The Senate

Rural and Regional Affairs and Transport References Committee

Practice of sports science in Australia

July 2013

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Acronyms and Abbreviations

AA	Athletics Australia
AAA	Australian Athletes' Alliance
ACC	Australian Crime Commission
ACSP	Australasian College of Sports Physicians
AFL	Australian Football League
AFLMOA	Australian Football League Medical Officers Association
AHPRA	Australian Health Practitioner Regulation Agency
AIS	Australian Institute of Sport
AIS Principles	Australian Sports Commission's *AIS Sport Science/Sports Medicine Best Practice Principles*
AMC	Australian Medical Council
AOC	Australian Olympic Committee
ASADA	Australian Sports Anti-Doping Authority
ASC	Australian Sports Commission
ASCA	Australian Strength and Conditioning Association
ASC Principles	Australian Sports Commission's *Sport Governance Principles*
ASDMAC	Australian Sports Drug Medical Advisory Committee
BASES	British Association of Sport and Exercise Sciences
CHESMS	Council of Heads of Exercise, Sport and Movement Sciences
COMPPS	Coalition of Major Professional & Participation Sports
CSEP	Canadian Society for Exercise Physiology
DAA	Dietitians Association of Australia
DRALGAS	Department of Regional Australia, Local Government, Arts and Sport

ECSS	European College of Sport Science
EIS	English Institute of Sport
ESSA	Exercise and Sports Science Australia
ESSA Code	Exercise and Sports Science Australia's *Code of Professional Conduct and Ethical Practice*
ICSSPE	International Council of Sport Science and Physical Education
MBA	Medical Board of Australia
National Law	Health Practitioner Regulation National Law
National Scheme	National Registration and Accreditation Scheme
NIN	National Institute Network
NISU	National Integrity of Sport Unit
NRL	National Rugby League
NSO	National sporting organisation
NSSQA	National Sport Science Quality Assurance program
NSW HCCC	New South Wales Health Care Complaints Commission
NTIS	Northern Territory Institute of Sport
NUCAP	National University Course Accredited Program
QAS	Queensland Academy of Sport
SDA	Sports Dietitians Australia
SESNZ	Sport and Exercise New Zealand
SMA	Sports Medicine Australia
Sports Physiotherapy Australia	Australian Physiotherapy Association
WADA	World Anti-Doping Agency

List of Recommendations

Recommendation 1

3.31 The committee recommends that the federal government consider developing a statement of ethics that would apply to all Australian participants in sports.

Recommendation 2

3.38 The committee recommends that tertiary institutions offering sports science courses include topics on ethics, which should refer to the duty of care of sports scientists to athletes and the importance of protecting athlete health and welfare.

Recommendation 3

3.40 The committee recommends that sporting organisations and/or clubs provide all athletes entering professional and/or high-performance sports programs with specific training on sports ethics, integrity issues and their rights and responsibilities in relation to their long-term health and welfare.

Recommendation 4

4.11 The committee recommends that detailed consideration by the Australian Government of introducing new regulations for sports scientists in Australia be delayed until such time as the Australian Sports Anti-Doping Authority and/or the Australian Crime Commission have finalised their current investigations into the alleged use of drugs in Australian sport.

Chapter 1

Introduction

Inquiry terms of reference

1.1 On 16 May 2013, the Senate referred the following matters to the Rural and Regional Affairs and Transport References Committee (the 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.[1]

Conduct of the inquiry

1.2 The committee advertised the inquiry on its website, inviting submissions from interested parties by 31 May 2013. The committee also wrote directly to 27 stakeholders to invite submissions. In total, 21 submissions were received, which are listed in Appendix 1. The committee conducted a public hearing in Canberra on 12 June 2013. A full list of witnesses can be found in Appendix 2. The committee thanks the organisations and individuals that provided evidence to this inquiry.

1.3 On 25 June 2013, the committee was given an extension of time to report until 10 July 2013. On 10 July 2013, the committee was given a further extension of time to report until 15 July 2013. On 15 July 2013, the committee was given a final extension of time to report until 23 July 2013.

Background

A culture of 'win at all costs'

1.4 The phrase 'winning isn't everything; it's the only thing' has often been used to describe an attitude prevalent in American sport. Internationally, high-profile doping scandals in the Olympics, cycling and team sports have tarnished the

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1 Journals of the Senate, No. 146, 16 May 2013.

achievements of athletes. While we have observed this occurring elsewhere, Australians have long expected a clean contest from our competitors.

The pursuit of 'high performance'

1.5 The Australian Institute of Sport (AIS), with its focus on athletes and teams in international competitions, has 'long recognised the need to conduct applied research in an endeavour to understand the mechanisms that lead to improved performances in athletes'.[2] Increasingly, however, high performance has also been viewed by professional sporting clubs as the key to success. This is reflected in the strategic plans of Australian Football League (AFL) clubs. For example, the first element of Hawthorn Football Club's strategy to achieve its goal of 'five years of top four finishes' is 'Developing and refining our players' and Football department staff's high performance culture'.[3]

1.6 High-performance expertise is a marketable commodity. The Collingwood Football Club has established a consultancy division called 'PerformancePlus+'. Targeted to business people, it offers a program that 'specialises in enhancing organisational culture, team performance and leadership'.[4] At a seminar, presented by the club's Senior Coach, Chief Executive Officer, Captain and Sports Science Director, attendees were provided with 'insights into Collingwood's high performance culture'.[5]

1.7 These are two examples from one sporting code of the emphasis that is placed on high performance in modern sport. Increasingly, it is the lens through which decisions about governance, organisational culture and opportunities for success and growth are viewed.

Significant financial incentives

1.8 The financial rewards currently available in some Australian sporting codes are substantial. In 2012, the average AFL salary was $251 559, up from $237 388 in

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2 Australian Institute of Sport, *Technology and Innovation*, http://www.ausport.gov.au/ais/innovation (accessed 28 June 2013).

3 Hawthorn Football Club, *All for one: Strategic Plan Summary 2013–2017*, 2013, p. 6, http://www.hawthornfc.com.au/staticfile/AFL%20Tenant/Hawthorn/PDFs/2013-207%20Strategic%20Plan.pdf (accessed 28 June 2013).

4 Collingwood Football Club, *PerformancePlus+*, 16 May 2013, http://www.collingwoodfc.com.au/news/2013-05-16/reach-your-best-with-performanceplus (accessed 28 June 2013).

5 Collingwood Football Club, *PerformancePlus+*, 16 May 2013, http://www.collingwoodfc.com.au/news/2013-05-16/reach-your-best-with-performanceplus (accessed 28 June 2013).

2011.[6] In the 2012 season, over 50 players earned more than half a million dollars and one player earned between $600 000 and $700 000 without playing a game.[7] By 2016, the average salary of AFL players will be $300 000.[8] Players in the National Rugby League (NRL) were paid $200 000 on average.[9] Elite athletes in international competitions can be paid even more. The captain of the Australian cricket team received an estimated salary of $5.5 million in 2012.[10]

A perfect storm

1.9 The relentless pursuit of a competitive edge, combined with immense financial incentives, has led to a perfect storm in Australian sport. A 'win at all cost' mentality has emerged that appears to have influenced the judgment of some participants.

1.10 While there is currently a registration and accreditation system for sports physicians (doctors), physiotherapists and psychologists, sports scientists are currently neither regulated nor accredited. There are concerns that sports scientists have skirted the line of what is legal and ethical. Inquiring into the activities of one sporting club, Dr Ziggy Switkowski has warned:

> … in this area of moving boundaries, as anti doping authorities try to regain control at the frontiers of pharmacology, it is unwise, perhaps reckless, for any club to even approach this 'line'.[11]

1.11 Which boundaries have been pushed—and by whom—remains to be seen. What is not in doubt, however, is that the practice of sports science in Australia has been thrust into the spotlight.

Recent focus on sports science in Australia

1.12 In its February 2013 report *Organised Crime and Drugs in Sport*, the Australian Crime Commission (ACC) concluded that there is extensive use of drugs in

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6 Nick Bowen and Peter Ryan, *Millionaires' club explodes*, 25 January 2013, http://www.afl.com.au/news/2013-01-25/millionaires-club-explodes (accessed 26 June 2013).

7 Nick Bowen and Peter Ryan, *Millionaires' club explodes*, 25 January 2013, http://www.afl.com.au/news/2013-01-25/millionaires-club-explodes (accessed 26 June 2013).

8 Australian Football League, *Annual Report 2011*, 2012, p. 7.

9 Stuart Honeysett, '$55,000 minimum-wage players "can hardly make ends meet"', *Australian*, 8 December 2012.

10 Andrew Heathcote, 'Top cricketers to reap millions from Channel Nine's new broadcast rights', *BRW*, 5 June 2013.

11 Dr Ziggy Switkowski, Report, 6 May 2013, http://www.essendonfc.com.au/news/2013-05-06/dr-ziggy-switskowski-report (accessed 29 May 2013).

sport in Australia.[12] The report identified widespread and increasing use of performance-enhancing and image-enhancing drugs among professional athletes. The ACC noted that prohibited substances, including peptides[13] and hormones, 'are being used by professional athletes in Australia, facilitated by sports scientists, high-performance coaches and sports staff'.[14] In its operation, codenamed Aperio, the ACC identified:

> … specific high-performance staff, sports scientists and coaches within some codes who have condoned and/or orchestrated the administration of prohibited substances, and substances not yet approved for human consumption, to players.
>
> In some cases, peptides and other substances were administered to players without them understanding the nature of the substances, and without the knowledge of the team doctor or club medical staff.[15]

1.13 The ACC report claimed that sports scientists have 'gained increasing influence over decision making' within Australian football codes, with some of these scientists 'playing a critical role in pushing legal and regulatory boundaries in relation to sport supplementation programs and medical treatments given to players'.[16] While the ACC noted that the majority of high-performance staff, sports scientists, coaches and medical advisors appear to adhere to anti-doping codes, in the ACC's view it is 'clear—internationally and domestically—that some of these individuals are playing a critical role in pushing beyond the boundary of what is permitted' by the World Anti-Doping Agency (WADA).[17]

1.14 Assistant Professor Annette Greenhow submitted:

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12 Australian Crime Commission, *Organised Crime and Drugs in Sport*, February 2013, http://www.crimecommission.gov.au/sites/default/files/files/organised-crime-and-drugs-in-sports-feb2013.pdf (accessed 21 May 2013).

13 Peptides are 'any organic substance of which the molecules are structurally like those of proteins, but smaller. The class of peptides includes many hormones, antibiotics, and other compounds that participate in the metabolic functions of living organisms'. Source: Britannica Academic Edition, *Peptide*, http://www.britannica.com/EBchecked/topic/450900/peptide (accessed 26 June 2013).

14 Australian Crime Commission, *Organised Crime and Drugs in Sport*, February 2013, p. 7, http://www.crimecommission.gov.au/sites/default/files/files/organised-crime-and-drugs-in-sports-feb2013.pdf (accessed 21 May 2013).

15 Australian Crime Commission, *Organised Crime and Drugs in Sport*, February 2013, p. 27, http://www.crimecommission.gov.au/sites/default/files/files/organised-crime-and-drugs-in-sports-feb2013.pdf (accessed 21 May 2013).

16 Australian Crime Commission, *Organised Crime and Drugs in Sport*, February 2013, p. 26, http://www.crimecommission.gov.au/sites/default/files/files/organised-crime-and-drugs-in-sports-feb2013.pdf (accessed 21 May 2013).

17 Australian Crime Commission, *Organised Crime and Drugs in Sport*, February 2013, p. 26, http://www.crimecommission.gov.au/sites/default/files/files/organised-crime-and-drugs-in-sports-feb2013.pdf (accessed 21 May 2013).

> … the reaction from government, politicians, governing bodies, sports administrators and other key stakeholders following the release of the ACC Report is indicative of the significance of the issue, leading to the current inquiry.[18]

1.15 The Australian Sports Anti-Doping Authority (ASADA) commenced a formal investigation into doping in sport in January 2013. In a statement on 14 February 2013, ASADA stated:

> In response to the very serious matters raised by the Australian Crime Commission's (ACC) report, Organised Crime and Drugs in Sport, the Australian Sports Anti-Doping Authority (ASADA) confirms that the scope and magnitude of its investigation is unprecedented.
>
> ASADA anticipates interviewing about 150 players, support staff and administrators from two major sporting codes based on current information. The number of interviews may grow if the investigation uncovers new lines of inquiry.
>
> The investigation is both complex and wide-ranging and will take many months to complete.[19]

1.16 The two major sporting codes referred to by ASADA are the AFL and the NRL. At the time of writing ASADA's investigation is ongoing.

1.17 In response to the ACC's report and also in light of international sports doping scandals, the Australian Sports Anti-Doping Authority Amendment Bill 2013 was introduced in the Senate in February 2013. The primary purpose of the bill is to strengthen ASADA's investigatory functions and to enhance information-sharing arrangements with other government agencies.[20] The bill proposed that ASADA be provided with investigative techniques and intelligence-gathering powers to identify athletes and support personnel who may be using prohibited performance-enhancing substances and methods. It also proposed to increase ASADA's powers to compel athletes and others to cooperate in its investigations.[21] Following referral of the bill for inquiry and report, the Rural and Regional Affairs and Transport Legislation

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18 Assistant Professor Annette Greenhow, *Submission 8*, p. 2.

19 Statement from the Australian Sports Anti-Doping Authority, *Investigation into doping in sport*, 14 February 2013, http://www.asada.gov.au/media/organised_crime_and_drugs_in_sport.html (accessed 21 May 2013).

20 Explanatory Memorandum, Australian Sports Anti-Doping Authority Amendment Bill 2013, p. 2.

21 See Explanatory Memorandum, Australian Sports Anti-Doping Authority Amendment Bill 2013, p. 2.

Committee recommended that the Senate pass the bill.[22] The bill was passed on 27 June 2013.

Scope of the inquiry

1.18 The ACC's report and ASADA's investigation have drawn public attention to the practice of sports science in Australia and highlight the need for scrutiny in this area. However, the specific details of ASADA's investigation, including the sports, substances and individuals identified to date, are not the subject of the current inquiry before the committee. This report will therefore focus on the five specific matters identified in the terms of reference.

1.19 It is anticipated that ASADA's investigation may go some way towards revealing the scale and extent of the integrity issues represented by some elements of the sports science profession, as well as highlighting what may be systemic governance issues within particular sporting clubs. The terms of reference of the committee's inquiry and the nature of the evidence before it, however, means that it would be inappropriate for the committee to pre-empt the findings of the ASADA investigation. This report should therefore be read in conjunction with ASADA's findings when they become available.

1.20 The principal focus of this inquiry is on professional sports. This reflects the close nexus between professional sport's accent on results and performance and the focus of sports scientists on pushing the limits of elite performance. However, the committee is mindful that practices in elite sport often filter through to amateur and recreational sporting contexts. The committee recognises that any efforts to improve oversight of sports scientists employed at the elite level may not be appropriate for local clubs and their financial and governance structures.

Sports governing bodies

1.21 Diagram 1.1 (below) categorises sports governing bodies in Australia according to whether they are government organisations, professional membership bodies, sporting organisations, international professional membership bodies, athlete/player bodies or higher education institutes. This report makes frequent mention of many of these agencies and organisations.

Government bodies

1.22 The policy-making sports department is the Department of Regional Australia, Local Government, Arts and Sport (DRALGAS). Within DRALGAS, there is the Office for Sport and the National Integrity of Sport Unit (NISU). The Office for Sport is responsible for two branches: the Major Events Taskforce and the Sport

22 Rural and Regional Affairs and Transport Legislation Committee, Australian Sports Anti-Doping Authority Amendment Bill 2013, March 2013, p. 25.

Diagram 1.1: Sports governing bodies and organisations referenced in this report

Government bodies

Department of Regional Australia, Local Government, Arts and Sport (DRALGAS):

- Australian Sports Commission (ASC)
  - Australian Institute of Sport (AIS)
- Australian Sports Anti-Doping Agency (ASADA)
  - Australian Sports Drug Medical Advisory Committee (ASDMAC)
- National Integrity of Sport Unit (NISU)
  - Australian Sports Integrity Network (ASIN)

Australian Health Practitioner Regulation Agency (AHPRA)

Australian Olympic Committee (AOC)

Professional membership bodies

Sports Medicine Australia (SMA):

- Exercise and Sports Science Australia (ESSA)
- Australasian College of Sports Physicians (ACSP)
- Sports Doctors Australia
- Australian Physiotherapy Association (Sports Physiotherapy Australia)
- Sports Dietitians Australia (SDA)
- APS College of Sports and Exercise Psychologists
- Australasian Academy of Podiatric Sports Medicine

Australian Strength & Conditioning Association

Australian Podiatry Association

Australian Psychology Board

International professional membership bodies

Australian & NZ Society of Biomechanics

Australasian Association of Clinical Biochemists

British Association of Sport and Exercise Sciences (BASES)

International Society of Performance Analysis in Sport

International Sports Engineering Association

Sporting organisations

Coalition of Major Professional & Participation Sports (COMPPS):

- Australian Football League (AFL)
  - AFL Sports Science Association
- National Rugby League (NRL)
  - NRL Integrity and Compliance Unit
- Australian Rugby
- Cricket Australia
- Football Federation Australia

Athletics Australia (AA)

- AA Ethics and Integrity Unit

Athlete/player bodies

Australian Athletes' Alliance (AAA):

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

Higher education

Council of Heads of Exercise, Sport and Movement Sciences (CHESMS)

Policy and Programs Branch. The NISU was established to provide national oversight on issues including the threats of doping, match-fixing and other forms of corruption.[23]

1.23 The Australian Sports Commission (ASC) is governed by a Board of Commissioners, which is appointed by the Minister for Sport. All Commissioners are non-executive members of the Board. The ASC has three divisions: the AIS, Sports Development and Corporate Operations.

1.24 ASADA was established in 2006 under section 20 of the *Australian Sports Anti-Doping Agency Act 2006* (Cth). Effective from 1 January 2010, the Act was amended to create an ASADA Chief Executive Officer position (replacing the previous office of the ASADA Chair). ASADA reports to the Minister for Sport. From its head office in Canberra, ASADA operates under strict corporate governance guidelines and works closely with the Office for Sport within DRALGAS.

1.25 The Australian Health Practitioner Regulation Agency (AHPRA) is responsible for regulating the health professions. It is governed by the Health Practitioner Regulation National Law, which came into effect on 1 July 2010. AHPRA supports 14 National Boards, each responsible for regulating a health profession. The role of these boards is to set standards and policies that all registered health practitioners must meet.[24]

1.26 The Australian Olympic Committee (AOC) is an incorporated association composed of the national bodies of sports on the Olympic program. The AOC is a non-profit organisation, independent of Government and Government funding other than contributions by State Governments to the Olympic Team Appeal.[25]

Professional membership bodies

1.27 Sports Medicine Australia (SMA) describes itself as:

> Australia's peak body for sports science and medicine, and is widely acknowledged [as] one of the world's leading multi-disciplinary sports medicine bodies.[26]

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23 Department of Regional Australia, Local Government, Arts and Sport, Role of the National Integrity of Sport Unit, http://www.regional.gov.au/sport/national_integrity/role.aspx (accessed 1 July 2013).

24 Australian Health Practitioner Regulation Agency, http://www.ahpra.gov.au/About-AHPRA/Who-We-Are.aspx (accessed 1 July 2013).

25 Australian Olympic Committee, http://corporate.olympics.com.au/the-aoc/inside-the-aoc/role (accessed 1 July 2013).

26 Sports Medicine Australia, *Submission 5*, p. 1.

1.28 It referred to 'the healthy and safe participation of Australians in physical activity' as its primary concern.[27] SMA was founded in 1963 and has a broad membership of sports medicine and other health professionals. SMA described its membership as diverse and its focus as being on 'ensuring a multidisciplinary approach to the prevention, treatment and management of sports performance and sports injuries'.[28] SMA has referred to sports scientists as being an 'integral part' of its membership since its inception.[29]

1.29 An umbrella organisation, SMA is made up of these key discipline groups:

- Exercise & Sports Science Australia (ESSA);
- Australasian College of Sports Physicians (ACSP);
- Sports Doctors Australia;
- Australian Physiotherapy Association (Sports Physiotherapy Australia);
- Sports Dieticians Australia (SDA);
- APS College of Sports and Exercise Psychologists; and
- Australasian Academy of Podiatric Sports Medicine.[30]

1.30 SMA submitted that it has worked collaboratively and in parallel with ESSA to advance the sports science profession.[31]

1.31 ESSA was established in 1991 to 'meet the professional needs of exercise and sports scientists in Australia'.[32] It is a self-regulatory professional body and describes itself as the 'public face and voice of exercise and sports practitioners'.[33] ESSA explained that its role is to:

- advance of the profession and resulting increased benefits to clients;
- maintain and improve technical and ethical standards; and

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27 Sports Medicine Australia, *Submission 5*, p. 1.

28 Sports Medicine Australia, *Submission 5*, p. 1.

29 Sports Medicine Australia, *Submission 5*, p. 3.

30 Sports Medicine Australia, *Submission 5*, p. 3.

31 Sports Medicine Australia, *Submission 5*, p. 3.

32 Exercise & Sports Science Australia, *Dealing with Complaints in Respect of Members: The Role of ESSA in Complaints Resolution*, p. 2, http://www.essa.org.au/wp/wp-content/uploads/Ethics-guidelines-external.pdf (accessed 21 May 2013).

33 Exercise & Sports Science Australia, *Dealing with Complaints in Respect of Members: The Role of ESSA in Complaints Resolution*, p. 2, http://www.essa.org.au/wp/wp-content/uploads/Ethics-guidelines-external.pdf (accessed 21 May 2013).

- maintain continuing educational needs of members.[34]

1.32 ESSA offers both membership and accreditation. It had 6199 members in 2012, including student and associate members.[35] ESSA has the following seven categories of membership:

(i) student membership is open to students in the process of completing a three- or four-year degree or equivalent in the field of exercise and sports science;

(ii) graduate entry membership is available to persons who have completed an undergraduate degree in the field of exercise and sports science, who are applying to undertake postgraduate university studies in the field of exercise and sports science or clinical exercise physiology;

(iii) exercise science (full) is open to graduates of a National University Accreditation Program (NUCAP) or a graduate who has completed a three- or four-year exercise or sports science degree. Exercise science (full) membership is a prerequisite to obtaining accreditation as an accredited exercise physiologist and or sports scientist with ESSA;

(iv) academic is open to academics teaching in an exercise or sports science degree who are able to meet the criteria documented;

(v) associate is available to persons in other professional fields whose qualifications would not meet the criteria for exercise science (full) membership of ESSA, but whose degree may contribute to the field of exercise and sports science in Australia;

(vi) fellow is available to members of ESSA. It recognises those who have achieved a high level of professional accomplishment, responsibility and service to the association; and

(vii) life membership recognises a distinguished level of service and commitment to the association.[36]

International professional membership bodies

1.33 Diagram 1 also lists a number of international professional bodies, including the British Association of Sport and Exercise Sciences (BASES). BASES is the professional body for sport and exercise sciences in the United Kingdom. It aims to

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34 Exercise & Sports Science Australia, *Dealing with Complaints in Respect of Members: The Role of ESSA in Complaints Resolution*, p. 2, http://www.essa.org.au/wp/wp-content/uploads/Ethics-guidelines-external.pdf (accessed 21 May 2013).

35 Exercise & Sports Science Australia, *Annual Report 2012*, p. 8, *http://www.essa.org.au/wp/wp-content/uploads/Annual-Report-2012-low-res.pdf* (accessed 21 May 2013).

36 Exercise & Sports Science Australia, *Types of membership*, http://www.essa.org.au/membership-types/ (accessed 21 June 2013).

promote research and evidence-based practice in sport and exercise sciences and develop and enhance the professional and ethical standards of its members. Chapter 4 of this report discusses BASES' system of accrediting sports scientists.

1.34 ESSA has a memorandum of understanding with BASES.[37] It also has relationships with several other overseas organisations and associations.

Professional Sporting organisations

1.35 Apart from the teams they govern, perhaps the best-known Australian sporting organisations are the AFL, the NRL, Australian Rugby Union, Cricket Australia and the Football Federation Australia. These are the representative bodies of the major team sports in Australia. They are represented by the Coalition of Professional and Participation Sports (COMPPS). COMPPS gave evidence to the committee during this inquiry. Although they were invited to do so, the AFL and the NRL did not give evidence (see chapter 6).

Athlete player bodies

1.36 The peak team sporting organisations in Australia have corresponding players' associations, which represent the interests of the code's playing group. These are the AFL Players' Association, the Rugby League Players' Association, the Rugby Union Players' Association, the Australian Cricketers' Association and the Professional Footballers' Association. These associations play an important role in representing players' financial and professional interests to the peak bodies. They are in turn represented by the Australian Athletes' Alliance.

University organisations

1.37 The Council of Heads of Exercise, Sport and Movement Sciences (CHESMS) was formed in 2012 with the aim of promoting exercise, sport and movement sciences as areas of higher education study and research. CHESMS has collaborative relationships with a number of national organisations, including ESSA.

1.38 Membership of CHESMS is open to all Australian universities with a department, school or faculty that provides degree programs in exercise, sport and movement sciences. There are currently 26 members.

Structure of this report

1.39 This report has four chapters:

- Chapter 2 discusses the diverse nature of the sports science profession and the challenges associated with defining 'sports science';

37 British Association of Sport and Exercise Sciences, Alliances, http://www.essa.org.au/about-us/alliances/ (accessed 24 May 2013).

- Chapter 3 considers 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; and
- Chapter 4 presents the committee's view.

Chapter 2

Sports science in Australia: definitional and practical concerns

Innovation in sport is expected by the public, by the sponsors and by the participants. The challenge for sports medicine and sports science is to have that fine line between what is physiological and safe, and not what the cowboys are doing that might be harmful and have long-term effects.[1]

Introduction

2.1 This chapter discusses the diverse nature of the sports science profession and the challenges associated with defining it. It draws attention to the collaborative role that sports scientists typically play within sporting clubs and organisations, often focusing on incremental gains in athletes' performance through cutting-edge technologies and practices. The chapter concludes by referring to widespread criticism of the role of sports scientists in Australia.

What is sports science?

2.2 There is no accepted definition of sports science in Australia. Some definitions make reference to the role of the profession in terms of sports performance, while others make broader reference to helping athletes.

2.3 Exercise & Sports Science Australia (ESSA) defines sports science as:

> … 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.[2]

2.4 Dr Nick Brown, the Deputy Director of Performance Science and Innovation at the Australian Institute of Sport (AIS), described the practice simply as 'the use of science to help athletes'.[3]

2.5 The Australasian College of Sports Physicians (ACSP) submitted that medical scientists, allied health practitioners and medical practitioners can also be considered sports scientists 'or at the very least acting in part as sports scientists', depending on

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1 Dr Peter Larkins, *Proof Committee Hansard,* 12 June 2013, p. 75.

2 Exercise & Sports Science Australia, *Submission 7*, p. 2.

3 Dr Nick Brown, Deputy Director, Performance Science and Innovation, Australian Institute of Sport, Australian Sports Commission, *Proof Committee Hansard,* 12 June 2013, p. 8.

the role they perform in sporting organisations.[4] However, it is important to note that the Australian Sporting Commission (ASC)[5] distinguishes between sports science and sports medicine.[6]

2.6 'True sports scientists', the Department of Regional Australia, Local Government and Sport (DRALGAS) submitted, 'are a small, highly qualified set of individuals, with significant levels of academic and practical experience'.[7] However, the Australian Sports Commission (ASC) submitted that the title sports scientist is 'being adopted by individuals who are not sufficiently qualified and whose practices are not scientific'.[8]

2.7 Mr Daniel Greenwood—a Queensland-based sports scientist—submitted that the absence of a precise definition has 'allowed a variety of "pseudo-science" practitioners to operate under the same classification as highly qualified and experienced specialists'.[9] In effect, the Australian Athletes' Alliance (AAA) submitted, currently 'anyone' can call themselves a sports scientist.[10]

A diverse practice

2.8 The lack of an official or widely accepted definition of sports science has led to several conceptions covering a diverse set of practices. The term has been used in media reporting to describe a range of activities within Australian sport and sporting clubs. Professor Damian Farrow, Professor of Sports Science at the AIS, believes that the lack of awareness about the number of differently skilled sports scientists has therefore led to some being 'tarred with the same brush' as others who have come under recent scrutiny.[11] He said that while many professionals answer to the 'generic' term 'sports scientist':

> … we are a group of diverse specialists that have developed specific knowledge and skill in one area of science. If we consider the team of

4 Australasian College of Sports Physicians, *Submission 10*, p. 2.

5 The ASC is the Australian Government body responsible for the Government's funding to Australia's national sporting organisations. It aims to develop sporting excellence and increase participation in sport.

