

31 May 2013

Mr Stephen Palethorpe
Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

Emailed to: rrat.sen@aph.gov.au

Dear Mr Palethorpe

Exercise & Sports Science Australia thank you for the opportunity to make a submission to the Senate Inquiry into the practice of sports science in Australia, conducted through the Rural and Regional Affairs and Transport References Committee.

Please find attached a document addressing the 'terms of reference'.

This submission has been endorsed by the National Board of Exercise & Sports Science Australia.

Please do not hesitate to contact me should the Senate Inquiry require additional information or clarification of issues discussed within this submission.

Yours sincerely

Anita Hobson-Powell
Executive Officer
Exercise & Sports Science Australia





The practice of sports science in Australia

**Submission
to the
Senate Standing Committees on Rural and
Regional Affairs and Transport**

31 May 2013

www.essa.org.au

Key Points

ESSA is the peak organisation in Australia representing and advocating for university trained exercise and sports science professionals, including the allied health profession of exercise physiology.

ESSA requires its professionals to observe to a Code of Professional Conduct and Ethical Practice which has three main purposes: a) to unify the practices of Exercise and Sports Science Australia members; b) to provide guidelines for ESSA members; and c) formalise a set of guidelines, which inform the Australian public of the professional standards of ESSA members.

Sports science is the study and application of scientific principles and techniques with the aim of understanding, and providing information that can be used to improve sports performance.

Sports scientists must observe high standards of inter-professional practice, quality control in athlete assessment, an understanding of doping legislation and procedures, the duty of care of athletes and the ethics of fair play in sport.

ESSA accredited sports scientists must work within their defined Scope of Practice and Code of Professional Conduct and Ethical Practice. A failure to do so may lead to sanctions, including removal of accreditation and deregistration from the Association.

ESSA has administered a sports science and exercise physiology accreditation system since 1996.

ESSA professionals are required to meet annual requirements for continuous professional development, through participation in ESSA accredited professional development courses and programs.

ESSA is the only professional body in exercise and sports science that can provide the quality control required to regulate the standards of the profession.

The establishment of quality assurance requirements and regulatory processes for sports scientists within an individual code or sporting organisation can only set the requirements for the employment and code of professional conduct and ethical practice within that sporting context.

ESSA is concerned that individuals describing themselves as sports scientists, are continuing to perform a role within sporting organisations and clubs, without appropriate qualifications, accreditation by an independent and recognised organisation and oversight by a governing body or statutory control.

ESSA recognises that sports scientists are, and should be, subject to the ordinary common law rules of negligence.

ESSA has by its own constitution, rules and by-laws a process of accreditation, education and control over the activities of its professionals. The maintenance of appropriate and high standards of professional care as well as ethical practice are matters of fundamental importance to ESSA.

Regulation of the sports science industry can only be achieved through ensuring that appropriately accredited and/or registered sports scientists be employed or contracted to work with athletes.

ESSA believes the public interest is best served by the Commonwealth Government enforcing mandatory accreditation of all sports science professionals working within sporting organisations.

BACKGROUND

Exercise & Sports Science Australia – The Organisation

The Australian Association for Exercise and Sports Science Pty Ltd (AAESS) was founded in 1991.

AAESS changed its trading name to Exercise & Sports Science Australia (ESSA) in January 2010.

ESSA is the peak organisation in Australia representing and advocating for university trained exercise and sports science professionals, including the allied health profession of exercise physiology.

KEY POINT ESSA is the peak organisation in Australia representing and advocating for university trained exercise and sports science professionals, including the allied health profession of exercise physiology.

As the peak professional body representing exercise and sports science in Australia, ESSA provides national and international leadership and advocacy on key issues and supports its professionals and the community by fostering excellence in professional practice, education and training, and research.

ESSA is directed by an Executive Board comprised of leading academics and practitioners in the field of exercise and sports science and is supported by a number of state chapters throughout Australia.

ESSA is a Company, Limited by Guarantee and its constitution has been registered with the Australian Securities and Investments Commission.

ESSA has a current membership base of 3700 members located throughout all states and territories of Australia.

Exercise & Sports Science Australia – Professional Standards

The governance of the ESSA organisation is structured so as to ensure substantial attention is afforded to professional standards.

The ESSA Standards Committee represents the exercise and sports science profession on all issues related to professional quality, ethical conduct and workforce requirements.

ESSA requires its professionals to observe to a Code of Professional Conduct and Ethical Practice which has three main purposes: a) to unify the practices of ESSA members; b) to provide guidelines for ESSA members; and c) formalise a set of guidelines, which inform the Australian public of the professional standards of ESSA members.

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ESSA accredits university courses that have met the association's high quality standards for accreditation through its National University Course Accreditation Program¹ (NUCAP).

The primary objectives of NUCAP are to provide university academic units with a framework to build courses of excellence in exercise and sports science and ensure that graduate outcomes are aligned with industry requirements.

Finally, ESSA requires accredited exercise physiologists and sports scientists to maintain their accreditation through continuing professional development². Accredited course providers can offer professional development opportunities to accredited members³.

The professional development opportunity (PDO) includes a variety of specialisations/categories delivered face-to-face, through distance education, workshops or online seminars. All PDO's are reviewed and accredited by the ESSA professional development committee.

¹ www.essa.org.au/for-universities/

² www.essa.org.au/membership/accreditation/

³ www.essa.org.au/professional-development/accrediting-a-pd-course/

RESPONSES TO TERMS OF REFERENCE

(a) The current scope of practice, accreditation and regulation arrangements for the profession

Sports science is the study and application of scientific principles and techniques with the aim of understanding, and providing information that can be used to improve sports performance⁴.

