



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.

Legislative background:

Section 10(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 must assess whether or not an applicant is a ‘fit and proper’ person to compete in combat sports in Western Australia. To do this, the Commission undertakes probity checks on Contestants and Industry Participants as it deems fit.

Process:

The Commission may 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?
- If previously registered as a Contestant or Industry Participant, has the applicant been subject to disciplinary action by the Commission or any other comparable body?
- Is the Promoter an Undischarged Bankrupt?
- Does the Promoter have the cognitive function to carry out the associated statutory obligations of a registered promoter?

This does not include:

- Any offences which are dealt with by way of an infringement. For example, driving offences such as speeding or illegal parking.

Each application submitted to the Commission will be decided on a case by case basis taking into account such things as, the nature of any offence, parole conditions (if any) or other relevant conduct, the time that has elapsed since it took place, and if the applicant demonstrates any remorse with respect to the conduct in question.

Where there are consecutive offences (including charges or acquittals) prior to and during registration, Contestants and Industry participants will be required to undertake periodic probity checks.



Additionally, the Commission's *Code of Conduct for Contestants and Industry Participants* (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.

If the Commission forms a preliminary view that the applicant is not a fit and proper person or is considering imposing a requirement to undertake periodic probity checks, the applicant will be notified and provided an opportunity to be heard by the Commission prior to the Commission making a decision.

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 will not 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.

Additional Procedure Links:

Code of Conduct for Contestants and Industry Participants.