Role of the Medical Practitioner in Combat Sport in NSW*, available at: [https://sportandrecreation.nsw.gov.au/sites/default/files/CSA\\_factsheet\\_Role\\_of\\_Medical\\_Practitioner.pdf](https://sportandrecreation.nsw.gov.au/sites/default/files/CSA_factsheet_Role_of_Medical_Practitioner.pdf)

<sup>123</sup> Combat Sports Authority of NSW, *The Role of the Medical Practitioner in Combat Sport in NSW*, available at: [https://sportandrecreation.nsw.gov.au/sites/default/files/CSA\\_factsheet\\_Role\\_of\\_Medical\\_Practitioner.pdf](https://sportandrecreation.nsw.gov.au/sites/default/files/CSA_factsheet_Role_of_Medical_Practitioner.pdf)

<sup>124</sup> Professional Boxing and Combat Sports Regulations 2008 (Vic), s 13

<sup>125</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 12

<sup>126</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 12(2), and Professional Boxing and Combat Sports Regulations 2008 (Vic), Part 10, form 6

<sup>127</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 12(3)

<sup>128</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 12(4)

<sup>129</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 12(5)

<sup>130</sup> Professional Boxing and Combat Sports Regulations 2008 (Vic), s 12

- the name of the medical practitioner.

Where a contestant is knocked out, judged to be unable to continue or receives heavy punishment, the medical practitioner must make arrangements for the observation, transportation and medical treatment of the contestant.<sup>131</sup>

#### Blood tests

Contestants must undergo a blood test within six months of a professional contest in which they compete.<sup>132</sup> The Regulation defines a blood test for each relevant virus; the relevant viruses are HIV, Hepatitis B and Hepatitis's C.<sup>133</sup> The medical practitioner must consider the results of the type and results of the blood test. If the blood test shows the contestant has been exposed to a virus, whether it is infectious and the treatment received by the contestant.<sup>134</sup>

#### **Western Australia**

A person's application to be registered (or have their registration renewed) as a contestant must be accompanied by certain medical information.<sup>135</sup> This includes:

- a certificate of fitness to be registered as a contestant in the particular class, which must be issued within the 12 months before application is made,
- a serology report, prepared within 6 months before the date of the application (or within 7 days before the application if the person has been a contestant outside the Commonwealth), stating whether or not the applicant has HIV, Hepatitis B or Hepatitis C, and
- a detailed medical history of the person's injuries sustained in a contest.<sup>136</sup>

#### Pre-contest

The WA Act requires that contestants attend and submit to a weigh-in and a medical examination within 24 hours of the contest. The information is to be recorded in the contestant's record book.<sup>137</sup>

#### **Medical examinations**

The medical practitioner must inspect the person's contestant record book, carry out a medical examination of the person and record information including if the practitioner is of the opinion that the person should not participate in the contest due to their medical condition. This information must be provided to the Commission's appointee.<sup>138</sup> The medical practitioner must also record in the contestant's record book whether the contestant is fit to compete in the contest, and if not, the date before which the contestant should not take part in sparring or a contest.<sup>139</sup>

#### During the contest

A medical practitioner must be present at a contest.<sup>140</sup>

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<sup>131</sup> Professional Boxing and Combat Sports Regulations 2008 (Vic), s 12

<sup>132</sup> Professional Boxing and Combat Sports Regulations 2008 (Vic), s 14

<sup>133</sup> Professional Boxing and Combat Sports Regulations 2008 (Vic), s 4

<sup>134</sup> Professional Boxing and Combat Sports Regulations 2008 (Vic), s 14

<sup>135</sup> *Combat Sports Act 1987* (WA), ss 16 and 19

<sup>136</sup> *Combat Sports Act 1987* (WA), ss 16 and 19 *Combat Sports Regulations 2004* (WA), r 8A

<sup>137</sup> *Combat Sports Act 1987* (WA), s 48 and 49A

<sup>138</sup> *Combat Sports Act 1987* (WA), s 49A(2)

<sup>139</sup> *Combat Sports Regulations 2004* (WA), r 14

<sup>140</sup> *Combat Sports Act 1987* (WA), s 50(d)(i)



A medical practitioner who is present at the contest must inform the referee if they consider that a contestant should not participate or continue in a contest due to their medical condition. The referee must ensure the contestant does not participate or continue to participate upon such advice.<sup>141</sup>

Where a contestant is rendered unconscious during the contest, the medical practitioner must examine the person and carry out any necessary functions.<sup>142</sup>

#### Post contest

Contestants must be examined by a medical practitioner approved by the Commission, as soon as practicable, after the contest.<sup>143</sup> The regulations also impose rest periods (unless a medical practitioner determines a longer period is required) which require that a contestant who has been knocked out, must not participate in a contest for:

- 30 days for one knockout,
- 60 days for a second consecutive knock out, and
- 90 days for a third consecutive knock out.<sup>144</sup>

Additionally, where a contestant participates in a contest of six rounds or less, they must not participate in another contest for 7 days or any other time determined by a medical practitioner.<sup>145</sup>

Where a contest has been terminated because of a medical condition of the contestant (but not a knock out) the contestant must not participate in a contest for any time determined by the medical practitioner.<sup>146</sup>

Where a contestant suffers six consecutive losses, they must pass a medical examination in order to enter a contract to participate in a contest.<sup>147</sup>

### **Industry participants and promoters**

#### ***New South Wales***

Section 6 of the *Combat Sports Act 2013* (NSW) defines a range of industry participants (these definitions exclude promoters). These include matchmakers, managers, trainers, and individuals who assist combatants and trainers, who determine the points in the contests, who enforce rules in contests, and who regulate the contests e.g. number, length and intervals between, rounds.

The Act defines a promoter of a combat sports contest as the person who has control of the promotion of a combat sports contest.<sup>148</sup>

#### Registration

Industry participants and promoters must be registered.<sup>149</sup> People aged under 18 years cannot be registered as a manager, match-maker or promoter.<sup>150</sup> Penalties apply for carrying out activities as an industry participant or arranging a combat sports contest without registration.<sup>151</sup>

<sup>141</sup> *Combat Sports Act 1987* (WA), s 49(1) and (2)

<sup>142</sup> *Combat Sports Act 1987* (WA), s 50(3)

<sup>143</sup> *Combat Sports Act 1987* (WA), s 50(3)

<sup>144</sup> *Combat Sports Regulations 2004* (WA), r 15(1)(4) and r 16(2)

<sup>145</sup> *Combat Sports Regulations 2004* (WA), r 16

<sup>146</sup> *Combat Sports Regulations 2004* (WA), r 15(2) and *Combat Sports Act 1987* (WA), s 49

<sup>147</sup> *Combat Sports Regulations 2004* (WA), r 15(3)

<sup>148</sup> *Combat Sports Act 2013* (NSW), s 4(1)

<sup>149</sup> *Combat Sports Act 2013* (NSW), s 20

<sup>150</sup> *Combat Sports Act 2013* (NSW), s 24

<sup>151</sup> *Combat Sports Act 2013* (NSW), ss 20 and 21

The Authority may register applicants as industry participants or promoters where the person is a fit and proper person to be registered, is 18 years of age or over, the applicant has complied with any pre-registration condition imposed by the Authority.<sup>152</sup> Additionally, the regulation requires the applicant to satisfy further requirements including passing the relevant examination, providing proof of the relevant qualifications and skills experience endorsements and undertaking first-aid training where required by the Authority.<sup>153</sup>

Applications must be refused where the applicant is a controlled member of a declared organisation, or an adverse security determination regarding the applicant has been made by the Police Commissioner.<sup>154</sup> To assist it to determine whether the applicant (for an industry participant, match-maker, manager or promoter) is a fit and proper person, the Authority must refer an application for registration and any relevant accompanying information to the Commissioner of Police for an investigation and determination as to whether the applicant is a fit and proper person to be registered and whether it would be contrary to the public interest for the person to be registered.<sup>155</sup>

The Authority must impose the certain conditions on registered participants and promoters. Registered participants or promoters must complete any education programs required by the Authority. Participants must not bet on, or cause bets to be placed on, contests in which they are involved as match-makers, promoters, managers, trainers, judges, referees or timekeepers.

