



The Greatest Game of All

31 May 2013

Committee Secretary
Senate Rural and Regional Affairs and Transport References Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Via email: rrat.sen@aph.gov.au

Dear Mr Palethorpe

Please find attached the National Rugby League's submission to the Rural and Regional Affairs and Transport Reference Committee's **Inquiry into the practice of sports science in Australia**.

Yours sincerely

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About the National Rugby League

The National Rugby League (NRL) is responsible for the continuing growth and success of the rugby league across Australia – from grassroots to the elite level. The organisation also manages the world's premier rugby league competition – the Telstra Premiership – which features sixteen teams across Australia and New Zealand.

Under the direction of the Australian Rugby League Commission (ARLC) – the single controlling body for rugby league in Australia – the NRL's vision is to be the most entertaining, most engaging and most respected sport.

With over 1.4 million playing participants across Australia, the NRL works to foster, develop and grow the game by bringing people together and enriching their lives through rugby league, The Greatest Game of All.

Over 87,000 volunteers are involved nationally in rugby league and the code also employs nearly 1500 people across Australia and in every state.

In the last year, more 6 to 12 year old boys and girls signed up to play rugby league than ever before and the sport's whole-of-game approach is to ensure that they remain a vibrant part of its future as players, officials or fans.

Since 1998, rugby league club membership has doubled and together with match attendance is now at record levels.

Rugby league is the number one sport on Australian television. Our commitment is to make rugby league the number one sport in people's lives.

INQUIRY INTO THE PRACTICE OF SPORTS SCIENCE IN AUSTRALIA

Background

The National Rugby League (NRL) welcomes the Rural and Regional Affairs and Transport Reference Committee's **Inquiry into the practice of sports science in Australia**.

The NRL is currently examining registration and accreditation practices for all football support staff including sports scientists working in NRL Clubs. The NRL's review is being undertaken by the Integrity and Compliance Unit as we respond to the drugs in sport investigation currently underway by the Australian Sports Anti-Doping Authority (ASADA) in light of the Australian Crime Commission's *Organised Crime and Drugs in Sport* report.

NRL response to the ACC report: *Organised Crime and Drugs in Sport*

The NRL has established an Integrity and Compliance Unit (ICU) to protect the values of the game. The ICU was set up under the guidance of eminent QC Tony Whitlam earlier this year and has been charged with introducing key strategies to ensure rugby league responds to the current drugs in sport investigation as well as develops appropriate measures from emerging future threats.

Initiatives outlined by the ICU include:

- The proposed establishment of a centralised register for club football staff and their qualifications including sports scientists, nutritionists, exercise physiologists, strength and conditioning coaches, trainers, and medical staff whether employees or consultants
- An expanded player testing program including:
 - An Athlete Biological Passport program – the largest in Australia
 - Increased testing for Human Growth Hormone with samples sent to London to take advantage of the latest technology developed for the 2012 Olympics
 - Increased testing for peptides with samples sent to Cologne to take advantage of leading international developments in peptide testing
- Club doctors to approve certified vitamin supplements which will also be recorded on a club supplements register at the NRL
- All injections are to be administered under the supervision or authority of the club doctor and self-injection by a player is banned other than with a Therapeutic Use Exemption (TUE) for a substance that requires self-injection such as insulin
- Registration forms for players will require notification to the club doctor of all supplements and medications used by the player
- Each club's anti-doping officer is to be independent of its football department and is to report regularly to the NRL Integrity and Compliance Unit
- A review of the NRL's Illicit Drug Policy with a view to centralising random testing for illicit substances to complement activity undertaken by NRL Clubs.

Inquiry's Terms of Reference

On 16 May 2013, the Senate referred the following matter to the Rural and Regional Affairs and Transport References 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.

Response

The NRL welcomes this timely inquiry into sports science in Australia.

Along with an examination of the accreditation and regulation of sports science, the NRL supports the formulation of a nationally agreed definition of sports scientist' given the current public debate about the role of this profession. However, this process along with any accreditation and regulation arrangements would also need to include the development of grandfathering processes to allow the up-skilling for current sports scientists working in sporting clubs and organisations to ensure experienced practitioners have the opportunity to gain accreditation.

For the purposes of this submission the NRL use of the term 'sports scientists' is as defined by Exercise and Sports Science Australia (ESSA): sport scientists are qualified specialists who provide sports science services to athletes; train potential sports scientists; and/or undertake research relating to sport.

We accept that this is a broad definition and that principally, in a sporting organisation or club, sports scientists devise methods to increase performance and give athletes a competitive edge without the use of any prohibited substances and without impacting negatively on the long-term health and mental well-being of athletes.

In considering the Committee's terms of reference, the NRL supports a national, standardised accreditation system for sports scientists. It is our view that the accreditation system should be implemented by the appropriate professional body and that the accreditation system is able to differentiate between levels of expertise.

The professional body for accreditation of sports scientists would need to demonstrate that their members adhere to a Code of Conduct that includes sanctions, that their Code includes a 'do no harm' principle or similar in line with established medical ethics, and that their members can also be subject to the Code of Conduct of sporting/governing bodies to ensure that sports codes/clubs (that is, the employer or party contracting the services) have the authority to sanction or terminate the employment or contract of a sports scientist that doesn't abide by its Code of Conduct. Accreditation would also need to establish qualification requirements, minimum standards and length of experience/previous expertise.

