

Chapter 1

Introduction

Inquiry terms of reference

1.1 On 16 May 2013, the Senate referred the following matters to the Rural and Regional Affairs and Transport References Committee (the committee) for inquiry and report by 27 June 2013:

The practice of sports science in Australia with regard to:

- (a) the current scope of practice, accreditation and regulation arrangements for the profession;
- (b) the role of boards and management in the oversight of sports scientists inside sporting organisations;
- (c) the duty of care of sports scientists to athletes, and the ethical obligations of sports scientists in relation to protecting and promoting the spirit of sport;
- (d) avenues for reform or enhanced regulation of the profession; and
- (e) any other related matter.¹

Conduct of the inquiry

1.2 The committee advertised the inquiry on its website, inviting submissions from interested parties by 31 May 2013. The committee also wrote directly to 27 stakeholders to invite submissions. In total, 21 submissions were received, which are listed in Appendix 1. The committee conducted a public hearing in Canberra on 12 June 2013. A full list of witnesses can be found in Appendix 2. The committee thanks the organisations and individuals that provided evidence to this inquiry.

1.3 On 25 June 2013, the committee was given an extension of time to report until 10 July 2013. On 10 July 2013, the committee was given a further extension of time to report until 15 July 2013. On 15 July 2013, the committee was given a final extension of time to report until 23 July 2013.

Background

A culture of 'win at all costs'

1.4 The phrase 'winning isn't everything; it's the only thing' has often been used to describe an attitude prevalent in American sport. Internationally, high-profile doping scandals in the Olympics, cycling and team sports have tarnished the

1 Journals of the Senate, No. 146, 16 May 2013.

achievements of athletes. While we have observed this occurring elsewhere, Australians have long expected a clean contest from our competitors.

The pursuit of 'high performance'

1.5 The Australian Institute of Sport (AIS), with its focus on athletes and teams in international competitions, has 'long recognised the need to conduct applied research in an endeavour to understand the mechanisms that lead to improved performances in athletes'.² Increasingly, however, high performance has also been viewed by professional sporting clubs as the key to success. This is reflected in the strategic plans of Australian Football League (AFL) clubs. For example, the first element of Hawthorn Football Club's strategy to achieve its goal of 'five years of top four finishes' is 'Developing and refining our players' and Football department staff's high performance culture'.³

1.6 High-performance expertise is a marketable commodity. The Collingwood Football Club has established a consultancy division called 'PerformancePlus+'. Targeted to business people, it offers a program that 'specialises in enhancing organisational culture, team performance and leadership'.⁴ At a seminar, presented by the club's Senior Coach, Chief Executive Officer, Captain and Sports Science Director, attendees were provided with 'insights into Collingwood's high performance culture'.⁵

1.7 These are two examples from one sporting code of the emphasis that is placed on high performance in modern sport. Increasingly, it is the lens through which decisions about governance, organisational culture and opportunities for success and growth are viewed.

Significant financial incentives

1.8 The financial rewards currently available in some Australian sporting codes are substantial. In 2012, the average AFL salary was \$251 559, up from \$237 388 in

2 Australian Institute of Sport, *Technology and Innovation*, <http://www.ausport.gov.au/ais/innovation> (accessed 28 June 2013).

3 Hawthorn Football Club, *All for one: Strategic Plan Summary 2013–2017*, 2013, p. 6, <http://www.hawthornfc.com.au/staticfile/AFL%20Tenant/Hawthorn/PDFs/2013-2017%20Strategic%20Plan.pdf> (accessed 28 June 2013).

4 Collingwood Football Club, *PerformancePlus+*, 16 May 2013, <http://www.collingwoodfc.com.au/news/2013-05-16/reach-your-best-with-performanceplus> (accessed 28 June 2013).

5 Collingwood Football Club, *PerformancePlus+*, 16 May 2013, <http://www.collingwoodfc.com.au/news/2013-05-16/reach-your-best-with-performanceplus> (accessed 28 June 2013).