Match-makers and promoters must not bet on, or cause any bets to be placed on, any contest in which they are the match maker or promoter. Managers, trainers and seconds must not bet on contests where a combatant that they manage or train competes. They all must also comply with the Industry Participants and Promoters Code of Conduct published by the Authority and given to the registered participant or promoter by the Authority.<sup>156</sup>

The Authority can take disciplinary action against a combatant, and industry participant or promoter where:<sup>157</sup>

- it has reasonable grounds to believe that the registered person's conduct has brought combat sports into disrepute, upon complaints from combat sports inspectors or formal complaints about a person's behaviour or conduct at a combat sports contest,
- where the person has been convicted of offence/s related to drug use, trafficking or supply, or illegal betting activity or match fixing, or
- breaches in relation to medical suspensions, standard post-contest rest periods.

The Act sets out the disciplinary process including show cause notices, suspensions, disciplinary action (including cautions, suspension or cancellation of registration, reducing the period of registration or imposing conditions).<sup>158</sup>

### **Victoria**

Section 6 of the Vic Act provides that a person can apply to the Board for a licence as a promoter, trainer, match-maker, referee or judge. The Board may issue or renew a licence if it is satisfied that the

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<sup>152</sup> *Combat Sports Act 2013 (NSW)*, s 25

<sup>153</sup> *Combat Sports Regulation 2014*, s 18

<sup>154</sup> *Combat Sports Act 2013 (NSW)*, s 25. Also see s 33 which provides that the Authority must cancel the registration if that person is subject to a security determination or becomes a controlled member of a declared organisation under the *Crimes (Criminal Organisations Control) Act 2012 (NSW)*

<sup>155</sup> *Combat Sports Act 2013 (NSW)*, s 25

<sup>156</sup> *Combat Sports Act 2013 (NSW)*, s 27 and *Combat Sports Regulation 2014*, s 19

<sup>157</sup> *Combat Sports Act 2013 (NSW)*, s 30(2) and *Combat Sports Regulation 2014*, s 21

<sup>158</sup> *Combat Sports Act 2013 (NSW)*, ss 30 - 37

person is a fit and proper person to hold a licence, it is not contrary to the public interest to issue the licence and the person has met all the pre-requisites.<sup>159</sup>

The pre-requisites include:

- a sufficient knowledge of the Act, regulations and applicable rules, and any conditions of a licence,
- a current First Aid certificate (for trainers),
- sufficient industry experience as a trainer, contestant or promoter and a good relative knowledge of contestants and their skills (for a match-maker), and
- adequate eyesight (for referees, judges or timekeepers).<sup>160</sup>

A licence is for three years and may be renewed. Conditions may be attached to the licence and it may be revoked or suspended by the Board at any time.<sup>161</sup>

The Board must provide a copy of any application to the Chief Commissioner of Police. The Chief Commissioner must then provide a written response within 28 days to advise if:

- the applicant is a prohibited person and specify the circumstances of that,
- the Chief Commissioner is of the view that the applicant is not a fit and proper person to hold a licence and specify the reasons,
- the Chief Commissioner is of the view that it is not in the public interest to issue a licence to the applicant and specify the reasons,
- if the Chief Commissioner has not identified any information that the Board should consider, or
- if the Chief Commissioner will not provide any information about the applicant.<sup>162</sup>

The Board must not issue a licence (and must cancel any licence already issued)<sup>163</sup> if it is advised or becomes aware that a person is a 'prohibited person'.<sup>164</sup> A prohibited person is a person who:

- has been convicted of an indictable offence and sentenced to a 10 years, or more, term of imprisonment, or
- is subject to, or is a member of an organisation that is subject to, a control order under the *Criminal Organisations Control Act 2012* (Vic), or
- is subject to an exclusion order under the *Casino Control Act 1991* (Vic), or
- is subject to an exclusion order under the *Racing Act 1958* (Vic), or
- has been convicted of a corresponding offence or exclusion order in another state or territory.<sup>165</sup>

<sup>159</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 6(3), (4)

<sup>160</sup> *Professional Boxing and Combat Sports Regulations 2008* (Vic), s 7

<sup>161</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 9 and 9A

<sup>162</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 6A

<sup>163</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 9AA

<sup>164</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 6(5)

<sup>165</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 5

The Board must provide reasons for not issuing a licence, though should not release any protected information provided by the Chief Commissioner.<sup>166</sup> An applicant whose application was refused must wait at least 12 months to re-apply.<sup>167</sup>

If the Chief Commissioner advises that in their opinion, or the Board has reasonable grounds to believe that, the person is not a fit and proper person to hold a licence or it is not in the public interest for the person to continue to hold a licence, the Board may hold an inquiry to determine the continued suitability of the person.<sup>168</sup>

### **Western Australia**

Industry participants are defined as a person who, otherwise than as a contestant, is involved, in a capacity that is prescribed, in conducting or assisting to conduct a contest.<sup>169</sup> Promoters, matchmakers, managers, trainers, referees, judges, and timekeepers are prescribed as industry participants and must be registered in order to participate.<sup>170</sup> Penalties apply for involvement in the conduct of a contest without the relevant registration.<sup>171</sup>

The Commissions must register (or renew a registration of)<sup>172</sup> an applicant as an industry participant where it is satisfied that the applicant is a fit and proper person and understands the duties that this Act will impose on the applicant if the application is granted.<sup>173</sup> The Commission can impose conditions and restrictions on the registration as it sees fit.<sup>174</sup> The Commission can impose and vary conditions on the registration of contestants.<sup>175</sup> Industry participants registered under a corresponding law outside of WA, are taken to be registered as an industry participant under the WA Act.<sup>176</sup>

The Commission issues a certificate of registration to contestants which notes any conditions or restrictions on the registration.<sup>177</sup>

The Commission must keep a register of each class of contestant which includes:<sup>178</sup>

- the names and contact details of the registered contestants,
- the capacity in which that the person is registered as an industry participant, and
- certain particulars prescribed by the regulation.