Discipline area	Type of work undertaken
Sports physiology	<ul style="list-style-type: none"> • Investigations into the anthropometric, physiological, metabolic and nutritional demands of specific sports • Assessments of an athlete's physiological capacities, training and sports performance • Evaluation of the efficacy of training programs in consultation with the athlete's coach and the strength and conditioning staff • Monitoring of the training load and assessment of an athlete's response and adaptation • Advice on environmental stressors (heat, altitude) and the design of programs to assist adaptation and performance • Monitoring signs of training maladaptation, musculoskeletal injury and illness in consultation with the sports medicine physician and other allied health staff • Providing advice on recovery and regeneration techniques • Research and evaluate new training programs, ergogenic aids, and including nutritional products and environmental adaptations that may improve athlete performance
Sports biomechanics	<ul style="list-style-type: none"> • Assessment of mechanics and efficiency of movement using video or computer based technologies • In consultation with the coach and sports medicine professionals, developing technical modifications to improve the efficiency of athlete's performance or to reduce the risk of injury • Research, design and development sports or personal equipment to improve sports performance and/or reduce the risk of injury
Motor control and skill acquisition	<ul style="list-style-type: none"> • Assess an athlete's motor performance and provide advice on the design of training programs that will enhance an athlete's ability to improve or to learn new skills to improve performance • Assess an athlete's visual processing, cue recognition and decision making skills • Develop and design programs to enhance an athlete's learning and decision making abilities and improve skilled performance
Strength science/ strength and conditioning	<ul style="list-style-type: none"> • Working in consultation with the sports physiologist, coach, physiotherapist and the sports physician design, implement, supervise, evaluate and monitor individualised strength and conditioning programs to improve performance and to assist in the rehabilitation of injury

⁴ Haff G. Sports Science. A Roundtable Discussion *National Strength and Conditioning Journal*. 32: (2) 33-45, 2010

It is generally accepted that an accredited sports scientist will not:

- provide any invasive services, including injectables or intravenous procedures (except for capillarised blood testing);
- provide or order diagnostic tests or procedures;
- prescribe or use pharmaceutical products or medicines;
- design or implement nutritional supplementation programs (unless additional post-graduate training or certification has been completed) and without consultation and approval with dietetic or medical approval;
- provide nutrition assessment, advice or counselling;
- undertake genetic testing for any purpose in relation to talent identification of performance;
- perform joint manipulation, massage or ultrasound therapies; or
- make a final decision on an athlete's "readiness for return to play" following an injury or illness.

<p>KEY POINT Sports science is the study and application of scientific principles and techniques with the aim of understanding, and providing information that can be used to improve sports performance.</p>
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Sports science is widely recognised as making an important contribution to the success of athletes by influencing athletic practice and performance.

Sports scientists are currently employed within national and state institutes/academies of sport, regional academies of sport, professional and elite sporting teams, national sporting organisations, private consulting roles and private practice.

Sports scientists work as an integral part of the inter-professional sports medicine and sports science team. This involves collaboration with other relevant health and medical professionals (sports physicians, sports doctors, physiotherapists, sports dietitians, sports psychologists and other allied health professionals) as a part of the sports medicine team within a club or organisation.

Sports scientists will also work closely with strength and conditioning coaches and coaching staff to determine the individual needs of athletes under their care⁵.

A clear understanding of the roles and responsibilities and the scope of practice of each member of the sports medicine and science team and the inter-professional relationships is a critical element of working in a sporting environment.

In most high-performance settings, the sports science team work collaboratively to provide a coaching panel with evidence-based approaches to athlete development and performance.

As an example, the physiologist, recovery specialist, dietitian, psychologist, physiotherapist and doctor may all collaborate on issues concerned with the health of an athlete. A biomechanist, skill acquisition specialist, psychologist and performance analyst may work collaboratively to compile the objective information required to provide coaches with a 'plan of attack' to improve a skill⁶.

⁵ www.theconversation.com/tarred-with-the-same-brush-what-do-sports-scientists-do-12121

⁶ www.theconversation.com/tarred-with-the-same-brush-what-do-sports-scientists-do-12121

The analyses undertaken in relation to an athlete's sport performance, and the interventions provided by sports scientists to improve sports performance, may include the following fundamental and applied sciences:

- biomedical sciences of anatomy, physiology, biochemistry and applied nutrition;
- principles of the physics of movement and skeletal mechanics (biomechanics);
- principles of neuropsychology applied to the learning of motor skills (motor control or skill acquisition); and
- knowledge and application of training principles and techniques, recovery practices and injury prevention, to assist an athlete reach their optimal performance in a specific sport.

Sports scientists must observe high standards of inter-professional practice, quality control in athlete assessment, an understanding of doping legislation and procedures, the duty of care of athletes and the ethics of fair play in sport.

KEY POINT Sports scientists must observe high standards of inter-professional practice, quality control in athlete assessment, an understanding of doping legislation and procedures, the duty of care of athletes and the ethics of fair play in sport
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The scope of practice of a sports scientist does not include the provision of diagnostic procedures or medical diagnostics, genetic testing, or the use of pharmaceutical products. Sports scientists are also not involved in providing medical treatments or interventions, including invasive procedures, or providing "clearances to play" following an injury or illness.

ESSA accredited sports scientists must work within their defined Scope of Practice and Code of Professional Conduct and Ethical Practice. A failure to do so may lead to sanctions, including removal of accreditation and deregistration from the Association.

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The duty of care to athletes is paramount and this is an essential theme within the Scope of Practice.

The requirement for registration or accreditation by the relevant, peak professional organisation is an essential requirement of any profession to ensure quality control and the necessary professional standards of knowledge, competency and a duty of care to their clients⁷.

All medical practitioners and specialists, physiotherapists and podiatrists who work alongside athletes are required to be registered with an Australia Health Practitioner Regulation Agency Board.

ESSA has administered a sports science and exercise physiology accreditation system since 1996. The Commonwealth Government have recognised ESSA as the self-registering body for allied health professionals, accredited exercise physiologist since 2005. Since the accreditation framework inception, a total of 52 sports scientists and 3566 exercise physiologists have been accredited.

⁷ National Alliance of Self Regulating Health Professional, 2012, "Harnessing self-regulation to support safety and quality in healthcare delivery: A comprehensive model for regulating all health practitioners"

KEY POINT ESSA has administered a sports science and exercise physiology accreditation system since 1996.

The number of sports science accreditations is far less than the current number of practicing sports scientists as it is not a mandatory requirement.

This is in contrast with the UK system where accreditation as a high performance sports scientist with the British Association for Exercise and Sports Science is a requirement for employment in the English Institute of Sport and many other professional positions.⁸

UK Sport invested heavily in sports science in the lead up to the London Olympics by increasing the volume and sophistication of sports science and sports medicine support provided to their Olympic athletes.⁹ Indeed, the UK's recent Olympic success can in part, be attributed to the investment they made into high quality sports science.

ESSA accredited sports scientists must have completed 3-4 year university degrees in sports science in at least one of the four discipline areas of sports science, plus undertake a minimum 500 hours of supervised professional practice, under the direction of a sports scientist.