2011.⁶ In the 2012 season, over 50 players earned more than half a million dollars and one player earned between \$600 000 and \$700 000 without playing a game.⁷ By 2016, the average salary of AFL players will be \$300 000.⁸ Players in the National Rugby League (NRL) were paid \$200 000 on average.⁹ Elite athletes in international competitions can be paid even more. The captain of the Australian cricket team received an estimated salary of \$5.5 million in 2012.¹⁰

A perfect storm

1.9 The relentless pursuit of a competitive edge, combined with immense financial incentives, has led to a perfect storm in Australian sport. A 'win at all cost' mentality has emerged that appears to have influenced the judgment of some participants.

1.10 While there is currently a registration and accreditation system for sports physicians (doctors), physiotherapists and psychologists, sports scientists are currently neither regulated nor accredited. There are concerns that sports scientists have skirted the line of what is legal and ethical. Inquiring into the activities of one sporting club, Dr Ziggy Switkowski has warned:

... in this area of moving boundaries, as anti doping authorities try to regain control at the frontiers of pharmacology, it is unwise, perhaps reckless, for any club to even approach this 'line'.¹¹

1.11 Which boundaries have been pushed—and by whom—remains to be seen. What is not in doubt, however, is that the practice of sports science in Australia has been thrust into the spotlight.

Recent focus on sports science in Australia

1.12 In its February 2013 report *Organised Crime and Drugs in Sport*, the Australian Crime Commission (ACC) concluded that there is extensive use of drugs in

6 Nick Bowen and Peter Ryan, *Millionaires' club explodes*, 25 January 2013, <http://www.afl.com.au/news/2013-01-25/millionaires-club-explodes> (accessed 26 June 2013).

7 Nick Bowen and Peter Ryan, *Millionaires' club explodes*, 25 January 2013, <http://www.afl.com.au/news/2013-01-25/millionaires-club-explodes> (accessed 26 June 2013).

8 Australian Football League, *Annual Report 2011*, 2012, p. 7.

9 Stuart Honeysett, '\$55,000 minimum-wage players "can hardly make ends meet"', *Australian*, 8 December 2012.

10 Andrew Heathcote, 'Top cricketers to reap millions from Channel Nine's new broadcast rights', *BRW*, 5 June 2013.

11 Dr Ziggy Switkowski, Report, 6 May 2013, <http://www.essendonfc.com.au/news/2013-05-06/dr-ziggy-switkowski-report> (accessed 29 May 2013).

sport in Australia.¹² The report identified widespread and increasing use of performance-enhancing and image-enhancing drugs among professional athletes. The ACC noted that prohibited substances, including peptides¹³ and hormones, 'are being used by professional athletes in Australia, facilitated by sports scientists, high-performance coaches and sports staff'.¹⁴ In its operation, codenamed Aperio, the ACC identified:

... specific high-performance staff, sports scientists and coaches within some codes who have condoned and/or orchestrated the administration of prohibited substances, and substances not yet approved for human consumption, to players.

In some cases, peptides and other substances were administered to players without them understanding the nature of the substances, and without the knowledge of the team doctor or club medical staff.¹⁵

1.13 The ACC report claimed that sports scientists have 'gained increasing influence over decision making' within Australian football codes, with some of these scientists 'playing a critical role in pushing legal and regulatory boundaries in relation to sport supplementation programs and medical treatments given to players'.¹⁶ While the ACC noted that the majority of high-performance staff, sports scientists, coaches and medical advisors appear to adhere to anti-doping codes, in the ACC's view it is 'clear—internationally and domestically—that some of these individuals are playing a critical role in pushing beyond the boundary of what is permitted' by the World Anti-Doping Agency (WADA).¹⁷

1.14 Assistant Professor Annette Greenhow submitted:

12 Australian Crime Commission, *Organised Crime and Drugs in Sport*, February 2013, <http://www.crimecommission.gov.au/sites/default/files/files/organised-crime-and-drugs-in-sports-feb2013.pdf> (accessed 21 May 2013).