The WA Commission must maintain a register of industry participants which includes the name and address of each registered person and the capacity in which they are registered. The regulations provide that the register must also include information required in the approved form, plus the following - for:

- judges:
  - details of the participant's experience, qualifications and any accreditation

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<sup>166</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 6A(4),(5) and 6C

<sup>167</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 9D

<sup>168</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 9AB

<sup>169</sup> *Combat Sports Act 1987* (WA), s 3

<sup>170</sup> *Combat Sports Act 1987* (WA), s 26 and *Combat Sports Regulations 2004* (WA), r 9

<sup>171</sup> *Combat Sports Act 1987* (WA), s 33

<sup>172</sup> *Combat Sports Act 1987* (WA), ss 31-32

<sup>173</sup> *Combat Sports Act 1987* (WA), s 28

<sup>174</sup> *Combat Sports Act 1987* (WA), s 28

<sup>175</sup> *Combat Sports Act 1987* (WA), ss 28(2) and 34A

<sup>176</sup> *Combat Sports Regulations 2004* (WA), r 10A

<sup>177</sup> *Combat Sports Act 1987* (WA), s 29

<sup>178</sup> *Combat Sports Act 1987* (WA), s 26 and *Combat Sports Regulations 2004* (WA), r 10

- managers, promoters, referees, timekeepers, and trainers:
  - copy of proof of the participant's identity such as a driver's licence or passport, and
  - details of the participant's experience, qualifications and any accreditation.

Registration lasts for three years unless it is cancelled or suspended by the Commission,<sup>179</sup> e.g. where the Commission is of the opinion that a registered industry participant is not a fit and proper person, has committed an offence against the Act, has not complied with any condition or restriction imposed on the person, or is of the opinion a registered industry participant has participated in a sham contest.<sup>180</sup>

## **Combat sports contests**

### ***New South Wales***

A combat sports contest, under the NSW Act, is a contest, display or exhibition of combat sports:

- a) to which the public are admitted on payment of a fee, or
- b) arranged or held on a for profit basis, or
- c) that is held on premises licensed under the Liquor Act 2007 or the Casino Control Act 1992, or
- d) where at least one of the combatants is competing for a monetary prize or other valuable reward, or
- e) that is prescribed by the regulations.<sup>181</sup>

### *Professional combat sports contests*

The NSW Combat Sports Act defines a professional combat sports contest as a combat sports 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 sports contests for the style of combat sports concerned, or
- c) where at least one of the combatants has previously been a combatant in a professional combat sports contest for the style of combat sports concerned.<sup>182</sup>

The NSW Act provides that a combat sports contest is not a professional combat sports contest merely because:

- a) a combatant has been previously registered to engage in professional combat sports contests for the style of combat sports concerned, if that registration of the combatant was cancelled under section 16 (2), or
- b) a combatant has previously been a combatant in a professional combat sports contest for the style of combat sports concerned at a time when the combat sports was not regulated by this Act or any preceding Act that regulated combat sports.<sup>183</sup>

### *Prohibition Orders*

Part 4 of the NSW Act provides for prohibition orders. A health and safety prohibition order prohibits a person from participating as a combatant in all combat sports contests and all sparring based on the

<sup>179</sup> *Combat Sports Act 1987 (WA)*, s 30

<sup>180</sup> *Combat Sports Act 1987 (WA)*, s 33A

<sup>181</sup> *Combat Sports Act 2013 (NSW)*, s 4(1)

<sup>182</sup> *Combat Sports Act 2013 (NSW)*, s 5(1)

<sup>183</sup> *Combat Sports Act 2013 (NSW)*, s 5(2)

Authority's opinion that it is in the interests of the health or safety of the person to do so.<sup>184</sup> A general prohibition order prohibits a person from undertaking activities listed in the Act (e.g. engaging in, holding, permitting the holding of, or attending specified premises with respect to, a combat sports contest).<sup>185</sup> The Act provides a process for the making of prohibition orders, including a show cause notice and reviews, both internal and external by the NSW Civil and Administrative Tribunal, and the effects of the orders.<sup>186</sup>

#### Amateur combat sports

The Act defines an amateur combat sports contest as a combat sports contest other than a professional combat sports contest.<sup>187</sup> The Minister may, on the approval of the Authority, approve body as an approved amateur body for a specified style/s of combat sports.<sup>188</sup>

#### **Victoria**

A Professional combat sports contest is a contest of exhibition of a combat sport that is conducted for profit or in which the contestants participate for a monetary reward or for which the public is charged a fee for entry.<sup>189</sup>

The Promoter is responsible for ensuring that the venue is satisfactory for the purposes of the contest and adequate security must be provided. Professional contestants must be matched with regard to experience, competence and weight and female contestants must not be matched with male contestants.<sup>190</sup>

#### **Western Australia**

The Act defines a contest or exhibition of a combat sport as [an event]:<sup>191</sup>

- a) that is organised, arranged or promoted for profit; or
- b) that is conducted for public entertainment; or
- c) to which the public is invited, unless it is prescribed not to be a contest for the purposes of this Act.

The regulation excludes contests conducted by specific State Sporting Associations, such as Boxing WA, Judo WA and other specified bodies from the definition of 'contest' in section 3 of the Act.<sup>192</sup> Similar to NSW, the Regulations exclude activities meeting specific conditions (e.g. activities that involve only light contact where no scores are kept or result is determined or to determine a person's proficiency, or where contestants are penalised for contact that is not light contact).<sup>193</sup>

Contests can include one contest or more conducted on the same occasion at the same venue.<sup>194</sup>

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<sup>184</sup> *Combat Sports Act 2013* (NSW), s 70

<sup>185</sup> *Combat Sports Act 2013* (NSW), s 74

<sup>186</sup> See *Combat Sports Act 2013* (NSW), ss 67 - 78

<sup>187</sup> *Combat Sports Act 2013* (NSW), s 4(1)

<sup>188</sup> *Combat Sports Act 2013* (NSW), s 8

<sup>189</sup> *Professional Boxing and Combat Sports Act 1985* (Vic), s 5 (exceptions apply where the fee for public entry is for a charitable purpose or for the administration of an amateur combat sports association)

<sup>190</sup> *Professional Boxing and Combat Sports Regulations 2008* (Vic), s 6

<sup>191</sup> *Combat Sports Act 1987* (WA), s 3

<sup>192</sup> *Combat Sports Regulation 2004* (WA), r 5A(2)

<sup>193</sup> *Combat Sports Regulation 2004* (WA), r 5A(2)

<sup>194</sup> *Combat Sports Act 1987* (WA), s 43

Contests must attend and submit to a weigh in within 24 hours of a contest.<sup>195</sup> Contestants cannot compete without a weigh in and medical examination.<sup>196</sup>

The Act requires that a record of each contest is made by a person appointed by the Commission. This record must include the result of the contest and be returned to the Commission.<sup>197</sup> Additionally, the following information must be recorded in each contestant's record book:<sup>198</sup>

- the contestant's and opponent's names and weights,
- details of the contestant's medical examination,
- the date, name, type and venue of the contest,
- the number and length of rounds, and
- the result of the contest.

