



SUBMISSION OF THE AUSTRALIAN ATHLETES' ALLIANCE on the Practice of Sports Science in Australia

The Australian Athletes' Alliance Inc. (AAA) is the peak body of associations representing Australian athletes. The current members of the AAA are the:

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

Our member associations represent over 3,000 of Australia's elite professional sportspeople. As the peak body, we provide a unified voice on issues affecting Australian athletes.

General Principles

Athletes want workplaces that protect player health and safety, while affording them access to the best practices of qualified sports scientists working within strict professional and ethical guidelines.

Athletes also wish to maintain autonomy and privacy in their lives outside of their employment in sport, including with respect to non-sport medical and well-being issues.

Terms of Reference

The terms of reference refer to 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.*

Definition of Sports Scientist

In addressing the issue of sport scientists, it is important that we first define the term. Exercise & Sports Science Australia (ESSA), the peak body for sports scientists, provides a good working definition:

Sports scientists are 3 or 4 year university trained exercise and sports science/ human movement studies graduates. They specialise in helping an individual athlete or team to improve their sporting performance through the uses of scientific knowledge, methods and applications in the area of physiology, biomechanics, psychology, motor control and motor development. They evaluate research, assess and advise on the technical and practical aspects of training, injury prevention, technique analysis, and nutrition, optimisation of performance, and recovery practices in all areas and levels of sport.

Sports scientists are not in a “health profession” within the meaning of the *Health Practitioner Regulation National Law* and may not prescribe or administer therapeutic substances.

The Current Scope of Practice, Accreditation and Regulation

Currently, sports scientists are not licensed or otherwise regulated. ESSA maintains a voluntary accreditation process for sports scientists, however, according to its 2012 annual report, only 19 of its 3092 exercise science members have been accredited.

Unlike with physios, chiropractors, psychologists, and osteopaths, there are no regulations that govern standards, competence or ethics of sports scientists. Anyone can call themselves a sports scientists and sports scientists can act unfettered by professional norms of conduct

The absence of accountability leads to practices, such as those that occurred at the Essendon Football Club: it has been alleged that a sports scientist, without medical supervision, injected players with substances he claimed to be permitted under the WADA Code but may have been banned. It has also been alleged that the substances and/or practices to which players were subjected may have been of dubious safety or efficacy. If that is so, these sports scientists acted beyond the reasonable scope of their profession. As a result players' health and careers may have been placed in jeopardy.

On or about 28 May 2013, the Australian Institute for Sports issued *Sports Science Sports Medicine Best Practice Principles*. These principles contain many sound ideas, however, they go beyond what is warranted for elite professional athletes. As an example, principle 2 sets out a medication policy that would involve clubs and/or governing bodies in personal medical matters that are currently outside their ambit. For instance, AFL players whose personal doctors prescribe them medication for depression or an STD currently have their privacy protected: under this principle, they would be required to report the medication to their clubs despite the absence

of a connection to their football employment. Female athletes would have to report birth control. Elite athletes are in the public eye and their off-duty conduct is subject to employer scrutiny in a manner beyond that of other Australians. There are limits, however, and their personal non-sport health issues are and should continue to be beyond those limits.

The crux of the problem is the lack of regulation of sports scientists. That issue should be addressed in a manner that restricts sports scientists, not athletes.

The Oversight Role of Boards and Management

We do not believe that legislation mandating additional oversight of boards and management is warranted. Oversight is best achieved through the effort of governing bodies and player associations.

Moreover, we have found that creating additional rules and regulations places the focus on enforcement, breach, and sanctions. Sport is better served by creating a culture of integrity in which ethical practice is incorporated, esteemed and rewarded.

The Duty of Care of Sports Scientists to Athletes

Sports scientists owe athletes a duty of care to 1) perform within the scope of their competence and 2) use methods and treatments that proper research has determined to be safe, effective, and suited to the purpose.

Licensing of sports scientists in a manner similar to other professionals would create a system that would hold sports scientists responsible if they breached this duty.

Clubs and governing bodies, as employers of athletes, have the ultimate duty of care to protect athletes' health and safety at work by ensuring that the sports scientists they employ are well-trained and act within the limits of their profession. Current health and safety legislation, such as the *Work Health and Safety Act 2011*, is sufficient to this purpose, though more diligent enforcement might be warranted.

Avenues for Reform or Enhanced Regulation

We would like to see legislation regulating sports scientists.

Regulation should include:

- An agreed upon definition;
- Mandatory licencing/accreditation;
- Minimum training and education standards, including supervised training and compulsory continuing education;
- Clear boundaries regarding the scope of the profession, including that they may not administer injections and may not prescribe therapeutic substances other than under the direct supervision of a medical practitioner;
- An appropriate code of conduct, including privacy protection for athletes;

- A prohibition against sporting clubs employing unaccredited sports scientists;
- A disciplinary procedure that protects natural justice and imposes appropriate sanctions for breach; and
- A dispute resolution procedure.

The current ESSA accreditation process, if made mandatory, would address many of the issues above.

Conclusion

Sports scientists are hired to optimise our athletes' performances. Athletes rely on their advice regarding biomechanics, nutrition, and conditioning. Recent allegations regarding rogue sports scientists who may have treated players at AFL and NRL clubs have raised doubts about all sports scientists.

We believe that regulating the profession will enable athletes to trust that the people in whose hands they place their health and careers must meet professional standards and conduct themselves according to a professional code of practice.

Accordingly, we would ask that the legislature regulate sports scientists as set out above.

For any further information or assistance, please contact:

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