Further, it is the NRL's strong view that any national system of accreditation includes appropriate mechanisms that would stop 'rogue' sports scientists and/or members that have been sanctioned under their Code of Conduct, or that of another sport, to move from one

sporting code to another. It is our understanding that industry body ESSA already has in place an accreditation framework that would allow codes to check on any previous misconduct or transgression of its members, however, membership and accreditation of ESSA is not compulsory for sports scientists.

We also note that the Australian Institute of Sport released its *Sports Science/Sports Medicine Best Practice Principles* on 29 May 2013 which states that “the National Integrity of Sport Unit [NISU] will lead any work to establish accreditation or other regulation systems for sports scientists agreed by the Australian Government following the current Senate inquiry on sports science”. Whilst the NRL would support the NISU lead in bringing the industry together in this area, it is our strong view that an accreditation and regulation system should be professionally led and in line with that of other established professions that contribute to sport such as the Physiotherapy Board of Australia.

Across an increasingly competitive sporting environment and pressures to succeed, the role of sports scientists is seen as essential. As with any role or position within an organisation or club, the NRL supports proper oversight and best-practice governance. Unqualified persons and unethical behaviour has no role in any organisation and it is our view that oversight of staff within a club environment ultimately rests with the CEO. Whilst a Board will set the strategic direction and oversee club activities, implementation including staff appointments and clear reporting lines rightfully rest with a CEO. Therefore, in terms of the appointment and role of sports scientists within a club environment the NRL views the club CEO as the appropriate level of management to ultimately oversee the role. Whilst sports scientists are most likely to sit within football departments and/or high performance teams their day-to-day activities should be monitored by the club doctor or chief medical officer within a football/coaching/high performance team environment with ultimate oversight resting with the Club CEO.

Duty of care is a complex issue. Where a sports scientist provides services to players at the direction of an employer club, there is plainly a duty of care owed to the players in connection with those services by the employer. The professional nature of the services being provided also raises a real issue as to whether the sports scientist owes a separate duty of care to the athletes, in the same way as a medical practitioner does. The NRL believes that focusing on this, and making sure that sports scientists are appropriately insured, will be an important factor in raising professional standards.

Whilst anyone who comes into direct contact with a player in a club environment, in a way that has the potential to impact on a player’s health and well-being, should be qualified to do so and should behave ethically subject to Codes of Conduct and the World Anti-Doping Agency (WADA) Code, ultimate duty of care is the responsibility of a club (the employer). Although a national, standardised system of accreditation for sports scientists should assist in terms of addressing ‘duty of care’ related concerns in a sporting context.

The ‘spirit of sport’ as defined under the WADA Code ultimately relates to ethics, fair play and honesty in sport. Any type of doping is contrary to this and this is strongly supported and adhered to by the NRL. In signing a player contract and registration form all rugby league players agree to comply with *The Leagues Anti-Doping Policy* which extends across the NRL and all affiliated competitions and adheres to the WADA Code.

No matter where a player competes – the NRL, National Youth Competition or state based competitions – they are bound by the Anti-Doping Policy and the other relevant behavioral and standards policy of the Code. The policy bans all players from taking drugs which are on the WADA *prohibited list*. It is the NRL’s view, and currently subject to examination by the NRL’s Integrity and Compliance Unit, that all sports scientists working within the game are to be registered by the NRL and to be bound by NRL Anti-Doping Policy and the other relevant

policies, in similar terms to players. This would be in addition to any national accreditation requirements potentially introduced to cover sports scientists. In this respect the NRL believes that a two tiered system of this kind – accreditation by a professional standards body together with the sports scientist being subject to the conduct and disciplinary procedures of the NRL – is the best method of regulation of sports scientists.

There is no doubt that in light of recent and ongoing events – widely being reported in the media – that the role of ‘sport scientists’ is under scrutiny. Of course, current circumstances should not impugn the reputation of sport scientists who do conduct themselves ethically. However, to the extent that sports science is a growing academic field and profession, seen as critical to improved individual and team performance in sport, then enhanced industry or professionally-led regulation and accreditation should be examined and considered.

Conclusion

In summary, the NRL supports:

- The formulation of a national definition for sports scientists and welcomes the timeliness of this inquiry as well as the AIS *Sports Science/Sports Medicine Best Practice Principles* released on 29 May 2013
- The establishment of a national industry-led accreditation and/or regulation system that sets qualification requirements, minimum standards and recognises past experience
- A national system of regulation that would allow codes access to information in the event a sport scientist was banned or sanctioned for activity while working for a different sporting code/club
- That a national industry-led accreditation and/or regulation system works in conjunction with and does not override Codes of Conduct, behavioural policies and any other employment conditions set for a sports scientist by their code/sporting organisation/club
- Club CEO is the appropriate level of management to oversee sports scientists in sporting organisations with day-to-day management resting with the club doctor/Chief Medical Officer.