### Permits for contests

#### ***New South Wales***

Permits are required to hold combat sports contests – the permit holder must also be a promoter of the registered class relevant to the contest. Amateur contests held by an approved amateur body do not require permits.<sup>199</sup> An application for a permit must be made no less than 28 days prior to the contest, unless the Authority otherwise approves a lesser timeframe.<sup>200</sup> The Authority must refuse an application for a permit where the Commissioner of Police has advised the Authority that there is a risk to public health or safety or a risk of substantial damage to property if the contest were held.<sup>201</sup>

Once a permit is issued the Authority must inform the Commissioner of Police of the date, time and location of the contest.<sup>202</sup>

The Authority may impose conditions on the permit. The regulation provides that the promoter must comply with a range of conditions regarding:<sup>203</sup>

- the provision of the combatants' names and the fight card to the Authority at least 5 days before the day of the contest and ensure only those combatants take part in the contest,
- appoint a medical practitioner and advise the Authority at least 5 days before the day of the contest,
- ensure they have the relevant insurance policies for the contest,
- ensure combatants comply with protective clothing or equipment requirements and that the contest area, including the ring or cage, complies with the regulation and relevant rules,
- make any announcements at the contest as required by the Authority,
- provide the necessary equipment including gloves, weigh-in scales, bed or plinth for the attending medical practitioner and the timekeeping equipment,
- communicate the need for all people associated with the contest to comply with the Act, regulation and rules,

<sup>195</sup> *Combat Sports Act 1987 (WA)*, s 48

<sup>196</sup> *Combat Sports Act 1987 (WA)*, s 50

<sup>197</sup> *Combat Sports Act 1987 (WA)*, s 52

<sup>198</sup> *Combat Sports Act 1987 (WA)*, s 52(2)(d) and *Combat Sports Regulations 2004 (WA)*, r 17A

<sup>199</sup> *Combat Sports Act 2013 (NSW)*, s 39

<sup>200</sup> *Combat Sports Act 2013 (NSW)*, s 40

<sup>201</sup> *Combat Sports Act 2013 (NSW)*, s 40

<sup>202</sup> *Combat Sports Act 2013 (NSW)*, s 43

<sup>203</sup> *Combat Sports Act 2013 (NSW)*, ss 42 and 52 and *Combat Sports Regulation 2014*, s 23

- ensure a referee is in the ring, cage or mat area and a combat sports inspector is present during the contest, and
- the promoter cannot be a combatant nor act as a judge, referee or timekeeper in a contest they promote.

Additionally, for amateur combat sports contests the promoter must not carry out activities reserved for an approved amateur body, must ensure that there is no monetary prize or material gain or reward other than a trophy, and must ensure that all promotional material clearly states that the contest is amateur and does not include images which are inconsistent with the rules of amateur contests.<sup>204</sup>

The Authority may revoke permits at any time prior to the contest being held and must inform the Minister and Police Commissioner. The Authority must be satisfied that special circumstances exist for it to revoke a permit within 24 hours of the scheduled start of the contest.<sup>205</sup> The Police Commissioner may revoke a permit (and must inform the Authority as soon as is practicable) where satisfied that there would be a risk, if the contest went ahead, to public health or safety, or of substantial damage to property.<sup>206</sup>

### **Victoria**

The Board may issue a permit to a licensed promoter to conduct a promotion.<sup>207</sup> Penalties apply for people conducting a promotion without a permit,<sup>208</sup> and for acting as a promoter, trainer, match-maker, referee, judge or timekeeper without a licence.<sup>209</sup> However the following do not require a licence:

- a non-Commonwealth resident nominated by a boxing body or combat sports body outside the Commonwealth to act as a referee or judge for a professional contest in Victoria,
- a trainer accompanying a licensed or registered professional contestant, competing in Victoria, who resides outside the Commonwealth, or
- an adult who is licensed or registered as a trainer, match-maker, referee or judge in another state or territory.<sup>210</sup>

Promoters must ensure that:

- all contestants in any contest they promote are fit to engage in the contest and are registered as professional contestants,
- other participants, judges referees etc. hold the relevant licenses,
- all relevant regulations are complied with,
- a medical practitioner is in attendance, and
- whether any employee has, or any person in any proposed business relationships, has been denied a licence or had a licence cancelled under the Vic Act.<sup>211</sup>

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<sup>204</sup> *Combat Sports Act 2013 (NSW)*, s 42 and *Combat Sports Regulation 2014*, s 24

<sup>205</sup> *Combat Sports Act 2013 (NSW)*, s 44

<sup>206</sup> *Combat Sports Act 2013 (NSW)*, s 45

<sup>207</sup> *Professional Boxing and Combat Sports Act 1985 (Vic)*, s 7

<sup>208</sup> *Professional Boxing and Combat Sports Act 1985 (Vic)*, s 7

<sup>209</sup> *Professional Boxing and Combat Sports Act 1985 (Vic)*, s 8

<sup>210</sup> *Professional Boxing and Combat Sports Act 1985 (Vic)*, s 8

<sup>211</sup> *Professional Boxing and Combat Sports Act 1985 (Vic)*, s 13



**Western Australia**

Contests require permits from the Commission. Penalties apply for persons conducting a contest without a permit or where their permit was suspended or cancelled by the Commission.<sup>212</sup> An application for a permit must be in the prescribed form and include the names of each person who will participate in the contest and be made no less than 42 days before the contest.<sup>213</sup>

The Regulation also requires details of the applicant, promoter, matchmaker, insurance and financial information (e.g. entry prices and prizes/rewards for contestants). Contest details are required including the contestants' names, weights, fight records and trainers, the type, length, classes and proposed rules of the contest, details of the venue (e.g. layout, facilities, emergency access), the details and qualifications of officiating persons and details of the medical practitioner who will be present at the contest.<sup>214</sup>

The Commission may issue a permit for a contest if it is satisfied that requirements under the Act and the regulation have been or will be complied with.<sup>215</sup> A permit must include:<sup>216</sup>

- the date, time and place of the contest,
- the name of each person who will participate in the contest,
- any terms, conditions or restrictions imposed on the permit,
- name and contact details of the promoter,
- the type of contest,
- the approved rules to be observed in the contest,
- any sanctioned title for the contest, and
- the names of the industry participants acting as referee, judge or timekeeper in the contest.

The Commission can attach conditions to a permit,<sup>217</sup> vary a permit at any time after it is issued,<sup>218</sup> and can require information from the permit holder, participants in the contest or a person who will be involved in conducting the contest.<sup>219</sup>

When it issues a permit, the Commission must notify the Commissioner of Police of the date, time and place of a contest.<sup>220</sup>

The Commission can refuse to issue a permit where it considers that that it is necessary to do so in the interests of the health and safety of any potential participator.<sup>221</sup>

The Commission can suspend or cancel a permit where it is satisfied that any term, condition or restriction attached to the permit has not been, or is not being, complied with, that it is in the interests of the health or safety of any contestant in the contest to do so; or that the contest will be or is a sham contest. The Commission must provide an opportunity for the permit holder to be heard with respect to the proposed suspension or cancellation, unless the health or safety of any contestant in the contest

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<sup>212</sup> *Combat Sports Act 1987 (WA)*, s47

<sup>213</sup> *Combat Sports Act 1987 (WA)*, s44

<sup>214</sup> *Combat Sports Regulations 2004 (WA)*, r 17C

<sup>215</sup> *Combat Sports Act 1987 (WA)*, s45

<sup>216</sup> *Combat Sports Act 1987 (WA)*, s45 and *Combat Sports Regulations 2004 (WA)*, r 17D

<sup>217</sup> *Combat Sports Act 1987 (WA)*, s45(2)

<sup>218</sup> *Combat Sports Act 1987 (WA)*, s45(5)

<sup>219</sup> *Combat Sports Act 1987 (WA)*, s47AA

<sup>220</sup> *Combat Sports Act 1987 (WA)*, s46

<sup>221</sup> *Combat Sports Act 1987 (WA)*, s45(4)

may be jeopardised. Advice of the suspension or cancellation can be provided orally, but must be followed by a written notice within 7 days.<sup>222</sup>

