



# Fit and Proper Person Contestant and Industry Participant

## Scope:

Under the *Combat Sports Act 1987* (the Act) a person who wishes to register with the Combat Sports Commission (the Commission) as a Contestant or Industry Participant must be deemed a fit and proper person. This requirement helps to ensure greater industry integrity and better awareness of who is working within the combat sports industry.

## Definitions:

**Contest** – means a contest or exhibition of a combat sport, that is organised, arranged or promoted for profit or that is conducted for public entertainment or to which the public is invited.

**Contestant:** A person who participates in a contest, whether for reward or not.

**Industry Participant:** A person who, otherwise than as a contestant, is involved, in a capacity that is prescribed, in conducting or assisting to conduct a contest.

## Legislative background:

*Combat Sports Act 1987*

*Combat Sports Regulation 2004* (the Regulations)

The Act provides that a function of the Commission;

Section 10(1)(b) Functions of the Commission;

To formulate or recommend standards, specifications, codes of conduct or other forms of guidance for the purpose of maintaining proper standards in combat sports.

## Application:

Under the requirements of registration, the Commission will undertake probity checks on Contestants and Industry Participants as it deems fit. This is to ensure the integrity of the sport.

The Commission takes into account the duration between the time the offence was committed, any other associated factors such as term of imprisonment and/or parole conditions at the time the application is lodged.

## Process:

The Commission may also take the following into consideration when determining an applicant's fit and proper status:

- Has the applicant been charged, convicted and/or imprisoned for any criminal behaviour?
- Is the applicant subject to a Control Order under the *Criminal Organisations Control Act 2012*, either as an individual or as a member of a declared organisation?
- Is the applicant subject to a Barring Notice under section 115AA or Prohibition notice under section 152E of the *Liquor Control Act 1988*?
- Does the applicant have comparable convictions and sentences, or is subject to comparable orders, in other jurisdictions, states, territories or countries?
- Is the Promoter an Undischarged Bankrupt?
- Does the Promoter have the cognitive function to carry out the associated statutory obligations of a registered promoter?



- Has the applicant truthfully completed their application and observed the declaration?

**This does not include:**

- Breaches of local government regulations, for example illegal parking.
- Driving offences such as speeding, if dealt with by the way of an infringement.

Each application submitted to the Commission will be decided on a case by case basis taking into account the nature of any offences and the time that has elapsed since an offence took place. Where there are consecutive offences (includes charges or acquittals) prior to and during registration, Contestants and Industry participants will be required to undertake a yearly probity check. Any Contestant or Industry Participant found guilty of ongoing offences and who fails to meet the requirements under the Code of Conduct for Contestants and Industry Participants (the Code) will be suspended pending investigation.

Under section 54A of the Act, the Commission may request information from the Commissioner of Police to help determine a person's fit and proper status.

Any information received by the Commission from the Commissioner of Police will be managed in accordance with section 54B of the Act. It is the decision of the Commissioner of Police as to what, if any, confidential information is to be disclosed to the Commission.

In accordance with section 54B(4) of the Act, should the Commission make a decision to refuse or cancel a registration wholly or partially on the basis of confidential police information, the Commission does not need to give any reasons for its decision other than that it is made in the public interest.

If a person appeals a decision to refuse or cancel a registration to the State Administrative Tribunal (SAT), the Commission will disclose on request to SAT the confidential police information in which it relied on to make its decision.

The Code outlines unethical behaviour and disciplinary outcomes of that behaviour. Any person registered under the Act who acts in a manner contrary to the Code which has been adopted by the Commission under section 10(1)(b) of the Act may be found not to be a fit and proper person.

In accordance with the provisions of the Act, the Commission may cancel or suspend a registration based on the breaches of the Code, relevant information, past behaviour and any breaches of the Act or *Combat Sports Regulations 2004*.

**Additional Procedure Links:**

Code of Conduct for Contestants and Industry Participants.  
Guidelines and Conditions of Registration