6 See Australian Sports Commission, *Annual Report 2011–2012*, 2012, p. 10.

7 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 3.

8 Australian Sports Commission, *Submission 17*, p. 2.

9 Mr Daniel Greenwood, *Submission 19*, p. 1.

10 Australian Athletes' Alliance, *Submission 18*, p. 1.

11 Professor Damian Farrow, 'Tarred with the same brush: what do sports scientists do?', *Conversation*, 11 February 2013.

> sports scientists within a high-performance sport setting, such as the [AIS] or an AFL club, the diversity of expertise is a defining feature.[12]

2.9 Echoing this view, Mr Richard Eccles, the Deputy Secretary of DRALGAS, described the practice as a 'broad church'.[13] DRALGAS critiqued ESSA's definition of an 'accredited sports scientist' as:

> … 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.[14]

2.10 Professor Farrow referred to specialists in:

- nutrition—who assist athletes to maximise their food and hydration strategies to enhance training and performance;
- physiology—experts in the conditioning or fitness development of athletes;
- recovery—who have introduced concepts such as ice baths, compression techniques and better sleeping habits to high-performance athletes;
- movement—experts in biomechanics, who measure the technical skill of athletes;
- skill-acquisition—who work closely with coaches to provide evidence-based advice about the most effective methods to practice and develop the key skills of a game; and
- performance—who collect and analyse the metrics that define a game, relied on to provide objective statistics on the speed of the game.[15]

2.11 The Coalition of Major Professional and Participation Sports (COMPPS)—which represents seven organisations that are governing bodies and custodians of major professional sports in Australia—similarly submitted that 'the term "sports scientist" is generic and that a sports science team may consist of a group of diverse sports science specialists that have developed specific knowledge and skill in one area of sports science'.[16] COMPPS referred to discipline-specific sports scientists,

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12 Professor Damian Farrow, 'Tarred with the same brush: what do sports scientists do?', *Conversation*, 11 February 2013.

13 Mr Richard Eccles, Deputy Secretary, Department of Regional Australia, Local Government, Arts and Sport, *Proof Committee Hansard*, 12 June 2013, p. 2.

14 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 4.

15 Professor Damian Farrow, 'Tarred with the same brush: what do sports scientists do?', *Conversation*, 11 February 2013.

16 Coalition of Major Professional and Participation Sports, *Submission 9*, p. 5.

including 'sports physiologists, recovery specialists, sports psychologists, biomechanists, skill acquisition specialists and performance analysts'.[17]

2.12 The Australian Olympic Committee (AOC) noted that:

> The lack of an overarching regulatory framework, or even a common set of minimum qualifications and standards which are specific to sports and athletic performance, means that the role of a 'sports scientist' is left to individual sporting organisations and institutions to determine. The role of a sports scientist in one sport may be entirely different to the role of a sports scientist in another.[18]

2.13 One submitter, Mr Andrew Mac Donald, criticised the inquiry's terms of reference for failing to define 'sports scientists', arguing that the term applies to an 'unmanageably enormous variety of conduct'.[19]

The tension between performance and health

2.14 The definition of sports science provided by COMPPS in its submission to the inquiry highlights the emphasis that is placed on performance:

> Sport 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 performance.[20]

2.15 The National Institute Network (NIN) described the practice in similar terms.[21]

2.16 Dr Jason Mazanov, Senior Lecturer at the University of New South Wales, Canberra, believes sports science 'has strayed too far towards valuing performance at the expense of athlete health and welfare'.[22] In his view:

> This is reflected at every level of sport … from country town heroes playing while injured to the pursuit of Olympic medals at the expense of mental health.[23]

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17 Coalition of Major Professional and Participation Sports, *Submission 9*, p. 5.

18 Australian Olympic Committee, *Submission 12*, p. 1.

19 Mr Andrew Mac Donald, *Submission 2*, p. 2.

20 Coalition of Major Professional and Participation Sports, *Submission*, p. 3; see Haff, G., 'A Roundtable Discussion', *National Strength and Conditioning Journal*, vol. 32, no. 2, pp 35–45.

21 National Institute Network, *Submission 14*, p. 2.

22 Dr Jason Mazanov, *Submission 1*, p. 2.

23 Dr Jason Mazanov, *Submission 1*, p. 2.

2.17 Assistant Professor Annette Greenhow of Bond University similarly emphasised the need to preserve and maintain the welfare of elite athletes. Her submission is:

> … focused on the special vulnerability of some athletes who place trust and confidence in others to protect their interests, with the expectation of technically competent practices and compliance with the law … Operating within a highly competitive environment, with economic, social and psychological drivers to achieve peak performance, opportunities may arise for the possible exploitation of this special vulnerability in the pursuit of success.[24]

2.18 Applied Scientists of Queensland also noted the 'influence which sports scientists can have over coaches and athletes, especially younger more vulnerable athletes'.[25]

Decision making impacting athlete health

2.19 Whereas once sport was a 'recreational and casual pastime where even the top-level players had full-time jobs', it has become increasingly professional at the elite level. Dr David Hughes, Chief Medical Officer at the AIS, described this change:

> Things have evolved enormously over the last 30 years in terms of the professionalism of sport and in the ability of athletes to make a full-time career in some of those codes. But what has not happened is that the government's framework involved in those sports has not evolved and kept pace, and I believe that this disparity is what has caused these problems to arise.[26]

2.20 Dr Hugh Seward, Chief Executive of the Australian Football League Medical Officers Association (AFLMOA), noted that the rise in the number of qualified sports scientists parallels the transition of Australian Football League (AFL) players to full-time professionals.[27] Dr Seward argued:

> The combination of these two factors—the expertise of the sports scientists and the availability of the players—has results in fitter, bigger, stronger and faster AFL players. But this has also changed the dynamic of managing injured players. Once the sole domain of the club doctors and

24 Assistant Professor Annette Greenhow, *Submission 8*, p. 2.

25 Applied Scientists of Queensland, *Submission 16*, p. 4.

26 Dr David Hughes, Chief Medical Officer, Australian Institute of Sport, Australian Sports Commission, *Proof Committee Hansard*, 12 June 2013, p. 6.

27 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 51.

> physiotherapists, now these disciplines work collaboratively in the preparation, assessment, treatment and rehabilitation of player injuries.[28]

2.21 This may be impacted, however, by the fact that Australia's Olympic squads and AFL, National Rugby League (NRL), cricket, rugby and soccer teams do not employ full-time doctors.[29] This may mean that medical professionals are not involved in decision making to the appropriate extent.

2.22 Dr Seward advised that while each AFL club has two to four doctors, none of these are employed on a full-time basis:[30]

> Unfortunately club doctors are one of the few remaining part-time workers at AFL clubs and clubs often choose to have full-time employees to undertake an administrative component to their role.[31]

2.23 Dr Larkins submitted that as a result:

> Concerns have been raised in medical circles in recent years in relation to the influence that certain 'sport science' individuals have exerted on player preparation, injury rehabilitation and, in more recently publicised cases, medication and supplement administration.[32]

2.24 He submitted that there are:

> … clear examples in Australian sport where the role of the medical practitioner has been undermined and even usurped by non medical individuals and that sporting codes and associations have allowed this to happen.[33]

2.25 Dr Seward similarly indicated to the committee that 'with the increasing influence of sports science, sometimes that encroached on what we, the medical officers, felt was purely medical decision-making'.[34] Dr Seward argued for the need for a collaborative approach in relation to the use of supplements:

> The preferred model would be for the sports scientist in conjunction with a sports nutritionist, a dietician, and the doctor to go through what they may wish to use together and come to a decision about what is safe, what is

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28 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 51.

29 Dr Peter Larkins, *Submission 3*, p. 3.

30 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 59.

31 Adam Cooper, 'Sports science body wants greater regulation', *The Age*, 8 February 2013.

32 Dr Peter Larkins, *Submission 3*, p. 3.

33 Dr Peter Larkins, *Submission 3*, p. 4.

34 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 53.

> appropriate and, of course, what is legal and complies with the WADA code. That is what should happen.[35]

2.26 Despite stressing the need for collaboration, Dr Seward argued that there is scope for club doctors to 'play a more strategic role within their clubs that has perhaps been overlooked over the last few years'.[36]

2.27 Dr Larkins suggested that, underpinning the multidisciplinary team, the medical practitioner plays a crucial role in 'overseeing the health of the athlete and ensuring that the welfare of the individual is paramount at all times'. In his view, a medical practitioner:

> … is best placed to assess health issues and is the only individual able to legally prescribe medications and make clinical assessments when there is a health problem arising, be it an injury, illness or mental health concern.[37]

2.28 While collaboration between sports scientists and club doctors is important, ESSA's Professor David Bishop similarly believes that 'the doctor should have the final say because the health of the athlete needs to be the primary concern'.[38]

2.29 The committee's view is that the protection of athlete health and welfare must always be the highest priority and overriding consideration in the pursuit of improved performance.

The collaborative role of sports scientists

2.30 Several contributors to the inquiry referred to the need for a collaborative approach where a sports science team provides a coaching panel with evidence-based approaches to athlete development and performance. Professor Damian Farrow outlined how this may work in practice:

> For instance, the coach presents the group with a question such as Player X has a problem kicking goals in Australian rules football.
>
> A biomechanist, skill acquisition specialist, psychologist and performance analyst may work collaboratively to compile the objective information required to diagnose whether this is really true, and if so in what context, and provide the coaches with a plan of attack to improve that skill.
>
> Similarly, the physiologist, recovery specialist, nutritionist, psychologist, physiotherapist and doctor may all collaborate on issues to do with a player's health.[39]

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35 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 55.

36 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 59.

37 Dr Peter Larkins, *Submission 3*, pp 2–3.

38 Adam Cooper, 'Sports science body wants greater regulation', *The Age*, 8 February 2013.

2.31 Professor Farrow noted that a collaborative team is 'the best method of providing the immediate peer review required to ensure any recommendation made to the coaches is principled in science, safe and legal'.[40] Professor Kevin Thompson also spoke of peer review as a necessary component of collaboration:

> For me, if you have people who are suitably trained, [ethically] trained, aware of boundaries, aware that you need an evidence base for practice, can weigh up risks and benefits and then when a coach or an athlete requests an intervention, whether that be pharmacological or training change or whatever, that request can be suitably peer-reviewed. It is not necessarily one person; it is a team of individuals. That is a strength, then, that within that team you make a decision.[41]

2.32 Applied Scientists of Queensland emphasised the need for a collaborative process within sporting organisations 'which benefits from open communication channels between manager and scientists'.[42]

2.33 The SMA suggested that:

> In a vast range of sports, sports scientists work collaboratively with medical practitioners (medical officers), physiotherapists, dietitians and other members of the sports medicine support team to ensure that the wellbeing and health of the athletes are at the forefront of all decisions.[43]

2.34 Concerns have been raised, however, about the position some sports scientists have held within sporting clubs and the degree of independence they have operated under. Former SMA president Dr Peter Larkins has referred to 'lone wolf' sports scientists, who are 'given a lot of authority and power by the clubs that employ them'.[44]

Support for, and criticism of, sports scientists

2.35 A number of commentators have supported the role of sports scientists and the history of their contribution to sport in Australia. Journalist Mr Tim Lane wrote:

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39 Professor Damian Farrow, 'Tarred with the same brush: what do sports scientists do?', *The Conversation*, 11 February 2013.

40 Professor Damian Farrow, 'Tarred with the same brush: what do sports scientists do?', *The Conversation*, 11 February 2013.

41 Professor Kevin Thompson, Director, National Institute of Sport Studies, University of Canberra, *Proof Committee Hansard*, 12 June 2103, p. 32.

42 Applied Scientists of Queensland, *Submission 16*, p. 4.

43 Sports Medicine Australia, *Submission 5*, p. 4.

44 Rick Morton, '"Dodgy" scientists outside the rules', *Australian*, 8 February 2013.

> Over three decades, sports scientists at various Australian centres of excellence have made a brilliant contribution to much of our Olympic and other international success.[45]

2.36 Several submitters to this inquiry also praised the role and achievements of sports scientists in Australian sport. For example:

- Athletics Australia (AA) submitted that Australia's 'small population and geographic challenges mean that our international success in the sport of Athletics has always depended on world leading innovation by our coaches and sports scientists'.[46]
- The AOC submitted that:

  > Australia has long enjoyed a reputation in international sporting arenas for having leading sports science/sports medicine practices and personnel. In that regard, sports science and sports medicine has played a significant role in the success enjoyed by many Australian Olympic athletes.[47]

- ACSP referred to the 'enormous contribution' of sports scientists to Australian sport.[48]
- Dr Robins Willcourt—a sports scientist and director of Epigen Integrated Medicine—described his profession as 'integral to the functioning of all professional sporting codes'.[49]
- SMA noted that:

  > Australian sports scientists are highly sought after, and respected throughout the world, for the contribution they can make to maximising athletic potential and performance on the field.[50]

2.37 From humble beginnings, a sizeable industry has grown. It has been estimated that there are approximately 400 to 500 people working as professional sports scientists in Australia.[51] After pioneering sports science in Australia the AIS now has

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45 Tim Lane, 'Sports science has its place', *Sunday Age*, 10 February 2013.

46 Athletics Australia, *Submission 4*, p. 1.

47 Australian Olympic Committee, *Submission 12*, p. 1.

48 Australasian College of Sports Physicians, *Submission 10*, p. 1.

49 Dr Robin Willcourt, *Submission 6*, p. 1.

50 Sports Medicine Australia, *Submission 5*, p. 3.

51 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 39.

about 80 sports scientists on its staff and is the largest employer of the profession in the country.[52]

2.38 Professor Peter Ficker was the first scientist to be appointed to the role of director of the AIS. A highly qualified sports scientist, Professor Ficker spoke in 2005 of the pursuit of the 'edge' and the need 'to keep working on the very, very cutting edge of these applications … that keep us competitive'.[53] He called for scientific research and its associated technology to take a more prominent role to achieve world-class results.

2.39 In an article Professor Farrow referred to another pioneer, Professor Allan Hahn, as 'one of the fathers of sports science'.[54] Commemorating Professor Hahn's retirement as AIS Chief Scientist after more than 27 years' service in sport, Dr Jodie Richardson wrote that:

> In his time at the AIS, Professor Hahn describes sports technology as having a powerful influence over the entire high-performance athlete development process. He likens the development of high-performance athletes to the product development practices in other industries ... Professor Hahn emphasises that at all levels, from club athletes through to international competitors; the aim is to develop, refine and promote winning products.[55]

2.40 In Professor Hahn's view:

> … sports technologies play a significant role in the measurement of the physiological and biomechanical parameters crucial to high-performance in any sport. Techniques including VO2 maximum testing, genotyping, mathematical modelling of performance; and devices such as force plates

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52 Greg Baum, 'New AIS guidelines give clubs more medical responsibility', *Sydney Morning Herald*, 29 May 2013; Australian Institute of Sport, 'AIS unveils sports science principles to guide sports', 29 May 2013, http://www.ausport.gov.au/news/ais_news/story_531645_ais_unveils_sports_science_principles_to_guide_sports (accessed 31 May 2013).

53 Peter Brewer, 'Fricker shares vision to keep Australia ahead of competition', *Canberra Times*, 13 May 2005.

54 Professor Damian Farrow, 'Tarred with the same brush: what do sports scientists do?', *The Conversation*, 11 February 2013.

55 Dr Jodie Richardson, *Reflections of Professor Allan Hahn on the role of technology in high-performance sport*, 28 October 2011, http://www.ausport.gov.au/ais/innovation/news/story_460160_reflections_of_professor_allan_hahn_on_the_role_of_technology_in_high-performance_sport (accessed 24 May 2013).

> and GPS, provide important evidence-based determination of the characteristics of an elite athlete.[56]

2.41 The study of sport and exercise science is also a relatively new area of academia—Australian universities only began offering degrees in the field in the early 1980s.[57] However, there are now 12 universities offering fully accredited courses in Australia, and 3000 students graduating from sport and exercise science courses a year.[58] This trend may partly reflect an increasing demand from the professional sporting industry.

2.42 The general view of the witnesses who appeared at the public hearing is that issues within the practice are isolated rather than endemic.

2.43 Mr Richard Eccles, Deputy Secretary of DRALGAS, argued that it is:

> … important to remember that the vast majority of sports scientists operate within appropriate ethical frameworks and have athletes' safety as their primary area of concern.[59]

2.44 The NIN told the committee:

> We are very confident that the vast majority of sports scientists, particularly those working in the Institute Network, are doing the right thing.[60]

2.45 Mr Nello Marino, Chief Executive of Sports Medicine Australia (SMA), told the committee that based on feedback provided to him by practitioners, SMA does not believe that problems are endemic in the profession:[61]

> We think there were some practices that were revealed through the ACC report, but we are not certain whether that was necessarily the case across all of sport or necessarily all of the large codes.[62]

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56 Dr Jodie Richardson, *Reflections of Professor Allan Hahn on the role of technology in high-performance sport*, 28 October 2011, http://www.ausport.gov.au/ais/innovation/news/story_460160_reflections_of_professor_allan_hahn_on_the_role_of_technology_in_high-performance_sport (accessed 24 May 2013).

57 Joanna Mather, 'Sport science's dose of reality', *Australian Financial Review*, 15 April 2013.

58 Joanna Mather, 'Sport science's dose of reality', *Australian Financial Review*, 15 April 2013.

59 Mr Richard Eccles, Deputy Secretary, Department of Regional Australia, Local Government, Arts and Sport, *Proof Committee Hansard*, 12 June 2013, p. 2.

60 Dr Ian Ford, Director, Northern Territory Institute of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 20.

61 Mr Nello Marino, Chief Executive Officer, Sports Medicine Australia, *Proof Committee Hansard*, 12 June 2013, p. 72.

62 Mr Nello Marino, Chief Executive Officer, Sports Medicine Australia, *Proof Committee Hansard*, 12 June 2013, p 72–73.

2.46 SMA described the impact of the Australian Crime Commission (ACC) report as overshadowing the 'valuable work provided by the vast majority of sport scientists who provide ethical, legitimate and untold benefit to their athletes and clientele'.[63] However, the SMA submitted that:

> The fact that many of such individuals exhibiting unconventional, unethical and unsafe practice highlights some of the inadequacies in a number of sporting environments into which individuals are able to be employed without any accountability to a codes of practice or similar ethical codes.[64]

2.47 ESSA stressed to the committee that the rogue individuals, identified by the media as 'sports scientists' following the release of the ACC report, should not be labelled in this way.[65] It argued that those individuals would not be eligible for accreditation with ESSA and would not call themselves 'sports scientists'.

Committee's view

2.48 The committee notes that the diverse views about what sports science is, and the breadth of the activities that several definitions attribute to the profession, reflect the lack of an official definition. The committee believes that there is, and should be, a difference between sports medicine and sports science. The committee agrees with definitions that refer to sports science's focus on improving performance and views ESSA's definition as a useful working definition.

2.49 This lack of definition is a significant barrier for policy-makers, as it is difficult to effectively regulate an undefined sector.

63 Sports Medicine Australia, *Submission 5*, p. 4.

64 Sports Medicine Australia, *Submission 5*, p. 4.

65 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 37.

Chapter 3

The duty of care and ethical obligations of sports scientists

Athletes do utilise sports science and it does benefit their performance and aid in their ability to reach their optimum as high-performing athletes. But they also deserve the protection against those who might seek to put other interests ahead of the welfare of those athletes.[1]

Introduction

3.1 The previous chapter identified the protection of athlete health and welfare as the overriding priority in the pursuit of improved sporting performance. Up to a point, there will be a strong correlation between the two: an athlete's wellbeing will contribute to high performance; and high performance will in turn provide health benefits for the athlete. There is, however, a point at which the pursuit of high performance through 'cutting-edge' practices can compromise an athlete's health. This chapter discusses the duty of care that sports scientists have to athletes, and the ethical obligations they have to protect and promote the spirit of sport.

Duty of care of sports scientists to athletes

3.2 Government bodies, sporting organisations, player associations, professional membership bodies and academics are all united in their view that athlete health and welfare must be the overriding priority in the pursuit of high performance. However, their arguments in reaching and interpreting this position differed somewhat.

3.3 The Australian Olympic Committee argued that it is 'imperative that sports scientists have a duty of care to the athletes they work with' in order to protect the health and welfare of athletes.[2]

3.4 The Australian Sports Commission (ASC) submitted that the Australian Institute of Sport (one of the ASC's divisions) 'prides itself on placing athlete welfare above all other considerations and all its sports scientists have a duty of care to athletes'.[3]

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1 Mr Matthew Finnis, Director, Australian Athletes' Alliance, *Proof Committee Hansard*, 12 June 2013, p. 61.

2 Australian Olympic Committee, *Submission 12*, p. 4.

3 Australian Sports Commission, *Submission 17*, p. 4.

3.5 The Australasian College of Sports Physicians (ACSP) submitted that 'all sports scientists involved in the health and wellbeing of athletes have a duty of care to those athletes'. The College saw this duty of care as ensuring that:

- any research using athletes conforms with accepted standards of scientific and ethical rigour;
- athletes are not used as experimental models for untested practices or substances;
- any methods or substances which expose the athlete to the possibility of an anti-doping rule violation are avoided; and
- any dietary or nutritional supplements provided or prescribed are safe and efficacious.[4]

3.6 The Australian Athletes' Alliance (AAA), which represents the various player associations, argued that people who are in positions of responsibility within clubs have a duty to players. Mr Matthew Finnis, Director of the AAA, told the committee that players place trust in clubs 'to do not only what is right by the players in terms of the rules but also what is actually best for the players in terms of their broader health and wellbeing'.[5] In its submission to this inquiry, the AAA referred to the principle that:

> Athletes want workplaces that protect player health and safety, while affording them access to the best practices of qualified sports scientists working within strict professional and ethical guidelines.[6]

3.7 Following the release of the Australian Crime Commission's (ACC) report in February 2013, the AAA issued a statement expressing alarm at:

> … the finding that, in some instances, athletes have inadvertently become scientific guinea pigs. Those responsible for threatening the health and careers of players in this way must be held to the highest standards of the law.[7]

3.8 Academics have pointed to the ACC report as the basis for reforms to re-establish the central tenet of duty of care to athletes. Dr Jason Mazanov from the University of New South Wales, Canberra, argued in his submission that the ACC report 'has pointed to the very real human element to sports production. In essence, the

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4 Australasian College of Sports Physicians, *Submission 10*, p. 3.

5 Mr Matthew Finnis, Director, Australian Athletes' Alliance, *Proof Committee Hansard*, 12 June 2013, p. 62.

6 Australian Athletes' Alliance, *Submission 18*, p. 1.

7 Australian Athletes' Alliance, Media Release: 'Australia's Players' Associations Respond to Organised Crime and Drugs in Sport Report', 7 February 2013, http://www.athletesalliance.org.au/files/AAA%20Media%20Release%20Org%20Crime%20in%20Sport%207%20Feb%2013.pdf (accessed 29 May 2013).

ACC report points to the need for Australian sport to evolve'.[8] Arguing for athlete health and welfare to be the primary concern, he elaborated:

> Sport only functions as a positive force in society when those who participate find value, whether athletes, administrators, trainers, scientists or fans. It is incumbent upon Australians to value the people who make sport happen.[9]

3.9 Dr Robin J Willcourt, a sports scientist, wrote in his submission:

> No player should be put at risk. Furthermore, no player should have to [bear] the consequences of rogue behaviour of its medical team, as is the current case. It is preposterous that we insist that each player be responsible for his/her 'treatments'. That is not expected of any patient/doctor interaction elsewhere and it should not be here.[10]

3.10 On this point, the National Rugby League (NRL) was somewhat guarded:

> 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.[11]

Ultimately, the NRL considered that the duty of care is the responsibility of clubs as employers.[12]

3.11 Exercise & Sport Science Australia (ESSA) offered the following, broader context in which a sports scientist's duty of care should be considered:

> 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

8 Dr Jason Mazanov, *Submission 1*, p. 10.

9 Dr Jason Mazanov, *Submission 1*, p. 10.

10 Dr Robin J Willcourt, *Submission 1*, p. 2.

11 National Rugby League, *Submission 15*, p. 5.

12 National Rugby League, *Submission 15*, p. 5.

> 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.[13]

3.12 Accordingly, ESSA argued that 'while the duty of care owed by sports scientist to athletes exists, more is required to positively promote ethical practice'.[14]

The ESSA Code

3.13 Membership of ESSA requires acceptance of the ESSA Code of Professional Conduct and Ethical Practice (the ESSA Code). The code is a key document in promoting the health and welfare of athletes in a sports science context. It states:

> 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.[15]

3.14 According to the ESSA Code, ESSA's members are 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.[16]

3.15 In a media release dated 22 March 2013, ESSA stated that:

> … sport scientists who are a member of ESSA are bound by a code of ethics, and the protection of a client's welfare is central to that code. The notion of 'do no harm' that governs medical practice, also governs the practices of a sport scientist. ESSA would be very pleased to work with the AFL (and other sports) to ensure that this code of ethics meets the rapidly-change sporting landscape.[17]

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13 Exercise & Sports Science Australia, *Submission 7*, p. 12.

14 Exercise & Sports Science Australia, *Submission 7*, p. 12.

15 Exercise & Sports Science Australia, *Code of Professional Conduct and Ethical Practice*, Version 2, p. 8.

16 Exercise & Sports Science Australia, *Code of Professional Conduct and Ethical Practice*, Version 2, p. 6.

17 Exercise & Sports Science Australia, Media Release: 'ESSA's response to the role of sport scientists in the AFL', 22 March 2012, http://www.essa.org.au/for-media/essa-in-the-media/?cpid=7557 (accessed 23 Mary 2013).

3.16 In 2013, ESSA reviewed its Code and the scope of practice to ensure that the work of sports scientists was adequately covered.[18] ESSA released Version 2 of its Code shortly before this inquiry's public hearing.

3.17 Sports Medicine Australia (SMA)—an umbrella body which brings together several groups including ESSA—identified the ESSA Code as 'the most relevant code for sport scientists currently operating within the industry'.[19] SMA noted, however, that:

> What has become apparent in a number of the recent incidents involving questionable athlete performance enhancement methods by purported sport scientists, has been the lack of accountability to such a code which may have provided some reference point for employers, athletes and the practitioners involved.[20]

3.18 As chapter 3 of this report notes, the voluntary nature of ESSA membership for individuals operating as sports scientists means that no mandated duty of care currently exists for sports scientists. Dr Michael Burke, Senior Lecturer, School of Sport and Exercise Science at Victoria University, noted:

> Medical doctors have legal duties and responsibilities to assist their decision making. But for sports scientists, accreditation with their peak body [ESSA] is voluntary and not a requirement for paid work with elite sporting clubs.[21]

3.19 Dr Brian Morton, Chairman of the Australian Medical Association's Council of General Practice, has also drawn a parallel to the ethical professional standards of doctors and medical staff. It would not be acceptable, he said, 'if the patient is not fully aware of what they're taking'.[22]

3.20 The Coalition of Major Professional & Participation Sports (COMPPS) supported the 'formulation of a duty of care for sports scientists, using ESSA's Code as a guide which recognises the paramountcy of athlete welfare'.[23]

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18 Exercise & Sports Science Australia, *Annual Report 2012*, p. 15, http://www.essa.org.au/wp/wp-content/uploads/Annual-Report-2012-low-res.pdf (accessed 21 May 2013).

19 Sports Medicine Australia, *Submission 5*, p. 4.

20 Sports Medicine Australia, *Submission 5*, p. 4.

21 Dr Michael Burke, 'Embedded sports scientists and doctors walk an ethical tightrope', *The Conversation*, 9 February 2013.

22 Mr Rick Morton, '"Dodgy" scientists outside the rules', *The Australian*, 8 February 2013.

23 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 10.

Ethical obligations of sports scientists in relation to protecting and promoting the spirit of sport

The spirit of sport

3.21 COMPPS submitted that the 'spirit of sport' is a difficult concept to define.[24] However, it noted that at the fundamental level the spirit of sport 'seeks to identify sport at its best and use that as a standard for all participants'.[25]

3.22 The National Institute Network (NIN) submitted that:

> Sport scientists work with their athletes' conflicting priorities (eg. winning, making money, entertaining, health and wellbeing, fair play) in their effort to promote the spirit of sport. In the NIN, concepts such as long term athlete development, health and wellbeing, and the health of the sport are primary concerns of sport scientists, and balanced carefully against other values and outcomes such as winning.[26]

3.23 The World Anti-Doping Agency (WADA) refers to the spirit of sport as being what is intrinsically valuable about sport:

> … it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind.[27]

3.24 WADA lists 11 values in its 'Spirit of Sport' statement:

- ethics, fair play and honesty;
- health;
- excellence in performance;
- character and education;
- fun and joy;
- teamwork;
- dedication and commitment;
- respect for rules and laws;
- respect for self and other Participants;
- courage; and
- community and solidarity.[28]

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24 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 10.