Sham contests

A sham contest is a contest is defined as:

- a) during the whole or a part of which any contestant is, for any reason, including an injury or illness, or a bribe, promise or threat by another person, not competing to the best of his or her ability, or
- b) the result of which is arranged by the contestants or by a person involved in controlling, judging or promoting the contest.<sup>223</sup>

Penalties apply for participation or involvement in a sham contest as a contestant, judge, referee, or in another capacity.<sup>224</sup>

Where the Commission is of the opinion, whether based on a report or not, that a contest is a sham contest, it must inquire into the promotion, arrangement and conduct of the contest.<sup>225</sup> Where the Commission is then satisfied, on the balance of probabilities, that the contest is a sham contest, it may order that payment is not made to any contestant without prior written consent of the Commission and that any payment to a contestant or industry participant who, in the opinion of the Commission, has participated in, or been involved in any capacity in conducting, the contest be instead paid to the Commission.<sup>226</sup> Penalties apply and prosecutions may also follow where a contest is found to be a sham contest.<sup>227</sup>

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<sup>222</sup> *Combat Sports Act 1987 (WA)*, s47A

<sup>223</sup> *Combat Sports Act 1987 (WA)*, s3

<sup>224</sup> *Combat Sports Act 1987 (WA)*, s47(2)(3)(4) and (5)

<sup>225</sup> *Combat Sports Act 1987 (WA)*, s47(1)

<sup>226</sup> *Combat Sports Act 1987 (WA)*, s47(2)

<sup>227</sup> *Combat Sports Act 1987 (WA)*, s47(3) and (4)

## Appendix C – Government regulation

### South Australia

#### Legislation

The *Boxing and Martial Arts Act 2000* (SA) and the Boxing and Martial Arts Regulations 2015 (SA) regulate boxing and martial arts in South Australia. The legislation covers compliance requirements for promoters and contestants of boxing and martial arts events including medical requirements.<sup>228</sup>

The Act provides that the Minister (currently the Minister for Recreation, Sport and Racing) is to establish an advisory committee which consists of people who have a good knowledge of boxing or one or more of the martial arts and others as the Minister thinks fit.<sup>229</sup>

The SA Office for Recreation and Sport (ORS) website provides that compliance with the legislation is conducted through the ORS.<sup>230</sup>

#### Definition of combat sports

Boxing means ‘fist fighting’. Martial art means ‘kickboxing’ or any sporting or other activity (other than boxing) organised so that contestants engage in a fight principally by inflicting blows on each other.<sup>231</sup>

#### Contestants

A person must be registered as a contestant to participate in a professional or public boxing or martial art event. Unless the Minister orders otherwise, a person registered in another state or territory does not need to register in South Australia to participate as a contestant.<sup>232</sup>

Applications for registration or renewal of registration, are to be made to the Minister and must specify whether the application is for registration to participate in boxing events or in specified martial arts events. The application must also include a medical certificate signed by a medical practitioner, from a medical examination undertaken with 14 days before the application, certifying the person is fit to participate as a contestant in those events.<sup>233</sup>

The applicant must provide any additional information required by the Minister.<sup>234</sup>

A person is eligible for registration where the Minister is satisfied that their application was properly made.<sup>235</sup> Registration remains in force for three years.<sup>236</sup>

The Minister must, by written notice to the contestant, suspend or cancel their registration as a contestant where the Minister is satisfied that the contestant is no longer fit to participate in the contests for which they are registered.<sup>237</sup> Where this occurs, the Minister must not remove the suspension or re-register the person as a contestant without two medical certificates from two separate medical practitioners, following medical examinations within 7 days of the application to

<sup>228</sup> Office of Recreation and Sport, see [www.ors.sa.gov.au/sport\\_and\\_recreation/boxing\\_and\\_martial](http://www.ors.sa.gov.au/sport_and_recreation/boxing_and_martial)

<sup>229</sup> *Boxing and Martial Arts Act 2000* (SA), s4

<sup>230</sup> Office of Recreation and Sport, see [www.ors.sa.gov.au/sport\\_and\\_recreation/boxing\\_and\\_martial](http://www.ors.sa.gov.au/sport_and_recreation/boxing_and_martial)

<sup>231</sup> *Boxing and Martial Arts Act 2000* (SA), s3

<sup>232</sup> *Boxing and Martial Arts Act 2000* (SA), s11

<sup>233</sup> *Boxing and Martial Arts Act 2000* (SA), s12

<sup>234</sup> *Boxing and Martial Arts Act 2000* (SA), s12(3)

<sup>235</sup> *Boxing and Martial Arts Act 2000* (SA), s12(2)

<sup>236</sup> *Boxing and Martial Arts Act 2000* (SA), s12(4)

<sup>237</sup> *Boxing and Martial Arts Act 2000* (SA), s13(1)

remove a suspension or renew registration, that certify that the person is fit to participate as a contestant.<sup>238</sup>

The Minister may also cancel or suspend a person's registration where the Minister is satisfied that the contestant has contravened the SA Act or a corresponding provision of a law of another state or territory, or has participated as a contestant in a professional or public boxing or martial art event after a medical practitioner had declared the contestant to be unfit to participate in the event.<sup>239</sup>

A person can apply to the Minister for a review of a decision of the Minister regarding a person's application for registration, or registration as, a contestant. The application must be made within 28 days of the relevant decision. The Minister can determine the review as he/she sees fit. A review must be determined within 28 days or the Minister is taken to have confirmed the decision.<sup>240</sup>

The Minister must provide reasons for the decision if required by the applicant. A person who is not satisfied with the result of the review, outlined above, can appeal to the Administrative and Disciplinary Division of the South Australian District Court within one month of the review decision. Time for the purposes of appealing runs from the time the person receives the written reasons for the Minister's decision.<sup>241</sup>

### **Medical requirements**

#### Applicants

An applicant for registration as a contestant must be examined by a medical practitioner and must provide the results of an MRI scan of the applicant's head taken within 3 years of the examination. The applicant must also provide to the medical practitioner a pathology report (within 6 months before the application) for the applicant which states whether or not the person has HIV, Hepatitis B or Hepatitis C. The medical practitioner must record the contestants name, address and date of birth, medical history required by the Minister, and information on boxing or martial arts contests in which the contestant has taken part.<sup>242</sup>

The medical practitioner must inform the Minister, in a prescribed report, where they have refused to issue a certificate of fitness to a person following a medical examination.<sup>243</sup>

#### Before and after events

A contestant in a professional or public boxing or martial art event must submit himself or herself to a medical practitioner for examination within 24 hours before, and within 24 hours after, events.<sup>244</sup>

The medical examination must include a pathology report (within 6 months before the examination) for the applicant which states whether or not the person has HIV, Hepatitis B or Hepatitis C.<sup>245</sup>

The results of the medical examination must be recorded, including the name, date of birth and address of the contestant and any other information required by the Minister [this additional information is not specified in the legislation].<sup>246</sup>

Where a medical practitioner finds a contestant to be unfit to participate in the proposed event, the medical practitioner must declare the contestant to be unfit and notify the contestant, the promoter

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<sup>238</sup> *Boxing and Martial Arts Act 2000* (SA), s13(3)

<sup>239</sup> *Boxing and Martial Arts Act 2000* (SA), s13(2)