13 Peptides are 'any organic substance of which the molecules are structurally like those of proteins, but smaller. The class of peptides includes many hormones, antibiotics, and other compounds that participate in the metabolic functions of living organisms'. Source: Britannica Academic Edition, *Peptide*, <http://www.britannica.com/EBchecked/topic/450900/peptide> (accessed 26 June 2013).

14 Australian Crime Commission, *Organised Crime and Drugs in Sport*, February 2013, p. 7, <http://www.crimecommission.gov.au/sites/default/files/files/organised-crime-and-drugs-in-sports-feb2013.pdf> (accessed 21 May 2013).

15 Australian Crime Commission, *Organised Crime and Drugs in Sport*, February 2013, p. 27, <http://www.crimecommission.gov.au/sites/default/files/files/organised-crime-and-drugs-in-sports-feb2013.pdf> (accessed 21 May 2013).

16 Australian Crime Commission, *Organised Crime and Drugs in Sport*, February 2013, p. 26, <http://www.crimecommission.gov.au/sites/default/files/files/organised-crime-and-drugs-in-sports-feb2013.pdf> (accessed 21 May 2013).

17 Australian Crime Commission, *Organised Crime and Drugs in Sport*, February 2013, p. 26, <http://www.crimecommission.gov.au/sites/default/files/files/organised-crime-and-drugs-in-sports-feb2013.pdf> (accessed 21 May 2013).

... the reaction from government, politicians, governing bodies, sports administrators and other key stakeholders following the release of the ACC Report is indicative of the significance of the issue, leading to the current inquiry.¹⁸

1.15 The Australian Sports Anti-Doping Authority (ASADA) commenced a formal investigation into doping in sport in January 2013. In a statement on 14 February 2013, ASADA stated:

In response to the very serious matters raised by the Australian Crime Commission's (ACC) report, *Organised Crime and Drugs in Sport*, the Australian Sports Anti-Doping Authority (ASADA) confirms that the scope and magnitude of its investigation is unprecedented.

ASADA anticipates interviewing about 150 players, support staff and administrators from two major sporting codes based on current information. The number of interviews may grow if the investigation uncovers new lines of inquiry.

The investigation is both complex and wide-ranging and will take many months to complete.¹⁹

1.16 The two major sporting codes referred to by ASADA are the AFL and the NRL. At the time of writing ASADA's investigation is ongoing.

1.17 In response to the ACC's report and also in light of international sports doping scandals, the Australian Sports Anti-Doping Authority Amendment Bill 2013 was introduced in the Senate in February 2013. The primary purpose of the bill is to strengthen ASADA's investigatory functions and to enhance information-sharing arrangements with other government agencies.²⁰ The bill proposed that ASADA be provided with investigative techniques and intelligence-gathering powers to identify athletes and support personnel who may be using prohibited performance-enhancing substances and methods. It also proposed to increase ASADA's powers to compel athletes and others to cooperate in its investigations.²¹ Following referral of the bill for inquiry and report, the Rural and Regional Affairs and Transport Legislation

18 Assistant Professor Annette Greenhow, *Submission 8*, p. 2.

19 Statement from the Australian Sports Anti-Doping Authority, *Investigation into doping in sport*, 14 February 2013, http://www.asada.gov.au/media/organised_crime_and_drugs_in_sport.html (accessed 21 May 2013).

20 Explanatory Memorandum, Australian Sports Anti-Doping Authority Amendment Bill 2013, p. 2.

21 See Explanatory Memorandum, Australian Sports Anti-Doping Authority Amendment Bill 2013, p. 2.

Committee recommended that the Senate pass the bill.²² The bill was passed on 27 June 2013.

Scope of the inquiry

1.18 The ACC's report and ASADA's investigation have drawn public attention to the practice of sports science in Australia and highlight the need for scrutiny in this area. However, the specific details of ASADA's investigation, including the sports, substances and individuals identified to date, are not the subject of the current inquiry before the committee. This report will therefore focus on the five specific matters identified in the terms of reference.