25 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 10.

26 National Institute Network, *Submission 14*, p. 5.

27 World Anti-Doping Authority, *World Anti-Doping Code*, 2009, p. 14, http://www.wada-ama.org/Documents/World_Anti-Doping_Program/WADP-The-Code/WADA_Anti-Doping_CODE_2009_EN.pdf (accessed 3 June 2013).

3.25 Dr Mazanov noted that that the statement has been criticised for being ambiguous and open to 'creative' interpretation and reinterpretation.[29] He submitted that there is therefore:

> … no coherent set of well defined principles that establishes expectations or guides behaviour within the Australian sporting sector. Sports ethics then reflect the cocktail of individual beliefs, and interests across the corporate, public health and government sectors.[30]

3.26 Dr Mazanov submitted that 'an Australian sports ethic needs to recognise the multiple stakeholders and realities of modern sport rather than relying on outdated and romanticised notions of sport'.[31] To this end, he suggested that the ASC or the National Integrity of Sport Unit could deploy resources towards developing a 'more vibrant ethics of Australian sport'. Dr Mazanov submitted that this could include:

> … helping Australian sporting organisations implement those ethics as part of professional and athlete development. It may also be useful to exploit existing government funding for sports health science, such as establishing philosophy and ethics of sports health science as part of the Anti-Doping Research Program.[32]

3.27 The objective would be:

> … a set of well-defined values that guide decision making and can be used as a reference point in other contexts. This would be a 'living document' as evolution in sports health science and sports science more generally compels re-evaluation of what might be considered 'right' for Australian sport.[33]

3.28 The committee supports Dr Mazanov's view that a statement of ethics should be established and agrees that this should be a 'living document' which reflects the changing values and expectations resulting from evolving technologies and scientific advancements.

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28 World Anti-Doping Authority, *World Anti-Doping Code*, 2009, p. 14, http://www.wada-ama.org/Documents/World_Anti-Doping_Program/WADP-The-Code/WADA_Anti-Doping_CODE_2009_EN.pdf (accessed 3 June 2013).

29 Dr Jason Mazanov, *Submission 1*, p. 7.

30 Dr Jason Mazanov, *Submission 1*, p. 7.

31 Dr Jason Mazanov, *Submission 1*, p. 8.

32 Dr Jason Mazanov, *Submission 1*, p. 8.

33 Dr Jason Mazanov, *Submission 1*, p. 10.

Recommendation 1

3.29 The committee recommends that the federal government consider developing a statement of ethics that would apply to all Australian participants in sports.

Ethical obligations of sports scientists

3.30 COMPPS submitted that sports scientists have an ethical obligation to maintain a 'level playing field' by ensuring that all practices are compliant with the WADA code:

> In many Australian sporting codes, sports scientists have gained increasing influence over decision making within the club. Given this influence, sports scientists have an ethical obligation to promote and encourage training and competition in a doping-free sporting environment. This will help to protect and promote the spirit of sport not only among the athletes that they work with, but also among young athletes who are influenced by the practices of their sporting heroes.[34]

3.31 ACSP submitted that sports scientists have ethical obligations to maintain the integrity of sport, which involves 'maintaining standards of ethical and professional behaviour to ensure there is no danger of sport being brought into disrepute'.[35] It noted that adoption of the ASC's *AIS Sport Science/Sports Medicine Best Practice Principles*—discussed in chapter 6 of this report—would assist with this.[36]

3.32 Dr Hugh Seward, Chief Executive of the Australian Football League Medical Officers Association suggested to the committee that sports science courses in tertiary institutions should:

> … include ethics training, as found in courses for medical disciplines, to assist undergraduates in their understanding of the responsibilities and limitations before venturing into the practice of managing athletes. In particular, regard for the overall wellbeing and health of the athlete, both in the short and the long term, must be considered in relation to the short-term performance outcomes.[37]

3.33 ASCP suggested that all athletes entering professional and/or high-performance sports programs should undertake a mandatory education course:

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34 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 11.

35 Australasian College of Sports Physicians, *Submission 10*, p. 3.

36 Australasian College of Sports Physicians, *Submission 10*, p. 3–4.

37 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 52.

> The athletes would be provided with comprehensive education on matters related to integrity in sport, including but not limited to: doping, nutrition, use of supplements, illicit drugs and involvement in sports research.[38]

3.34 Dr Peter Larkins suggested a publicity campaign:

> … using some of our really high-profile, successful role model athletes talking about how they made it to the top and did not cheat and used genuine things. I think there is a real opportunity for the sporting alliance groups to involve athletes, such as one of our Socceroos from last night or people like Pat Rafter, Michael Klim and Cadel Evans—those sorts of people who currently have a profile in the minds of young athletes—and to use these people to show that they can reach the top by the hard work and God-given talent that people have. I think that is a really powerful message that we need to put out as a country.[39]

Committee's view

3.35 The committee notes concerns that performance may be prioritised above athlete health and welfare by sports scientists, coaches, teams, sporting organisations and athletes themselves. The committee is of the strong view that athlete health and welfare must be paramount in all decision making related to performance, recovery and ability to play/compete. The committee also notes that protecting athlete health and welfare and pursuing high performance may often be compatible goals.

Recommendation 2

3.36 The committee recommends that tertiary institutions offering sports science courses include topics on ethics, which should refer to the duty of care of sports scientists to athletes and the importance of protecting athlete health and welfare.

3.37 The committee also believes that coaches, teams and sporting organisations have a responsibility to educate athletes—especially young athletes who are particularly vulnerable—about the importance of protecting their long-term health and welfare. While the committee notes that athletes may choose to engage in reckless and harmful behaviour, such as the use of illicit substances, the committee believes that they should be encouraged at every opportunity to recognise the long-term implications of their choices.

3.38 An improved integrity culture also needs to be promoted within sports that recognises the long-term implications for engaging in practices that bring teams, codes and sport in general into disrepute. Younger players in professional sports and amateur competitions need to be educated about their rights and responsibilities in

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38 Australasian College of Sports Physicians, *Submission 10*, p. 5.

39 Dr Peter Larkins, *Proof Committee Hansard*, 12 June 2013, p. 75.

terms of upholding the spirit of sport and protecting their long-term health and welfare.

3.39 The committee is of the view that education of athletes on the topics suggested by ASCP should be implemented by all sporting clubs and organisations in Australia. The committee recommends that the Australian Sports Integrity Network, established by the National Integrity of Sport Unit, be utilised to develop an education program that can be delivered at both the elite and the grassroots level by sporting bodies.

Recommendation 3

3.40 The committee recommends that sporting organisations and/or clubs provide all athletes entering professional and/or high-performance sports programs with specific training on sports ethics, integrity issues and their rights and responsibilities in relation to their long-term health and welfare.

Chapter 4

Committee's view

Ethics and athlete welfare

4.1 The committee recognises the importance of ethics in sport and calls for a greater focus on ethics, particularly in professional and elite sport where the 'win at all costs' attitude may be more prevalent.

4.2 Similarly, the committee also recognises that athlete wellbeing and health must be the first consideration in any decision or recommendation made by coaches, high performance staff, sports scientists, and medical personnel.

Undefined problem

4.3 Unfortunately, the evidence that the committee has received and the commentary in the media about these issues, fail to clearly identify the nature and extent of any problems related to the practice of sports science in Australia.

4.4 It is well known that the Australian Sports Anti-Doping Authority (ASADA) and the Australian Crime Commission (ACC) are currently conducting wide-ranging investigations into the alleged use of drugs in Australian sport.

4.5 The committee acknowledges that revelations from these investigations have raised questions about the practice of sports science in Australia and we understand there are concerns about the conduct of some institutions and practitioners.

4.6 However, until these investigations are complete, it is impossible to ascertain the nature and extent of any problems that exist within the practice of sports science in Australia.

4.7 Until the ASADA and ACC investigations reveal the extent and nature of any problems with the practice of sports science in Australia, the committee contends that recommendations about regulation or mandatory registration of sports scientists in Australia are premature.

Lack of definition

4.8 The committee heard there is currently no accepted definition of the term 'sports scientist' or the activities in which a sports scientist is expected to be involved. This lack of definition is a significant barrier for policy-makers, as it is difficult to effectively regulate an undefined sector.

4.9 The committee contends that it is difficult to regulate an undefined sector. Until the question of definition can be resolved, any recommendations about regulation or accreditation would seem premature.

Conclusion

4.10 The committee supports moves to give greater emphasis to ethics and athlete wellbeing in Australia sport. However, until an accepted definition for sport science is developed, and ASADA and the ACC have finalised their investigations into alleged drug use in Australian sport, detailed consideration of introducing regulation or mandatory accreditation for sports scientists is premature.

Recommendation 4

4.11 The committee recommends that detailed consideration by the Australian Government of introducing new regulations for sports scientists in Australia be delayed until such time as the Australian Sports Anti-Doping Authority and/or the Australian Crime Commission have finalised their current investigations into the alleged use of drugs in Australian sport.

Additional comments by Senator Richard Di Natale

The following chapters are to be read in addition to the first three chapters of this report. Greens Senator, Dr Richard Di Natale, strongly agrees with the three recommendations in Chapter 3. These recommend that the government develop a statement of sports ethics, and that sports ethics be taught to students at tertiary level and athletes within sporting organisations.

Senator Di Natale notes the committee's recommendation 4 in chapter 4 that introducing new regulations for sports scientists in Australia should be delayed until after the Australian Crime Commission's and the Australian Sports Anti-Doping Authority's findings have been released. However, Senator Di Natale argues that there are a number of practical measures—that do not require new regulations—that must be considered now in order to protect athlete health and welfare.

Further, Senator Di Natale does not believe that accreditation and other measures must wait until the ACC and ASADA have released their findings. A 'wait and see' position is not appropriate, for the following reasons.

- First, an accreditation system and other practical measures to enhance the accountability of sports scientists are in the interests of athletes and the public, regardless of the scale of the problems that the ACC and ASADA may uncover.
- Second, the ACC and ASADA investigations will not be a comprehensive examination of the extent of issues across Australian sport. Rather, Senator Di Natale understands that the ACC and ASADA investigations are limited to two major sporting codes, and certain clubs and individuals within these codes.
- Third, proposals to improve the current regulatory framework will not impinge or interfere with the ACC or ASADA's investigations. It is unlikely that these investigations will have anything to say on the accreditation and regulation of sports science.

The following chapters on the accreditation and regulation of sports scientists, and the corporate governance arrangements of sporting organisations, make a number of recommendations. The current frameworks, and the cultures underpinning them, are inadequate and should be addressed as a matter of urgency. As chapter 1 of this report noted, the ACC's February 2013 report identified that sports scientists have 'gained increasing influence over decision-making' within Australian football codes. This was also reflected in the findings of the Switkowski report. Protecting the welfare of athletes and the interests of the Australian sporting public should not wait for further findings to be released. Failings in governance and best practice are already known and steps should be taken immediately.

Structure of the additional comments

The additional comments are structured into the following five chapters:

- Chapter 5 examines the issue of accrediting sports scientists. It makes a strong case for a framework to be put in place to accredit sports scientists and to ensure that the profession is properly identified and held accountable.
- Chapter 6 discusses regulatory options to enhance the oversight of sports scientists in Australia, including a system of registration, a 'negative licencing system' supported by a code of conduct, an external oversight body and legislated protection of athlete health and welfare.
- Chapter 7 notes that the boards and management of sporting organisations and clubs have an important role in establishing a governance framework within which sports scientists operate responsibly and ethically.
- Chapter 8 discusses matters related to the inquiry, including the use of supplements.

Recommendations by Senator Richard Di Natale

Recommendation 1

3.31 The committee recommends that the federal government consider developing a statement of ethics that would apply to all Australian participants in sports.

Recommendation 2

3.38 The committee recommends that tertiary institutions offering sports science courses include topics on ethics, which should refer to the duty of care of sports scientists to athletes and the importance of protecting athlete health and welfare.

Recommendation 3

3.40 The committee recommends that sporting organisations and/or clubs provide all athletes entering professional and/or high-performance sports programs with specific training on sports ethics, integrity issues and their rights and responsibilities in relation to their long-term health and welfare.

Recommendation 4

5.86 Senator Di Natale recommends that the Department of Regional Australia, Local Government, Arts and Sport (DRALGAS) conduct a feasibility study into Exercise & Sports Science Australia's (ESSA) ability to administer a national system of sports science accreditation. In conducting this study, DRALGAS should consider the findings of both the Australian Crime Commission's report on organised crime and drugs in sport and the Australian Sports Anti-Doping Authority's ongoing investigation into drugs in sport. ESSA must be capable of developing and implementing a tiered system that:

- requires minimum qualifications or relevant demonstrated experience;
- offers specialisation in relevant disciplines;
- is relevant and of value to the profession and employers; and
- is capable of achieving widespread uptake.

Recommendation 5

5.91 Senator Di Natale recommends that, subject to the Department of Regional Australia, Local Government, Arts and Sport's feasibility study and its consideration of the Australian Crime Commission's and Australian Sports Anti-Doping Authority's findings:

- Exercise & Sports Science Australia (ESSA) should be recognised and promoted as the single national accrediting body by all sporting employers in Australia; and
- where an individual is hired by an employer in a sports science role, they must be able to demonstrate that they hold current ESSA accreditation as a sports scientist. This must be demanded by employers to prevent rogue individuals from 'code-hopping'.

Recommendation 6

5.94 Senator Di Natale recommends that accreditation as a sports scientist should be a condition of ongoing employment. If an individual's accreditation is rescinded by the accrediting body following a breach of its code of conduct or an individual does not satisfy the re-accreditation requirements, the individual's employment with the sporting organisation should be terminated. Employers should actively confirm the accreditation status and level of the personnel they employ in sports science roles on an annual basis, by formally requesting confirmation from the accrediting body. The accrediting body should ensure that it has the resources and processes in place to respond to these requests in a timely way.

Recommendation 7

6.38 Senator Di Natale recommends that, following the establishment of a widespread, tiered system of accreditation for sports scientists in Australia, the government should consider including relevant sports science disciplines in the National Registration and Accreditation Scheme.

Recommendation 8

6.57 Senator Di Natale recognises the need for publicly accessible information about substances and practices impacting on athlete health and wellbeing. The Senator recommends that the Department of Regional Australia, Local Government, Arts and Sport consider forming and promoting an independent advisory group. The utility of an independent source of advice would be to provide up-to-date, independent information for athletes, parents, sporting organisations, peak bodies and coaching staff.

Recommendation 9

7.51 Senator Di Natale recommends that the Australian Sports Commission's *Sports Governance Principles* and *AIS Sports Science / Sports Medicine Best Practice Principles* be:

- recognised as promoting best practice principles;
- adopted and adhered to by Australian sporting organisations; and

- periodically reviewed to ensure that they strike the right balance between strengthening integrity measures and respecting the rights and best interests of athletes.

Recommendation 10

7.54 Senator Di Natale recommends that the Minister for Sport makes publicly available information about the role, composition and progress of the Australian Sports Integrity Network.

Recommendation 11

7.93 Senator Di Natale recommends that where a qualified medical practitioner is employed by a sporting organisation or team, the medical practitioner be required to approve any decision relating to athlete health and welfare including the use of supplements. Further, a sport scientist should be required to consult with an organisation or team's medical officer regarding supplements as appropriate.

Recommendation 12

8.11 Senator Di Natale recommends that where supplements are used within national sporting organisations, those organisations consider encouraging only the use of supplements classified as Group A in the Australian Institute of Sport Sports Supplement Program.

Recommendation 13

8.14 Senator Di Natale recommends that national sporting organisations consider:

- implementing central registers of supplements in use by teams/clubs; and
- making this information publicly available.

Chapter 5

Developing a system of accreditation for sports scientists

Introduction

5.1 This chapter examines the important issue of accrediting sports scientists. Currently, Exercise & Sport Science Australia (ESSA) offers accreditation for sports scientists, but it is not compulsory. Further, of those that decide to be accredited, there is no regulatory framework that governs their conduct as a sports scientist.

5.2 This chapter put the case for a framework that accredits sports scientists to ensure that they are trained, identified and held accountable for their actions. It is divided into the following sections:

- current accreditation arrangements and levels of sports scientists in Australia;
- accreditation in the United Kingdom (UK);
- support for a national, compulsory accreditation scheme in Australia;
- the key elements of an Australian accreditation scheme;
- considerations in designing a tiered accreditation scheme;

Current accreditation arrangements for sports scientists

5.3 In her submission to this inquiry, Assistant Professor Annette Greenhow described the concept of accreditation as follows:

> Accreditation is a form of authorisational and informational regulation and has been described as establishing a 'token of trust' providing the assurance of a minimum level of competency. It provides a system where individuals voluntarily seek to meet certain minimum entry requirements and on-going compliance with standards and codes of conduct. One reason for establishing an accreditation system is to uphold standards and maintain public confidence in particular activities. However, central to the value and success of an accreditation system is the credibility of the accrediting authority. The ultimate decision rests with those who use the services and acceptance of the intrinsic value of the token of trust.[1]

5.4 Table 5.1, below, was prepared by the Department of Regional Australia, Local Government, Arts and Sport (DRALGAS) in a response to a question (on notice) from the committee's public hearing. The table shows current accreditation and registration arrangements for a range of professionals who may be involved in a

1 Assistant Professor Annette Greenhow, *Submission 8*, p. 4.

'sports science' department. It shows that sports scientists are neither accredited nor regulated.

5.5 However, ESSA noted that it offers general 'sports science' accreditation to professionals on a voluntary basis. The Coalition of Major Professional and Participation Sports (COMPPS) noted in its submission that while accreditation 'is a requirement of all doctors, physicians, physiotherapists and podiatrists who work alongside athletes, accreditation is not a current requirement to practice as a sports scientist'.[2]

ESSA's accreditation

5.6 ESSA described its role in accrediting qualified specialists as 'to ensure that appropriate standards of technical and ethical conduct are met and maintained by all those in practice'.[3] It has administered a sports science accreditation program since 1996.[4] ESSA-accredited sports scientists are:

> … 3 or 4 year university trained exercise and sports science/ human movement studies graduates. They specialise in helping an individual athlete or team to improve their sporting performance through the uses of scientific knowledge, methods and applications in the area of physiology, biomechanics, psychology, motor control and motor development. They evaluate research, assess and advise on the technical and practical aspects of training, injury prevention, technique analysis, and nutrition, optimisation of performance, and recovery practices in all areas and levels of sport.[5]

5.7 By way of comparison, ESSA also accredits 'exercise scientists' and 'exercise physiologists'. It explains the accreditation requirements for these professions as follows:

> Exercise scientists are 3 or 4 year (or equivalent) university trained exercise and sports science/ human movement studies graduates. They specialise in the design, implementation and evaluation of exercise and physical activity. They provide intervention for improving general health, prevention of chronic diseases, and sports performance enhancement.

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2 Coalition of Major Professional and Participation Sports, *Submission 9*, p. 5.

3 Exercise & Sports Science Australia, *2013 Sports Science Accreditation Application Form*, http://www.essa.org.au/wp/wp-content/uploads/2013-Sports-Science-Accreditation-Application-Form-2.pdf (accessed 21 May 2013).

4 Exercise & Sports Science Australia, *Submission 7*, p. 7.

5 Exercise & Sports Science Australia, *Our professional members*, http://www.essa.org.au/about-us/profession/ (accessed 6 June 2013).

Table 5.1: Professionals who may be involved in a 'sports science' department

Profession	*Professional body*	*Accreditation of University or Tertiary Courses / Overseas Practitioner assessment*	*Registration*
Sports physician (doctor)	Australian College of Sports Physicians	Yes, by Australian Medical Council. Undergrad/post grad medical course. Specialist training	Yes, AHPRA Both at graduate medical practitioner level and at specialist level – training conducted by College. Protection of title: 'Specialist Sports Physician'
Physiotherapist	Australian Physiotherapy Association	Australian Physiotherapy Council	Yes, AHPRA At graduate level
Psychologist – Sport and Exercise	Australian Psychology Society (assesses overseas practitioners) Also runs 'colleges' including sport and exercise	Australian Psychology Accreditation Council (Universities only)	Yes, AHPRA At graduate practitioner level. Area of endorsement 'sports and exercise' – requires masters of PhD
Sports Dietician	Sports Dietitians Australia	Dietetics Association of Australia. Undergrad/post grad courses. No recognition of specialities	No Must be a member of DAA to join Sports Dietitians Australia plus extra course completion required (run by SDA)
Chiropractor		Council on Chiropractic Education Australasia	Yes, AHPRA Graduate level
Sports Scientist	Exercise and Sports Science Australia. Full membership as 'sports scientist' requires undergrad degree in exercise/sport science plus 500 hours supervised practice	No. Although ESSA says will commence from 2014	No
Performance Analyst/Biomechanics	None in Australia. International Society for Performance Analysis in Sport (UK based)	No. Although ESSA may cover relevant undergrad degrees from 2014	No
Strength and Conditioning Coach	Australian Strength and Conditioning Association (No membership qualifications apparent)	No	No
Coach (senior coach, assistant coach, senior assistant coach, development coach, development welfare coach etc.)	No specific professional body apparent in Australia aside from Australian Strength and Conditioning Association	No ASC provides an online education system (called 'accreditation') providing three tiers of education. Service Skills Australia (Training and Skills Council) provides a VET training package in Sport, Fitness and Recreation	No

Source: Department of Regional Australia, Local Government, Arts and Sport, answer to question on notice, 12 June 2013 (received 25 June 2013).

> Exercise physiologists are 4-year university qualified allied health professionals who specialise in the delivery of exercise, lifestyle and behavioural modification programs for the prevention and management of chronic diseases and injuries. [Exercise physiologists] provide physical activity and behaviour change support for clients with conditions such as cardiovascular disease, diabetes, osteoporosis, depressions, cancer, arthritis, [chronic obstructive pulmonary disease] and many more.[6]

Low levels of accreditation

5.8 In its 2012 Annual Report, ESSA listed 2509 accredited exercise physiologists and only 19 accredited sports scientists among its membership.[7] ESSA has accredited a total of 52 sports scientists since 1996.[8] Despite the low number of accredited sports scientists, as mentioned in chapter 2 ESSA estimates that there are 400 to 500 professional sports scientists in Australia.[9] ESSA has commissioned a sports science workforce audit in order to obtain more information about the scope of the profession.[10]

Table 5.2: ESSA Membership

Membership Category	*2012*	*2011*	*Movement in numbers*
Student	516	692	- 25.5%
Exercise Science (Full)	3092	2724	+ 13.5%
Associate	29	26	+ 11.54%
Accredited Exercise Physiologist (AEP)	2509	2016	+ 24.45 %
Accredited Sports Scientist (ASp)	19	17	+ 11.07%
Academic	34	34	+ 0%

Source: Exercise & Sports Science Australia, Annual Report 2012, p. 8, http://www.essa.org.au/wp/wp-content/uploads/Annual-Report-2012-low-res.pdf (accessed 21 May 2013).

5.9 ESSA attributed the success of its exercise physiology accreditation program to the recognition of exercise physiologists as allied health professionals in 2005 and the subsequent allocation of Medicare provider numbers to them.[11]

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6 Exercise & Sports Science Australia, *Our professional members*, http://www.essa.org.au/about-us/profession/ (accessed 6 June 2013).

7 Exercise & Sports Science Australia, *Annual Report 2012*, p. 8, *http://www.essa.org.au/wp/wp-content/uploads/Annual-Report-2012-low-res.pdf* (accessed 21 May 2013).

8 Exercise and Sports Science Australia, *Submission 7*, p. 7.

9 Elise Scott, 'Sports scientists can avoid ASADA penalty', *Brisbane Times*, 13 March 2013.

10 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 39.

11 Mrs Anita Hobson-Powell, Executive Officer, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 38.

Exercise physiologists were also added to the Department of Veterans' Affairs provider list and recognised by WorkCover and health funds. ESSA suggested these events led to employers specifying the accreditation in job descriptions.[12]

5.10 ESSA attributes the low numbers of individuals seeking sports science accreditation to lack of demand from employers.[13] Associate Professor Christopher Askew, President of ESSA, suggested that some professionals had also misunderstood what ESSA was trying to achieve:

> Some sports scientists have looked at ESSA and said, 'You do not give me what I need to do my job. You do not give me a journal in biomechanics. You do not give me continuing education in biomechanics.' But that is not what we set out to do. We set out to establish a benchmark that is gauged from industry standards and from evidence-based practice so that everyone reaches that minimum set of standards as an accrediting role.[14]

5.11 In essence, the ESSA sports science accreditation that has been taken up in limited numbers by the industry is for the general or meta-title of 'sports scientist'. While ESSA has in the past developed a tiered system—which offered a base level of accreditation together with a higher level of specialisation—due to the low levels of accreditation it has not promoted this more advanced system.[15] Professor David Bishop indicated to the committee that the tiered system 'is all in place currently. It just needs to be reactivated'.[16]

'Medicare Australia provider/registration numbers are allocated to allied health professionals to enable them to participate in the Medicare allied health and dental care initiative and to provide a method of identifying the place from which a service is provided. Medicare Australia provider/registration numbers are also allocated to physiotherapists, osteopaths, chiropractors or podiatrists for the purposes of enabling these health professionals to request certain diagnostic imaging services as set out in the Medicare Benefits Schedule Book … An allied health professional applying for registration under the allied health and dental initiative must be in private practice, and services claimed under this initiative must be performed while working in a private capacity'. Medicare Australia, *Application for an initial Medicare provider/registration number for an Allied Health Professional*, p. 1of 4 http://www.medicareaustralia.gov.au/provider/pubs/medicare-forms/files/1449-Application-for-an-initial-Medicare-provider-registration-number-for-an-Allied-Health-Professional.pdf (accessed 28 June 2013).

12 Mrs Anita Hobson-Powell, Executive Officer, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 38.

13 Associate Professor Christopher Askew, President, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 40.

14 Associate Professor Christopher Askew, President, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 41.

15 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 40.

16 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 40.

5.12 The National Institute Network (NIN) submitted that as ESSA's accreditation system currently stands, it is:

> … relevant predominately to exercise physiologists working in clinical settings and has not been considered highly relevant by other sports scientists who work with athletes.[17]

5.13 In its submission, NIN referred to accrediting bodies associated with the most common disciplines of sport science. Table 5.3, reproduced from NIN's submission, shows the accrediting bodies for various sports science disciplines.

Table 5.3: Accrediting bodies associated with sport science disciplines

Discipline	*Accrediting body*
Biomechanics	Australian & NZ Society of Biomechanics
Biochemistry	Australasian Association of Clinical Biochemists
Nutrition/Dietetics	Nutrition Australia / Dietitians Association of Australia
Strength & Conditioning	Australian Strength & Conditioning Association
Performance Analysis	International Society of Performance Analysis in Sport
Physiology	Exercise & Sports Science Australia
Podiatry	Australian Podiatry Association
Psychology	Australian Psychology Board
Skill Acquisition	No accrediting body
Technology/Engineering	International Sports Engineering Association

Source: National Institute Network, Submission 14*, p. 3.*

5.14 While several accrediting bodies exist for sport science disciplines, DRALGAS informed the committee at the public hearing that it is 'inevitable that there will be people who are going to be working with athletes who may not be covered' by one of these bodies.[18]

Accreditation in the United Kingdom

5.15 The UK has an accreditation system for sports scientists that may offer a model for broad-based accreditation in Australia. As chapter 1 noted, the British Association of Sport and Exercise Sciences (BASES) is the professional body for sport and exercise sciences in the UK. BASES was founded in 1984 and is 'concerned with setting, maintaining and enhancing the professional and ethical standards of its

17 National Institute Network, *Submission 14*, p. 3.

18 Mr Richard Eccles, Deputy Secretary, Department of Regional Australia, Local Government, Arts and Sport, *Proof Committee Hansard*, 12 June 2013, p. 9.

members who are actively involved in sport and exercise science'.[19] Like ESSA, BASES promotes standards through the adoption of a code of conduct and an accreditation scheme. Practitioners who are deemed by BASES to 'have the minimum knowledge, skills and understanding necessary to be safe and fit to practice as a sport and exercise scientist' are entitled to use the term 'BASES Accredited Sport and Exercise Scientist'.[20]

5.16 In 2012, BASES had 339 accredited members, 23 Certified Exercise Practitioners and 20 members holding High Performance Sport Accreditation.[21] In addition, 191 BASES members were undertaking supervised experience with 100 registered supervisors.

