

The practice of sports science in Australia

Submission by the Department of Regional Australia, Local Government, Arts and Sport to the inquiry by the Senate Committee

On 16 May 2013 the Senate referred the following matter to the Senate Standing Committee on Rural and Regional Affairs and Transport for inquiry and report:

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.

This submission from the Department of Regional Australia, Local Government, Arts and Sport (DRALGAS) covers aspects (d) and (e) of the Committee's inquiry. It has been written in conjunction with, and supplements, the Australian Sports Commission's submission, which provides advice and information on aspects (a), (b) and (c).

The submission has been prepared by the National Integrity of Sport Unit (NISU) within DRALGAS. The Australian Government established the NISU in October 2012 to oversee the implementation of the National Policy on Match-fixing in Sport and meet its commitments under this policy.

Subsequently, the Government has provided additional funding to NISU to expand the capacity of the NISU. The NISU has a wide ranging and comprehensive work program including:

- Co-ordinating outcomes with jurisdictions to ensure a consistent national approach to match-fixing;
- Leading the government response at Commonwealth and national level to address concerns arising from Australian Crime Commission's report *Organised Crime and Drugs in Sport*.
- Building the capacity of all sports to identify, address and manage sport integrity threats; and
- Developing intelligence monitoring and management protocols, and expanding networks between all stakeholders.

The ACC's report *Organised Crime and Drugs in Sport* identified the potential problems that arise for athletes and sporting organisations from insufficient scrutiny of the activities of athlete support personnel, including individuals who may be broadly described as 'sports scientists'. This raises the issue of whether there is a need for a more formal system of regulation of sports scientists, noting that many of the other professions working with athletes, such as sports physicians, and physiotherapists are registered professions.

The NISU considers that greater enhancement of the regulation of sports scientists is justified as part of the overall protection of sports and athletes against threats to the integrity of sport. However, the best mechanism to achieve this will require careful consideration of the potential effectiveness and cost of any additional regulation to both the individual professionals themselves and the sporting sector as a whole.

Further information on matters addressed in the submission is available from Andrew Godkin, First Assistant Secretary, National Integrity of Sport Unit, Department of Regional Australia, Local Government, Arts and Sport. Mr Godkin can be reached by email on Andrew.Godkin@pmc.gov.au.

Terms of Reference: (d) avenues for reform or enhanced regulation of the profession

Enhanced self-regulation

As noted in the submission provided by the Australian Sports Commission, sports science is a relatively new and small profession. It also does not have a clear set of

parameters in terms of its scope of practice, and many individuals who may also be described as a 'high performance manager' or a 'strength and conditioning expert', or 'exercise physiologist' may also describe themselves as a 'sports scientist' – the terminology in this, and related fields, is somewhat undefined.

Taking the scope of practice described by the Australian Institute of Sport (AIS) in the Australian Sports Commission's submission, it is clear that true sports scientists are a small, highly qualified set of individuals, with significant levels of academic and practical experience. A large percentage of these individuals are employed within the AIS and/or the State and Territory sports institutes and academies, and provide a valuable service to athletes in a variety of sports. Others may be employed by sporting codes directly or by individual clubs within the professional sports in Australia.

This also points to a further issue for consideration: enhanced regulation of sports scientists may only encompass a small percentage of the support staff involved in preparing a professional team or athlete for competition.

In an employment situation, enhanced regulation can be achieved through the adoption of two measures: a commitment by employers (whether institutes or academies of sport or sporting organisations) to only employ sports scientists of appropriate qualifications with accreditation by an appropriate professional organisation, and secondly, a commitment that employers will not continue to employ an individual who has been found by an appropriate professional organisation to have breached the professional body's code of conduct requirements and/or has failed to maintain appropriate accreditation. These commitments can also be applied to individuals and/or organisations engaged on a contract basis to provide sports science services.

A strong professional organisation can be effective in ensuring that safe and appropriate services are provided. An example in a related field is the Dietitians Association of Australia (DAA). Along with accrediting members, DAA also accredits universities providing dietetics education, thereby ensuring a consistent set of competencies is provided at a minimum level for all entry level accredited dietitians. Accreditation with DAA is frequently a pre-requisite for many employers seeking dietitians in the health sector.

The Department of Regional Australia, Local Government, Arts and Sport, in conjunction with the Australian Sports Commission, has begun discussions with State and Territory sport and recreation departments and the major professional sports, as the major employers of sports scientists, around the adoption of these types of commitments in relation to the employment or contracting of sports scientists. Before such a system can be put into place, however, agreement needs to be reached with all relevant parties as to the appropriate professional organisation and level of accreditation both of individual practitioners and the relevant tertiary institutions.

Exercise and Sports Science Australia (ESSA) is perhaps the most immediately relevant professional organisation currently in existence in Australia. ESSA currently accredits two streams of practitioners: 'accredited exercise physiologists' who specialise in clinical exercise interventions for persons at high-risk of developing, or with existing chronic and complex medical conditions and injuries, and 'accredited sports scientists'. Accredited exercise physiologists as assessed by ESSA are recognised for the purposes of Medicare, government veteran support programs and WorkCover.

ESSA defines an 'accredited sports scientist' as:

"... qualified specialists who are associated with:

- the provision of sports science services to athletes;
- the training of potential sports scientists; and/or
- the conduct of research relating to sport."