1.19 It is anticipated that ASADA's investigation may go some way towards revealing the scale and extent of the integrity issues represented by some elements of the sports science profession, as well as highlighting what may be systemic governance issues within particular sporting clubs. The terms of reference of the committee's inquiry and the nature of the evidence before it, however, means that it would be inappropriate for the committee to pre-empt the findings of the ASADA investigation. This report should therefore be read in conjunction with ASADA's findings when they become available.

1.20 The principal focus of this inquiry is on professional sports. This reflects the close nexus between professional sport's accent on results and performance and the focus of sports scientists on pushing the limits of elite performance. However, the committee is mindful that practices in elite sport often filter through to amateur and recreational sporting contexts. The committee recognises that any efforts to improve oversight of sports scientists employed at the elite level may not be appropriate for local clubs and their financial and governance structures.

Sports governing bodies

1.21 Diagram 1.1 (below) categorises sports governing bodies in Australia according to whether they are government organisations, professional membership bodies, sporting organisations, international professional membership bodies, athlete/player bodies or higher education institutes. This report makes frequent mention of many of these agencies and organisations.

Government bodies

1.22 The policy-making sports department is the Department of Regional Australia, Local Government, Arts and Sport (DRALGAS). Within DRALGAS, there is the Office for Sport and the National Integrity of Sport Unit (NISU). The Office for Sport is responsible for two branches: the Major Events Taskforce and the Sport

22 Rural and Regional Affairs and Transport Legislation Committee, Australian Sports Anti-Doping Authority Amendment Bill 2013, March 2013, p. 25.

Government bodies

Department of Regional Australia, Local Government, Arts and Sport (DRALGAS):

- Australian Sports Commission (ASC)
 - Australian Institute of Sport (AIS)
- Australian Sports Anti-Doping Agency (ASADA)
 - Australian Sports Drug Medical Advisory Committee (ASDMAC)
- National Integrity of Sport Unit (NISU)
 - Australian Sports Integrity Network (ASIN)

Australian Health Practitioner Regulation Agency (AHPRA)

Australian Olympic Committee (AOC)

Professional membership bodies

Sports Medicine Australia (SMA):

- Exercise and Sports Science Australia (ESSA)
- Australasian College of Sports Physicians (ACSP)
- Sports Doctors Australia
- Australian Physiotherapy Association (Sports Physiotherapy Australia)
- Sports Dietitians Australia (SDA)
- APS College of Sports and Exercise Psychologists
- Australasian Academy of Podiatric Sports Medicine

Australian Strength & Conditioning Association

Australian Podiatry Association

Australian Psychology Board

International professional membership bodies

Australian & NZ Society of Biomechanics

Australasian Association of Clinical Biochemists

British Association of Sport and Exercise Sciences (BASES)

International Society of Performance Analysis in Sport

International Sports Engineering Association

Sporting organisations

Coalition of Major Professional & Participation Sports (COMPPS):

- Australian Football League (AFL)
 - AFL Sports Science Association
- National Rugby League (NRL)
 - NRL Integrity and Compliance Unit
- Australian Rugby
- Cricket Australia
- Football Federation Australia

Athletics Australia (AA)

- AA Ethics and Integrity Unit

Athlete/player bodies

Australian Athletes' Alliance (AAA):

- AFL Players' Association
- Australian Cricketers' Association
- Professional Footballers' Association
- Australian Swimmers Association
- Netballers' Association
- Rugby League Players' Association
- Rugby Union Players' Association
- National Basketball League Players' Association

Higher education

Council of Heads of Exercise, Sport and Movement Sciences (CHESMS)

Policy and Programs Branch. The NISU was established to provide national oversight on issues including the threats of doping, match-fixing and other forms of corruption.²³

1.23 The Australian Sports Commission (ASC) is governed by a Board of Commissioners, which is appointed by the Minister for Sport. All Commissioners are non-executive members of the Board. The ASC has three divisions: the AIS, Sports Development and Corporate Operations.

1.24 ASADA was established in 2006 under section 20 of the *Australian Sports Anti-Doping Agency Act 2006* (Cth). Effective from 1 January 2010, the Act was amended to create an ASADA Chief Executive Officer position (replacing the previous office of the ASADA Chair). ASADA reports to the Minister for Sport. From its head office in Canberra, ASADA operates under strict corporate governance guidelines and works closely with the Office for Sport within DRALGAS.