5.17 The English Institute of Sport (EIS) stipulates BASES accreditation in job descriptions. Professor Kevin Thompson is a former senior manager and national director of science at the EIS and chaired sports science committees at BASES over a seven-year period. In evidence to the committee, he outlined BASES' accreditation process:

> There is a supervised experience team. That is usually undertaken by graduates, so they have their undergraduate degree. They often start this when they are undertaking a masters degree—that is, a postgraduate qualification. It involves 500 hours of supervised practice. ESSA have a very similar process. At the moment there are approximately 200 individuals undertaking supervised experience. It takes usually a couple of years to build up that amount of practice. There are approximately 100 sports scientists already accredited who act as mentors through that process on an annual basis. Having gained that accreditation, they then practice and every five years they reaccredit. There is one level beyond that which is for very experienced sports scientists who have worked for usually six to 10 years in the industry. There is the potential to take an additional level of accreditation.[22]

This higher level of accreditation—High Performance Sport Accreditation—is based on competencies in areas such as 'ethical considerations, working within a team, being able to provide feedback et cetera'.[23]

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19 British Association of Sport and Exercise Sciences, Accreditation, http://www.bases.org.uk/Accreditation/Accreditation (accessed 22 May 2013).

20 British Association of Sport and Exercise Sciences, Accreditation, http://www.bases.org.uk/Accreditation/Accreditation (accessed 22 May 2013).

21 British Association of Sport and Exercise Sciences, Annual Report 2011–2012, p. 4 http://www.bases.org.uk/write/BASES%20ANN%20REP18pgc_180712.pdf (accessed 22 May 2013).

22 Professor Kevin Thompson, Director, National Institute of Sport Studies, University of Canberra, *Proof Committee Hansard*, 12 June 2103, p. 34.

23 Professor Kevin Thompson, Director, National Institute of Sport Studies, University of Canberra, *Proof Committee Hansard*, 12 June 2103, p. 34.

5.18 Professor Thompson credits EIS' employment pre-condition with an increase in professional sports in the UK stipulating accreditation in advertised positions.[24] As he told the committee:

> … accreditation only really gained force within the UK when the major employers within sport in the UK asked for accreditation in people's resumes.[25]

5.19 Elsewhere, Professor Thompson has argued:

> Critically, as BASES-accredited practitioners have progressed within the sport industry and gained influential positions, accreditation has unsurprisingly become more widely accepted as the 'norm'.[26]

He has described a rigorous accreditation system as having:

> … great worth to employers who can trust the person interviewing for the role has relevant and worthwhile qualifications and most importantly will work using evidence-based practise and within a code of conduct.[27]

5.20 Professor Thompson told the committee that BASES accreditation had started out as 'very discipline-specific' but had developed into a more 'broad based competency'.[28] He suggested that this reflects the 'interdisciplinary and multidisciplinary' nature of the profession.

5.21 Professor Thompson referred to BASES' code of conduct as being 'well established'.[29] He also noted that the BASES system involved a grandfathering scheme to recognise the skills and experience of individuals.[30] In his view, the BASES system provides a good system for Australia to follow. He suggested that in the UK:

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24 Professor Kevin Thompson, 'Sports science: time for proper accreditation', *The Conversation*, 13 February 2013.

25 Professor Kevin Thompson, Director, National Institute of Sport Studies, University of Canberra, *Proof Committee Hansard*, 12 June 2103, p. 29.

26 Professor Kevin Thompson, 'Sports science: time for proper accreditation', *The Conversation*, 13 February 2013.

27 Professor Kevin Thompson, 'Sports science: time for proper accreditation', *The Conversation*, 13 February 2013.

28 Professor Kevin Thompson, Director, National Institute of Sport Studies, University of Canberra, *Proof Committee Hansard*, 12 June 2103, p. 34.

29 Professor Kevin Thompson, Director, National Institute of Sport Studies, University of Canberra, *Proof Committee Hansard*, 12 June 2103, pp 34–5.

30 A grandfather clause is a provision in a new law, regulation, or anything else that exempts certain persons or business from abiding by it. This can involve an exemption for a set period of time. In the context of accreditation, this could allow individuals working in a profession time to obtain the necessary qualifications or, alternatively, could allow for the recognition of existing skills and experience in place of formal qualifications.

> … we now have practitioners who believe in accreditation, a career pathway and recognition, based in both the professional and the Olympics sports setting, which I think is a very strong basis.[31]

5.22 Mr Daniel Greenwood, Senior Sport Scientist at the Queensland Academy of Sport (QAS), referred to the accreditation system in the UK as 'advanced from where we are at the moment'.[32] However, he argued that it is not necessarily the 'gold standard' and could be improved.[33]

Support for an accreditation regime in Australia

5.23 The former federal Minister for Sport, Senator the Hon. Kate Lundy, has referred to a formal accreditation program for sports scientists as 'a very worthy idea worth exploring'.[34] At the Australian Olympic Committee annual general meeting in 2013, Minister Lundy was quoted as saying:

> I've received a lot of feedback from sports scientists and they are concerned about the reputation of the profession … Some of them are highly qualified. Some of them are not. And I think sports bodies and athletes have a right to know which is which.[35]

5.24 Several submitters to this inquiry have also voiced their support for a national system that accredits sports scientists in Australia. ESSA, notably, has called for a mandatory accreditation regime for sports scientists in Australia, describing current levels of accreditation as 'alarming'.[36] Professor David Bishop, ESSA's Director of Sports Science, has conducted more than 70 television, radio and press interviews promoting the work of sports scientists and calling for national accreditation of sports scientists.[37] In its submission to this inquiry, ESSA argued 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'.[38]

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31 Professor Kevin Thompson, Director, National Institute of Sport Studies, University of Canberra, *Proof Committee Hansard*, 12 June 2103, p. 36.

32 Mr Daniel Greenwood, Senior Sport Scientist, Queensland Academy of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 29.

33 Mr Daniel Greenwood, Senior Sport Scientist, Queensland Academy of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 29.

34 David Sygall, 'We're getting out a big stick, says Coates', *Sydney Morning Herald*, 6 May 2013.

35 David Sygall, 'We're getting out a big stick, says Coates', *Sydney Morning Herald*, 6 May 2013.

36 Rick Morton, '"Dodgy" scientists outside the rules', *The Australian*, 8 February 2013.

37 Exercise & Sports Science Australia, *Annual Report 2012*, p. 15, http://www.essa.org.au/wp/wp-content/uploads/Annual-Report-2012-low-res.pdf (accessed 21 May 2013).

38 Exercise & Sports Science Australia, *Submission 7*, p. 13.

5.25 Mr Richard Eccles, Deputy Secretary at DRALGAS, referred to the 'fundamental position' of the Australian Sports Commission (ASC) as being 'that action should be taken to ensure that any individuals working in high-performance sports science meet acceptable professional standards of accreditation'.[39] The ASC strongly recommended that:

> … action is taken to ensure that any individual working in high performance sports science in a sport/club/sports institute meets acceptable professional standards of accreditation.[40]

5.26 COMPPS described as 'incongruous' the situation where 'sports scientists, with such significant responsibility for the health and well-being of professional sports people, can operate in an environment that does not demand professional accreditation'.[41] One of its members, the National Rugby League (NRL), supported 'a national, standardised accreditation system for sports scientists'.[42]

5.27 Athletics Australia (AA) called for clarity so it can be assured 'which scientists are properly qualified and up to date with the latest ethical standards'.[43] This, AA suggested, would allow it to only use 'validated' sports scientists and to provide clear advice to those athletes who establish personal arrangements.

The key elements of an Australian accreditation scheme

5.28 Senator Di Natale foresees that an effective scheme of accreditation of sports scientists in Australia would need the following five elements:

- strong support and adoption of the scheme among employers;
- the setting and acceptance of base-level standards of accreditation;
- a national system, as opposed to an employer-based system; and
- broad-based agreement on the appropriate accrediting organisation; and
- appropriate grandfathering arrangements.

The following section considers the committee's evidence on each of these issues.

Support from employers

5.29 DRALGAS identified two key planks that should form a robust scheme of accreditation for sports scientists. They are:

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39 Mr Richard Eccles, Deputy Secretary, Department of Regional Australia, Local Government, Arts and Sport, *Proof Committee Hansard*, 12 June 2013, pp 2–3.

40 Australian Sports Commission, *Submission 17*, p. 5.

41 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 11.

42 National Rugby League, *Submission 15*, p. 4.

43 Athletics Australia, *Submission 4*, p. 2.

> … [first] 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.[44]

5.30 DRALGAS referred to the Dietitians Association of Australia as an example of a strong professional organisation that provides an accreditation regime that is frequently a pre-requisite for entry into that discipline.[45]

5.31 DRALGAS noted in its submission that, in conjunction with the ASC, it has begun discussions with state and territory sport and recreation departments and the major professional sports on stipulating accreditation in the employment or contracting of sports scientists.[46] However:

> … before such as system can be put into place … 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.[47]

5.32 Professor Thompson recommended that:

> … Australian sport should work more closely with Exercise and Sports Science Australia to deliver an industry-standard accreditation system which insures that sport scientists require accreditation to gain employment. Such an accreditation system should value competency and evidence-based practise and allow existing practitioners with years of experience, but who might not possess a PhD, to gain accreditation.[48]

5.33 Senator Di Natale notes that the UK example of industry-led efforts to enforce accreditation requirements shows how widespread accreditation can be achieved in Australia without regulation. ESSA, for instance, recommended to boards and administrators that oversight of sports science should 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

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44 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 3.

45 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 3.

46 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 4.

47 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 4.

48 Professor Kevin Thompson, 'Sports science: time for proper accreditation', *The Conversation*, 13 February 2013.

- 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.[49]

5.34 The importance of sporting clubs' corporate governance in promoting a responsible and ethical working environment for sports scientists is considered in chapter 7.

The importance of setting a base-level standards

5.35 Senator di Natale views the setting and acceptance of base-level standards as fundamental to an effective accreditation system for sports scientists. At the public hearing, Mr Richard Eccles, Deputy Secretary at DRALGAS, argued that:

> … we need to create an environment where we can be confident that those closest to our athletes are qualified to do the work they do, that they meet minimum standards, including ethical standards, and that they are held accountable for their activities.[50]

5.36 Mr Eccles noted that the profession currently comprises 'a range of people from various colleges and various affiliations with various regulatory standards'.[51] He argued that 'there is a need for some form of consistency across all the professional bodies'.[52]

5.37 Mr Greenwood expressed the view that:

> In my opinion, if you want an applied scientist to be properly accredited, you need not only minimum qualification standards—and I think undergraduate degrees are insufficient to call yourself a sport scientist—but also postgraduate qualifications are important. Supervised training should also incorporate a large part of that. You then have to have people who are willing to take on the more junior scientists to lead them into the field properly.[53]

5.38 In referring to the criticism of ESSA's procedures and current system of accreditation, Professor Bishop argued in summary that:

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49 Exercise & Sports Science Australia, *Submission 7*, p. 9.

50 Mr Richard Eccles, Deputy Secretary, Department of Regional Australia, Local Government, Arts and Sport, *Proof Committee Hansard*, 12 June 2013, p. 2.

51 Mr Richard Eccles, Deputy Secretary, Department of Regional Australia, Local Government, Arts and Sport, *Proof Committee Hansard*, 12 June 2013, p. 9.

52 Mr Richard Eccles, Deputy Secretary, Department of Regional Australia, Local Government, Arts and Sport, *Proof Committee Hansard*, 12 June 2013, p. 9.

53 Mr Daniel Greenwood, Senior Sport Scientist, Queensland Academy of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 21.

> … broadly speaking, there is broad agreement that there needs to be accreditation. I will use an analogy. There is broad agreement that we want to build this accreditation house; what we are arguing over are the curtains and the carpet. There needs to be accreditation. If it is three or four years, if it is 500 or 600 hours, if it is six tiers or four tiers—they are all the details that we would like to sit around with all of the stakeholders and nut out. To answer your question, we are very pleased that there is support for accreditation.[54]

A national accreditation scheme

5.39 Several contributors to the inquiry underlined the importance of a national approach to accrediting sports scientists. Mr Matthew Finnis, Director of Australian Athletes' Alliance (AAA), told the committee:

> I would prefer a national model which operates across sports because the fact is that, whilst Australia is a big country geographically, in this sense we are quite small and it is inevitable that people who operate in this industry will work for different codes. I think by compiling some expertise in one place we are going to get better expertise for the benefit of all and then perhaps be able to link in with international bodies with similar interests. So I would advocate a national approach.[55]

5.40 Similarly, COMPPS submitted that it is important that accreditation be administered by a national, independent body:

> This would help to avoid a 'piece-meal' approach, different standards for different sports, and, most importantly, code hopping (i.e., sports scientists not adhering to appropriate standards moving to another sport).[56]

5.41 Further, COMPPS argued that it is important that any national body:

> … [be] linked to other international professional accreditation systems, such as the British Association of Sport and Exercise Sciences, and Sport and Exercise Science New Zealand, to ensure that sports scientists who lose their accreditation in one country are not simply able to move to another country. Equally, that consistency allows for working easily across jurisdictions.[57]

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54 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 42.

55 Mr Matthew Finnis, Director, Australian Athletes' Alliance, *Proof Committee Hansard*, 12 June 2013, p. 66.

56 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 4.

57 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 12.

5.42 Mr Greenwood submitted that 'the absence of an overarching accreditation system allows anyone to label themselves a sports scientist and practice sport science in any manner they see fit'.[58]

The problem with employer accreditation schemes

5.43 It was indicated to the committee that sporting codes in Australia may be considering establishing their own accreditation schemes for sports scientists. ESSA expressed concern at this approach:

> Our accreditation system and standards systems costs over $800,000 to run, and there is no change left over. So if the sports are willing to spend that kind of money, then, as someone said, it is not cost-effective. We have a similar opinion from talking to some of the sports of: 'We will register them and we will decide what qualifications they are going to have.' They could not tell us what qualifications or minimums they were going to have, so we were concerned about that, given they do not have the experience in an accreditation system.
>
> Our second concern was the possibility of code-hopping. You could be with the NRL and you get struck off and then you move onto AFL or cricket, so it is not a national system to ensure that we are going to protect the athletes.[59]

5.44 Associate Professor Christopher Askew, President of ESSA, argued that:

> I do not think that any one of those groups should have oversight of any single profession. We would not be here discussing the possibility of any one employer representing and regulating physiotherapy or medicine or any of the other professions that are involved.[60]

5.45 COMPPS submitted that an advantage of a national, independent body is:

> … that it provides better protection to sporting organisations from future allegations of misconduct than individual self-regulation does, and may also help alleviate concerns of cover-ups and inconsistent standards. This has recently been highlighted by longstanding allegations that the International Cycling Union was more interested in protecting Lance Armstrong and the image of cycling than cracking down on performance-enhancing drugs.[61]

5.46 The Australian Football League (AFL) recently established an internal Sports Science Association made up of practitioners working within its elite clubs.

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58 Mr Daniel Greenwood, *Submission 19*, p. 2.

59 Mrs Anita Hobson-Powell, Executive Officer, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 41.

60 Associate Professor Christopher Askew, President, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 41.

61 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 12.

Only weeks before the Australian Crime Commission report was released and the Australian Sports Anti-Doping Authority's investigation was announced, however, the AFL Sports Science Association said that 'isolated problems between fitness and conditioning personnel and club doctors had been resolved'.[62]

5.47 Senator Di Natale is not supportive of employer bodies developing and implementing their own accreditation schemes. In the Senator's view, a national, independent body should administer sports science accreditation in Australia for all sports and codes.

5.48 Mr Nello Marino, Chief Executive of Sports Medicine Australia (SMA), suggested that:

> … whilst accreditation is part of the equation, there are a whole lot of other issues of ethics and integrity that also need to be ingrained in athletes. In addition to that, certainly the idea of maintaining professional standards—not just for sports scientists but for all professions from Sports Medicine Australia's perspective is critical. It at least provides a foundation to the sorts of skills, expertise and the ethical framework within which practitioners such as sports scientists operate.[63]

5.49 Dr Ian Ford, Director of the Northern Territory Institute of Sport (NTIS), similarly cautioned that accreditation should not be seen as 'fool-proof'. Rather, in his view:

> … it gives credibility to the profession, to the discipline; it gives recognition to the work, the experience and the skills that are required to call yourself a certain type of sports scientist—which I think is important; and hopefully provides insurance to employers that they have got the right sort of people there.[64]

The accrediting body

5.50 There is widespread support for ESSA to act as the accrediting body for sports scientists. In its 2012 Annual Report, ESSA itself asked for:

> … greater regulation of the sports science industry by calling for the appointment of only ESSA-accredited sports scientists across all sporting codes.[65]

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62 Jon Pierik, 'Teamwork bridges AFL fitness, health divide', *The Age*, 22 January 2013.

63 Mr Nello Marino, Chief Executive Officer, Sports Medicine Australia, *Proof Committee Hansard*, 12 June 2013, pp 70–71.

64 Dr Ian Ford, Director, Northern Territory Institute of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 27.

65 Exercise & Sports Science Australia, *Annual Report 2012*, p. 15, http://www.essa.org.au/wp/wp-content/uploads/Annual-Report-2012-low-res.pdf (accessed 21 May 2013).

5.51 To this end, ESSA has established a 'high-performance sport collaborative project' in collaboration with SMA, Sports Dietitians Australia, Australian Strength and Conditioning Associations, Sports Doctors Australia, Australasian College of Sports Physicians and the Australian Physiotherapy Association:

> Key goals of this group are to develop (a) a factsheet on recommended employment criteria for sports science and professional staff, and their qualifications/accreditation, (b) a flowchart on who should be responsible for the development, administration and signoff for athlete supplementation programs, and (c) a position paper on 'Nutritional supplements and sports performance'.[66]

5.52 Associate Professor Askew described ESSA's view of the way forward:

> I think the very first barrier remains, and that is that it needs to be mandated that employers of sports scientists employ accredited sports scientists. That is step No. 1. In the development of how that accreditation system will look, this is what we are experts in: we seek the evidence, we liaise with the industry stakeholders and we ensure that the accreditation process represents and meets the needs of the industry. That process lies ahead of us. We have a system in place now, but, as you have just said, there is an opportunity for a much larger buy-in now and we recognise the need to adapt the accreditation process. We see that that can happen over a six- to eight-month period—a revised accreditation system can be in place within that time.[67]

5.53 While several bodies exist offering accreditation and/or membership for disciplines of sports science, ESSA argued that 'having more than one regulatory body is not in the best interests of Australian sport and sport scientists'.[68] Moreover, ESSA submitted that it 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'.[69]

5.54 ESSA described itself as a 'credible, external arbiter' and submitted that it is 'uniquely positioned to provide this accreditation'.[70] Professor David Bishop, Director of Sports Science at ESSA, told the committee:

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66 Exercise & Sports Science Australia, *Annual Report 2012*, p. 15, http://www.essa.org.au/wp/wp-content/uploads/Annual-Report-2012-low-res.pdf (accessed 21 May 2013).

67 Associate Professor Christopher Askew, President, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 42.

68 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 37.

69 Exercise and Sports Science Australia, *Submission 7*, p. 8.

70 Exercise and Sports Science Australia, *Submission 7*, p. 13.

> We believe that, having been doing this for nearly 20 years and having accredited over 3½ thousand people—and obviously most of those are exercise physiologists—we have got the processes, the procedures. We have made mistakes and refined the systems so that we are well placed, following the input from all the stakeholders, to take this forward.[71]

5.55 The SMA and SDA offered letters of support to ESSA's submission and endorsed its recommendations.[72] Mr Nello Marino, Chief Executive of SMA, told the committee that he was 'very confident' in ESSA's ability to set the necessary standards.[73]

5.56 The Council of Heads of Exercise, Sport and Movement Sciences supported the role of ESSA in accrediting sports scientists.[74] It described ESSA's accreditation regime as 'robust and reliable'.[75]

5.57 The AAA submitted that the ESSA accreditation process, if made mandatory, would address many of the issues it identified in its submission.[76]

5.58 Dr Hugh Seward, Chief Executive of the AFL Medical Officers' Association, referred to ESSA as an 'accreditation trendsetter' and said that ESSA 'can provide a great source of expertise'.[77]

5.59 Dr Ian Ford, Director of the NTIS argued for 'supporting further development and progression' of the work done by ESSA in relation to accreditation.[78] He spoke of the need to 'clearly identify what disciplines fall under sports science' and then to provide support for 'tightening' the accreditation process.[79] Dr Ford said that ESSA:

> … is certainly a body that has done a lot of work. I do not think it is about reinventing the wheel; it is about looking at what they are doing, and the capacity, and providing the support. If, as a result of discussion with the key

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71 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 42.

72 See: Exercise and Sports Science Australia, *Submission 7*, Appendices.

73 Mr Nello Marino, Chief Executive Officer, Sports Medicine Australia, *Proof Committee Hansard*, 12 June 2013, p. 72.

74 Council of Heads of Exercise, Sport and Movement Sciences, *Submission 13*, p. 3.

75 Council of Heads of Exercise, Sport and Movement Sciences, *Submission 13*, p. 3.

76 Australian Athletes' Alliance, *Submission 18*, p. 1.

77 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 53.

78 Dr Ian Ford, Director, Northern Territory Institute of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 23.

79 Dr Ian Ford, Director, Northern Territory Institute of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 23.

> stakeholders, ESSA is the best body to progress that, then we would look to support it I would think.[80]

5.60 DRALGAS also submitted that ESSA is 'perhaps the most immediately relevant professional organisation currently in existence in Australia'.[81] However, it submitted that 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'.[82] DRALGAS indicated that ESSA will introduce a restriction from the beginning of 2014.

5.61 The NIN submitted that 'the current framework and requirements of a sport scientist by ESSA is inadequate for the high performance sport system'.[83] The NIN noted that:

> The process of accreditation has been happening within sports science, but quite slowly, for some time. The issue with accreditation of sports scientists is that, as was previously alluded to, the definition of sports science is still so broad and the amount of qualifications that come under that bracket is so broad that the reason no current body exists is that it needs to recognise all the disciplines that are involved. To gain any traction you cannot group some sports scientists and not others, or you have to change the definition of the term 'sports scientist' to accurately represent the people that are associated with the National Institute Network or within the professional bodies themselves.[84]

5.62 However, the NIN did acknowledge that ESSA is in a 'very good position' to establish a 'broad network'.[85] It told the committee that ESSA's current limitations—resulting from ESSA's historically clinical focus—can be overcome through 'input from the other disciplines of sport science and also from the more applied sport science'.[86]

5.63 Applied Scientists of Queensland similarly submitted that ESSA currently fails to:

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80 Dr Ian Ford, Director, Northern Territory Institute of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 23.

81 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 4.

82 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 4.

83 National Institute Network, *Submission 14*, p. 6.

84 Mr Daniel Greenwood, Senior Sport Scientist, Queensland Academy of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 21.

85 Mr Daniel Greenwood, Senior Sport Scientist, Queensland Academy of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 21.

86 Mr Daniel Greenwood, Senior Sport Scientist, Queensland Academy of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 21.

> … adequately represent the needs and requirements of applied sport scientists or acknowledge the variety of disciplines which contribute to the sport science collective. The focus on clinical, rather than applied, sport science presents limitations to the understanding of the role of a sport scientist in athlete focussed sport environments and restricts their relevance to the industry as a whole.[87]

5.64 Applied Scientists of Queensland further submitted:

> From a knowledge and experience perspective we believe the university qualifications and the amount of practical experience are both insufficient. Instead, as alluded to above, an undergraduate and honours degree should be considered a minimum for university qualifications and a minimum of 1 years full time experience under a senior practitioner should be required for experience.[88]

Grandfathering arrangements

5.65 The NRL submitted that any accreditation and regulation arrangements would need to include '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.[89]

5.66 Mr Malcolm Speed, Executive Director of COMPPS, also advocated for grandfathering arrangements to 'enable current practitioners to be accredited'.[90] He argued that:

> There are a lot of very professional and competent sports scientists working in professional sport in Australia at the moment who do not have [ESSA] accreditation. Our concern is, subject to being able to regulate the activities of the sports scientists, that we do not want to lose good practitioners from the current batch of sports scientists, because the accreditation system is too high a barrier for them.[91]

5.67 Dr Ian Ford, Director of the NTIS, suggested that grandfathering arrangements would be 'sensible' because 'people have been involved in certain disciplines for a very long period of time but may not have some of the formal

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87 Applied Scientists of Queensland, *Submission 16*, p. 4.

88 Applied Scientists of Queensland, *Submission 16*, p. 11.

89 National Rugby League, *Submission 15*, p. 4.

90 Mr Malcolm Speed, Executive Director, Coalition of Major Professional and Participation Sports, *Proof Committee Hansard*, 12 June 2013, p. 14.

91 Mr Malcolm Speed, Executive Director, Coalition of Major Professional and Participation Sports, *Proof Committee Hansard*, 12 June 2013, p. 17.

qualifications that are required'.[92] However, he argued that discipline-specific experts should determine whether such arrangements are necessary.[93]

A tiered system of accreditation

5.68 DRALGAS submitted that if ESSA were to become the peak professional body for sports scientists, it would need to introduce a tiered system of accreditation to accommodate the needs of employers.[94]

5.69 Similarly, COMPPS—which represents seven major employers in Australian sport—submitted that the ESSA requirements for accreditation are high and difficult to achieve, which in its view may be one reason why there are so few accredited sports scientists.[95] COMPPS submitted that it may be preferable for an accreditation model to be established similar to the current ESSA model, but more applicable for sport scientists in professional sporting clubs. For example, COMPPS asked, 'should all sport scientists require post graduate qualifications?'[96]

5.70 Mr Malcolm Speed, Executive Director at COMPPS, referred to postgraduate qualifications as 'a very high barrier to entry' and suggested that:

> In the short term there may be another qualification that enables sports scientists to be accredited that is less than that. That is an issue that needs further debate between the sporting bodies and the sports science community.[97]

5.71 The NRL also supports an accreditation system that 'is able to differentiate between levels of expertise'.[98]

5.72 At the public hearing, Mr Daniel Greenwood, Senior Sport Scientist at the QAS, referred to the need for different levels within an accreditation system. He argued that:

> … a tiered system which has an understanding of the discipline-specific nature of sports science, and making sure that there are consequences for

92 Dr Ian Ford, Director, Northern Territory Institute of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 25.

93 Dr Ian Ford, Director, Northern Territory Institute of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 25.

94 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 4.

95 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 7.

96 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 7.

97 Mr Malcolm Speed, Executive Director, Coalition of Major Professional and Participation Sports, *Proof Committee Hansard*, 12 June 2013, p. 16.

98 National Rugby League, *Submission 15*, p. 4.

> failing to adhere to moral and ethical standards, are the pillars of any accreditation system.[99]

5.73 Mr Greenwood also said that an undergraduate sports science degree should not entitle an individual to call themselves a sports scientist.[100] Instead, he suggested that this level of qualification should entitle the individual to provisional membership with an accrediting body.[101]

5.74 In its detailed submission, Applied Scientists of Queensland outlined two models for a tiered accreditation system. It noted that:

> To classify a sport scientist recognition of education, knowledge and experiential history are important. When considering accreditation, a tiered system which denotes this understanding would provide industry standards and aid definition. Importantly this offers potential employers with confirmation of individuals skills and discrimination of credentials between individuals for quality control in the appointment of scientific staff.[102]

5.75 The first model proposed by Applied Scientists of Queensland:

> … assembles sport science disciplines together and discriminates between levels of accreditation based on years of experience and university qualifications. This simplicity standardises expectations and potentially reduces the workload required for accreditation processes. While the definition and amount of categories can be specified following rigorous debate, a provisional 6 tier set-up (Student, Associate, Provisionally Accredited, Accredited, Senior Accredited, Fellow) is proposed.[103]

5.76 It describes the tiers of accreditation in these terms:

> Student membership is open to students in the process of completing a three or four year degree or equivalent in the field of sports science.
>
> Associate is available to persons in other professional fields whose qualifications would not meet the criteria for Sport Science Accreditation, but whose degree may contribute to the field of sports science in Australia. For example, a member of another accreditation body such as an engineer or strength and conditioning professional. This would also encompass academic professionals, who while not directly interacting with athletes, use their research to provide important contributions to the area.