<sup>240</sup> *Boxing and Martial Arts Act 2000* (SA), s15

<sup>241</sup> *Boxing and Martial Arts Act 2000* (SA), s16

<sup>242</sup> *Boxing and Martial Arts Act 2000* (SA), s12(1)(d) and *Boxing and Martial Arts Regulations 2015* (SA), r5

<sup>243</sup> *Boxing and Martial Arts Act 2000* (SA), s12(1)(d) and *Boxing and Martial Arts Regulations 2015* (SA), r5

<sup>244</sup> *Boxing and Martial Arts Act 2000* (SA), s14(1)

<sup>245</sup> *Boxing and Martial Arts Act 2000* (SA), s14(2) and *Boxing and Martial Arts Regulations 2015* (SA), r6

<sup>246</sup> *Boxing and Martial Arts Act 2000* (SA), s14(2) and *Boxing and Martial Arts Regulations 2015* (SA), r6

of the event and the Minister of the declaration and provide a report of the examination to the Minister.<sup>247</sup>

The medical practitioner must keep records of medical examinations, certificates, declarations and reports and must make those records available to a person authorised by the Minister for inspection and copying.<sup>248</sup>

### **Promoters and trainers**

#### Promoters

The SA Act requires promoters to be licensed and penalties apply for non-compliance. A promoter is not defined in the Act. Applications for a licence are made to the Minister.<sup>249</sup>

A person is entitled to be licensed where the Minister is satisfied that in the case of a natural person—the person is of or over the age of 18 years, and the person is a fit and proper person to be licensed as a promoter.<sup>250</sup> Once issued a licence is valid for three years.<sup>251</sup>

The Minister may attach conditions to a licence for a promoter and may vary or revoke the conditions at any time. A promoter must comply with any conditions imposed on their licence.<sup>252</sup>

The Minister can, by written notice to the licence holder, suspend or cancel the licence where the Minister is satisfied that the promoter:

- a) has contravened this Act or a provision of a law of another state or territory that corresponds with a provision of this Act, or
- b) has engaged in conduct in another state or territory that would, if engaged in in this state, constitute a contravention of this Act, or
- c) is not, or is no longer, for any reason a fit and proper person to hold the licence.<sup>253</sup>

### **Duties of promoters**

A licensed promoter must ensure, with respect to every professional or public boxing or martial art event they promote that the event is conducted in accordance with the Act and the rules approved by the Minister, that the contestants are registered in relation to, or otherwise authorised to participate as contestants in, events of that kind, and that the contestants have been found to be fit to participate.<sup>254</sup>

### **Review and appeal of decisions by Minister**

A person can apply to the Minister for a review of a decision of the Minister regarding a person's application for, or licence as, a promoter. The application must be made within 28 days of the relevant decision. The Minister can determine the review as he/she sees fit. A review must be determined within 28 days or the Minister is taken to have confirmed the decision.<sup>255</sup>

The Minister must provide reasons for the decision if required by the applicant. A person who is not satisfied with the result of the review, outlined above, can appeal to the Administrative and

<sup>247</sup> *Boxing and Martial Arts Act 2000 (SA)*, s14(3) and *Boxing and Martial Arts Regulations 2015 (SA)*, r6

<sup>248</sup> *Boxing and Martial Arts Regulations 2015 (SA)*, r7

<sup>249</sup> *Boxing and Martial Arts Act 2000 (SA)*, s6

<sup>250</sup> *Boxing and Martial Arts Act 2000 (SA)*, s6(3)

<sup>251</sup> *Boxing and Martial Arts Act 2000 (SA)*, s6(5)

<sup>252</sup> *Boxing and Martial Arts Act 2000 (SA)*, s7

<sup>253</sup> *Boxing and Martial Arts Act 2000 (SA)*, s9

<sup>254</sup> *Boxing and Martial Arts Act 2000 (SA)*, s8

<sup>255</sup> *Boxing and Martial Arts Act 2000 (SA)*, s15

Disciplinary Division of the South Australian District Court within one month of the review decision. Time for the purposes of appealing runs from the time the person receives the written reasons for the Minister's decision.<sup>256</sup>

#### Trainers

The Minister may, if they consider it appropriate to do so, register a person as a trainer. A registered trainer may enter the ring in which a professional or public boxing or martial art event is occurring during breaks in the event, provide medical or other direct support to a contestant in a professional or public boxing or martial art event during breaks in the event and stop or suspend (however described) a professional or public boxing or martial art event on behalf of a contestant in the event.<sup>257</sup>

The Minister may vary the registration of a person as a trainer which remains in force until it is revoked by the Minister.<sup>258</sup>

### **Tasmania**

#### **Legislation**

The *Police Offences Act 1935* (Tas) requires that all combat sports contests are to be conducted in accordance with the Tasmanian Department of Communities, Sport and Recreation *Standards for Boxing and Combat Sport Contests* (the Standards).

The Standards aim to protect the interests and safety of participants, including competitors, trainers, officials, promoters and spectators, preserve public morality and assist the boxing and combat sports industry to fulfil its duty of care and uphold the integrity of boxing and combat sports.<sup>259</sup>

The Standards set out information on the regulatory model:<sup>260</sup>

- *The key components of the regulatory model are:*
- *The Tasmanian Government expect boxing and combat sport contests to be conducted in accordance with the Standards.*
- *The Standards require that boxing and combat sport contests must be regulated/sanctioned and overseen by a CSR recognised Governing/Sanctioning body, which requires adherence to particular rules and safety standards and performs a supervisory role in overseeing the conduct of contests.*
- *Those involved in boxing and combat sports are expected to adhere to the Standards and Section 49B (1) of the Police Offences Act 1935.*
  - *Section 49B of the Police Offences Act 1935 grants the Commissioner of Police the power to control public entertainments:*
    - I. *where the Commissioner is of the opinion that it is fitting*
      - a) *for the preservation of public morality, good manners, or decorum; or*
      - b) *to prevent a breach of the peace or danger to a performer or other person –*

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<sup>256</sup> *Boxing and Martial Arts Act 2000* (SA), s16

<sup>257</sup> *Boxing and Martial Arts Regulations 2015* (SA), r8

<sup>258</sup> *Boxing and Martial Arts Regulations 2015* (SA), r8

<sup>259</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 2.

<sup>260</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, pp 7-8

*so to do, he may, with the consent of the Minister, by writing under his hand prohibit or regulate the holding of any public entertainment or a specified part or item of any public entertainment, the terms of any licence notwithstanding.*

- *Section 49A of the Police Offences Act 1935 defines public entertainment to include:*
  - “an entertainment (including, though without limiting the meaning of that term, a concert, recital, lecture, reading, entertainment of the stage, cinematograph or other picture show, dancing, skating, boxing, or other amusement, exhibition, or contest) to which persons are admitted on payment or which is open to the public, whether admission thereto is or is not procured by payment of money or on any other condition.”*
- *In executing this power to control the public entertainments of boxing and other contests, the Commissioner will expect such contests to be conducted in accordance with the Standards.*
- *Should the Commissioner be informed by CSR that an upcoming contest will not comply with the Standards, the Commissioner may seek permission from the Minister to execute this power and prohibit the contest from proceeding.*
- *As advised by Tasmania Police, Section 49B of the Police Offences Act 1935 is dependent on the following:*
  - *a full assessment of the circumstances relating to the event, and whether the conduct of such event should be prohibited based on section 49B of the Police Offences Act 1935; and*
  - *the Commissioner’s opinion regarding prohibition in regards to Section 49B(1)(a) or 49B(1)(b); and*
  - *the consent of the Minister being obtained to prohibit such an event.*
- *Venue owners and liquor permit holders are made aware of the Standards and are encouraged to require promoters to sign and declare contests will be conducted in accordance with the Standards as a condition of use.*
- *Industry participants, event insurers, and the general community have an expectation that contests are conducted in accordance with the Standards. Should an event be held that does not comply with the Standards, it is expected the reputation of those involved in the event (promoter, participants and venue owner), and of the industry overall, would be damaged.*

### **Definition of combat sports**

The Standards define boxing and combat sports as ‘any sport or activity in which each contestant in a contest or exhibition of that sport or activity engages the other contestant(s) in striking, kicking, hitting, grappling, throwing or punching.