1.25 The Australian Health Practitioner Regulation Agency (AHPRA) is responsible for regulating the health professions. It is governed by the Health Practitioner Regulation National Law, which came into effect on 1 July 2010. AHPRA supports 14 National Boards, each responsible for regulating a health profession. The role of these boards is to set standards and policies that all registered health practitioners must meet.²⁴

1.26 The Australian Olympic Committee (AOC) is an incorporated association composed of the national bodies of sports on the Olympic program. The AOC is a non-profit organisation, independent of Government and Government funding other than contributions by State Governments to the Olympic Team Appeal.²⁵

Professional membership bodies

1.27 Sports Medicine Australia (SMA) describes itself as:

Australia's peak body for sports science and medicine, and is widely acknowledged [as] one of the world's leading multi-disciplinary sports medicine bodies.²⁶

23 Department of Regional Australia, Local Government, Arts and Sport, Role of the National Integrity of Sport Unit, http://www.regional.gov.au/sport/national_integrity/role.aspx (accessed 1 July 2013).

24 Australian Health Practitioner Regulation Agency, <http://www.ahpra.gov.au/About-AHPRA/Who-We-Are.aspx> (accessed 1 July 2013).

25 Australian Olympic Committee, <http://corporate.olympics.com.au/the-aoc/inside-the-aoc/role> (accessed 1 July 2013).

26 Sports Medicine Australia, *Submission 5*, p. 1.

1.28 It referred to 'the healthy and safe participation of Australians in physical activity' as its primary concern.²⁷ SMA was founded in 1963 and has a broad membership of sports medicine and other health professionals. SMA described its membership as diverse and its focus as being on 'ensuring a multidisciplinary approach to the prevention, treatment and management of sports performance and sports injuries'.²⁸ SMA has referred to sports scientists as being an 'integral part' of its membership since its inception.²⁹

1.29 An umbrella organisation, SMA is made up of these key discipline groups:

- Exercise & Sports Science Australia (ESSA);
- Australasian College of Sports Physicians (ACSP);
- Sports Doctors Australia;
- Australian Physiotherapy Association (Sports Physiotherapy Australia);
- Sports Dieticians Australia (SDA);
- APS College of Sports and Exercise Psychologists; and
- Australasian Academy of Podiatric Sports Medicine.³⁰

1.30 SMA submitted that it has worked collaboratively and in parallel with ESSA to advance the sports science profession.³¹

1.31 ESSA was established in 1991 to 'meet the professional needs of exercise and sports scientists in Australia'.³² It is a self-regulatory professional body and describes itself as the 'public face and voice of exercise and sports practitioners'.³³ ESSA explained that its role is to:

- advance of the profession and resulting increased benefits to clients;
- maintain and improve technical and ethical standards; and

27 Sports Medicine Australia, *Submission 5*, p. 1.

28 Sports Medicine Australia, *Submission 5*, p. 1.

29 Sports Medicine Australia, *Submission 5*, p. 3.

30 Sports Medicine Australia, *Submission 5*, p. 3.

31 Sports Medicine Australia, *Submission 5*, p. 3.

32 Exercise & Sports Science Australia, *Dealing with Complaints in Respect of Members: The Role of ESSA in Complaints Resolution*, p. 2, <http://www.essa.org.au/wp/wp-content/uploads/Ethics-guidelines-external.pdf> (accessed 21 May 2013).

33 Exercise & Sports Science Australia, *Dealing with Complaints in Respect of Members: The Role of ESSA in Complaints Resolution*, p. 2, <http://www.essa.org.au/wp/wp-content/uploads/Ethics-guidelines-external.pdf> (accessed 21 May 2013).