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99 Mr Daniel Greenwood, Senior Sport Scientist, Queensland Academy of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 25.

100 Mr Daniel Greenwood, Senior Sport Scientist, Queensland Academy of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 24.

101 Mr Daniel Greenwood, Senior Sport Scientist, Queensland Academy of Sport, National Institute Network, *Proof Committee Hansard*, 12 June 2013, p. 24.

102 Applied Scientists of Queensland, *Submission 16*, p. 7.

103 Applied Scientists of Queensland, *Submission 16*, p. 7.

> Provisionally Accredited Sport Scientist is available to new graduates of an undergraduate program in sport science or related discipline who have less than one year's experience in full-time employment. Provisional accreditation is also available for those who have completed an undergraduate degree in a relevant field and are currently completing post-graduate qualifications in sport science or related discipline.
>
> Accredited Sport Scientist is available to graduates who have completed an undergraduate degree and honours degree in the field of sports science plus a minimum of 1 year full time experience.
>
> Accredited Senior Sport Scientist is available to graduates who have completed a post-graduate degree (Masters or PhD) in the field of sports science plus a minimum 2 years full time practical experience, OR a minimum of 8 years practical experience. Senior practitioners may choose to specify their discipline specific interests in their post-nominal details (i.e. Physiology, Biomechanics, or Skill Acquisition).
>
> Fellow is available to members of the governing body. It recognises those who have achieved a high level of professional accomplishment, responsibility and service to the association.[104]

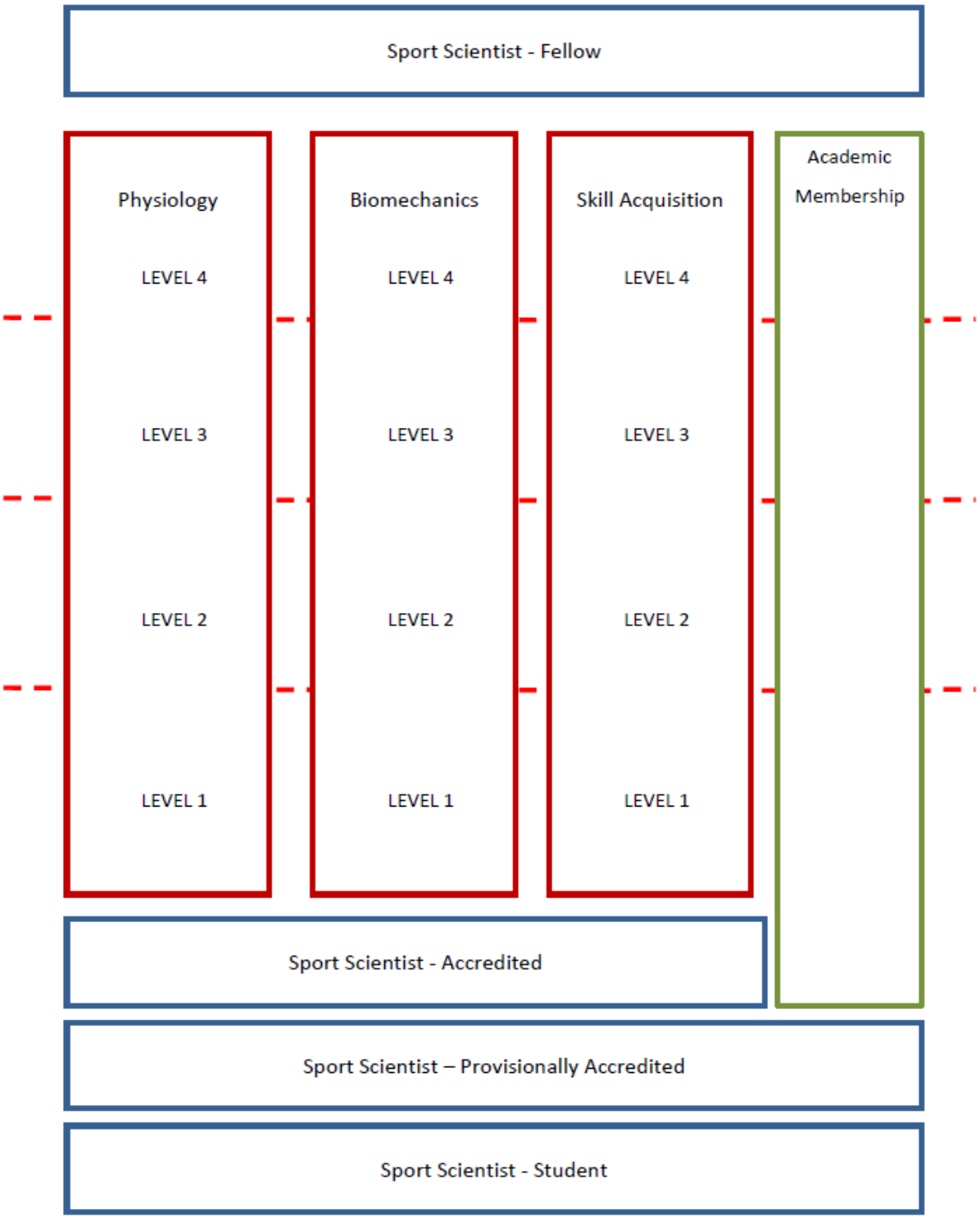
5.77 The second model, preferred by Applied Scientists of Queensland, would provide discipline-specific accreditation:

> Under this proposed model 'sport science' accreditation can be organised by a larger organisation which encompasses general skills and minimum standards. This could be based purely on qualifications and documented experience. This provides minimum standards for everyone wanting to call themselves a sport scientist in clubs, schools, and the private sector and importantly encompasses a code of conduct and ethical accountability.
>
> Once a member of the overseeing body, scientists could achieve discipline specific accreditation which highlights their specialisation. Within the discipline specific recognition a tiered system should exist which could be similar to the previously alluded to tiered set-up. Competency and accreditation of the individual could be recognised by discipline specific national groups which already exist, for example:
>
> - Physiology – [National Science Quality Assurance] and the State and Academy applied physiology network
> - Biomechanics – Australian and New Zealand Society of Biomechanics
> - Skill Acquisition – Australasian Skill Acquisition Research Group.[105]

104 Applied Scientists of Queensland, *Submission 16*, pp 7–8.

105 Applied Scientists of Queensland, *Submission 16*, pp 8–9.

Figure 5.1: Example development chart for sport science accreditation which encompasses discipline specific knowledge



Source: Applied Scientists of Queensland, Submission 16, *p. 10.*

National Science Quality Assurance program

5.78 The NIN—which comprises the state and territory institutes and academies of sport—has a National Science Quality Assurance (NSSQA) program which provides for a laboratory accreditation process. It covers physiology and strength and conditioning staff. However, the program is not available to sports scientists employed outside the NIN.[106]

5.79 The NSSQA program has recently begun to implement processes for other fields of sports science, including biomechanics, performance analysis and sports medicine.[107] Applied Scientists of Queensland submitted:

> While the NSSQA mechanisms are not currently sufficient to regulate across all sport science disciplines, it is appropriate to consider the contribution of NSSQA in any plan that looks to establish accreditation and regulation systems within the sport science industry.[108]

5.80 The NIN, responsible for administrating the program nationally, similarly submitted that regulatory bodies should:

> … work with the NSSQA program to accurately reflect what is required in an elite sport setting and encourage NSSQA in its expansion of regulation for all sport science disciplines for high performance sport (eg NIN, [national sporting organisations] and professional sports).[109]

5.81 ESSA submitted that:

> … the public interest is best served by the Commonwealth Government enforcing mandatory accreditation of all sports science professionals working within sporting organisations.[110]

Senator Di Natale's view

5.82 Senator Di Natale is of the strong view that an accreditation system for the sports science profession is necessary. This should be a national scheme overseen by an independent body. Accreditation should be widespread and for this to happen, the system needs to be relevant to the industry and hold value for professionals and employers. Immediate action is required in order to establish an accreditation scheme.

5.83 Senator Di Natale understands that while some of the major sporting codes may be considering implementing their own accreditation schemes, the Senator believes that a single, national system should be introduced that applies across all

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106 National Institute Network, *Submission 14*, p. 4.

107 Applied Scientists of Queensland, *Submission 16*, p. 1.

108 Applied Scientists of Queensland, *Submission 16*, p. 1.

109 National Institute Network, *Submission 14*, p. 2.

110 Exercise and Sports Science Australia, *Submission 7*, p. 13.

sports and codes. Sports science accreditation should be offered on a tiered basis, with different levels of qualifications, experience and specialisation recognised through distinct categories of accreditation.

5.84 Senator Di Natale believes that, on the evidence before the committee, ESSA appears best placed to administer the necessary scheme. However, the Senator notes that the accreditation options currently offered by ESSA do not meet the needs of the industry and have not received widespread buy-in. Additionally, while ESSA noted that it had formulated a tiered system of accreditation, it appears that this has not been promoted or adopted within the profession.

5.85 Senator Di Natale recommends that DRALGAS conduct a feasibility study on ESSA's potential to develop and administer a national, tiered system of sports science accreditation that meets the needs of the profession and employers, and that can achieve widespread uptake.

Recommendation 4

5.86 Senator Di Natale recommends that the Department of Regional Australia, Local Government, Arts and Sport (DRALGAS) conduct a feasibility study into Exercise & Sports Science Australia's (ESSA) ability to administer a national system of sports science accreditation. In conducting this study, DRALGAS should consider the findings of both the Australian Crime Commission's report on organised crime and drugs in sport and the Australian Sports Anti-Doping Authority's ongoing investigation into drugs in sport. ESSA must be capable of developing and implementing a tiered system that:

- **requires minimum qualifications or relevant demonstrated experience;**
- **offers specialisation in relevant disciplines;**
- **is relevant and of value to the profession and employers; and**
- **is capable of achieving widespread uptake.**

5.87 To do so, Senator Di Natale suggests that DRALGAS engage with a broad range of stakeholders, including professionals, employers and administrators at both the elite and sub-elite levels, to develop (i) definitions of 'sports science' and 'sports scientist' which have broad application; and (ii) a tiered system of accreditation that meets the needs of the profession and employers. In conducting this study, DRALGAS should be mindful of the costs of establishing a new accrediting body as opposed to developing and enhancing the existing functions of ESSA.

5.88 The tiered system should offer a base level of accreditation and/or provisional membership for students or undergraduate degree holders, as well as one or more advanced levels that offer specialisation in sports science disciplines. Senator Di Natale notes the tiered model proposed by Applied Scientists of Queensland[111]—

111 Applied Scientists of Queensland, *Submission 16*, p. 4.

which provides for specialised accreditation in physiology, biomechanics and skills acquisition—is worth exploring. The Senator also recognises the example provided by BASES and its success in implementing a widespread accreditation regime in the UK. Periodic re-accreditation within an appropriate timeframe should also be a feature of the accreditation system.

Accreditation as employment/engagement pre-condition

5.89 Senator Di Natale views accreditation of sports scientists as an employment/engagement pre-condition to be crucial to (i) ensuring widespread buy-in to a national accreditation scheme; and (ii) to establishing accreditation as 'best practice'. This should apply to a broad range of professionals who apply scientific principles to the health and performance of athletes.

5.90 The onus therefore falls to the academies and institutes of the NIN and the clubs/teams within the major professional sports, as the employers of the majority of sports scientists in Australia, to lead the way and introduce mandatory accreditation as an employment/engagement pre-condition. The committee heard evidence that in the UK the success of widespread accreditation administered by BASES was the result of leadership from the EIS and other employers. Senator Di Natale is hopeful that this can be replicated in Australia.

Recommendation 5

5.91 Senator Di Natale recommends that, subject to the Department of Regional Australia, Local Government, Arts and Sport's feasibility study and its consideration of the Australian Crime Commission's and Australian Sports Anti-Doping Authority's findings:

- **Exercise & Sports Science Australia (ESSA) should be recognised and promoted as the single national accrediting body by all sporting employers in Australia; and**
- **where an individual is hired by an employer in a sports science role, they must be able to demonstrate that they hold current ESSA accreditation as a sports scientist. This must be demanded by employers to prevent rogue individuals from 'code-hopping'.**

5.92 Senator Di Natale believes that in order to establish accreditation for sports scientists as best practice, employers must mandate accreditation as an employment pre-condition. The major sporting employers in Australia, being NIN and the teams within the organisations represented by COMPPS, should stipulate sports science accreditation from the identified body as an employment pre-condition for personnel employed in sport science roles. This should be construed to apply to a broad range of staff and should not be dependent on specific position titles or the method of engagement (ie: full-time employee or part-time consultant).

5.93 A grandfathering period should be implemented to enable personnel currently employed in a sports science role to attain accreditation. A tiered system should be introduced once a significant level of base accreditation has been achieved in the profession. Specialised accreditation should then become a pre-employment condition for personnel working in relevant disciplines.

Recommendation 6

5.94 Senator Di Natale recommends that accreditation as a sports scientist should be a condition of ongoing employment. If an individual's accreditation is rescinded by the accrediting body following a breach of its code of conduct or an individual does not satisfy the re-accreditation requirements, the individual's employment with the sporting organisation should be terminated. Employers should actively confirm the accreditation status and level of the personnel they employ in sports science roles on an annual basis, by formally requesting confirmation from the accrediting body. The accrediting body should ensure that it has the resources and processes in place to respond to these requests in a timely way.

Chapter 6

Regulatory options to enhance the oversight of sports scientists in Australia

It is not the role of government to legislate morality. But it is only government that can play the central role required to establishing a framework within which all sports science sports medicine personnel must operate. In so doing, it will provide greater safeguards against immoral and unethical conduct and thereby encourage appropriate choices.[1]

Introduction

6.1 Unlike other members of high-performance teams, such as the doctors, physiotherapists and dieticians employed by professional sporting clubs, there are no minimum standards or qualifications for sports scientists. This also means that while athletes can face bans, for instance as a result of Australian Sports Anti-Doping Authority (ASADA) investigations, unaccredited sports scientists cannot be banned from operating in Australia.[2]

6.2 Contributors to this inquiry were unanimous in the view that action needs to be taken in relation to the practice of sports science in Australia. The previous chapter noted broad support for a national system of accreditation that has the strong support of employers. In addition to establishing an accreditation system for sports scientists, many submitters and witnesses to this inquiry also supported a mix of regulatory measures to tighten standards and processes for entering and practicing in the profession. These measures include:

- a registration or licencing scheme;
- a national, enforceable code of conduct;
- an independent external oversight body;
- an Ombudsman for Sport;
- legislated protection of athlete health and welfare;
- use of pre-employment/engagement statutory declarations; and
- a return to the principle of informed consent.

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1 Australian Olympic Committee, *Submission 12*, p. 5.

2 Elise Scott, 'Sports scientists can avoid ASADA penalty', *Brisbane Times*, 13 March 2013. As noted previously, the Australian Sports Anti-Doping Authority Amendment Bill 2013 would give ASADA broader powers in relation to sports scientists.

6.3 This chapter discusses each of these options in turn.

The current framework to regulate sports in Australia

6.4 In its submission to this inquiry, the Australasian College of Sports Physicians (ACSP) submitted that the Government:

> … through its extensive funding of sport in Australia, both as an insurer for patient care and provider of funds for sport programs, and the monitoring of thereof, has a legitimate role in the regulation of the practice and principles of sports science.[3]

6.5 A list of the national sporting organisations recognised by the Australian Sports Commission (ASC), and the grants and allocations provided by the ASC to some of these organisations, are included in Appendix 2.

National Integrity of Sport Unit

6.6 In November 2012, the federal government announced the establishment of the National Integrity of Sport Unit (NISU) (see Diagram 5.1). The NISU provides:

> … national oversight, monitoring and coordination of efforts to protect the integrity of sport in Australia from threats of doping, match-fixing and other forms of corruption.[4]

6.7 The NISU was endorsed by all Australian state and territory governments. In announcing the Unit, the Minister for Sport, Senator the Hon. Kate Lundy, explained:

> Sport is central to the Australian way of life and the new unit will ensure fans can have confidence in our sporting codes … The NISU will work with stakeholders to ensure spectators can have trust in the honesty and integrity of sport in Australia.[5]

6.8 The Government has subsequently provided additional funding to expand the capacity of the NISU.[6] The NISU's remit includes:

- coordinating outcomes with jurisdictions to ensure a consistent national approach to match-fixing;

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3 Australasian College of Sports Physicians, *Submission 10*, p. 1.

4 Department of Regional Australia, Local Government, Arts and Sport, National Integrity of Sport Unit, http://www.regional.gov.au/sport/national_integrity/index.aspx (accessed 24 May 2013).

5 Senator the Hon. Kate Lundy, Minister for Sport, 'New unit to protect the integrity of sport', *Media Release*, 7 November 2012.

6 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 1.

- leading the government response at Commonwealth and national level to address concerns arising from the 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.[7]

Registration

6.9 The previous chapter discussed the merits of a system of accreditation. Accreditation is self-regulatory: it does not have the force of law. To be effective, it requires the unanimous support of employers to ensure national coverage across the profession (see recommendation 5). However, accreditation can also provide a solid foundation for a mandatory registration scheme established by legislation.

6.10 As noted earlier in this report, many contributors to this inquiry have expressed concern that the title of 'sports scientist' and the practice of sports science in Australia are ill-defined. Several submitters suggested that registration could present a long-term solution to these problems.

6.11 Registration establishes minimum standards, provides 'protection of title' and creates mechanisms for complaint resolution. A system of registering sports scientists may thereby provide greater protection against 'code-hopping' by rogue individuals than an accreditation scheme (see below). However, establishing a registration scheme would be costly and would require legislative reform.

6.12 The Department of Regional Australia, Local Government, Arts and Sport (DRALGAS) noted that:

> … [registration] 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.[8]

Preventing 'code-hopping'

6.13 Several commentators and submitters to this inquiry expressed concern that, currently, individuals who have been investigated or sanctioned for unethical practices are able to be hired within other sporting codes. Exercise & Sports Science Australia (ESSA) has also suggested a sports scientist fired from one club could move to a

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7 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, pp 1–2.

8 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 5.

different club or code with little accountability and that a sports scientist banned overseas could continue to operate in Australia.[9]

6.14 The National Rugby League (NRL) put the 'strong view' that in the context of an accreditation regime, an appropriate mechanism is required 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.[10]

6.15 While the NRL and the Australian Football League are considering establishing central registers of sports staff in their organisations, a national registration system across sports may prevent or minimise opportunities for 'code-hopping'.[11] Senator Richard Di Natale notes this may also be achieved, to some extent, through a national accreditation scheme that has the support of employers.

Australian Health Practitioner Regulation Agency: the National Registration and Accreditation Scheme

6.16 The Australian Health Practitioner Regulation Agency (AHPRA) is the organisation responsible for implementing the National Registration and Accreditation Scheme (the National Scheme). AHPRA currently provides registration for professionals in 14 practice areas, which are listed in Table 6.1 below. Its operations are governed by the Health Practitioner Regulation National Law (the National Law), which is in force in each state and territory. It is not a commonwealth law. The nationally consistent legislation came into effect in July and October 2010.

6.17 The objectives of the National Scheme are to:

- help keep the public safe by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered;
- facilitate workforce mobility for health practitioners;
- facilitate provision of high-quality education and training for practitioners;
- facilitate the assessment of overseas qualified practitioners;
- facilitate access to health practitioners; and
- enable the continuous development of a flexible Australian health workforce.[12]

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9 Elise Scott, 'Sports scientists can avoid ASADA penalty', *Brisbane Times*, 13 March 2013.

10 National Rugby League, *Submission 15*, p. 5.

11 National Rugby League, *Submission 15*, p. 3.

12 Australian Health Practitioner Regulation Agency, *About the National Scheme*, http://www.ahpra.gov.au/~/link.aspx?_id=D4E5EF420D3C4EAB8B247FDB72CA6E0A&_z=z (accessed 6 June 2013).

6.18 National boards set registration standards that practitioners must meet in order to register under the National Scheme. There is a board for each of the professions. Registration by the National Boards is on an annual basis and practitioners must continue to meet the standards set by the boards.

6.19 For example, under the National Law, the Australian Medical Council (AMC) is responsible for developing accreditation standards for the approval of the Medical Board of Australia (MBA). The MBA have approved standards for medical school and specialist medical education accreditation. These standards:

> … are used to assess whether a program of study, and the education provider that provides the program of study, provide persons who complete the program with the knowledge, skills and professional attributes to practise the profession.[13]

6.20 The AMC undertakes regular reviews of accreditation standards and undertakes wide-ranging consultation in developing or revising them.[14]

6.21 AHPRA informed the committee that there are around 580 000 registered health practitioners within the professional groups in the National Scheme.[15] Mr Martin Fletcher, Chief Executive of AHPRA, noted that:

> Information about every one of those practitioners is available through a national, online register, including information about any restrictions on their registration as a result of concerns about their conduct, performance or health.[16]

'Protection of title'

6.22 DRALGAS noted that registration schemes in Australia also 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.[17]

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13 Medical Board of Australia, *Accreditation*, http://www.medicalboard.gov.au/Accreditation.aspx (accessed 6 June 2013).

14 Medical Board of Australia, *Accreditation*, http://www.medicalboard.gov.au/Accreditation.aspx (accessed 6 June 2013).

15 Mr Martin Fletcher, Chief Executive Officer, Australian Health Practitioner Regulation Agency, *Proof Committee Hansard*, 12 June 2013, p. 46.

16 Mr Martin Fletcher, Chief Executive Officer, Australian Health Practitioner Regulation Agency, *Proof Committee Hansard*, 12 June 2013, p. 46.

17 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 5.

6.23 The Council of Heads of Exercise, Sport and Movement Sciences advocates protection of the titles 'sport scientist' and/or 'exercise and sports scientist' 'through legislation to prevent misuse in Australia and facilitate legal recourse in cases where people use the title without the right or adequate training/experience'.[18] A legislated definition of 'sports scientist' or relevant disciplinary titles may be a solution to the definitional problems discussed in chapter 2 of this report.

6.24 'Protected titles' are enshrined in the National Law. From AHPRA's website:

> Anyone who called themselves any of the 'protected titles' in the National Law, such as 'chiropractor', 'medical practitioner', 'midwife' or 'psychologist', must be registered with the corresponding National Board.
>
> It is an offence to call yourself one of the protected titles, and it is also an offence to hold yourself out to be a registered practitioner when you are not, or use symbols or language that may lead a reasonable person to believe that you are registered.[19]

6.25 Mr Fletcher of AHPRA informed the committee that the focus of the National Scheme is on title protection rather than scope of practice. He explained that 'the legislation sets out what it is that people have to do in order to have the title of registered practitioner'.[20]

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18 Council of Heads of Exercise, Sport and Movement Sciences, *Submission 13*, p. 4.

19 Australian Health Practitioner Regulation Agency, *About the National Scheme*, http://www.ahpra.gov.au/~/link.aspx?_id=D4E5EF420D3C4EAB8B247FDB72CA6E0A&_z=z (accessed 6 June 2013).

20 Mr Martin Fletcher, Chief Executive Officer, Australian Health Practitioner Regulation Agency, *Proof Committee Hansard*, 12 June 2013, p. 47.

Table 6.1: Titles protected under the National Law

Profession	*Protected title(s)*
Aboriginal and Torres Strait Islander Health Practice	• Aboriginal and Torres Strait Islander health practitioner • Aboriginal health practitioner • Torres Strait Islander health practitioner
Chinese Medicine	• Chinese medicine practitioner • Chinese herbal dispenser • Chinese herbal medicine practitioner • Oriental medicine practitioner • Acupuncturist
Chiropractic	• Chiropractor
Dental	• Dentist • Dental therapist • Dental hygienist • Dental prosthetist • Oral health therapist
Medical	• Medical practitioner
Medical Radiation Practice	• Medical radiation practitioner • Diagnostic radiographer • Medical imaging technologist • Radiographer • Nuclear medicine scientist • Nuclear medicine technologist • Radiation therapist
Nursing and Midwifery	• Nurse • Registered nurse • Nurse practitioner • Enrolled nurse • Midwife • Midwife practitioner
Occupational Therapy	• Occupational therapist
Optometry	• Optometrist • Optician
Osteopathy	• Osteopath
Pharmacy	• Pharmacist • Pharmaceutical chemist
Phsyiotherapy	• Physiotherapist • Physical therapist
Podiatry	• Podiatrist • Chiropodist
Psychology	• Psychologist

Source: Australian Health Practitioner Regulation Agency, About the National Scheme, http://www.ahpra.gov.au/~/link.aspx?_id=D4E5EF420D3C4EAB8B247FDB72CA6E0A&_z=z (accessed 6 June 2013).

Complaints process

6.26 A benefit of the AHPRA scheme is the framework it provides for the resolution of complaints about health practitioners. As Mr Fletcher told the committee:

> If there is a question of a risk to the public, a board could, for example, put restrictions on the registration of the practitioner. That might require them to undertake additional education or it might require them to have additional supervision or it might require them to only practise with a particular cohort of patients until the issues of concern have been addressed. In the more extreme cases a board could apply to a tribunal for the cancellation of the registration of that practitioner. Then, if there are a set of issues, for example, around the health or impairment of the practitioner, the board could initiate a health assessment and then appropriate action could be taken on the basis of the assessment.[21]

Support for AHPRA registration of sports scientists

6.27 DRALGAS, ACSP and Dr Jason Mazanov all support a registration scheme within the existing framework of the AHPRA system.[22] Dr Mazanov explained that a benefit of AHPRA registration would be that professionals would need to register if they work in areas that have sports health science implications:

> For example, the biochemist would have to register as a sports health professional to work with a sports club. This prevents sports organisations shifting a job title from 'sport scientist' to 'biochemist' to get around registration. Registration means sports health scientists who fail to act in the interests of athlete health and welfare can be more closely monitored, investigated and sanctioned.[23]

6.28 In order for sports scientists to be included in the National Scheme, DRALGAS submitted that several changes would be necessary, including:

- amendments to the Queensland Act flow-on to state and territory legislation, except in Western Australia 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.[24]

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21 Mr Martin Fletcher, Chief Executive Officer, Australian Health Practitioner Regulation Agency, *Proof Committee Hansard*, 12 June 2013, p. 50.

22 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 5; Australasian College of Sports Physicians, *Submission 10*, p. 4; and Dr Jason Mazanov, *Submission 1*, p. 4.

23 Dr Jason Mazanov, *Submission 1*, p. 4.

24 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 6.

6.29 Mr Fletcher told the committee that the decision of whether to bring the sports science profession under the National Scheme is not for AHPRA to make: it 'would be a matter for health ministers'.[25] He indicated that the primary consideration is whether there is a risk to the public posed by the practice of sports science that would require regulation through the National Scheme and this would need to be decided by the ministerial council.[26] Mr Fletcher suggested that among other things, the process would involve public consultation and consideration of the regulatory impact.[27]

6.30 The Chinese Medicine, Occupational Therapy, Medical Radiation Practice and Aboriginal and Torres Strait Islander Health Practice professions joined the National Scheme in July 2012. AHPRA told the committee that there was an existing state-based registration process for each of these professions in at least one jurisdiction.[28] The committee notes that there is no existing registration scheme for sports scientists in any jurisdiction in Australia and so the addition of sports scientists to the National Scheme would be a novel arrangement.

6.31 DRALGAS suggested that because cross-portfolio agreement between all jurisdictions needs to be obtained, establishing a registration scheme is a lengthy process. It also noted that registration schemes 'have significant costs for government or the practitioners or both, depending on the particular arrangements for cost recovery'.[29] It therefore submitted that registration should be considered a longer-term solution, with the best option being 'strengthening professional self-regulation' in the meantime.[30]

NISU central register

6.32 NISU noted that it 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, [to] check which organisations an individual may have worked with, and therefore, conduct the appropriate reference checking.[31]

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25 Mr Martin Fletcher, Chief Executive Officer, Australian Health Practitioner Regulation Agency, *Proof Committee Hansard*, 12 June 2013, p. 47.

26 Mr Martin Fletcher, Chief Executive Officer, Australian Health Practitioner Regulation Agency, *Proof Committee Hansard*, 12 June 2013, p. 48.

27 Mr Martin Fletcher, Chief Executive Officer, Australian Health Practitioner Regulation Agency, *Proof Committee Hansard*, 12 June 2013, p. 50.

28 Mr Martin Fletcher, Chief Executive Officer, Australian Health Practitioner Regulation Agency, *Proof Committee Hansard*, 12 June 2013, p. 49.

29 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 5.

30 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 7.

31 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 7.