All boxing and combat sports contests to be held in accordance with the Standards, including:

- a) Amateur boxing<sup>^</sup>
- b) Judo<sup>^</sup>
- c) Ju Jitsu<sup>^</sup> and Brazilian Ju Jitsu<sup>^</sup>
- d) Karate<sup>^</sup>
- e) Kickboxing
- f) Kung fu (wu shu)<sup>^</sup>
- g) Kyokushin
- h) Mixed martial arts

- i) Muaythai<sup>^</sup>
- j) Professional boxing
- k) Sanda
- l) Shooto
- m) Taekwondo
- n) Wrestling/grappling<sup>^</sup>
- o) Any other discipline fitting the definition.

NOTE: The standard notes that the sports listed in a, b, c, d, f, l and n, above are affiliated with a body recognised as a national sporting organisation by the Australian Sports Commission.<sup>261</sup>

### **Contestants**

Professional boxing and professional combat sports participants (competitors, promoters, trainers, referees, judges, timekeepers and matchmakers) must be over 18 years of age. Amateur boxing and amateur combat sports participants (competitors, trainers, referees, judges, timekeepers and matchmakers) must be of at least the minimum age specified by the CSR recognised Governing/Sanctioning body.<sup>262</sup>

### **Promoters, coaches, trainers, and officials**

The Standards require that coaches, trainers and officials (including referees, judges, timekeepers and others) at contests are appropriately qualified and/or experienced.<sup>263</sup>

Promoters must prohibit the participation of any contestant who is currently medically suspended. They must also provide details of medical suspensions to the National or International Governing Body and CSR, and this information may, in turn, be shared with other states and territories.<sup>264</sup>

Promoters must ensure participants are covered by appropriate participant/personal accident insurance and/or private health insurance where feasible. Events must also be covered by public liability insurance.<sup>265</sup>

### **Contests**

The Standards define a contest as any event, competition, exhibition, tournament or similar of a combat sport.<sup>266</sup>

Contests must be set by an appropriately experienced matchmaker and promoters must be satisfied no contest will be a mismatch.<sup>267</sup>

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<sup>261</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 2.

<sup>262</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 4.

<sup>263</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 4.

<sup>264</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 5.

<sup>265</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 5.

<sup>266</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 2.

<sup>267</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 4.



The Tasmanian Department automatically recognises national governing/sanctioning bodies recognised as national sporting organisations by the Australian Sports Commission. Promoters of contests being governed/sanctioned and overseen by all other national or international governing/sanctioning bodies must seek recognition of the proposed governing/sanctioning body for the contest. Where considered appropriate, the Tasmanian Department may prescribe a minimum age for participants as a condition of recognition

The Standards deem a contest to be a professional contest where the Tasmanian Department:

- a) recognised governing/sanctioning body defines the contest as professional
- b) recognised governing/sanctioning body does not provide a reasonable distinction between professional and amateur.<sup>268</sup>

The Standards explain that it automatically recognises amateur governing bodies that are recognised as national sporting organisations by the Australian Sports Commission. Promoters of contests being governed/sanctioned and overseen by all other governing/sanctioning bodies must seek CSR recognition of the proposed governing/sanctioning body for the contest. In seeking recognition, the promoter may be required to provide information on the proposed governing/sanctioning body, including its rules and safety standards, role in the contest and any other information CSR requires. Only national or international organisations are recognised as governing/sanctioning bodies.<sup>269</sup>

For professional contests, licenced crowd controllers/security must be present and identifiable for the full duration of the event and be informed of emergency protocols.<sup>270</sup> The number of tickets allocated for an event must not exceed the maximum capacity of the venue.<sup>271</sup>

### ***Medical requirements***

Pre-contest examinations of each contestant must be carried out by the medical practitioner and post-contest examinations must be carried out where deemed necessary by the medical practitioner, other official or the contestant.

Medical examinations should include an examination and assessment of the central nervous system and an examination of the chest, lungs, heart, abdomen, musculoskeletal system, ears, nose, throat, skin and eyes.

### ***Blood tests***

For contests that involve striking, promoters must:<sup>272</sup>

- require contestants to provide the results of a blood test they have undergone no more than six months before the contest in which they intend to compete. The blood test must show whether the contestant has been exposed to, and is infectious with the HIV virus, the Hepatitis B virus, and/or the Hepatitis C virus,
- prohibit a contestant who has been exposed to and is infectious with the HIV virus, the Hepatitis B virus, and/or the Hepatitis C virus from competing in the event, and

<sup>268</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 3.

<sup>269</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 8.

<sup>270</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 4.

<sup>271</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 6.

<sup>272</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 5.

- record competitors' blood test results and medical examinations and have this information available one week before, during and three months after a contest.

Promoters are responsible for maintaining confidentiality of contestant blood test and medical examination information.<sup>273</sup>

Contests must engage a medical practitioner (preferably an experienced ringside medical practitioner), which must be present whilst all contests are underway and have unrestricted access to perform duties that protect the interests and safety of competitors.<sup>274</sup>

The referee and the medical practitioner must have the power to stop a contest at any stage if he/she considers the contest too one-sided, or if either contestant is in such condition that to continue might subject him/her to serious injury.<sup>275</sup>

A medical practitioner may issue a medical suspension from competition on any contestant that has sustained a concussion or injury during the contest to protect the health and safety of the competitor. The length and any other requirements of a medical suspension issued is at the discretion of the medical practitioner. Promoters must provide details of medical suspensions to the National or International Governing Body and CSR, and this information may, in turn, be shared with other states and territories.<sup>276</sup>

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<sup>273</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 5.

<sup>274</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 4.

<sup>275</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, pp 4-5.

<sup>276</sup> Tasmanian Department of Communities, Sport and Recreation, *Standards for Boxing and Combat Sport Contests*, p 5.

## Appendix D – coronial case summaries of combat sports related deaths 2000 - 2016

### CASE SUMMARIES AND RECOMMENDATIONS <sup>277</sup>

The following case summaries were produced from the findings of the investigating Coroner. Where Coronial findings contained insufficient detail, or were not electronically attached on the National Coronial Information System (NCIS), the police reports were consulted. Police reports contain information that is collected at the scene of the injury which caused the fatality, and may contain information that is subject to change.

Please note cases one to seven involve External Cause fatalities only.

#### Case One

##### Adult (25-44 year olds)

The deceased was an adult male who had competed professionally as a Thai boxer for the ten years prior to his death. The deceased was participating in a Thai boxing match, during which he sustained kicks and punches to the head. Shortly after the match, he became unconscious and, upon being conveyed to hospital, was diagnosed with having sustained a severe head injury, having developed a haemorrhage. Surgery was undertaken, however the deceased's condition remained poor, and he was subsequently diagnosed with brain death. Life support measures were then withdrawn.