Many sports scientists have also completed PhDs in discipline areas within or related to sports science.

In addition, ESSA professionals are required to meet annual requirements for continuous professional development, through participation in ESSA accredited professional development courses and programs and adherence to the Code of Professional Conduct and Ethical Practice.

KEY POINT ESSA professionals are required to meet annual requirements for continuous professional development, through participation in ESSA accredited professional development courses and programs.

The four discipline areas of specialisation within sports science are:

- Sports physiology;
- Sports biomechanics;
- Sports motor control/skill acquisition; and
- Strength science/ strength and conditioning.

ESSA has recently funded an independent research organisation to undertake an Australia wide survey of the high performance and sports science workforce across all sectors of the sports industry to determine the number, qualifications, accreditation, employment status and duties. When completed this survey will provide a valuable resource to assist ESSA further develop strategic plans for the industry.

ESSA is informed by an extensive research background in areas of sports and exercise science and is the only professional body in exercise and sports science that can provide the quality control required to regulate the standards of the profession through evidence based practice.

ESSA is the peak professional body for exercise and sports scientists in Australia and through its professional standards committee and the National University Course Accreditation Program (NUCAP), university courses across Australia must meet rigorous standards to achieve accreditation.

⁸ <http://theconversation.com/sports-science-time-for-proper-accreditation-12095>

⁹ <http://www.bbc.co.uk/sport/0/olympics/19210165>

ESSA is also the only professional body that can provide accreditation of sports scientists across the whole sports industry to ensure quality assurance standards are met and that the sports science industry is uniformly regulated.

KEY POINT ESSA is the only professional body in exercise and sports science that can provide the quality control required to regulate the standards of the profession.

It has been reported by the media^{10, 11} and communicated at our meetings with some of the larger professional codes (e.g. the AFL, NRL and Cricket) that some sports will implement their own regulatory processes or continue with their current practices when employing sports scientists. However, this is not a prudent solution to ensuring appropriately qualified and ethical professionals are working in the industry. Similarly, accreditation of sport scientists should not be left solely with the Australian Sports Commission due to the obvious conflict with the Commission's role in also setting performance and medal targets for athletes.

The establishment of quality assurance requirements and regulatory processes for sports scientists within an individual code or sporting organisation can only set the requirements for the employment and code of professional conduct and ethical practice within that sporting context.

Should a sports scientist be "deregistered" by that code, he/she can simply move to a sporting code that does not require "registration" for employment. Importantly, ESSA can provide these regulatory processes, which have an Australia-wide impact across all sporting codes.

ESSA currently has established rigorous quality control procedures, Codes of Professional Conduct and Ethical Practice in addition to a definitive scope of practice for accredited sports scientists and accredited exercise physiologists.

KEY POINT The establishment of quality assurance requirements and regulatory processes for sports scientists within an individual code or sporting organisation can only set the requirements for the employment and code of professional conduct and ethical practice within that sporting context.

(b) The role of boards and management in the oversight of sports scientists inside sporting organisations

ESSA commends the Australian Sports Commission for raising the board of governance standards for National Sporting Organisations through publication of 'Mandatory Sports Governance Principles'¹².

One of the key principles states that "*Boards should have in place proper investigation, supervision and reporting practices in relation to the sports science practices in use in their sport*".

ESSA welcomes this reform, as it supports the implementation of systems and accountability of organisational activities.

Additionally, ESSA recommends (to Boards and sports administrators) that the oversight of sports science include:

- development of an employment policy requiring all high performance, sports science and medical staff be accredited/registered with their appropriate professional bodies/boards; and

¹⁰ www.smh.com.au/afl/afl-news/afl-to-go-in-hard-to-curb-drug-use-20130207-2e194.html.

¹¹ www.dailytelegraph.com.au/nrl-boss-david-smith-vows-to-focus-on-medics-scientists/story-e6freuy9-1226579615583

¹² www.ausport.gov.au/_data/assets/pdf_file/0003/531165/ASC_Mandatory_Sports_Governance_Principles.pdf

Professional	Accreditation/regulation requirement
Sports Physician	AHPRA Medical Board
Sports Doctor	AHPRA Medical Board
Physiotherapist	AHPRA Physiotherapy Board
Podiatrist	AHPRA Podiatrist Board
Accredited/Advance Sports Dietitian	Sports Dietitians Australia
Accredited Sports Scientist	Exercise & Sports Science Australia

- formation of a sports medicine and sports science committee that will allow the board to ensure a focus is given to this particular area of the organisations' activities.

To ensure adequate governance benefit from having a sports medicine and sports science committee, it is essential that its structure is well considered. This includes:

- establishing a clear terms of reference;
- providing the committee with appropriate powers/authority and resources;
- appointing the 'right people' to stand on the committee; and
- determining appropriate reporting processes to both the Board and management.

(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

ESSA is concerned that with the recent publicity of sports scientists and drugs in sport in the media, individuals describing themselves as sports scientists, are continuing to perform a role within sporting organisations and clubs, without:

- appropriate qualifications;
- accreditation by an independent and recognised organisation; and
- any governing body, statutory control or regulation.

KEY POINT ESSA is concerned that individuals describing themselves as sports scientists, are continuing to perform a role within sporting organisations and clubs, without appropriate qualifications, accreditation by an independent and recognised organisation and oversight by a governing body or statutory control.

In some limited instances such persons are potentially causing damage to not only the individual athletes they treat, but also the wider community by encouraging practices which are at worst dangerous and unlawful and at best unethical and inappropriate (e.g. school boys being arrested for the supply and possession of steroids¹³).

ESSA recognises that sports scientists are, and should be, subject to the ordinary common law rules of negligence. ESSA also recognises that the role of sports scientists particularly in professional sports is growing.

KEY POINT ESSA recognises that sports scientists are, and should be, subject to the ordinary common law rules of negligence.

¹³ www.news.com.au/national-news/st-josephs-nudgee-college-rocked-by-steroids-arrests/story-fncynjr2-1226634149907

From a historical perspective, the law in relation to negligence is fairly settled. In Australia, if a party wants to prove that they have suffered damage due to the negligence of another party, they need to prove three things:

1. that the negligent party owed them a duty of care;
2. that the negligent party breached that duty of care in that the conduct by the negligent party was not consistent with what a reasonable person would do in the same circumstances;
and
3. the innocent party suffered an injury or damage caused by the negligent party's carelessness and/or breach.