Unlike the DAA, however, ESSA does not currently restrict its membership to graduates of university courses which have been accredited by ESSA as providing a minimum level of competency to its students. However, it is understood that ESSA will introduce such a restriction from the beginning of 2014 onwards.

This definition is likely to be too broad to adequately differentiate the level of skills and therefore appropriate level of accreditation for the high performing sports scientists employed within the institutes and academies of sport in Australia, and some major sporting organisations. Accordingly, if ESSA were to become the peak professional body for these sports scientists, it would need to introduce a tiered system of accreditation to accommodate the needs of these employers.

As noted above, establishing an effective professional self-regulation scheme relies on the confidence of employers that the accreditation of sports scientists by the appropriate professional organisation is a reliable means of ensuring that a sports scientist is appropriately qualified and abides by appropriate professional standards. It is likely that detailed discussions will need to be held between the major employers, employees and any relevant professional organisation to ensure that accreditation and professional standards are at level acceptable for employers before any commitments could be made by employers around employment practices.

Registration

A second avenue to enhanced regulation of the sports scientist profession is to provide a registration or licensing scheme through legislation. Registration and licensing schemes are established by State and Territory legislation. Registration has a number of benefits. Registration schemes in Australia generally provide 'protection of title' which provides that only appropriately registered professionals are able to describe themselves as being a member of that profession. This would significantly clarify the current terminology around the sport scientist profession.

Registration also provides a clear system for dealing with individuals who have failed to meet their professional requirements, whether in terms of skill levels or code of conduct type issues. Generally the legislation sets up a hierarchy of responses following such a failure, from adding conditions to registration (such as reporting or additional continuing professional education) to deregistration.

Registration schemes, do, however, have significant costs for government or the practitioners or both, depending on the particular arrangements for cost recovery. As the constitutional power to regulate professions sits with the States and Territories, it is also possible that some States and Territories may decide to register sports scientists, while others do not.

In the case of the health professions, the most closely related set of registered professions to sports scientists, the States and Territories have established the Australian Health Professional Registration Scheme. This Scheme is administered by the Australian Health Professional Registration Authority (AHPRA), which supports and maintains the register for fourteen health professions and essentially provides a national scheme of registration. If a registration scheme were to be

established for sports scientist, it would be logical to establish it within the framework of the AHPRA system. This would need to be agreed by all Health Ministers of Australia before it could proceed.

For sports scientists to be included in the National Health Professionals Registration Scheme:

- amendments to the QLD Act flow on to State and Territory legislation, except in WA which will also need to amend its legislation;
- additional infrastructure will be required within AHPRA to support the registration functions; and
- a national course accreditation process will need to be endorsed.

Negative Licensing Scheme

A third option for enhanced regulation would be to establish a nationally consistent and enforceable code of conduct which would set out accepted professional standards of practice for sports scientists. The code would need to be adopted by all States and Territories to be nationally effective. A similar code of conduct for unregistered health professions is currently in place in New South Wales and South Australia.

Individuals or organisations would be able to make a complaint that a sports scientist has failed to comply with the code of conduct. Following an investigation of the allegations by a relevant statutory agency, which could be either state based or a national body, if the sports scientist is found to have breached the code of conduct, and the breach is serious enough, an order could be made prohibiting the sports scientist from continuing to provide services, or conditions could be attached to their practice. A register of prohibition orders could be publicly accessible.

This type of regulatory scheme, often known as a 'negative licensing scheme', would not set minimum legal standards for entry to the profession. Within this option, there is also no legislated protection for use of the title 'sports scientist', which means that compared to a registration scheme, those without an appropriate qualification will not be prohibited from using the title. However, this type of arrangement has the advantage of providing a clear legislative mechanism from prohibiting individuals who do not abide by relevant codes of conduct from continuing to practice in that profession.

As this system is not currently in place in any State or Territory, it would require considerable policy and legislative development work to establish.

(e) any other related matter

The Australian Crime Commission's report into *Organised Crime and Drugs in Sport* clearly identified the potential adverse influence that a few individuals with access across teams and sporting codes can wield. In part, this issue can be addressed in future by a requirement for sporting clubs to adequately reference check new employees and contractors, and further, for sporting codes to request information about club employees and contractors and to hold information about those individuals centrally. The Australian Football League (AFL) is currently adjusting its policies and procedures to accommodate a centralised record of employees and contractors.

However, this does not address cross code employment movements of individual coaches, performance managers, sport scientists and related support staff. The NISU is currently discussing with national sporting organisations whether there is value in establishing a central register across all sports in Australia to be held by the NISU. Sporting organisations seeking to employ or contract new support staff would be able, under this proposal, check which organisations an individual may have worked with, and therefore, conduct the appropriate reference checking.

Conclusion

Currently the sports scientist profession in Australia is small, specialised and dispersed, and is likely to remain so for some time. Under these circumstances, in the short term, the best option for greater regulation of this profession is likely to be strengthening professional self-regulation, with the support of the major employers in this area, the Institutes and Academies of Sport and the major professional sports.

Legislative options, such as registration or negative licensing, will require cross portfolio agreement across all jurisdictions to be effective. While such an agreement may be able to be obtained, establishing a registration scheme is a lengthy process, and therefore should be considered as a longer term option.