#### Comments and Recommendations:

*To the Minister of Sport and Recreation and the Australian College of Sports Physicians:*

1. *I recommend that the College and the Combat Sports Authority consult and develop protocols for pre-match and post-match medical screening of combat sports combatants*

#### Case Two

##### Young adult (15-24 year olds)

The deceased was a young adult male who was a professional boxer visiting Australia to train and compete. On the day of his death, the deceased was sparring with another boxer. Both boxers were wearing appropriate gloves and head protection. During the fight, the deceased received a number of blows to the head. At one stage, one of these blows caused the deceased to lose his footing and he became unsteady. The deceased began to bleed from the nose, however once this was attended to, the fight resumed. Shortly afterward, the deceased collapsed and was transferred to hospital. He underwent surgery but was found to have suffered a catastrophic brain injury, and died six days later.

#### Comments and Recommendations:

*I make the following recommendation(s):*

1. *That there be a system of regulation implemented which requires:*

<sup>277</sup> National Coronial Information System, *CR16-46: Deaths from Professional and Amateur Combat Sports in Australia, 2000 – 2016*, November 2016, provided by the Queensland Coroner in correspondence dated 2 November 2016.

- a) *Mandatory application for professional registration of boxers proposing to participate in professional training or who are participating in sparring at a level directed towards professional contest or with a professional boxer; and*
  - b) *Mandatory medical certification as to fitness to compete, including blood testing, before a boxer participates in training or sparring at a level directed towards professional contest or with a professional boxer and that such blood testing be undertaken each 6 months.*
  - c) *Mandatory reporting of hospitalisation of any boxer of any status whether professional or amateur, for injuries sustained whilst participating in training, or sparring or competition.*
  - d) *That the Boxing and Contact Sports Board implement a level of supervision upon gymnasiums, when the training of boxers is occurring at a level directed towards professional participation to ensure compliance.*
2. *I direct that a copy of this finding and recommendations be provided to the family of the deceased; other interested parties; The Honourable [Minister for Sport and Recreation]; the Secretary, Department of Planning and Community Development; The Registrar, Professional Boxing and Combat Sports Board (of the State) for the attention of the Board.*

### **Case Three**

#### Young adult (15-24 year olds)

The deceased was a young adult male who had commenced boxing training approximately four years prior to his death, and later competed as an amateur boxer. In the months prior to his death, the deceased was involved in two incidents: one involved a king hit that he sustained from a disgruntled acquaintance at a local nightclub, and the other involved a vehicle accident in which his car collided with a tree. Following both of these incidents, there was evidence that the deceased experienced vomiting or being dazed and confused. However, he did not complain of further injuries or symptoms following these incidents. In one subsequent boxing match, the deceased was reportedly pale, nauseous and exhausted, although he appeared not to suffer other ill-effects in subsequent matches.

On the day of his death, the deceased competed in an amateur boxing match. He was deemed fit to fight by a doctor prior to the match. In the first round of the match, the deceased sustained a punch to the head. Later on in the match, the deceased's coach noticed that he appeared unwell, and was blinking his eyes as though attempting to correct his vision. The coach stopped the fight and approached the deceased, upon which the deceased lost consciousness and collapsed. He was transported to hospital and later taken to intensive care. However, his condition deteriorated and he died a week later.

### **Case Four**

#### Adult (25-44 year olds)

The deceased was an adult female who died in her home. Two years prior to her death, the deceased was believed to have sustained a head injury when she fell heavily on the back of her head during a martial arts training session. She suffered from headaches and nausea and was treated by naturopaths, though she was never referred for neurological assessment. On the day of her death, the deceased was found collapsed on the laundry floor of her home. Attending ambulance officers were unable to find any signs of life. The cause of death was deemed to be consistent with epileptiform seizures.

**Case Five**Young adult (15-24 year olds)

The deceased was a young adult male who competed in a professional boxing match two days prior to his death. The match lasted for ten rounds and the deceased was deemed to have lost the fight. He did not lose consciousness during the fight, and appeared to be in sound condition immediately following the match. Within an hour of the fight's conclusion, the deceased experienced a transient syncopal episode. Although he initially appeared to recover, he then collapsed. A doctor who was present provided assistance and the deceased was transported to hospital. Following a CT scan, it was revealed that the deceased had suffered a traumatic subdural haemorrhage, and he was transferred to another hospital to undergo surgery. The surgery was performed but the deceased was later confirmed to have suffered brain death.

**Comments and Recommendations:**

*It is clearly evident that the risk of death or serious injury to the brain is one that is faced by participants in the sport of boxing. There have been regular calls for bans on the sport, particularly by national medical associations around the world including the Australian Medical Association.*

*On 22 November 2015 the Australian Medical Association published a position statement concerning combat sport including boxing, recommending that it be banned from both the Olympic and Commonwealth Games and prohibiting the sport for people under the age of 18.*

*The statement also recommended a number of steps designed to minimise harm to amateur and professional participants. In particular there was a recommendation that no contest be permitted unless it occurs where there are readily available adequate neurosurgical and resuscitative facilities for the emergency treatment of an injured participant.*

*In this case the event was held in a regional town where it was thought necessary to transfer [the deceased] to a tertiary facility in [a city] which had expertise in head injuries. Whether earlier treatment at that level would have made a difference in this case is uncertain but it is also clear that the earlier optimal treatment is provided the more likelihood of there being a better outcome.*

*It is the view of the coroner that there is very significant merit in the position of the Australian Medical Association and that its recommendations should be seriously considered.*

*As well there have been recent references in the media noting that [the state in which the deceased died] is the only state in Australia where combat sports are completely unregulated. The [State] Minister for Sport has advised in statements published in the media that he will seriously look at regulating combat sports.*

*In recent times there has been particular references and government responses to [an antiviolence campaign]. That of course is in response to gratuitous attacks on unsuspecting victims involving punches to the head. By contrast, boxing and other combat sports involve consensual participation in such activities involving much the same risk.*

### **Case Six**

#### Adult (25-44 year olds)

The deceased was an adult male who was undertaking black belt karate grading at the time of his death. On the morning of his death, the deceased commenced sparring with an opponent, during which time it was noted that he was running out of stamina and had fallen once, hitting his head heavily on the padded floor. He fell another two times, again striking his head (though less severely than following the first fall). None of these falls were as a consequence of sustaining strikes to the head from his opponent. He was approached by a trainer and confirmed that he felt fine. During further sparring with another opponent later that morning, the deceased fell again, and the grading was ceased. The deceased left the grading hall, and subsequently collapsed, unconscious. The deceased was transported to hospital where he passed away as a result of head injuries.

### **Case Seven**

#### Adult (25-44 year olds)

The deceased was an adult male who had no known significant medical history. On the day of his death, the deceased was participating in wrestling training at a martial arts gymnasium. During this training, the deceased fell backwards, striking his head on the training mats. He immediately lost consciousness and emergency services were contacted. He was conveyed to hospital, where he was found to have fixed and dilated pupils. A CT scan revealed an acute subdural haematoma. Surgical intervention took place, however the deceased suffered irreversible brain trauma and was placed on life support. He passed away six days later.