How this general law is applied depends upon the particular duty holder, and the conduct under consideration.

The law of negligence is however continually evolving with technological, social and community developments and specifically in the sports and fitness industries.

It is ESSA's position that the liability for negligence on the part of sports scientists generally can be compared to the liability for negligence of trainers and other health and medical professionals in the Australian medical, health and fitness industries.

For example, in the New South Wales Court of Appeal case of *Wilson –v- Nilepac Pty Ltd trading as Vision Personal Training* [2011] NSW CA 63, the Court held that the personal trainer in that case was in breach of his duty of care to his client and did not meet the standard of a reasonably competent professional personal trainer because the trainer required his client to undertake an exercise that was not appropriate for that client. Accordingly, the trainer was found to have breached his duty of care and his employer was held vicariously liable for his actions.

This case can be broadly applied to the sports science industry because on the well established principles of negligence, a sports scientist can be held to be liable for a breach of his or her duty of care to their clients including those who are athletes.

Further, it is likely that the party employing the negligent sports scientist will also be vicariously liable for any loss or damage suffered by the athlete due to the negligent sports scientist's activities.

However, for a case in negligence to succeed, the claimant must show that a duty exists, that there has been a breach of that duty **and** that damage has occurred. This is quite a different proposition from whether the particular program used by the sports scientist was inappropriate or unethical. For instance, an entirely inappropriate and unethical program (even unlawful) may be used by a sport scientist that results in no quantifiable loss or damage to the individual athlete. In those instances, it is really a matter of a governing body, upon complaint, investigating and initiating any appropriate sanction within its own rules. For these reasons, and to go beyond the common law duties of care imposed on sports scientist, ESSA believes that it can by its own regulation and accreditation processes impose stringent and ethical standards on its own members and develop a culture of awareness and social and ethical practice.

A recent investigation was undertaken by the Australian Crime Commission (ACC) in relation to the link between organised crime and drugs in sport. The following relevant quote is contained in the Organised Crime and Drugs in Sport Report commissioned by the ACC which was released in February 2013. Specifically, the quotes refer to the role that sports scientists play in providing prohibited substances to athletes.

“Sports scientists are now influential in professional sport in Australia, with some of these individuals prepared to administer substances to elite athletes which are untested or not yet approved for human use. In many Australian sporting codes, sports scientists have gained increasing influence over decision making within the club. Some sports scientists

*and doctors are experimenting on professional sports persons in an effort to determine if particular substances can improve performance without being detected”.*¹⁴

Clearly, the findings in the ACC report are very concerning to ESSA and the sports science industry and provide substantial support for ESSA's belief that an overarching authority is required to oversee sports science practitioners in professional sports in Australia. Of note, individuals who have been identified via the media are not accredited sports scientist and based on their educational background, would be unlikely to gain accreditation with ESSA as a sports scientist.

ESSA has by its own constitution, rules and by-laws a process of accreditation, education and control over the activities of its professionals. The maintenance of appropriate and high standards of professional care as well as ethical practice are matters of fundamental importance to ESSA.

<p>KEY POINT ESSA has by its own constitution, rules and by-laws a process of accreditation, education and control over the activities of its professionals. The maintenance of appropriate and high standards of professional care as well as ethical practice are matters of fundamental importance to ESSA.</p>

Persons who are not ESSA accredited sports scientist (but may still call themselves sport scientists) fall outside that control, and can conduct themselves according to the dictates of their employer or clients (but are still subject to the laws of negligence).

ESSA maintains a clear view that by its own internal by-laws, any conduct by any of its members which falls short of the required standards and duty of care will result in an investigation and possible sanctions by various methods including removal of membership and/or accreditation.

Generally speaking, when a party is a victim of negligent conduct, the damage they suffer is more than likely to be quantifiable in monetary terms. Inappropriate or ineffective treatment of an athlete by a sports scientist may well lead to less “game time” and consequential loss of revenue. However, this is not the only loss which inappropriate or unlawful treatment may cause.

In today's sporting landscape most player contracts have provisions permitting termination of a contract for reasons relating to player conduct and bringing the club, game and sponsors into disrepute. It is also much more likely that a club/player will suffer significant reputational damage if they are in any way linked to or at least suspected of unethical conduct, such as the taking of illegal performance enhancing substances.

Any sport scientist who plays a role in administering such a program may well be seen to be breaching his or her duty of care to an athlete or club in such matters where they do so without any or any proper informed consent or direction.

Given that the playing careers of most professional footballers in Australia is not much greater than 10 years, the reputation of the player is a priority concern to the players, officials and fans alike because any loss of reputation is likely to mean a drop of value in what is already a very competitive marketplace.

Therefore, it is ESSA's view that while the duty of care owed by sports scientist to athletes exists, more is required to positively promote ethical practice.

ESSA will continue to use all of its powers necessary to implement a program of education within its profession that recognises the duty of care owed by its members not only to the general public, but also to specific sporting communities and athletes.

¹⁴ www.crimecommission.gov.au/sites/default/files/files/organised-crime-and-drugs-in-sports-feb2013.pdf

Implicit in this proposition is ESSA's belief in its own role as a regulatory body to accredit sports scientists, regulate and educate its members and promote the need for a culture of ethical practice and fair play in sport.

(d) Avenues for reform or enhanced regulation of the profession

Based on the arguments and comments above, it should be clear that regulation of the sports science industry can only be achieved through ensuring that appropriately accredited and/or registered sports scientists be employed or contracted to work with athletes.

<u>KEY POINT</u> Regulation of the sports science industry can only be achieved through ensuring that appropriately accredited and/or registered sports scientists be employed or contracted to work with athletes.
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ESSA takes the professional accreditation we bestow to individual practitioners very seriously.

As a credible, external arbiter, ESSA is uniquely positioned to provide this accreditation.

Our independent status provides better protection to sporting organisations from future allegations of misconduct compared with individual self-regulation and may also help alleviate concerns of concealment and inconsistent standards.

We hold those in our profession accountable for their actions in their quest to gain competitive advantage, which is essential for the sake of athlete safety.

ESSA's existing structures already services and currently manage a membership of over 3700 with more than 2600 accredited professionals. Our stringent code of conduct allows us to offer consistent accreditation across all sports.