6.33 While ESSA supports NISU's leadership in 'bringing the industry together', its strong view is 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.[32]

Senator Di Natale's view on registration

6.34 Senator Di Natale recognises the value of the National Scheme administered by AHPRA in:

- protecting the public by ensuring that only suitably trained and qualified practitioners are registered;
- facilitating workforce mobility across Australia; and
- enabling continuous development of a flexible, responsive and sustainable Australian health workforce.[33]

6.35 Senator Di Natale also recognises that the National Scheme provides valuable 'protection of title'. The Senator is of the view that consideration should be given to including the sports science profession in the National Scheme.

6.36 Senator Di Natale notes, however, that due to the varied nature of the practice of sports science, not all areas of practice may satisfy the criteria for inclusion into the National Scheme. Accordingly, the Senator believes that once a tiered system of sports science accreditation is in place in Australia—one which provides for specialised accreditation in specific sports science disciplines—consideration should be given to including the accredited disciplines that have a strong health component in the National Scheme. For instance, the terms 'exercise physiologist' and 'biomechanist' could be considered for inclusion as 'protected titles' in the National Law. This would mean that it would be an offence for an individual to use one of these titles or to hold themselves out as a registered practitioner if they are not entitled to do so.

6.37 The committee also notes the evidence from DRALGAS and AHPRA that including new professionals in the National Scheme involves significant consultation, time and costs. However, Senator Di Natale views the threat posed by rogue individuals to the health and welfare of athletes, and to the reputation and integrity of sports in Australia, as warranting that serious consideration be given to including relevant disciplines of the sports science profession in the National Scheme.

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32 National Rugby League, *Submission 15*, p. 5.

33 Department of Health and Ageing, *National Registration and Accreditation Scheme*, http://www.health.gov.au/internet/main/publishing.nsf/Content/work-nras (accessed 13 June 2013).

Recommendation 7

6.38 **Senator Di Natale recommends that, following the establishment of a widespread, tiered system of accreditation for sports scientists in Australia, the government should consider including relevant sports science disciplines in the National Registration and Accreditation Scheme.**

Negative licencing schemes

6.39 A negative licencing scheme enforces a code of conduct on individuals who practice outside of a registration scheme established by legislation. DRALGAS explained that this type of scheme enables individuals or organisations 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.[34]

6.40 Mr Fletcher of AHPRA referred to the negative licencing schemes in place in New South Wales (NSW) and South Australia (SA) that provide for a code of conduct for unregistered health practitioners.[35] In the case of the scheme administered by the NSW Health Care Complaints Commission (the NSW HCCC), Mr Fletcher explained:

> If there is a concern about an unregistered health practitioner, the commissioner does have powers to issue prohibition orders or to place conditions on the practice of that practitioner found to be in breach of the code. That will have a similar effect in terms of prohibiting a practitioner from practising for a limited period of time, or permanently, or placing conditions on their practice.[36]

6.41 DRALGAS submitted that this type of arrangement provides a clear legislative mechanism for 'prohibiting individuals who do not abide by relevant codes of conduct from continuing to practice in that profession'.[37]

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34 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 6.

35 Mr Martin Fletcher, Chief Executive Officer, Australian Health Practitioner Regulation Agency, *Proof Committee Hansard*, 12 June 2013, p. 50.

36 Mr Martin Fletcher, Chief Executive Officer, Australian Health Practitioner Regulation Agency, *Proof Committee Hansard*, 12 June 2013, p. 50.

37 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 6.

6.42 For instance, complaints may be made to the NSW HCCC about any health provider in NSW, including:

- practitioners such as doctors, nurses, dentists, pharmacists, psychologists, chiropractors, podiatrists and others, regarding the clinical care and treatment of a patient, or their professional conduct;
- health service organisations, such as public or private hospitals, clinics, medical centres, day surgery centres, the Ambulance Service and others, affecting the clinical care or treatment of a patient; and
- health practitioners who currently do not require registration to practise in NSW, such as naturopaths, psychotherapists, dieticians, massage therapists and others.[38]

6.43 The downside to this type of regulatory scheme is that there is no minimum legal standard for entry to the profession, and there is no legislated protection for use of the title 'sports scientist'.[39] While Senator Di Natales note that negative licencing schemes may be useful to prohibit rogue individuals from practising, these schemes are currently only in operation in NSW and SA. Establishing these schemes nationally would require significant legislative reform, time and cost.

Senator Di Natale's view

6.44 Senator Di Natale believes that a framework based on national accreditation and registration, whereby individuals must actively demonstrate their qualifications to practice and to use protected titles, is preferable to a negative licencing system.

An advisory group

6.45 Senator Di Natale is concerned that, currently, athletes may not have ready access to independent advice about supplements and other aspects of their training and rehabilitation. The Senator notes the important role that is currently performed by the Australian Sports Drug Medical Advisory Committee (ASDMAC) in advising athletes, support personnel and national sporting organisations about anti-doping issues and the wellbeing of athletes.[40]

6.46 However, ASDMAC, given its close connection and support role to the investigative body ASADA, may not be seen by athletes as offering the type of independent advice that they may need. ASADA's role in prosecuting breaches of the

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38 New South Wales Health Care Complaints Commission, *How to make a complaint*, http://www.hccc.nsw.gov.au/Complaints/How-to-make-a-complaint/Default (accessed 22 June 2013).

39 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 6.

40 Australian Sports Drug Medical Advisory Committee, http://www.asdmac.gov.au/about/index.html (accessed 1 July 2013).

World Anti-Doping Agency Code may deter athletes from approaching ASDMAC with their concerns or to obtain information.

6.47 Dr Peter Larkins put the case for a multidisciplinary advisory group to be established that can:

> … work independently of ASADA to provide day-to-day advice and information where that is readily available. The members of that committee therefore would have to have a pretty intricate knowledge of the WADA code. They would need to have backgrounds in medicine, sports science and nutrition.[41]

6.48 Dr Larkins said that he thought ASADA had been 'overwhelmed'.[42] Specifically, he identified:

> … a real gulf in the information supply for people … My knowledge of the athletes and the frustration they have with ASADA in terms of getting information, and even some professional colleagues getting information through WADA and therefore through ASADA, means that there is an opportunity to establish an advisory body that would be at a national level. There could be people of experience on that body to assist with a number of these issues.[43]

6.49 Dr Mazanov argued the need for an 'independent athlete advocate that can investigate and assess whether due process with regards to athlete health and welfare has been followed'.[44] He submitted:

> The power relationships in sport that give rise to exploitation mean athletes often have nowhere to turn. While athlete and player associations have had rising influence, advocacy on athlete health and welfare has been less prominent in this rise.[45]

6.50 Dr Mazanov added that:

> … athletes need to have a third party they can go to for guidance or more formal inquiry in relation to their treatment by sporting organisations. Sporting organisations can benefit from processes and procedures being legitimised under impartial assessment without resorting to legal proceedings.[46]

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41 Dr Peter Larkins, *Proof Committee Hansard*, 12 June 2013, p. 74.

42 Dr Peter Larkins, *Proof Committee Hansard*, 12 June 2013, p. 74.

43 Dr Peter Larkins, *Proof Committee Hansard*, 12 June 2013, p. 74.

44 Dr Jason Mazanov, *Submission 1*, p. 5.

45 Dr Jason Mazanov, *Submission 1*, p. 5.

46 Dr Jason Mazanov, *Submission 1*, p. 10.

Senator Di Natale's view

6.51 Senator Di Natale believes there is merit in providing the athlete and a range of other stakeholders with a source of advice relating to the legitimacy of substances and practices, and their potential long-term impact on the athlete. The Senator recommends that DRALGAS consider forming and promoting an independent advisory group for the benefit of a broad range of stakeholders, including practitioners, athletes, parents, coaches and administrators.

Recommendation 8

6.52 Senator Di Natale recognises the need for publicly accessible information about substances and practices impacting on athlete health and welfare. The Senator recommends that the Department of Regional Australia, Local Government, Arts and Sport consider forming and promoting an independent advisory group. The utility of an independent source of advice would be to provide up-to-date, independent information to athletes, parents, sporting organisations, peak bodies, coaching staff and other stakeholders.

External oversight body

6.53 Another regulatory option is to establish a regulatory oversight body for sports science. This was suggested by Athletics Australia (AA), which envisaged that:

> … an appropriate group would be a group of experts formed from representatives of the [Australian Institute of Sport], ASADA, academia and Head Coaches and/or Performance Directors from the major [national sporting organisations].[47]

6.54 AA submitted that the body would be responsible for establishing national guidelines and suggested that existing Australian Institute of Sport documents could be amended for this purpose relatively quickly and easily.[48]

6.55 Applied Scientists of Queensland argued in its submission that a 'regulatory body is necessary to provide oversight and apply personal professional expectations across the sport science industry'.[49] It submitted that the creation of a regulatory body 'should involve consultation with major state institutes, academies and related stakeholders to ensure their needs are met'.[50]

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47 Athletics Australia, *Submission 4*, p. 2.

48 Athletics Australia, *Submission 4*, p. 2.

49 Applied Scientists of Queensland, *Submission 16*, p. 11.

50 Applied Scientists of Queensland, *Submission 16*, p. 11.

6.56 Dr Robin J Willcourt—a sports scientist—put the view that if a governing body is established, it should include sports scientists and medical personnel.[51]

Senator Di Natale's view

6.57 This chapter has discussed the national registration scheme administered by AHPRA. In Senator Di Natale's view, inclusion of relevant sports science disciplines in the National Scheme following the establishment of a widespread accreditation system is the most appropriate regulatory model. While the committee does not support the creation of an external oversight or governing body outside of this framework, Senator Di Natale emphasises the importance of establishing an independent advisory group (see recommendation 8).

Informed consent

6.58 Mr Michael Burke of Victoria University has argued that accreditation would not be enough to protect players from unscrupulous doctors and scientists 'because there will always be people who ignore their ethical and legal responsibilities'.[52] Mr Burke supports a return to the principle of informed consent:

> Simply put, this means that it would become the responsibility of the scientist or doctor that athletes have any intervention (including, but not limited to, supplement use) explained to them in a clearly understood way that outlines the risks, benefits and alternatives to the suggested intervention.
>
> Athletes should expect this as the minimal requirement before any intervention, and not as a legal instrument used by the club or individual support staff to avoid liability. This involves an ethical commitment to the underpinnings of informed consent and increasing the opportunity and capacity for athletes to make independent informed decisions in the future. Equally important is the idea that a person can withdraw their consent at any time without fear of damage to themselves.[53]

6.59 Mr Burke describes two issues with the idea of informed consent in Australian and international cases: 'the athletes didn't fully understand what was being suggested and they were not in a situation where they were entirely comfortable with withdrawing their consent'.[54]

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51 Dr Robin J Willcourt, *Submission 6*, p. 2.

52 Michael Burke, 'Embedded sports scientists and doctors walk an ethical tightrope', *The Conversation*, 9 February 2013.

53 Michael Burke, 'Embedded sports scientists and doctors walk an ethical tightrope', *The Conversation*, 9 February 2013.

54 Mr Michael Burke, 'Embedded sports scientists and doctors walk an ethical tightrope', *The Conversation*, 9 February 2013.

6.60 In the revised ESSA Code, ESSA refers to the principle of informed consent under the heading 'Client care':

> An exercise and sports science professional should ensure that the client is aware, in plain language, [of] 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).[55]

6.61 While Mr Burke acknowledged this reference in the ESSA Code, he is concerned that:

> … many sporting clubs and coaches may not see performance benefits in fully informing their athletes of the risks, benefits and alternatives of any practice in a language that's easily understood by all players. They may need to be dragged kicking and screaming into the world of normal health practice.[56]

Committee view

6.62 The committee recognises the importance of the principle of informed consent. The committee also notes the concerns raised by Mr Michael Burke that sports science professionals may breach their ethical and legal responsibilities. However, Senator Di Natale believes that the accreditation and registration framework, as proposed in chapter 5 of this report, will provide mechanisms for action to be taken against individuals operating outside of ethical and legal boundaries.

Legislated protection of athlete health and welfare

6.63 A further regulatory option for the profession of sports science is to establish, in law, an obligation for practitioners to act in the best interests of athletes. The committee notes that recently, the federal government legislated a 'best interests duty' for financial planners and advisers. This is a statutory duty for Australian financial services licensees, authorised representatives and advice providers to act in the best interests of the client. The rationale for establishing this duty in law is as follows:

> The underlying objective of the reforms is to improve the quality of financial advice while building trust and confidence in the financial advice industry through enhanced standards which align the interests of the adviser with the client and reduce conflicts of interest. The reforms also focus on

55 Exercise & Sports Science Australia, *Code of Professional Conduct and Ethical Practice*, Version 2, p. 8.

56 Mr Michael Burke, 'Embedded sports scientists and doctors walk an ethical tightrope', *The Conversation*, 9 February 2013.

> facilitating access to financial advice, through the provision of simple or limited advice.[57]

6.64 This issue of statutory duty for sports scientists to act in the best interests of their clients was not specifically discussed during this inquiry. Dr Mazanov did note that legislation enabling prosecution and penalties for failing to protect athlete health and welfare could be an option to ensure better accountability:

> There needs to be clear consequences for placing athlete health and welfare as secondary or tertiary considerations. For organisations, these consequences might be in terms of fines or suspension of trading rights. Legislation might be introduced that makes individuals personally liable for their actions within an organisation (like the Workplace Health and Safety Acts). This creates a set of organisational incentives. For example, managers will care a lot more about what is happening in their 'sports science' departments if they can be held personally liable for an athlete being told their contract is contingent on their substance use.[58]

6.65 The committee believes that a statutory best interests duty is not appropriate for sports scientists at this point in time. The immediate focus should be on establishing an accreditation scheme that is national in scope with widespread take-up by employers.

Pre-employment/engagement statutory declarations

6.66 The Australian Olympic Committee has suggested that widespread adoption of statutory declarations as a pre-condition to employment/engagement of any sporting association may 'rapidly and significantly' reduce or eliminate 'safe-havens' for the unethical practice of sports science.[59] The AOC provides its own document as an example.[60] The AOC declaration, however, is focused specifically on anti-doping matters and is not an example of a declaration relating to the practice of sports science generally.

Conclusion

6.67 This chapter has discussed a range of regulatory options to enhance the oversight of sports science in Australia. Two of these have warranted particular attention and form the basis of the recommendations by Senator Di Natale:

- The first is the National Scheme for health practitioners, administered by AHPRA. Senator Di Natale noted the benefits that this scheme provides in

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57 Corporations Amendment (Further Future of Financial Advice Measures) Bill 2011, Explanatory Memorandum.

58 Dr Jason Mazanov, *Submission 1*, p. 6.

59 Australian Olympic Committee, *Submission 12*, p. 5.

60 Australian Olympic Committee, *Submission 12*, Appendix.

setting registration standards and establishing 'protection of title'. The Senator has recommend that the government should consider including relevant sports science disciplines in the National Scheme. While negative licencing schemes have some appeal, Senator Di Natale's view is that these do not provide an ideal framework.

- The second option is establishing a source of independent advice for athletes. Senator Di Natale has recommended that DRALGAS consider forming and promoting an independent advisory group to assist a range of stakeholders.

Chapter 7

The role of boards and management in the oversight of sports scientists

> *Every AFL board would have been suddenly asking this specific question: what policies do we have in place to make sure this does not happen in our club? Talk about a wake-up call. It is massive. Out of bad has to come some good.*[1]

Introduction

7.1 This chapter discusses the role of boards and management in sporting organisations and clubs to ensure that appropriate ethical governance arrangements are in place. It summarises some of the steps taken by the Australian Football League (AFL) and the National Rugby League (NRL) following the Australian Crime Commission's (ACC) report released in February 2013. The chapter examines the following issues:

- ethical governance within teams;
- ethical governance within sporting codes;
- a principles-based approach to effective corporate governance;
- football in Australia;
- Olympic sports; and
- the influence of professional sports on grassroots sports.

Ethical governance within teams

7.2 Submitters and witnesses to this inquiry referred to the responsibility of boards and management to ensure that appropriate governance and integrity measures are in place within sporting clubs. They argued that as the employers of sports scientists, club administrators have a duty to be informed about the practices being carried out by their staff.

7.3 Dr Hugh Seward, Chief Executive of the AFL Medical Officers Association argued:

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1 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 57.

> I think that clubs need to understand the very essence of integrity, and I think that the clubs and the personnel at high levels in clubs need to rise above that desire of 'win at all costs' and understand that your desperate efforts to win must still be within wise, considered, broader ethical guidelines.[2]

An informed board

7.4 It is an established feature of the common law in Australia that a director of a company is unable to hide behind ignorance of a company's affairs. The Australasian College of Sports Physicians (ACSP) has argued that as a principle, the boards and management of sporting organisations 'must be obliged to inform themselves of sports science practices, definition and regulations relevant to their organisation'.[3] The noted sports journalist, Mr Tim Lane, has claimed that if any group should be criticised over the recent scandal in Australian sport:

> … it is not sports scientists. It is a much more specific group: one with names and faces. It is the club's administrative and football managers. And to that should be added the senior players who failed to recognise the danger of what was upon them as they were taken away from the club for treatment outside the norm.[4]

7.5 In order to protect the interests of athletes, several submitters referred to the need for leadership by the boards and management of sporting clubs. The need for accountability was a recurring theme. The Australian Olympic Committee (AOC) submitted:

> In our experience, the sports scientists working with athletes more often than not carry the weight of the authority of the club or organisation to which the athlete belongs. They will come with the tacit support and implied imprimatur of the coaching and technical staff, and the club/organisation. Athletes will rely on and trust their judgement – sometimes erroneously.[5]

7.6 The National Institute Network (NIN) put the view that:

> … communication processes and clear lines of accountability are essential to prevent adverse behaviour and to minimise risks to athletes, coaches and, in the larger context to the organisation as a whole.[6]

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2 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 57.

3 Australasian College of Sports Physicians, *Submission 10*, p. 3.

4 Mr Tim Lane, 'Sports science has its place', *Sunday Age*, 10 February 2013.

5 Australian Olympic Committee, *Submission 12*, p. 4.

6 National Institute Network, *Submission 14*, p. 5.

7.7 However, Applied Scientists of Queensland identified that—in terms of decision making within the structure of sporting organisations—a significant limitation is the lack of:

> ... responsibility to respond to complaints and issues from external and internal staff, or the existence of an official complaint process. For example, if a sport scientist finds a directive or practice from their manager against their professional judgement there is no channel to officially note their concern, and alternatively if management disagrees with a scientific approach they are unable to argue on a scientific level due to [the] discipline and research specific nature of the knowledge involved. An informal board made up of senior scientists and management could exist as a facilitator within sporting organisations for concerns to be aired, presenting a mediation style setting to allow the group to move forward with the best interests of the athlete and group as their primary concern.[7]

Reporting lines

7.8 The governance structures within sporting clubs are fundamentally important to ensuring that the ethical standards of sports scientists are met. The Coalition of Major Professional and Participation Sports (COMPPS) noted in its submission that:

> … the position of the sports scientists in the organisation chart and the reporting lines that flow from this vary from one organisation or club to the next. This depends on the experience and status of the individuals who make up the team.[8]

7.9 COMPPS described the structures in sporting organisations as follows:

> While there are no hard and fast rules, the high-performance team is usually in the third or fourth level of management.
>
> The CEO is at the first level. Several general managers or directors form the next level and report directly to the CEO. The head of the high-performance team usually reports to one of these general managers or directors who is responsible for the operational side of the entity, often entitled "General Manager Operations" or "Director of Operations".
>
> In some sports entities, the head of the high-performance team will report to a head coach or director of coaching who will in turn report to a general manager, placing the sports scientist at the fourth level of management.
>
> In some organisations, the head of the high-performance team will report directly to the CEO, placing him or her at the second level of management.[9]

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7 Applied Scientists of Queensland, *Submission 16*, p. 5.

8 Coalition of Major Professional and Participation Sports, *Submission 9*, p. 7.

9 Coalition of Major Professional and Participation Sports, *Submission 9*, pp. 7–8.

7.10 In COMPPS's view, organisations should be left to form their own organisational charts and 'put in place the controls, systems and processes that minimise risk'.[10] However, its Executive Director, Mr Malcolm Speed, cautioned:

> A key issue in the governance side of this is that there needs to be a process to enable the escalation of serious issues to the chief executive and to the board, and we have seen some failings in that respect.[11]

7.11 Mr Speed argued that in the 'large majority of clubs', there already exists a culture that does not tolerate practices that put the health of athletes at risk. He suggested:

> I think the culture stems from the people who are employed within the clubs, right from the board down to the sports science practitioners and the people who report to them. We need to put processes in place where the board empowers the chief executive to make sure that that culture is not one of win at all costs, if that involves stepping across the line. Sporting bodies know where that line is. There needs to be a culture there that goes right through the organisation that depends on the people who are employed within the organisation holding each other accountable and making sure that those processes are followed, and if they are not followed there is an effective reporting mechanism that is able to escalate the issues and make sure it gets to the right level.[12]

Employment processes

7.12 The Department of Regional Australia, Local Government, Arts and Sport (DRALGAS) submitted that sporting clubs should 'adequately reference check new employees and contractors'.[13] As chapter 5 discussed, however, the absence of a compulsory accreditation scheme for sports scientists means that employers do not have a formal way of determining whether individuals are appropriately qualified. A proposal by DRALGAS to assist employer organisations to conduct reference checking, particularly in cross-code employment situations, was discussed in chapter 5.

7.13 Acknowledging the challenges currently facing boards and management teams within sporting organisations, the Council of Heads of Exercise, Sport and Movement Sciences noted that a more regulated and defined scope of practice for sports science would enable administrators to:

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10 Coalition of Major Professional and Participation Sports, *Submission 9*, p. 8.

11 Mr Malcolm Speed, Executive Director, Coalition of Major Professional and Participation Sports, *Proof Committee Hansard*, 12 June 2013, p. 14.

12 Mr Malcolm Speed, Executive Director, Coalition of Major Professional and Participation Sports, *Proof Committee Hansard*, 12 June 2013, p. 17.

13 Department of Regional Australia, Local Government, Arts and Sport, *Submission 11*, p. 7.

> … have a better understanding of the role description and the essential qualifications of a sports scientist prior to employing such staff. The current undefined 'space' in which a sports scientist operates is difficult for any organisation to manage given that the individual is usually working independently of any code of practice, ethical guidelines or requirements for continuing professional development.[14]

7.14 The AOC stressed the importance of adequate employment practices:

> Unless the employment process is sufficiently rigorous and there are effective policies and procedures in place [to] continuously monitor the work of a sports scientist, there will not be effective safeguards in place to deal with the pressure of achieving a 'performance edge' and the financial rewards for doing so. Safeguards are needed to ensure the same controls are placed on 'freelance' sports scientists as within the more structured sporting institutions.[15]

7.15 Assistant Professor Annette Greenhow claimed in her submission to the committee that governing bodies have a role to play in:

- recognising an accreditation regime and reviewing procurement policies to establish accreditation as an eligibility requirement for contractors and consultants; and
- 'establishing and maintaining a central register of contractors, detailing qualifications, accreditation, and treatments provided'.[16]

Ethical governance within sporting codes

7.16 Dr David Hughes, Chief Medical Officer at the Australian Institute of Sport (AIS), referred to the role played by national sporting organisations (NSOs)[17], the academies and institutes that make up the NIN and the Australian Sports Commission (ASC) as 'guardians' of ethical behaviour within Australian sport.[18]

7.17 Assistant Professor Greenhow submitted that in terms of oversight of sports scientists, the current regulatory arrangement appears to rest solely with sporting clubs, 'with little or no involvement' from governing bodies such as the AFL and NRL.[19] She suggested that this reflects 'a lack of oversight and governance' on the part

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14 Council of Heads of Exercise, Sport and Movement Sciences, *Submission 13*, p. 4.

15 Australian Olympic Committee, *Submission 12*, p. 3.

16 Assistant Professor Annette Greenhow, *Submission 8*, p. 10.

17 A list of NSOs recognised by the Australian Sports Commission is available on its website: Australian Sports Commission, *Australian Sports Directory*, http://www.ausport.gov.au/about/australian_sport_directory (accessed 19 June 2013).

18 Dr David Hughes, Chief Medical Officer, Australian Institute of Sport, Australian Sports Commission, *Proof Committee Hansard*, 12 June 2013, p. 5.

19 Assistant Professor Annette Greenhow, *Submission 8*, p. 5.

of governing bodies, which, as administrators, organisers and regulators of national competitions, are in a position of 'power and influence both in a practical and legal sense'.[20]

7.18 In Assistant Professor Greenhow's view, there is scope for governing bodies to 'take the lead role and co-ordinate a reconfiguration of the regulatory arena to achieve a transparent, robust and effective regulatory framework for sports scientists in professional sport'.[21] She noted that:

> In professional football, the governing body is the dominant actor in the regulatory space and has the capacity to control and influence [the] behaviour of others. Examples can be found in the control over funding, salaries, collective bargaining agreements and player contracts, and the development, implementation and enforcement of policies designed to promote the public interest in areas such as anti-doping, behavioural standards and codes of conduct.[22]

7.19 The ASC argued that 'improved supervision by sports over sports science practices is necessary'.[23] The committee heard evidence that code-wide oversight is necessary to prevent rogue or unethical individuals from moving between clubs. As Dr Hughes from the AIS argued:

> I think the revelations of the ACC report have largely been interpreted—through the media—as showing great deficiencies in the profession of sports science. I think it is very arguable that what they have actually shown is great deficiencies in the internal governance of some sporting organisations, which makes those sporting organisations vulnerable to unethical individuals. I am not aware of the ongoing ASADA investigations into these matters and I am not privy to all the details, but what I am privy to—from reading the ACC report which has been released—is that there appear to have been one or two individuals who have wandered around from organisation to organisation and who have had undue influence within those organisations without being bound to the code of conduct of those organisations. That is a reflection of poor governance of sporting organisations, not a reflection of the behaviour of sports science as a profession.[24]

7.20 Dr Jason Mazanov told the committee that there is a lack of clarity around ethical practices:

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20 Assistant Professor Annette Greenhow, *Submission 8*, p. 6.

21 Assistant Professor Annette Greenhow, *Submission 8*, p. 11.

22 Assistant Professor Annette Greenhow, *Submission 8*, p. 6.

23 Australian Sports Commission, *Submission 17*, p. 1.

24 Dr David Hughes, Chief Medical Officer, Australian Institute of Sport, Australian Sports Commission, *Proof Committee Hansard*, 12 June 2013, p. 3.

> I still haven't heard anyone articulate what 'ethics' [means]—what is right. We have heard platitudes and assurances: 'We will do what is right.' But what is that? No-one has actually articulated to my satisfaction what is the right set of behaviour around the practice of enhancing performance in sport.[25]

A principles-based approach to effective corporate governance

7.21 In addition to clear lines of reporting and an informed board, effective corporate governance at both the code and club level will be aided by a set of sport governance principles. The following section sets out the committee's evidence on the principles proposed by the ASC and the AIS.

ASC's Sport Governance Principles

7.22 In 2012, the ASC revised its *Sport Governance Principles* (the ASC Principles). They are reproduced at Appendix 3.

7.23 The ASC Principles have historically contained guidelines within which the ASC believes a sporting organisation's Board members should operate and enact their role. The ASC states on its website:

> It is uncontested that governance structures significantly affect the performance of sporting organisations. Where they are present, ineffective governance practices not only impact on the sport, but also undermine confidence in the Australian sports industry as a whole.[26]

7.24 While the ASC Principles were promoted as guidelines and NSOs were encouraged to comply with them, the ASC announced in March 2013 that some of the principles are now mandatory. This followed the ASC's High Performance Strategy, *Australia's Winning Edge*, released in November 2012. The ASC will assess the current governance arrangements of NSOs and develop implementation plans, which will be reflected in the funding agreements that the ASC has with the NSOs.[27] Twenty per cent of the funding provided by the ASC to the top seven funded sports in Australia will be contingent on the sports demonstrating compliance with the ASC principles on at least an annual basis.[28]

7.25 One of the key planks of the strategy is to ensure that NSOs:

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25 Dr Jason Mazanov, *Proof Committee Hansard*, 12 June 2013, p. 32.

26 Australian Sports Commission, *Mandatory Sports Governance Principles*, March 2013, http://www.ausport.gov.au/ais/australias_winning_edge/mandatory_sports_governance_principles (accessed 24 May 2013).

27 Australian Sports Commission, *Mandatory Sports Governance Principles*, March 2013, p. 1.

28 Mr Phil Borgeaud, Acting Director, Australian Institute of Sport, Australian Sports Commission, *Proof Committee Hansard*, 12 June 2013, p. 11.