- maintain continuing educational needs of members.³⁴

1.32 ESSA offers both membership and accreditation. It had 6199 members in 2012, including student and associate members.³⁵ ESSA has the following seven categories of membership:

- (i) student membership is open to students in the process of completing a three- or four-year degree or equivalent in the field of exercise and sports science;
- (ii) graduate entry membership is available to persons who have completed an undergraduate degree in the field of exercise and sports science, who are applying to undertake postgraduate university studies in the field of exercise and sports science or clinical exercise physiology;
- (iii) exercise science (full) is open to graduates of a National University Accreditation Program (NUCAP) or a graduate who has completed a three- or four-year exercise or sports science degree. Exercise science (full) membership is a prerequisite to obtaining accreditation as an accredited exercise physiologist and or sports scientist with ESSA;
- (iv) academic is open to academics teaching in an exercise or sports science degree who are able to meet the criteria documented;
- (v) associate is available to persons in other professional fields whose qualifications would not meet the criteria for exercise science (full) membership of ESSA, but whose degree may contribute to the field of exercise and sports science in Australia;
- (vi) fellow is available to members of ESSA. It recognises those who have achieved a high level of professional accomplishment, responsibility and service to the association; and
- (vii) life membership recognises a distinguished level of service and commitment to the association.³⁶

International professional membership bodies

1.33 Diagram 1 also lists a number of international professional bodies, including the British Association of Sport and Exercise Sciences (BASES). BASES is the professional body for sport and exercise sciences in the United Kingdom. It aims to

34 Exercise & Sports Science Australia, *Dealing with Complaints in Respect of Members: The Role of ESSA in Complaints Resolution*, p. 2, <http://www.essa.org.au/wp/wp-content/uploads/Ethics-guidelines-external.pdf> (accessed 21 May 2013).

35 Exercise & Sports Science Australia, *Annual Report 2012*, p. 8, <http://www.essa.org.au/wp/wp-content/uploads/Annual-Report-2012-low-res.pdf> (accessed 21 May 2013).

36 Exercise & Sports Science Australia, *Types of membership*, <http://www.essa.org.au/membership-types/> (accessed 21 June 2013).

promote research and evidence-based practice in sport and exercise sciences and develop and enhance the professional and ethical standards of its members. Chapter 4 of this report discusses BASES' system of accrediting sports scientists.

1.34 ESSA has a memorandum of understanding with BASES.³⁷ It also has relationships with several other overseas organisations and associations.

Professional Sporting organisations

1.35 Apart from the teams they govern, perhaps the best-known Australian sporting organisations are the AFL, the NRL, Australian Rugby Union, Cricket Australia and the Football Federation Australia. These are the representative bodies of the major team sports in Australia. They are represented by the Coalition of Professional and Participation Sports (COMPPS). COMPPS gave evidence to the committee during this inquiry. Although they were invited to do so, the AFL and the NRL did not give evidence (see chapter 6).

Athlete player bodies

1.36 The peak team sporting organisations in Australia have corresponding players' associations, which represent the interests of the code's playing group. These are the AFL Players' Association, the Rugby League Players' Association, the Rugby Union Players' Association, the Australian Cricketers' Association and the Professional Footballers' Association. These associations play an important role in representing players' financial and professional interests to the peak bodies. They are in turn represented by the Australian Athletes' Alliance.

University organisations

1.37 The Council of Heads of Exercise, Sport and Movement Sciences (CHESMS) was formed in 2012 with the aim of promoting exercise, sport and movement sciences as areas of higher education study and research. CHESMS has collaborative relationships with a number of national organisations, including ESSA.

1.38 Membership of CHESMS is open to all Australian universities with a department, school or faculty that provides degree programs in exercise, sport and movement sciences. There are currently 26 members.

Structure of this report

1.39 This report has four chapters:

- Chapter 2 discusses the diverse nature of the sports science profession and the challenges associated with defining 'sports science';

37 British Association of Sport and Exercise Sciences, Alliances, <http://www.essa.org.au/about-us/alliances/> (accessed 24 May 2013).

- Chapter 3 considers the duty of care of sports scientists to athletes and the ethical obligations of sports scientists in relation to protecting and promoting the spirit of sport; and
- Chapter 4 presents the committee's view.