ESSA believes the Commonwealth Government (through the Australian Sports Commission) should take a more proactive position and consider only funding sports that employ appropriately qualified and accredited sports science professionals.

By failing to implement such a process, the Commonwealth Government may attract continuing criticism for conveying an inconsistent message to sports about the employment and/or use of appropriately qualified and accredited sports science professionals.

While the newly released 'AIS Sports Science/Sports Medicine: Best Practice Principles'¹⁵ recognise the need to "*attain minimum standards for professional qualifications and, if applicable, professional accreditation, that will be discipline specific*", there is a need for mandatory adoption of such a principle by sporting organisations.

ESSA believes the public interest is best served by the Commonwealth Government enforcing mandatory accreditation of all sports science professionals working within sporting organisations.

<u>KEY POINT</u> ESSA believes the public interest is best served by the Commonwealth Government enforcing mandatory accreditation of all sports science professionals working within sporting organisations

¹⁵ www.ausport.gov.au/_data/assets/pdf_file/0003/531498/AIS_SSSM_Best_Practice_Principles.pdf

(e) Additional Information - ESSA's Relationship with Sports Medicine Australia

ESSA is a member organisation of Sports Medicine Australia (SMA). SMA is an interdisciplinary body comprising all professional associations in sports medicine and sports science that are directly involved with servicing the needs of athletes and national sporting bodies, at all levels of sport.

SMA member organisations comprise the following:

- Australasian Academy of Podiatric Sports Medicine
 - Australasian College of Sports Physicians
 - Australian Physiotherapy Australia, incorporating Sports Physiotherapy Australia
 - Australian Psychological Society College of Sports and Exercise Psychologists
 - Exercise & Sports Science Australia
 - Sports Dietitians Australia
 - Sports Doctors Australia
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Code of Professional Conduct and Ethical Practice

Version 2

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Preface

The Code of Professional Conduct and Ethical Practice has three main purposes, to unify the practices of Exercise & Sports Science Australia (ESSA) members, to provide guidelines for ESSA members, and to formalise a set of guidelines, which inform the Australian public of the professional standards of ESSA members.

Membership and/or accreditation of ESSA requires acceptance of the ESSA Code of Professional Conduct and Ethical Practice. This Code establishes a standard against which professional behaviour of ESSA members may be evaluated. Behaviour contrary to the advice of the Code amounts to behaviour against the best advice of ESSA.

The Code will be used by the Ethics Committee and Review Panel of ESSA and by the Executive itself in establishing ESSA work protocols, making decisions and in determining appropriate courses of action regarding complaints concerning the professional conduct and ethical behaviour of ESSA members.

The Code is comprised of a series of principles, which are applicable to the involvement of ESSA members with the public, clients, supervisees, students, employees, research participants, colleagues and other professionals.

Each section of the Code comprises of an initial statement of the general principle followed by specific examples of applications of the principle.

Definitions

- Association** *A formal organisation of practitioners or groups of practitioners of the exercise and sports science profession. The Association is the public face and voice of the profession; it stands for the advancement of the profession and benefits to the clients; it ensures that technical and ethical standards are maintained and improved; and it monitors continuing educational needs not just for the benefit of its members but for the greater good and best interest of the society it serves.*
- By-Law** *A subordinate law adopted by the Association to regulate the rights and duties of its officers and members. In the absence of law to the contrary, under the common law, the power to make by-laws resides in the constituent body of members.*
- Client** *A direct recipient of exercise and sports science services involving teaching, supervision, research or professional practice. Clients may be individuals, couples, families, groups of people, organisations, communities, facilitators, sponsors or those commissioning or paying for the professional activity.*
- Code** *This means the ESSA Code of Professional Conduct and Ethical Practice (2013) as amended from time to time.*
- Constitution** *The system of fundamental laws and principles that prescribes the nature, functions, and limits of the Association.*
- Exercise and sports science professional*** *A graduate of an exercise and sports science degree offered at an established university who is considered to be an exercise scientist, exercise physiologist or sports scientist.*
- Executive** *This means the Executive Officer, President, and Vice-President.*

Member	<i>An elected and financial member of the Exercise & Sports Science Australia whether admitted as a student member, full member, accredited member, fellow, associate member, academic member or honorary member.</i>
Practice	<i>Any activity considered to be within the accepted scope of an exercise and sports science practitioner, and/or the accepted scope of the area of the individual's current accreditation (e.g. exercise physiology and/or sports science).</i>
Practitioner	<i>A professional who provides exercise and sports science services.</i>
Profession	<i>An occupation that requires specialised tertiary training, knowledge and skills, and which intrinsically carries with them implied obligations to community, society and individuals with a set of standards and ethics by which these duties will be discharged.</i>
Regulatory bodies	<i>This means, organisation and/or government bodies whom exercise and sports science professionals may engage with (e.g. Medicare Australia, Department of Veterans' Affairs, Workers Compensation and health insurance agencies).</i>
Research	<i>The empirical data collected in the pursuit of scientific endeavour usually in the form of an experiment, survey, or evaluation, and which may be qualitative or quantitative in nature.</i>

1. Fundamental duties of an exercise and sports science professional

Exercise and sports science professionals are integral to the health, welfare and performance of Australians.

An exercise and sports science professional must:

- (i) act in the best interest of the client;
- (ii) deliver services competently, diligently and ethically.

An exercise and sports science professional must not:

- (i) engage in conduct which demonstrates that the professional is not a fit and proper person to practice;
- (ii) engage in disreputable conduct that reflects adversely on their ability to practice as an exercise and sports science professional;
- (iii) engage in disreputable conduct that reflects negatively on the profession.

2. Best practice

An exercise and sports science professional should maintain high professional standards of client service and professional relations:

- (i) services should be based upon the best scientific information and professional practice currently available;
- (ii) an exercise and sports science professional should be committed to, and involved in furthering their knowledge, skills and competencies through continuing education;
- (iii) an exercise and sports science professional should be committed to ensure appropriate relations are maintained among all professionals;
- (iv) an exercise and sports science professional should respect the collaborative nature of comprehensive health and sports medicine care of an individual with due recognition and respect for the perspective and expertise of other health care professionals and athlete management;
- (v) services should be based on best practice not financial gains.

3. Responsibility

An exercise and sports science professional is expected to maintain professional objectivity and integrity; to apply professional knowledge and skills to all work undertaken; to actively seek the objective of advancement of knowledge; and to respect the cultural environment in which they work.