> … have the structure, workforce and leadership capacity to develop successful programs to achieve competitive results and to spend taxpayer funding effectively.[29]

7.26 The ASC called for a new level of accountability from NSOs:

> Confidence in the leadership capacity and capability of sports—particularly in relation to management, governance, internal controls and business systems—is acknowledged as being critical. Sports will be required to demonstrate good leadership, governance and administration as part of the annual investment and review process.[30]

7.27 The ASC also introduced new requirements to ensure appropriate integrity safeguards in NSOs are in place. These safeguards stipulate that:

- boards should adopt and observe the Sports Science Best Practice Principles to be promulgated shortly by the Australian Institute of Sport (the largest employer of sports scientists in Australia);[31] and
- boards should have in place proper investigation, supervision and reporting practices in relation to the sports science practices in use in their sport. These should be either direct to the Board or through no other person than the CEO. 'Don't ask, don't tell' will not be a satisfactory position for Boards to adopt; they will have a positive obligation to inform themselves about sports science practices and to supervise them in a manner consistent with ASADA, ASC and Australian Government policies.[32]

7.28 The AOC 'applauds and supports' the requirement for NSOs to sign up to ASC integrity principles.[33] Exercise & Sports Science Australia (ESSA) welcomed the reform for supporting 'the implementation of systems and accountability of organisational activities'.[34]

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29 Australian Sports Commission, *Mandatory Sports Governance Principles*, March 2013, http://www.ausport.gov.au/ais/australias_winning_edge/mandatory_sports_governance_principles (accessed 24 May 2013).

30 Australian Sports Commission, *Mandatory Sports Governance Principles*, March 2013, http://www.ausport.gov.au/ais/australias_winning_edge/mandatory_sports_governance_principles (accessed 24 May 2013).

31 The *AIS Sport Science/Sports Medicine Best Practice Principles* were subsequently released on 29 May 2013.

32 Australian Sports Commission, *Mandatory Sports Governance Principles*, March 2013, http://www.ausport.gov.au/ais/australias_winning_edge/mandatory_sports_governance_principles (accessed 24 May 2013).

33 Australian Olympic Committee, *Submission 12*, p. 3.

34 Exercise & Sports Science Australia, *Submission 7*, p. 9.

AIS Principles

7.29 The ASC released the *AIS Sport Science/Sports Medicine Best Practice Principles* (the AIS Principles) on 29 May 2013. In announcing the release, the Minister for Sport explained:

> These new principles will further ensure that sports science at the AIS continues to be pursued within appropriate ethical boundaries and with strong governance arrangements … The principles have rightly placed athlete health and welfare as paramount … Importantly, other sporting organisations will now be able to look to the AIS principles as a guide for developing their own policies and procedures.[35]

7.30 The release of the AIS Principles has been described as a move by the ASC to 'inject some leadership over the issue of governance and sports science'.[36] The ASC submitted that the principles:

> … outline the AIS' approach to sports science policies and practices and should assist sports to ensure that appropriate governance protocols and processes lead the implementation of integrity based sports science activities.[37]

7.31 It was also reported that the AIS will brief all 60 sports that receive funding from the ASC on the new guidelines.[38] Dr Hughes of the AIS referred to a 'great willingness across Australian sport' to ensure that internal governance, reporting and organisational structural reforms are taken on board.[39] He referred to confidence at the ASC and the National Integrity of Sport Unit (NISU) that the reforms being introduced by the Government will:

> … have a profound effect by improving governance and removing some of the behaviours that have been witnessed. We are optimistic that we can make a great and very beneficial change for Australian sport.[40]

7.32 Dr Hughes described five key areas of focus contained in the AIS Principles:

> … firstly, ensuring that sports scientists are qualified and supervised; two, having policies in place that guide all sorts of science activities; three, educating athletes … coaches and staff [about] policies and appropriate

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35 Senator the Hon. Kate Lundy, Minister for Sport, 'New AIS Sports Science and Sports Medicine Principles Welcomed', Media release, 29 May 2013.

36 Mr Patrick Smith, 'Blueprint for safe sports science', *The Australian*, 29 May 2013.

37 Australian Sports Commission, *Submission 17*, p.1.

38 Mr Patrick Smith, 'Blueprint for safe sports science', *The Australian*, 29 May 2013.

39 Dr David Hughes, Chief Medical Officer, Australian Institute of Sport, Australian Sports Commission, *Proof Committee Hansard*, 12 June 2013, p. 4.

40 Dr David Hughes, Chief Medical Officer, Australian Institute of Sport, Australian Sports Commission, *Proof Committee Hansard*, 12 June 2013, p. 4.

> behaviour; four, undertaking detection and enforcing sanctions [where] appropriate; and five … a reporting framework that ensures that boards and senior managers are kept informed about all sports science activities taking place in the organisation. So the idea is to have a cyclical reporting framework whereby boards are informed at all times about sports science activities taking place in the organisation.[41]

7.33 COMPPS noted that the AIS Principles seek to put in place a more comprehensive process in relation to the Board of Directors in sporting organisations than is current practice.[42] In particular, COMPPS referred to the obligation for Boards to:

> … inform themselves as to [sports science and sports medicine] practices of the organisation, to ensure that they are best practice, promote a culture of integrity and to comply with legislative and regulatory requirements.[43]

7.34 While COMPPS acknowledged that the AIS Principles are comprehensive, it submitted that 'the professional sports have not yet had the opportunity to assess, discuss and evaluate the proposed principles'.[44] Mr Malcolm Speed, Executive Director at COMPPS, noted that the AIS Principles:

> … place a high onus on the board—perhaps a variation of the normal role we see for the board to deal primarily with strategic and high-level issues. There are detailed reporting requirements in those guidelines. Ultimately, it will be for the sports to address as to whether they wish to adopt them and whether the clubs wish to adopt them. My personal view is that they are entirely reasonable, and that they would fit well into the structure of most professional sporting clubs within the professional leagues.[45]

7.35 The NIN described the AIS Principles as a 'valuable addition to the tools and guidance available to the NIN and National Organisations'.[46]

7.36 The AOC supported the oversight and reporting framework recommended in the AIS Principles:

> The AOC firmly believes that Boards should have in place proper investigation, supervision and reporting practices in relation to the sports

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41 Dr David Hughes, Chief Medical Officer, Australian Institute of Sport, Australian Sports Commission, *Proof Committee Hansard*, 12 June 2013, pp 10–11.

42 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 8.

43 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 8.

44 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 8.

45 Mr Malcolm Speed, Executive Director, Coalition of Major Professional and Participation Sports, *Proof Committee Hansard*, 12 June 2013, p. 14.

46 National Institute Network, *Submission 14*, p. 4.

> science practices within their sport/club. A “don’t ask, don’t tell” mentality should never be a satisfactory position for Boards to adopt.[47]

7.37 The ACSP also recommended the adoption of the AIS Principles. It submitted that 'all sporting organisations must have a clear policy framework which provides parameters for sport science activities within the organisation'.[48] It also believes that there should be a structured and cyclical reporting process, whereby boards are informed of:

- new staff employed in the sports science department;
- appropriate induction processes and background checks on new employees;
- any change to sports science and sports medicine protocols over the reporting period; and
- any breaches of Code of Conduct during the reporting period.[49]

7.38 ESSA commended the accountable framework established by the AIS Principles:

> Its strength is that it does mandate that the boards have a responsibility to ensure that appropriately qualified and accredited personnel are in place. If the board have done that, and that is one of many responsibilities of the board as part of their monitoring role, and something goes wrong, then you would argue that perhaps the board are in the right. But if the board have not adhered to that guideline and they have recruited a non-accredited sports scientist and something goes wrong, then yes, the board needs to be accountable.[50]

7.39 The Australian Athletes' Alliance (AAA)—the peak body for Australia's eight elite players' associations—submitted that while the AIS Principles contain 'many sound ideas', they 'go beyond what is warranted for elite professional athletes'.[51]

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47 Australian Olympic Committee, *Submission 12*, p. 3.

48 Australasian College of Sports Physicians, *Submission 10*, p. 3.

49 Australasian College of Sports Physicians, *Submission 10*, p. 3.

50 Associate Professor Christopher Askew, President, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 44.

51 Australian Athletes' Alliance, *Submission 18*, p. 1. The AAA was established in 2007 by the AFL Players' Association, Australian Cricketers' Association, Professional Footballers' Association, Australian Swimmers Association, Netballers' Association, Rugby League Players' Association, and Rugby Union Players' Association. The National Basketball League Players' Association joined the AAA in 2012. Its member organisations represent over 3000 professional sportspeople. See: Australian Athletes' Alliance, Webpage, http://www.athletesalliance.org.au/ (accessed 29 May 2013).

The AAA expressed particular reservations about the Medication Policy principle.[52] This principle recommends that sporting organisations:

> should have a written Medication Policy, approved by the organisation's advising medical practitioner, which governs the use of prescription and over-the-counter medication by athletes.[53]

7.40 The principle suggests that the Medication Policy should include requirements that athletes only 'use medication as directed by the organisation's medical practitioner' and to 'report to the organisation's medical practitioner when they have obtained or used medication from sources other than the organisation's medical practitioner'.[54] Mr Matthew Finnis, Director of the AAA, told the committee that this may represent an unwarranted intrusion into the privacy of athletes, for instance requiring them to provide information to the club's medical practitioner about matters relating to mental illness, sexual health and contraception.[55]

7.41 Mr Finnis said the concern that the AAA has:

> … on behalf of the athletes is to ensure that as this focus is on the practice of sports scientists we need to make sure that the regulatory framework or lens is aimed at this space and not seeking to impose further regulatory obligation on the athletes themselves, who are already the subject of that. We also must ensure that we preserve key principles, such as doctor-patient privilege, and we must continue to support this overriding public interest that we encourage people to seek medical advice and treatment if they have a concern as to their health.[56]

Senator Richard Di Natale 's view

7.42 Senator Richard Di Natale is of the view that any regulation of the sports science profession must be accompanied by improvements in the cultures of employer sporting bodies. This is essential in order for athlete health and welfare and the integrity of sport to be protected. The Senator views strengthening governance arrangements—both within clubs and among sporting codes—and promoting best practice as central pillars of a robust framework in which behaviours and integrity measures can be improved.

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52 Australian Athletes' Alliance, *Submission 18*, p. 2.

53 Australian Sports Commission, *AIS Sports Science/Sports Medicine Best Practice Principles*, May 2013, p. 5.

54 Australian Sports Commission, *AIS Sports Science/Sports Medicine Best Practice Principles*, May 2013, p. 5.

55 Mr Matthew Finnis, Director, Australian Athletes' Alliance, *Proof Committee Hansard*, 12 June 2013, p. 65.

56 Mr Matthew Finnis, Director, Australian Athletes' Alliance, *Proof Committee Hansard*, 12 June 2013, p. 65.

7.43 Senator Di Natale commends the efforts of the ASC to improve governance and sports science practice principles as represented by the ASC and AIS Principles. The Senator views the ASC Principles as practical measures to improve accountability within NSOs and to promote appropriate integrity safeguards. Senator Di Natale supports making the principles mandatory.

7.44 Senator Di Natale also recognises the leadership exhibited by the ASC in promoting the AIS Principles and the AIS as a centre of excellence. The Senator recommends that the principles be recognised as promoting best practice principles and be adopted and adhered to by NSOs.

7.45 Senator Di Natale notes the concerns raised by the AAA about the practical consequences for athletes of some of the AIS Principles, particularly those dealing with medical reporting. The Senator is sympathetic to the view that a framework designed to ensure the integrity of the practice of sports science should not place onerous or unreasonable burdens on athletes, particularly in relation to unnecessary intrusions into their privacy. Senator Di Natale therefore recommends that the ASC periodically engage in a consultative review of both the ASC Principles the AIS Principles to ensure that they strike the right balance between strengthening integrity and respecting the rights and best interests of athletes.

Recommendation 9

7.46 Senator Di Natale recommends that the Australian Sports Commission's *Sports Governance Principles* and *AIS Sports Science/Sports Medicine Best Practice Principles* be:

- **recognised as promoting best practice principles;**
- **adopted and adhered to by Australian sporting organisations; and**
- **periodically reviewed to ensure that they strike the right balance between strengthening integrity measures and respecting the rights and best interests of athletes.**

Australian Sports Integrity Network

7.47 In May 2013, the then Minister for Sport, Senator the Hon. Kate Lundy, announced that the NISU had established the Australian Sports Integrity Network (ASIN), a group 'comprising the integrity heads from about 20 of Australia's top sports'.[57] Mr Richard Eccles, Deputy Secretary of DRALGAS, informed the committee that the NISU has received a significant level of support 'from across all sports'.[58]

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57 Senator the Hon. Kate Lundy, Minister for Sport, 'Expanded National Integrity of Sport Unit takes shape', *Media Release*, 30 May 2013.

58 Mr Richard Eccles, Deputy Secretary, Department of Regional Australia, Local Government, Arts and Sport, *Proof Committee Hansard*, 12 June 2013, p. 3.

7.48 Further information about the ASIN, however, including its role, composition and progress to date, is not currently available. Senator Di Natale queries why this is so given the time that has elapsed since the Minister for Sport's announcement.

Recommendation 10

7.49 Senator Di Natale recommends that the federal Minister for Sport make publicly available information about the role, composition and progress of the Australian Sports Integrity Network.

Football in Australia

7.50 Clubs in two major football codes in Australia—the AFL and the NRL—are currently the subject of the Australian Sports Anti-Doping Authority's formal investigation into drugs in sport. The committee was therefore very disappointed that representatives from both codes failed to attend the inquiry's public hearing. The AFL and NRL instead opted for Mr Malcolm Speed, Executive Director at COMPPS, to appear on their behalf. The committee felt that these organisations missed an opportunity to assist the committee in its consideration of avenues of reform. The committee notes that neither body would have been required to answer questions relating to the specifics of ASADA's investigation.

7.51 The recent experiences of the AFL and NRL indicate the importance of good governance practices that are built on creating structures based on key principles: promoting transparency and protecting athlete health and welfare.

Australian Football League

7.52 The AFL receives annual grants from the ASC for a number of activities, including for sport development (coaching, umpiring and community club programs), as well as the AIS/AFL Academy.[59] As an NSO, the AFL is subject to the ASC Principles.

7.53 The AFL has said that hiring decisions for sports scientists are the responsibility of individual clubs.[60] However, in March 2012 it was reported that the AFL had unofficially declared war on high-performance managers due to frustration at their growing influence within clubs.[61] The AFL had become concerned that in some cases doctors were deferring to high-performance staff. AFL football operations head Adrian Anderson was quoted as saying:

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59 Australian Football League, Government Partners, http://www.afl.com.au/afl-hq/partners/government-partners (accessed 24 May 2013).

60 Mr Rick Morton, '"Dodgy" scientists outside the rules', *The Australian*, 8 February 2013.

61 Mrs Caroline Wilson, 'AFL's war with sports scientists', *Sydney Morning Herald*, 13 March 2012.

> Sports scientists, high performance managers, whatever you want to call them, have a very legitimate and important role to play in the game … But we need to make it clear that doctors are the only ones qualified to be making medical decisions … We're talking about issues such as when a player can return from injury, what sort of treatment occurs, diagnostics. It is very important to make this clear from a medical perspective where the players' safety and welfare are concerned and also for medical legal reasons. We'd hate to have a situation where a decision was made on a player's medical condition by someone who wasn't a doctor and that player decided to take legal action quite apart from his welfare.[62]

7.54 In the same article, Mr Andrew Demetriou, the Chief Executive of the AFL, was quoted as saying: 'It should be very clear at all clubs that where there is a medical issue the doctor has the final say'.[63] Demetriou referred to sports science and fitness personnel as 'phys-edders', saying 'Phys-edders don't overrule doctors'.[64]

7.55 These comments prompted criticism from Professor David Bishop, a board member of ESSA, who said:

> Given the integral role of sport scientists in high-performance departments, it is disappointing to see the recent disparaging comments emanating from the AFL in this regard … In particular, the reference by AFL CEO, Andrew Demetriou to sport scientists as 'phys-edders' reflects that either the AFL's thinking is 30 years out of date, or that there is a deliberate lack of respect for the many highly-qualified and highly respected sport scientists who work in the AFL.[65]

7.56 In September 2012, it was reported that AFL clubs were spending twice the amount on key training personnel that they had two seasons previously, with half of the AFL's 18 clubs paying their key fitness coaches more than $300 000 a year.[66] In response to criticism, an advisory board for club performance managers was

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62 Mrs Caroline Wilson, 'AFL's war with sports scientists', *Sydney Morning Herald*, 13 March 2012.

63 Mrs Caroline Wilson, 'AFL's war with sports scientists', *Sydney Morning Herald*, 13 March 2012.

64 'Demetriou warns club on "phys-edders"', *AAP*, 15 March 2012.

65 Exercise & Sports Science Australia, Media Release: 'ESSA's response to the role of sport scientists in the AFL', 22 March 2012, http://www.essa.org.au/for-media/essa-in-the-media/?cpid=7557 (accessed 23 Mary 2013).

66 Caroline Wilson, 'AFL rails at fitness as a growth industry', *Brisbane Times*, 15 September 2012.

restructured to form the AFL Sports Science Association.[67] The new body has been described, however, as an informal organisation that does not self-regulate.[68]

7.57 Only weeks before the ACC report was released and ASADA's investigation was announced, the AFL Sports Science Association claimed that 'isolated problems between fitness and conditioning personnel and club doctors had been resolved'.[69] The association's head, Mr Rob Aughey, said that trouble was not expected in the 2013 season and referred to 'isolated instances' of issues regarding how sports science and 'medical and physio staff' had worked together.[70]

7.58 On 25 March 2013, however, Mr Demetriou conceded that the AFL should have acted earlier on concerns about the growing influence of sports scientists at some clubs:

> … there were certain things going on, certain practices, particularly with marginalising our club doctors, which was unacceptable.[71]

7.59 By then the practice of sports science had become a major issue for the AFL and Australian sport generally.

Switkowski report

7.60 On 27 February 2013, Mr David Evans, Chairman of the Essendon Football Club, announced an independent review of governance and processes at the club.[72] Dr Ziggy Switkowski was appointed by the board of Essendon to lead the review and his report was released on 6 May 2013.

7.61 According to the report, the period of interest for the review began with:

> … recruitment of new personnel and leaders for the High Performance team at the end of the 2011 season. This new group of experts in player strength and conditioning was given considerable space within which to operate and found little early resistance to their sometimes unconventional ideas.

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67 Caroline Wilson, 'AFL rails at fitness as a growth industry', *Brisbane Times*, 15 September 2012.

68 Adam Cooper, 'Sports science body wants greater regulation', *The Age*, 8 February 2013.

69 Jon Pierik, 'Teamwork bridges AFL fitness, health divide', *The Age*, 22 January 2013.

70 Jon Pierik, 'Teamwork bridges AFL fitness, health divide', *The Age*, 22 January 2013.

71 'Demetriou admits regret over sports scientists', *AAP*, 25 March 2013.

72 Essendon Football Club, Evans announces independent review, http://www.essendonfc.com.au/news/2013-02-27/evans-announces-independent-review (accessed 29 May 2013).

> The arrival of confident, opinionated staff was not accompanied by a simultaneous strengthening of the processes within Football Operations, or by extra vigilance by senior management.[73]

7.62 The report noted that sports scientists have gained influence at most AFL clubs, but that where it works well 'these professionals partner with the medical staff to develop bespoke programs for each player, and rarely consider use of unconventional supplements or treatments'.[74]

7.63 However, in the case of Essendon, Dr Switkowski identified a number of management processes that 'broke down, failed or were short-circuited', including: the management of contractors; the hierarchy of decision making in the club's Football Department and administrative processes.[75] The report blamed poor internal processes and improvised fixes on a climate in the club that created conflicts.

7.64 Dr Switkowski recommended that:

> … a clear framework of accountability and authority must be established and complied with. In general, the club doctor should be expected to be the signing authority for all medicines, supplements, diagnostic tests and therapeutic treatments.[76]

7.65 Senator Di Natale reiterates the committee's view, expressed in chapter 1, that the protection of athlete health and welfare must always be the highest priority and overriding consideration in the pursuit of improved performance. The Senator believes that club doctors or medical professionals must be consulted where a decision affects an athlete's health and welfare.

7.66 The failings of governance at Essendon, and the demonstrated need for clear accountability, serve as timely lessons for other sports clubs and organisations.

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73 Dr Ziggy Switkowski, Report, 6 May 2013, http://www.essendonfc.com.au/news/2013-05-06/dr-ziggy-switskowski-report (accessed 29 May 2013).

74 Dr Ziggy Switkowski, Report, 6 May 2013, http://www.essendonfc.com.au/news/2013-05-06/dr-ziggy-switskowski-report (accessed 29 May 2013).

75 Dr Ziggy Switkowski, Report, 6 May 2013, http://www.essendonfc.com.au/news/2013-05-06/dr-ziggy-switskowski-report (accessed 29 May 2013).

76 Dr Ziggy Switkowski, Report, 6 May 2013, http://www.essendonfc.com.au/news/2013-05-06/dr-ziggy-switskowski-report (accessed 29 May 2013).

National Rugby League

Sports scientists in the NRL

7.67 The NRL announced on 7 February 2013 that accountancy firm Deloitte had been appointed to audit the sports science department of one of the league's teams.[77] The NRL also announced that it had appointed a former Federal Court judge, the Hon. Tony Whitlam QC, to establish a permanent NRL Integrity and Compliance Unit.[78] In announcing the unit, the NRL said that it was committed to 'requiring team doctors to review any instance where supplements, substances or other procedures may have been administered without the prior approval of the team doctor'.[79]

7.68 On 21 February 2013, an NRL spokesman said clubs had promised to be transparent about the sports science they use and the staff they employ.[80] News Limited journalist Mr Patrick Smith wrote that one club, the Cronulla Sharks:

> … was quick to remove four staff but was roundly criticised by the league community for its decision. Such has been the angst, the club is now into its third chairman since the dismissals and coach Shane Flanagan has been recalled. [81]

7.69 This illustrates the doubt in a number of teams—across sporting codes—while the ASADA investigation is ongoing.

7.70 Like the AFL, the NRL does not have specific requirements for its sports scientists to have accredited qualifications.[82] However, the NRL submitted that it is 'currently examining registration and accreditation practices for all football support staff including sports scientists working in NRL Clubs' and this work is being undertaken by the Integrity and Compliance Unit.[83]

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77 Adrian Proszenko, 'Manly sports science unit investigated as NRL confirms clubs and players under scrutiny', *Sydney Morning Herald*, 7 February 2013.

78 National Rugby League, 'NRL announces Integrity Unit', 7 February 2013, http://www.nrl.com/nrl-announces-integrity-unit/tabid/10874/newsid/70697/default.aspx (accessed 27 May 2013).

79 National Rugby League, 'NRL announces Integrity Unit', 7 February 2013, http://www.nrl.com/nrl-announces-integrity-unit/tabid/10874/newsid/70697/default.aspx (accessed 27 May 2013).

80 Andrew Webster, 'NRL clubs agree to be totally transparent about the sports science they use', *Daily Telegraph*, 21 February 2013.

81 Patrick Smith, 'Blueprint for safe sports science', *The Australian*, 29 May 2013.

82 Rick Morton, '"Dodgy" scientists outside the rules', *The Australian*, 8 February 2013.

83 National Rugby League, *Submission 15*, p. 3.

Governance

7.71 Recognising the leadership role to be played by the Chief Executive Officer, the NRL summarised its position on governance and sports scientists as follows:

> … as with any role or position within an organisation or club, the NRL supports proper oversights and best-practice governance. Unqualified persons and unethical behaviour has no role in any organisation and it is our view that overview 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 sport 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.[84]

Olympic sports

7.72 The AOC referred in its submission to differences between the frameworks in the NIN and those in place in NSOs such as the AFL and NRL:

> … 'freelance' sports scientists largely working with professional sporting codes tend to operate outside of any institutionalised regulatory framework. Government funding of sporting organisations or the heavy reliance by sporting organisations on the provision of services by institute employed sports scientists tends to result in a stronger regulatory framework being in place. The same cannot necessarily be said for sporting codes where government or statutory entities such as the AIS tend to be less influential.[85]

7.73 In comparison to professional sporting codes, the AOC submitted that in the NIN:

> Employment processes tend to ensure that individuals have appropriate qualifications for the services required and that their work practices are heavily monitored and regulated by the institutes themselves. In addition, these institutions tend to have government style management practices in place in the form of Risk Management, Ethics and Supplements Committees, with responsibility for reviewing and ensuring adherence to policies and procedures developed in areas such as supplements. Further, these institutes tend to follow system wide quality assurance standards

84 National Rugby League, *Submission 15*, p. 5.

85 Australian Olympic Committee, *Submission 12*, pp 2–3.

> including laboratory accreditation thereby providing some safeguards against unethical or inappropriate practices.[86]

7.74 While Athletics Australia (AA) established that the ACC report did not contain specific evidence relating to athletics, it nonetheless announced that it was fast-tracking the formation of a new Ethics and Integrity Unit.[87] Chief Executive Mr Dallas O'Brien said that the unit would keep watch over sports science practices and its governance regulations only needed 'tweaking' to comply with the ASC's integrity requirements.[88] This followed the ASC's announcement—discussed earlier in this chapter—that Olympic sports, including swimming, athletics, cycling, sailing, rowing, hockey and basketball, could face funding cuts of up to 20 per cent if they failed to comply with its new governance principles.

7.75 AA submitted that while it has an oversight mechanism for sports science in place through an electronic reporting system and 'interdisciplinary case conferences', this does not apply where athletes and/or their advisors set up personal arrangements.[89]

Professional vs grassroots sports

7.76 Submitters and witnesses to this inquiry largely focused on sport at the elite level. However, several references were made to the increasing influence of sports science at sub-elite levels, including amateur and junior competitions.

7.77 Dr Jason Mazanov argued that sports science is increasingly entering junior competitions:

> We need to do more than just protect those people at the top of the game, who are vulnerable but still adults. We need to protect those at the bottom of the game, who are incredibly vulnerable, even to their parents.[90]

7.78 Dr Mazanov was also concerned that the emphasis placed in elite sports on high performance would affect the focus of amateur and junior sport. He submitted:

> At the federal level the focus of the sports academy and institute system in Australia is to use sports health science to provide a competitive advantage through enhanced performance (e.g. world records). The need to prioritise athlete health and welfare has been lost in pursuit of Olympic medals …

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86 Australian Olympic Committee, *Submission 12*, p. 2.

87 Athletics Australia, *Athletics Australia to fast-track Ethics & Integrity Unit*, 22 February 2013, http://www.athletics.com.au/home/news/news/2013/february/athletics_australia_to_fast-tr (accessed 24 May 2013).

88 Nicole Jeffery, 'ASC threat of funding cut comes with $5m carrot for good sports', *The Australian*, 20 March 2013.

89 Athletics Australia, *Submission 12*, pp 1–2.

90 Dr Jason Mazanov, *Proof Committee Hansard*, 12 June 2013, p. 29.

> Given the Australian pyramid model for sport, this change must come from the top. How Australia prioritises health and welfare among the elite becomes the model for how club and junior sport prioritises health and welfare for the rest of Australia.[91]

7.79 Dr Peter Larkins also emphasised the need for standards and frameworks to filter down to all levels of sport.[92]

7.80 ESSA advised the committee that individuals working as sports scientists below the elite level 'typically either have an undergraduate degree or [are] working towards an undergraduate degree'.[93] After obtaining postgraduate qualifications these individuals tend to migrate to employment at the elite level.[94] However, ESSA indicated that students and relatively junior professionals are working with teams in under-18 competitions and in private schools.[95]

7.81 Professional sporting organisations have a vested interest in the success of sports at the grassroots level. The NRL referred to 1.4 million playing participants in rugby league across Australia and said that it 'works to foster, develop and grow the game by bringing people together and enriching their lives through rugby league'.[96]

7.82 COMPPS noted that its member sports provide a large portion of their revenue to enhancing, promoting and developing sports at the grassroots level in addition to national competitions.[97] Dr David Hughes, Chief Medical Officer at the AIS, referred to school-run football programs as 'nurseries' for the AFL and NRL.

Senator Di Natale's view

7.83 At sub-elite levels, a 'win at all costs' mentality may not be present, or may only have a marginal influence. Without the financial incentives and pressures that apply in the professional sporting arena, the opportunities and the rationale for sports scientists to push ethical and legal boundaries are diminished.

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91 Dr Jason Mazanov, *Submission 1*, p. 3.

92 Dr Peter Larkins, *Proof Committee Hansard*, 12 June 2013, p. 74.

93 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 39.

