

Standing Committee on Community Affairs
Legislation Committee
9th October 2014

Dear Committee on Community Affairs,

Inquiry into the Australian Sports Anti-Doping Authority Amendment Bill 2014

Thank you for allowing Exercise & Sports Science Australia (ESSA) the opportunity to provide a submission to the *Inquiry into the Australian Sports Anti-Doping Authority Amendment Bill 2014*.

Background

ESSA is the peak national organisation representing and advocating for university trained exercise and sports science professionals, including accredited sports scientists (Asp) and accredited exercise physiologists (AEP).

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

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

Under the proposed legislation, our professions will be recognised as “support personnel.”
“Athlete Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting an Athlete participating in or preparing for sports Competition.”, WADA Code.

ESSA ASps and AEPsmust work within their defined Scope of Practice and Code of Professional Conduct and Ethical Practice, which includes adherence to the WADA code. Non-compliance may lead to sanctions, including removal of accreditation and deregistration from the Association.

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

Amendments

ESSA understands from the current Bill that 'national sporting organisation' is

a sporting organisation that is recognised by the International Sporting Federation that has

(i) international control over the sport as being the organisation responsible for administering the affairs of the sport, or of a substantial part or section of the sport, in Australia; or

(ii) whether or not there is an International Sporting Federation that has international control over the sport—a sporting organisation that is recognised by the ASC as being responsible for administering the affairs of the sport, or of a substantial part or section of the sport, in Australia;



Thus under this definition national sporting organisations includes peak bodies like the Australian Football League, the National Rugby League and Swimming Australia.

This suggests that the relationships envisaged in the Bill are between, WADA, ASADA and NSOs.

There is no suggestion in the Bill that ASADA will undertake any relationship with the appropriate registering/accrediting body of the “Support Personnel”.

It is very common for Support Personnel to be working within multiple sports at one time. How is ASADA to know what sports they are working within to be able to notify the NSO?

Sharing of information with the appropriate registering/accrediting body will allow those bodies to be involved in the sanctioning process.

Two examples:

- 1) Support Personnel X works with Sport A. They are found to have taken a banned substance. ASADA communicates with Sport A. Sport A ban Support Personnel X for 4 years. The current Bill will allow Support Personnel X to take up a role with Sport B as they are not aware Sport A has banned them and the accrediting/registering body has no idea of the sanction.
Support Personnel Y works with Sport A, Sport B and Sports C. They are found to have taken a banned substance. ASADA communicates with Sport A because Support Personnel Y was at a sporting event for Sport A when tested. Sport A ban Support Personnel Y for 2 years. ASADA might not know that Support Personnel Y works also with Sport B and Sport C. The accrediting/registering body has no idea of the sanction and can continue to work with Sport B and Sport C.

Allowing ASADA to have a relationship via the Bill with accrediting/registering organisations will ensure Support Personnel are also dealt with by their professional regulating body. ASADA require the regulating bodies to sanction the individual from working in sport. ESSA is concerned that leaving this to the national sporting organisations will still allow for code hopping.

KEY POINT The Bill should be amended to:

- 1) **Allow authorised disclosures to accrediting and registering bodies.**
- 2) **Allow accrediting and registering bodies to be the sanctioning body for Support Personnel who commit an anti-doping rule violation (ADRV).**

ESSA is the peak organisation in Australia representing and advocating for university trained exercise and sports science professionals, including accredited sports scientists (Asps) and accredited exercise physiologists (AEPs).

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 over 4200 professional members located throughout all states and territories of Australia.

Kind regards,

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