- 3.1 While taking account of their obligations under the law, (e.g. NHMRC, Privacy Act, WADA/ASADA) an exercise and sports science professional will act in the best interest and welfare of their client.
- 3.2 The welfare of the client takes precedence over the self-interest, the interests of colleagues and other agencies and success in sport.
- 3.3 An exercise and sports science professional will engage in conduct that promotes equity and protects human rights, legal rights and moral rights and cultural sensitivities. They will avoid discriminating unfairly against people on the basis of age, religion, sexuality, ethnicity, gender,

disability or any other basis prescribed by law. An exercise and sports science professional presents opinions of their own in a fair, unbiased and honest fashion.

- 3.4 Take reasonable steps to prevent harm occurring as a result of their conduct.
- 3.5 Provide an exercise and sports science service only for the period when those services are necessary to the client.
- 3.6 Take reasonable steps to ensure that their services and products are used appropriately and responsibly.
- 3.7 Provide services in compliance with the requirements of relevant regulatory bodies.
- 3.8 An exercise and sports science professional engaged in teaching should endeavour to assist students to acquire the knowledge and skills, to achieve high standards of scholarship, and to develop independent thought.
- 3.9 An exercise and sports science professional engaged in research should conduct unbiased investigations, through the selection and development of appropriate research techniques, and through the timely and adequate disclosure of research findings to the professional and scientific community as well as the community at large.
- 3.10 Where a member becomes aware of possible misconduct by a professional colleague that cannot be resolved by discussion with the colleague concerned, they should take steps to bring the matter to the attention of those charged with the responsibility to investigate it, doing so without malice and without breaches of confidentiality other than those necessary to the proper investigatory processes.
- 3.11 A member should co-operate with duly constituted committees of the Board, particularly those charged with the duty of investigating any complaints against a member of the Board. Co-operation implies responding to any inquiries promptly and completely and adhering fully to any procedures established by the Board for such investigations.

4. Competency and accountability

An exercise and sports science professional, and those under their supervision, should develop, maintain and encourage a high standard of professional training and competence to their professional practice. They accept that they should be accountable for their professional actions.

4.1 An exercise and sports science professional should recognise the boundaries of their own competence and provide only services for which are defined in their scope of practice and for which they are qualified by their training and experience. They should refer matters outside their areas of competence and scope of practice to appropriately qualified persons.

An exercise and sports science professional should only provide exercise and sports science services within the boundaries of their professional competence. These include, but are not restricted to:

- (i) working within the limits of their education, training, supervised experiences and appropriate professional experience;
- (ii) providing only those services to their clients for which they are based on the established knowledge of the profession of exercise and sports science;
- (iii) adhering to the Code and profession guidelines.

4.2 An exercise and sports science professional will maintain appropriate levels of professional competence, seek professional supervision or consult as required.

5. Client care

Clients must not be subjected to undue risk prior to; during and following testing procedures, exercise or treatments prescribed by an exercise and sports science professional.

5.1 An exercise and sports science professional should ensure that the client is aware, in plain language, the aims, benefits, procedures, risks and safeguards with exercise through the process of informed consent, and aware of their clients rights to withdraw from such interaction without penalty (at any time).

5.2 An exercise and sports science professional should provide instruction and education that minimises the risk of injury, illnesses or side effects and maximises the benefits from their interaction. Exercise and sports science professionals should ensure interventions are appropriate to the client's needs, interests and capabilities.

5.3 An exercise and sports science professional should ensure that, in the case of injury, treatment and appropriate care are available to clients.

5.4 An exercise and sports science professional should ensure that in the conduct of experimentation, procedures conform to principles enunciated by:

- (i) the NHMRC
and
- (ii) those of the administering institution.

6. Record keeping

- 6.1 An exercise and sports science professional must make and keep adequate client records including: medical records, dates and interventions administered, and they will ensure these records are kept secured at all times.
- 6.2 An exercise and sports science professional must keep records for a minimum of seven years since the last client contact unless legal or their organisational requirements specify otherwise.

7. Description of services

An exercise and sports science professional provides information on professional qualifications and descriptions of services to help the public to make informed choices of the quality and type of service provided by both individuals and laboratories.

- 7.1 An exercise and sports science professional should not misrepresent their qualifications, experience or services.
- 7.2 An exercise and sports science professional associated with the promotion of professional services, professional devices, books, recorded material, nutritional or other products offered for commercial sale or use should ensure that:
 - (i) any promotional claims can be supported by evidence of a standard acceptable to the profession;
 - (ii) statements are not false, fraudulent, misleading or deceptive;
 - (iii) testimonials or endorsement are not solicited in exchange for remuneration or have the potential to exploit clients;
 - (iv) statements claiming or implying superiority for the exercise and sports science professional over any other professional;
 - (v) advertising does not breach rules under the Consumer and Competition Act;

- (vi) is not involved in sale or supply of any product for the sole purpose of financial gain, such as any pyramid selling agreements.

8. Confidentiality

An exercise and sports science professional must not disclose information obtained professionally to any third party without the informed consent of the client. There are certain exceptions to, and limitations of, that principle.

8.1 The major exceptions/limitations are:

- (i) incapacity: where the client is judged incapable of giving consent to disclosure, consent must be sought from his or her legal guardian.
- (ii) emergency: situations that may arise when it is impossible or impracticable to seek consent to disclosure in time to prevent harm or injury to the client or some other person. In this event it is expected that the exercise and sports science professional should normally report to the client or person's guardian, as soon as practicable, any information disclosed to a third party.
- (iii) law: Acts of Parliament and Courts of Law may compel disclosure of information given by a client. An exercise and sports science professional should inform the client, in advance, of such limitations of confidentiality.
- (iv) public safety: an exercise and sports science professional who believes that nondisclosure may endanger a client or another person but is denied permission to disclose, exercises professional judgment, if necessary after consultation with senior colleagues, in deciding whether to breach confidentiality or not.

8.2 In disclosing of information, an exercise and sports science professional should provide only that, which in their opinion, would enable the recipient to assist their client, and not in contravention of clause 5. Should such information become obsolete, the exercise and sports science professional should inform the recipient accordingly.

8.3 The use of client names in presentation (either verbal, visual or written) or in publications, shall only be used when informed consent has been obtained, and by doing so shall not directly or by implication reveal the names of any other clients.

8.4 Where information is gathered by an exercise and sports science professional for use by a third party, the informed consent of those to whom the information refers must be obtained by the

exercise and sports science professional. In addition, the recipient must be informed by an exercise and sports science professional of the need to protect confidentiality.

- 8.5 An exercise and sports science professional should make provision for protecting client confidentiality in the coding (e.g. alpha-numeric) storage and disposal of research and case records.

9. Professional relations

An exercise and sports science professional should not exploit their professional relationships with clients, supervisees, students, employees, research participants, colleagues or other professionals. The exercise and sports science professional has a mutual responsibility to ensure that the workplace is safe and inclusive.

- 9.1 An exercise and sports science professional should not condone or engage in sexual harassment, which is defined as comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient. Sexual relations with a client are unethical.
- 9.2 An exercise and sports science professional has a responsibility to obtain the informed consent of their clients with respect to all aspects of interventions, including procedures, benefits, risks and safeguards. Informed consent means obtaining the agreement of the client or, where the client is judged incapable of giving informed consent, of those authorised to represent the interests of the client. An exercise and sports science professional must follow the ESSA Code of Professional Conduct and Ethical Practice and this policy statement on informed consent. Informed consent includes determining appropriate levels of understanding by the client with the exercise and sports science professional making every effort to ensure that understanding.
- 9.3 An exercise and sports science professional will ensure they do not exploit relationships with clients, colleagues or other health professionals for emotional, sexual or financial gain.
- 9.4 An exercise and sports science professional will not use inaccurate or misleading ways to promote their services or products, or accept undisclosed private financial benefits.
- 9.5 An exercise and sports science professional will treat their clients, and colleagues with fairness, honesty, courtesy, respect and good faith.

10. Client assessments

An exercise and sports science professional has the prime responsibility for conducting client assessment, including interviews, observations, standardised tests, questionnaires and psycho-physiological measures, and they should ensure that these are used and interpreted only by competent persons.

- 10.1 An exercise and sports science professional should adequately protect the physical security of assessment instruments, the data they generate and the reports based on them.
- 10.2 An exercise and sports science professional should guard against any misuse or bias in selection, administration, scoring and interpretation of assessment procedures. They should be prepared to justify, in terms of current scientific literature, their use and interpretation of any assessment procedure. An exercise and sports science professional should avoid using procedures that are obsolete or of dubious scientific status.
- 10.3 An exercise and sports science professional should obtain the informed consent of a client when undertaking client assessments. Informed consent means obtaining the consent of the client or, where the client is judged incapable of giving informed consent, the consent of those authorised to represent the interests of the client. Informed consent includes that the client is informed of:
- (i) the nature and purpose of an assessment;
 - (ii) the procedures to be employed in the assessment process (e.g. type and general format of tests or questionnaires, psycho-physiological procedures etc.);
 - (iii) the uses to which the data from assessments will be put and the persons, organisations and/or agencies to whom the data and/or reports will be made available;
 - (iv) the right to know the content of client assessment reports concerning them;
 - (v) any risks associated with the assessment procedures to be undertaken.
- 10.4 In reporting assessment findings to a client or participants and to other professionals, an exercise and sports science professional should endeavour to ensure that appropriate explanations of the findings and their interpretations are provided and that they are not misused. Any reservations concerning the validity or reliability of an assessment procedure, should be made explicit in the report. An exercise and sports science professional should strive to prevent misuse of outdated assessment results.

- 10.5 An exercise and sports science professional should not normally release uninterpreted data from assessments to persons who are not specifically trained in the use and interpretation of the procedures concerned.
- 10.6 An exercise and sports science professional is responsible for ensuring adequate supervision of assessment procedures administered, scored or interpreted by others under their direction unless such persons are themselves properly trained in their use.
- 10.7 An exercise and sports science professional should abide by such guidelines as the standard of training required for accreditation of a testing centre as may be adopted from time to time by the Executive.

11. Delegation of professional tasks

An exercise and sports science professional who delegates to assistant, employees, junior colleagues or supervisees that involve the provision of exercise and sports science services should:

- (i) take reasonable steps to ensure that the delegate is aware of the Code;
- (ii) take reasonable steps to ensure that the delegate's conduct does not place the client of the service at risk of harm;
- (iii) take reasonable steps to ensure that the delegate is competent to undertake the tasks assigned to them;
- (iv) oversee the delegation of the specific tasks to ensure they are performed the tasks in a competent manner.

12. Investigations involving human subjects

An exercise and sports science professional must ensure that research investigations meet general scientific standards of competency and are sensitive to the welfare and dignity of the participants.

- 12.1 An exercise and sports science professional must submit their research proposals to relevant ethical committees for review and gain approval prior to the commencement of the research. Where no local ethical review committee exists, an exercise and sports science professional should seek

review by the Executive or its nominees. An exercise and sports science professional must gain informed consent from organisations through which they recruit research participants.

- 12.2 An exercise and sports science professional must obtain the informed consent of participants except where its exclusion can be justified by the research methodology. Research participants must be informed of the research aims, procedures, benefits, risks and safeguards.
- 12.3 An exercise and sports science professional must take all possible steps to protect participants from physical and mental discomfort, harm or danger. If the risk of such consequences exists and the participants give their informed consent to their involvement in the research, all possible steps must be taken to minimise any such risks. An exercise and sports science professional must not use research procedures if they are likely to cause serious or lasting harm to participants.
- 12.4 Where methodological requirements of a study involve the use of concealment or deception, an exercise and sports science professional has particular responsibilities. These include justifying this to the appropriate ethical committee, demonstrating that other non-deceptive procedures could not be used, obtaining the consent of participants to waive their right to prior information on the nature and purpose of the study, and ensuring that all participants are given full explanations as soon as possible.
- 12.5 An exercise and sports science professional has a responsibility to ensure that research carried out by others under their supervision conforms to the Code.

13. Studies involving animal subjects

An exercise and sports science professional using animals in teaching and research and in applied settings shall give every consideration to the welfare of the animals.

- 13.1 An exercise and sports science professional must submit their research proposals to the relevant animal ethical committees for review.
- 13.2 An exercise and sports science professional must follow the current Australian Government National Health and Medical Research Council (NHMRC) Australian Code of Practice for the Care and Use of Animals for Scientific Purposes.
- 13.3 An exercise and sports science professional proposing to use procedures likely to subject animals to discomfort have particular responsibilities. These include justifying their use on scientific grounds to an appropriate ethical committee, demonstrating that other less discomforting procedures could not be used and taking all possible steps to minimise any discomfort.

- 13.4 An exercise and sports science professional has a responsibility to ensure that research carried out by others under their supervision conforms to this Code.

14. Supervision and training

An exercise and sports science professional ensures that the supervision and training of students and/or junior colleagues meet general scientific standards of competency (knowledge and practice) and are sensitive to the interests, welfare and dignity of the trainee.

- 14.1 An exercise and sports science professional who supervises the work of students or junior colleagues has a responsibility to promote awareness of and adherence to the provisions of this Code.
- 14.2 It is unethical for an exercise and sports science professional who is providing supervision or training to require or coerce supervisees or trainees to disclose personal information either directly or in the context of any training procedure. Where self disclosure is a normal expectation of a given training procedure, informed consent must be obtained from participants prior to training.

15. Publication and public statements

An exercise and sports science professional must be accurate and objective in reporting of data or information and do so in a manner that encourages responsible discussion. He or she must also be required to restrict their public comments based on prior contractual arrangements or agreements.

An exercise and sports science professional must only comment to areas of sports science in which they have adequate knowledge and provide information based on evidence-based research findings.

- 15.1 When presenting research data or information an exercise and sports science professional should include relevant details of research findings that may modify or cast doubt upon the interpretation of evidence presented.
- 15.2 An exercise and sports science professional must ensure that credit must be attributed in a publication in proportion to the contribution made by individuals and organisations. Accurate acknowledgement is given to sources of ideas and information.

- 15.3 An exercise and sports science professional should avoid excessive and exaggerate claims about the utility of their research findings or professional activities in all publications and public statements made through the news media.
- 15.4 Where incorrect or misleading reports have been given in reference to the work of an exercise and sports science professional all reasonable steps should be taken to correct the error.
- 15.5 An exercise and sports science professional must not state or imply that personal statements are made on behalf of another exercise and sports science professional, the Board, or any other organisations, unless such authority has been granted in advance. Statements on behalf of the Board, for possible publication, can be made only by the Chairman or Vice Chairman or their nominees.

16. Decisions of the Board

ESSA members must abide by rulings and decisions that are made by the Board concerning ethical behaviour and standards of professional conduct.

- 16.1 It is the responsibility of ESSA members to maintain their current knowledge of any rulings and decisions that are made by the Board concerning ethical behaviour and standards of professional conduct.

17. Acknowledgment

This Code of Professional Conduct and Ethical Practice was drawn up after reviewing Sport and Exercise Science New Zealand, Australian Psychological Society and Queensland Law Society's Codes of Ethics.

31 May 2013

Stephen Palethorpe
Committee Secretary
Senate Rural and Regional Affairs and Transport References Committee
PO Box 6100
Parliament House
Canberra ACT 2600
rrat.sen@aph.gov.au,

Dear Mr Palethorpe,

Reference is made to the Submission by Exercise Sports Science Australia (ESSA) to the Senate Inquiry into the practice of sports science in Australia, conducted through the Rural and Regional Affairs and Transport References Committee.

On behalf of Sports Dietitians Australia (SDA), we offer this letter of support to ESSA's submission, its accreditation processes and recommendations contained therein.

SDA is the peak professional organisation for dietitians specialising in sports nutrition practice in Australia. As a network of qualified dietitians*, with further training and practical experience in sports nutrition, Accredited Sports Dietitian members are at the forefront of evidence-based nutritional support.

Accredited Sports Dietitians work closely Accredited Sports Scientists (ASp) to ensure nutritional interventions, both dietary and supplemental, are effective, practical and, most importantly, safe and appropriate for athletes and their particular sport. Accredited Sports Dietitians are trained to assess, educate, monitor and counsel athletes to ensure optimal nutrition intake for health and performance. SDA welcomes the input and support from ESSA in these areas knowing ASp's understand their scope of practice.

SDA Accredited Sports Dietitian members participate in a rigorous assessment process to attain this qualification and be recognised as such. This includes regular audit and re-accreditation every 3 years, on top of the accreditation requirements of the national dietetic body, Dietitians Association of Australia (DAA). Our Career Development Pathway is highly regarded and valued by our members and recognised nationally and internationally. It sets a standard for knowledge and practical experience required to qualify for the title Accredited Sports Dietitian. Further, members with higher level academic qualifications and practical experience are recognised as Advanced Sports Dietitians.

SDA members are governed by our own code of practice as well as DAA's Code of Professional Conduct.

Yours sincerely

Melinda Jacobsen – Executive Officer
On behalf of Kellie Hogan – President, Sports Dietitians Australia

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*The minimum academic requirements for SDA Accredited Sports Dietitians are a Nutrition and Dietetic Qualification (undergraduate or postgraduate), a minimum of 2 years clinical experience as well as further sports nutrition accredited studies

30 May 2013

Stephen Palethorpe
Committee Secretary
Senate Rural and Regional Affairs and Transport References Committee
PO Box 6100
Parliament House
Canberra ACT 2600
rrat.sen@aph.gov.au,

Dear Mr Palethorpe,

On behalf of Sports Medicine Australia (SMA), Australia's peak body for sports medicine and science I wish to convey our support for the Exercise and Sport Science Australia (ESSA) submission to the senate Inquiry on the role of sport scientists in Australia.

Sports Medicine Australia (SMA) is deeply concerned with the current use of the term 'sports scientist' by a number of practitioners, and the potential for practices by unregulated individuals to cause harm. Recent activities reported through media and government reports highlight such potentially dangerous actions.

Sports Medicine Australia is supportive of systems, structures and affiliations for professionals which instil a greater level of accountability and reinforce practitioners' scope of professional practice.

Exercise and Sport Science Australia (ESSA) along with several other professional allied health associations, is one of Sports Medicine Australia's recognised discipline groups and identified a by SMA as the peak body for exercise science and sport science in Australia. Sports Medicine Australia supports ESSA's submission to the Senate Inquiry on the role of Sport Scientists and in particular its proposal for the establishment of a registration system for sport scientists and for ESSA to be recognised as Australia's registration body for sport scientists.

We believe such a body provides an opportunity for a suitable level of professional standards and accountability which we believe can only enhance the sport science profession.

Yours Sincerely

Michael A. Kenihan
President