94 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 39.

95 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 39.

96 National Rugby League, *Submission 12*, p. 2.

97 Coalition of Major Professional & Participation Sports, *Submission 9*, p. 7.

7.84 Without the financial resources of professional clubs, there is also a significant disparity between the ability of sub-elite teams to implement effective governance arrangements compared to those in the AFL and NRL.

7.85 Senator Di Natale recognises that any proposed reforms—particularly in relation to government arrangements and responsibilities—may impact disproportionately on amateur sporting organisations.

Conclusion

7.86 There have been several important recent developments with the responsible Government bodies and peak football codes establishing governance principles and integrity units. Senator Di Natale believes that overarching sport governance principles have an important role to play in terms of ensuring that sports scientists act ethically. The Senator believes that these principles should be mandatory.

7.87 Senator Di Natale also believes there is a need for clubs to adopt governance structures that reflect these broad principles. Specifically, professional sporting bodies must ensure transparency and prioritise the health and welfare of athletes.

7.88 To this end, Senator Di Natale has identified three key governance practices that should be established by all professional sporting clubs with the assistance and endorsement of the peak body. They are:

- regular reporting of the activities of sports scientists to the CEO and the board;
- the primacy of medical advice and direction over the decisions of sports scientists, such that sports scientists must seek endorsement from club doctors where decisions affect athlete health and welfare; and
- the importance of ensuring that while the CEO and the board are kept informed of the activities of sports scientists, the privacy of athletes and the protection of personal medical information are ensured.

Recommendation 11

7.89 Senator Di Natale recommends that where a qualified medical practitioner is employed by a sporting organisation or team, the medical practitioner be required to approve any decision relating to athlete health and welfare including the use of supplements. Further, a sport scientist should be required to consult with an organisation or team's medical officer regarding supplements as appropriate.

Chapter 8

Related matters

There is an enormous amount of herbs and spices that go into sports teams just because people think they are going to help.[1]

Introduction

8.1 The fifth term of reference for this inquiry refers to 'related matters'. This chapter discusses:

- the need for further information about the practice of sports science;
- the use of supplements; and
- life after sport.

The need for further information about the practice of sports science

8.2 In its submission to this inquiry, the Council of Heads of Exercise, Sport and Movement Sciences (CHESMS) noted that the data on the scope of sports science in Australia is unreliable. It submitted that the committee should endeavour to obtain more data on the number of sports scientists operating in Australia and 'their pattern of employment now and into the future'.[2] CHESMS claimed the information is necessary before the committee can make recommendations that are 'commensurate with the scale and nature' of the practice.[3]

8.3 Senator Richard Di Natale has relied on Exercise & Sports Science Australia's (ESSA) estimates about the size of the profession in Australia. The Senator notes that ESSA has commissioned a sports science workforce audit in order to obtain more information about the scope of the profession,[4] and believes that this will be useful for the Department of Regional Australia, Local Government, Arts and Sport (DRALGAS) in its consideration of their recommendations.

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1 Dr Peter Larkins, *Proof Committee Hansard*, 12 June 2013, p. 70.

2 Council of Heads of Exercise, Sport and Movement Sciences, *Submission 13*, p. 3.

3 Council of Heads of Exercise, Sport and Movement Sciences, *Submission 13*, p. 3.

4 Professor David Bishop, Director, Sports Science, Exercise & Sports Science Australia, *Proof Committee Hansard*, 12 June 2013, p. 39.

The use of supplements

8.4 Several submissions focused largely, or at least in part, on doping and the use of supplements in sport and offered recommendations on how a national approach to these issues could be developed. This evidence falls outside of the terms of reference for the inquiry.

8.5 At the public hearing, however, a recurring theme was the need for supplement use to be evidence-based. Several witnesses, including medical and sports science practitioners, queried the benefit that supplements provide, or advised the committee that supplements should only be considered one tool in the arsenal of sports scientists. Professor Kevin Thompson argued that:

> One thing that I think we need to really appreciate is the evidence base, and we need to talk about this a lot more in the media. We need experts coming forward to say, 'There is not the evidence base that supplements actually improve performance or that the performance improvements are worthwhile.' It is a very expensive way of living, spending money on supplements which have no evidence base and potentially might have risks as well. As I said earlier, a sports scientist should be advising an athlete about the evidence base and whether perhaps a change to training would provide better benefit than, for example, taking a supplement. There are many ways in which performance is enhanced and injuries are reduced in sport. Supplements are one part, but only one part.[5]

8.6 DRALGAS provided a paper, prepared by the Department of Health and Ageing, to the committee on the health effects of new performance- and image-enhancing drugs in sport (see Appendix 1). This paper examines what is known about the health effects of new drugs in sport.

8.7 Dr Hugh Seward, Chief Executive of the Australian Football League Medical Officers Association (AFLMOA), suggested to the committee that in the case of the Australian Football League (AFL): 'there are a large number of AFL clubs that do not participate greatly in supplements and a small number that do. There is quite a variation across that code'.[6] He added: 'there is no role for AFL players to be guinea pigs or the subject of research to trial some of these drugs'.[7] Dr Seward emphasised that good nutrition should be employed rather than supplements:[8]

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5 Professor Kevin Thompson, Director, National Institute of Sport Studies, University of Canberra, *Proof Committee Hansard*, 12 June 2103, p. 33.

6 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 53.

7 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 53.

8 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 55.

> Diet and nutrition are absolutely essential, and clubs are well placed to advise their players in the correct nutrition. Most clubs actually have kitchens and chefs available at the AFL level to provide them with that. To suggest that the answer for the budding athlete or the aspiring footballer is to take protein supplements and not to have a good diet, is absolute folly.[9]

8.8 Dr Peter Larkins told the committee:

> … there are a lot of products that are being used that probably have no performance benefit but athletes are taking them, because someone said it will help them sleep better or help their muscle soreness go away. That is quite understandable for an athlete to want to get that edge but, as I said, it leads to whole pharmacopoeia of things that are out there that have got no good studies.[10]

AIS Supplement Group Classification System

8.9 Dr Seward indicated to the committee that the AFLMOA is involved in a review aimed at providing a list of approved supplements for use by AFL teams.[11]

8.10 Senator Di Natale notes the Australian Institute of Sport (AIS) Supplement Group Classification System and recommends that, where supplements are to be used, consideration be given by national sporting organisations, including those organisations represented by the Coalition of Major Professional and Participation Sports (COMPPS), to only permit the use of supplements classified as Group A by the AIS Sports Supplement Program.[12] These are supplements that:

- provide a useful and timely source of energy or nutrients in the athlete's diet; or
- have been shown in scientific trials to benefit performance, when used according to a specific protocol in a specific situation in sport.[13]

8.11 This approach would exclude use of supplements:

- considered for provision to AIS athletes only under a research protocol or clinical monitoring activity (Group B);

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9 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 56.

10 Dr Peter Larkins, *Proof Committee Hansard*, 12 June 2013, p. 70.

11 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 58.

12 Australian Sports Commission, *AIS Sports Science/Sports Medicine Best Practice Principles*, May 2013, p. 11.

13 Australian Sports Commission, *AIS Sports Science/Sports Medicine Best Practice Principles*, May 2013, p. 11.

- which have little proof of beneficial effects and which are not provided to AIS athletes (Group C);
- which should not be used by AIS athletes (Group D); and
- which fall outside of these categories.

8.12 Evidence of use of supplements outside those in Group A should result in penalties, including suspensions, delisting or banning for players and moves to instigate disciplinary proceedings by the accreditation body for sports scientists. By only permitting use of supplements which have proven efficacy, this approach recognises the need to protect athlete health and welfare and the integrity of sport.

Recommendation 12

8.13 Senator Di Natale recommends that where supplements are used within national sporting organisations, those organisations consider encouraging only the use of supplements classified as Group A in the Australian Institute of Sport Sports Supplement Program.

Central registers of supplements

8.14 At the public hearing the committee raised the concept of central registers of supplements used by clubs. Mr Malcolm Speed, Executive Director at COMPPS, confirmed that reporting on supplement use is a feature of the AIS Principles and so registers within clubs can be expected where they do not exist already.[14] The committee asked whether further consideration might be given to central registers of supplement programs within codes. Mr Speed advised that:

> I think it is under discussion with some of the codes. In any event, I am happy to take it back, test it and suggest it, and to see whether they are in fact doing it and, if not, whether they are prepared to do it. I think it is a good suggestion.[15]

8.15 Senator Di Natale is of the view that establishing central registers of supplements in use by teams/clubs and making this information publicly available would promote a level playing field and discourage behaviour that might seek to push legal or ethical boundaries.

Recommendation 13

8.16 Senator Di Natale recommends that national sporting organisations consider:

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14 Mr Malcolm Speed, Executive Director, Coalition of Major Professional and Participation Sports, *Proof Committee Hansard*, 12 June 2013, p. 18.

15 Mr Malcolm Speed, Executive Director, Coalition of Major Professional and Participation Sports, *Proof Committee Hansard*, 12 June 2013, p. 18.

- **implementing central registers of supplements in use by teams/clubs; and**
- **making this information publicly available.**

8.17 This information would be highly useful for the independent advisory group recommended by Senator Di Natale in chapter 6 of this report (see recommendation 8), and would promote transparency.

Life after sport

8.18 Dr Seward, Chief Executive of the AFLMOA, spoke of concern:

> … within the AFL and certainly from the AFL Players Association that there is insufficient allocation of time to live a real life, to prepare yourself for the life after football, to undertake a university course or an apprenticeship—to try and schedule time and restrict time for those players so that they can in fact do that.[16]

8.19 The idea that there is too much 'football training and not enough life training',[17] is of concern to the committee. Mr Matthew Finnis, Director of the Australian Athletes' Alliance (AAA), told the committee that 'the balance around an athlete's life is a significant one' for the AAA.[18] He said:

> We read about a number of the negative situations, but I believe that players who have a career in the AFL come out in general as young men who are more mature by virtue of the experience and the people they meet. Hopefully they have also got a start in a career beyond football. The earlier we can convince them of the importance of that, the more successful that transition will be. But it is a challenge, because these young men come in to the game and they have been focussing on that career since they were six years old, many of them. Their focus is on the next contract and the one after that.[19]

8.20 Mr Finnis also argued that a broader sense of identity for athletes beyond just their athletic identity is very important to developing the capability to question and challenge cultures which they are exposed to.[20] He said that:

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16 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 54.

17 Dr Hugh Seward, Chief Executive Officer, Australian Football League Medical Officers Association, *Proof Committee Hansard*, 12 June 2013, p. 54.

18 Mr Matthew Finnis, Director, Australian Athletes' Alliance, *Proof Committee Hansard*, 12 June 2013, p. 67.

19 Mr Matthew Finnis, Director, Australian Athletes' Alliance, *Proof Committee Hansard*, 12 June 2013, p. 64.

20 Mr Matthew Finnis, Director, Australian Athletes' Alliance, *Proof Committee Hansard*, 12 June 2013, p. 63.

> … one of our challenges is to ensure that players have a deeper understanding of what loyalty means, and when loyalty is owed, and perhaps when loyalty has been breached. It is going to be important when encouraging people to speak up to ensure that their loyalty is not just to their club and their prospects of winning but to the game. That loyalty to the game has a longer term than any short-term focus on winning. This is a long-term play in terms of changing this kind of culture. I think we have all received a wake-up call as to what is required.[21]

21 Mr Matthew Finnis, Director, Australian Athletes' Alliance, *Proof Committee Hansard*, 12 June 2013, p. 65.

Chapter 9

Concluding remarks

9.1 The Australian Crime Commission's (ACC) February 2013 report, *Organised Crime and Drugs in Sport*, and the announcement of a formal investigation into doping in sport by the Australian Sports Anti-Doping Authority (ASADA), drew public attention to the practice of sports science in Australia. The committee has been careful not to not pre-empt ASADA's findings.

9.2 The committee reiterates its thanks to the organisations and individuals that contributed to this inquiry. It is heartened by the positive steps that have already been taken to eliminate the risk posed by 'rogue individuals', to promote the health and welfare of athletes, and to protect the reputation of the profession. The committee does acknowledge that sports science has, by and large, been a force for good in Australian sport.

9.3 In the course of this inquiry, the committee has taken evidence and considered all the terms of reference. The committee focused on term of reference (c) relating to 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. All committee members support the recommendations in chapter 3 of this report for the government develop a statement of sports ethics, and that sports ethics be taught to students at tertiary level and athletes within sporting organisations.

9.4 As chapter 4 of this report notes, the committee argues that any recommendations about regulation or accreditation made before the ACC and ASADA release their findings are premature. Senator Richard Di Natale, on the other hand, contends that action is needed now.

Summary of additional comments

9.5 The additional comments from Senator Di Natale are predicated on an understanding that there are significant gaps in the oversight of sports scientists. While the full extent of misconduct may not be known, it is clear that sports scientists are neither accredited nor regulated and, therefore, their duty of care and their professional responsibilities are neither defined nor enforced. Accordingly, the Senator recommends in this report that:

- the Department of Regional Australia, Local Government, Arts and Sport should conduct a feasibility study into Exercise & Sports Science Australia's (ESSA) ability to administer a national system of sports science accreditation that is backed by employers and capable of achieving widespread uptake;

- relevant disciplines of the sports science profession be considered for inclusion in the National Registration and Accreditation Scheme, administered by the Australian Health Practitioner Regulation Agency;
- an independent advisory group be established to provide information on substances and practices impacting on athlete health and welfare;
- governance and best practice principles released by the Australian Sports Commission be adopted by national sporting organisations;
- national sporting organisations limit the permitted use of supplements to those classified by the Australian Institute of Sport's *Sports Supplement Program* as having proven efficacy, and introduce publicly available registers of their use.

9.6 Senator Di Natale argues that if these recommendations are adopted and implemented, the reputation of sports science and its utility to athletes and the community will be enhanced.

Senator the Hon. Bill Heffernan
Chair

Senator Glenn Sterle
Deputy Chair

Senator Richard Di Natale
Senator for Victoria

APPENDIX 1

Submissions Received

Submission Number	Submitter
1	Dr Jason Mazanov
2	Mr Andrew MacDonald
3	Mr Peter Larkins
4	Athletics Australia
5	Sports Medicine Australia
6	Mr Robin J Willcourt
7	Exercise and Sports Science Australia
8	Australian and New Zealand Sports Law Association
9	Coalition of Major Professional and Participation Sports
10	Australasian College of Sports Physicians
11	Department of Regional Australia, Local Government, Arts and Sport
12	Australian Olympic Committee
13	Council of Heads of Exercise, Sport and Movement Sciences
14	National Institute Network
15	NRL
16	Queensland Academy of Sport
17	Australian Sports Commission
18	Australian Athletes' Alliance
19	Mr Daniel Greenwood
20	Mr Martin Hardie
21	College of Sport and Exercise Psychologists

Additional Information Received

- Received on 28 June 2013, from the Department of Regional Australia, Local Government, Arts and Sport. Additional information regarding the health effects of some commonly used substances in sport.
- Received on 19 June 2013, from the Coalition of Major Professional & Participation Sports. Answers to Questions taken on Notice on 12 June 2013.
- Received on 21 June 2013, from the National Institute Network. Answers to Questions taken on Notice on 12 June 2013.
- Received on 25 June 2013, from the Department of Regional Australia, Local Government, Arts and Sport. Answers to Questions taken on Notice on 12 June 2013.

TABLED DOCUMENTS

12 June 2013, Canberra, ACT

- Tabled by Mr Richard Eccles, Deputy Secretary, Office for Sport, Corporate Services, Local Government, Territories & Regional Programs, Department of Regional Australia, Local Government, Arts and Sport. Table: 'Professionals who may be involved in a "sports science" department'.

APPENDIX 2

Public Hearings and Witnesses

12 June 2013, Canberra, ACT

- ASKEW, Associate Professor Christopher, President,
  Exercise & Sports Science Australia

- BISHOP, Professor David, Director, Sports Science,
  Exercise & Sports Science Australia

- BORGEAUD, Mr Phil, Acting Director, Australian Institute of Sport,
  Australian Sports Commission

- BROWN, Dr Nick, Deputy Director, Performance Science and Innovation,
  Australian Institute of Sport, Australian Sports Commission

- COLE, Ms Natasha, Assistant Secretary, National Integrity of Sport Unit,
  Department of Regional Australia, Local Government, Arts and Sport

- ECCLES, Mr Richard, Deputy Secretary,
  Department of Regional Australia, Local Government, Arts and Sport

- FINNIS, Mr Matthew, Director,
  Australian Athletes' Alliance

- FLETCHER, Mr Martin, Chief Executive Officer,
  Australian Health Practitioner Regulation Agency

- FORD, Dr Ian, Director, Northern Territory Institute of Sport,
  National Institute Network

- GODKIN, Mr Andrew, First Assistant Secretary, National Integrity of Sport Unit, Department of Regional Australia, Local Government, Arts and Sport

- GREENWOOD, Mr Daniel, Senior Sport Scientist, Queensland Academy of Sport, National Institute Network

- HOBSON-POWELL, Ms Anita, Executive Officer,
  Exercise & Sports Science Australia

- HOWES, Mr Geoff, Deputy General Manager, Sports Governance and Business Capability, Australian Sports Commission

- HUGHES, Dr David, Chief Medical Officer, Australian Institute of Sport,
  Australian Sports Commission

- LARKINS, Dr Peter,
  Private capacity

- MARINO, Mr Nello, Chief Executive Officer,
  Sports Medicine Australia

- MAZANOV, Dr Jason
  Private capacity

- SAUNDERS, Ms Dominique, General Counsel,
  Australian Health Practitioner Regulation Agency

- SEWARD, Dr Hugh, Chief Executive Officer,
  Australian Football League Medical Officers Association

- SPEED, Mr Malcolm, Executive Director,
  Coalition of Major Professional & Participation Sports

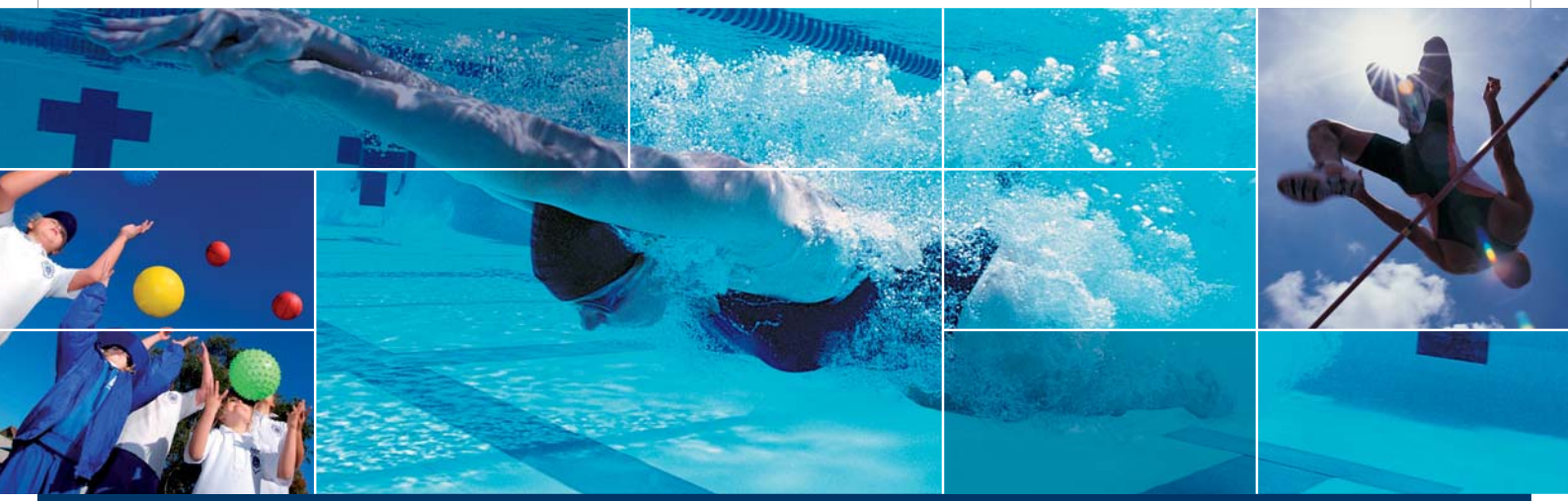
- THOMPSON, Professor Kevin, Director, University of Canberra National Institute of Sport Studies, University of Canberra

APPENDIX 3

Australian Government

Australian Sports Commission

Australian Sports Commission
Sports Governance Principles



March 2012

The Australian Sports Commission is the Australian Government agency that develops, supports and invests in sport at all levels. It was established in 1985 and operates under the *Australian Sports Commission Act 1989*. The Commission's national leadership role is achieved through three operational areas: the Australian Institute of Sport, Sports Development and Corporate Operations. The Australian Sports Commission forms part of the Department of Regional Australia, Local Government, Arts and Sport portfolio.

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INTRODUCTION

The Australian Sports Commission (ASC) is the Australian Government's statutory authority responsible for developing and funding Australian sport. As such, the ASC is responsible for the government's funding to Australia's national sporting organisations to develop sporting excellence and increase participation in sport. It is important, therefore, that the ASC has a clearly stated position with respect to the governance of national sporting organisations to which the ASC provides taxpayer monies.

The sporting landscape in Australia is enriched and delivered through the countless hours of service and support provided by volunteers. Volunteer boards, committees and administrators in particular carry extra responsibilities and burdens associated with the complex legal and regulatory environment within which they must operate. The contribution and commitment to ensuring Australia has a quality environment where people can participate and strive for success is of immeasurable value to the community.

PURPOSE

The purpose of these guidelines is to:

> assist members of boards, chief executive officers and managers of sporting organisations to develop, implement and maintain a robust system of governance that fits the particular circumstances of their sport

> provide the mechanisms for an entity to establish and maintain an ethical culture through a committed self-regulatory approach

> provide members and stakeholders with benchmarks against which to gauge the entity's performance.

ACCOUNTABILITY

The size, complexity and operations of sporting organisations differ, so to optimise individual performance, flexibility must be allowed in the structures and systems that are adopted. This flexibility must be balanced against accountability, contestability and transparency. There is an obligation for all sporting organisations to explain to stakeholders if any alternative approach to the best-practice principles is adopted (the 'if not, why not' obligation).

GOVERNANCE

Governance is the system by which organisations are directed and managed. It influences how the objectives of the organisation are set and achieved, spells out the rules and procedures for making organisational decisions, and determines the means of optimising and monitoring performance, including how risk is monitored and assessed.

The ASC recognises that effective sports governance requires leadership, integrity and good judgment. Additionally, effective governance will ensure more effective decision-making, with the organisation demonstrating transparency, accountability and responsibility in the activities undertaken and resources expended.

It is commonly accepted that governance structures have a significant impact on the performance of sporting organisations. Poor governance has a variety of causes, including director inexperience, conflicts of interest, failure to manage risk, inadequate or inappropriate financial controls, and generally poor internal business systems and reporting. Ineffective governance practices not only impact on the sport where they are present, but also undermine confidence in the Australian sports industry as a whole.

Governance concerns three key issues:

> how an organisation develops strategic goals and direction

> how the board of an organisation monitors the performance of the organisation to ensure it achieves these strategic goals, has effective systems in place and complies with its legal and regulatory obligations

> ensuring that the board acts in the best interests of the members.

The Sports Governance Principles advocate strengthening structures that support good leadership and decision-making, and ensure sound and effective governance.

In keeping with best practice in Australian corporate governance, this paper contains guidelines within which the ASC believes a sporting organisation's board members should operate and enact their role. The resource takes the form of six major principles:

> Principle 1: Board composition, roles and powers

> Principle 2: Board processes

> Principle 3: Governance systems

> Principle 4: Board reporting and performance

> Principle 5: Stakeholder relationship and reporting

> Principle 6: Ethical and responsible decision-making.

PRINCIPLE 1: BOARD COMPOSITION, ROLES AND POWERS

Different sporting organisations operate under different governance structures. While not advocating the adoption of any single model, the ASC does advocate that each structure should be clearly documented with a clear delineation of the roles, responsibilities and powers of the board, management and each body involved. Further, there should be no overlap in the powers of any two bodies or individuals in a governance structure.

The organisation's framework of governance should:

> enable strategic guidance of the entity

> ensure the effective monitoring of management by the board

> clarify the respective roles, responsibilities and powers of the board and management

> define the board's accountability to the entity

> ensure a balance of authority so that no single individual has unfettered powers.

Principle 1.1: That management powers be formalised, disclosed and placed in a board which has the power to exercise all the powers of the organisation, except those powers that the Act or Constitution requires to be exercised in general meeting.

Commentary and guidance

The ASC does not endorse a governance structure featuring both a board and another body, whereby this other body (usually called a council) assumes some board functions.

The nature of matters reserved to the board and delegated to management will necessarily depend on the size and complexity of the organisation, and be influenced by its tradition and culture and the skills of directors and managers.

Principle 1.2: That national sporting organisations be incorporated as a company limited by guarantee under the *Corporations Act 2001* (Cth).

Commentary and guidance

It must also be noted that, regardless of the Act (Corporations or Associations) under which the organisation is incorporated, if a national sporting organisation carries on business in a state other than that in which it is incorporated, it is required to be registered under the *Corporations Act* as a registrable Australian body. This registration imposes additional administrative requirements on the organisation.

While there can be arguments for the adoption of various legal structures, and there are limitations and benefits attached to each, the ASC encourages national sporting organisations to adopt a company limited by guarantee organisational structure.

The more comprehensive legislation entailed within the *Corporations Act 2001* (Cth) provides for a very robust and structured platform for the operation of organisations and provides clarity in areas otherwise silent within the *Association Incorporation Act* (particularly in the context of internal management and corporate governance).

In addition, changes to the Corporations Act in 2010 have created a system of tiers based on revenue. For sporting organisations that fall within the lower tiers, the reporting requirements have been made less onerous than they were previously.

Similarly, some states have amended their Association Incorporation Act to introduce tiered reporting requirements that encourage larger state sporting organisations to convert to a company limited by guarantee structure.

The key governance role of the organisation under each of the Acts rests with the board of directors, who must act in accordance with the requirements of the relevant Act, within other federal and state laws, and the constitution of the incorporated body.

Principle 1.3: That the incorporated body has a constitution, which embodies the following key sections:

- interpretation — objects and powers
- members — membership and meetings of members (general meetings)
- the board — powers (including delegations), election and appointment of directors, other roles (chief executive officer and secretary) and meetings of the board
- reporting, recording and execution of company documents
- accounts
- auditors
- indemnity and insurance of directors
- winding up.

Commentary and guidance

The constitution should be written in a clear, unambiguous and succinct manner. It should not be overburdened with items that would be better served to be detailed in the organisation's by-laws or policies. These are usually items that can be expected to be changed and updated from time to time. In these circumstances the board should, through by-law and policy development, be empowered to oversee and manage the issues.

The constitution should set out that the members' powers are to elect/dismiss the board, approve/amend the constitution, and accept the financial accounts.

Principle 1.4: That the members of an organisation should elect the majority of the board of directors. In addition, any issue on which a vote is taken, whether at a board or general meeting, should require a majority of votes for any proposal to be passed.

Commentary and guidance

Each sporting organisation should detail how people and/or organisations may become the members of them. The constitution of the incorporated body will state the voting power of each member in this regard.

The ASC advocates that a 'one state one vote' voting system be applied to federated sporting structures. While a proportional voting system is an option, it is not recommended. Large member bodies should never be able to dominate the direction of an organisation.

In a unitary structure, the ASC advocates a 'one member one vote' voting system be applied. States may retain input through the creation of advisory councils that advise the board on issues relevant to that particular state, without having any formal powers.

Where a board is made up of appointed and elected directors, it is recommended that at least a majority of the board membership is elected by the members. In addition, it is also advocated that votes taken at board or general meetings should be passed by a majority of directors/members and not be subject to a casting vote. This principle is based on the premise that if a majority cannot agree on an issue then the issue should be forfeited.

Principle 1.5: That the governance structure should feature a clear separation of powers and responsibilities between the board and the chief executive officer and their staff.

Commentary and guidance

This clarity of powers and responsibilities must also apply to the various board and management committees. It follows the principle that 'directors direct, and managers manage'.

The governance structure should also recognise that individual directors, the chief executive officer (or similar), their staff, board committees and management meetings hold no authority to act on behalf of the organisation by virtue of their position alone. All authority rests with the board, which may delegate authority to any person or committee.

Each such delegation should be clearly documented in a delegations manual or similar. Normally there will be significant delegations to the chief executive officer. In their capacity as directors, directors have no individual authority to participate in the day-to-day management of the entity, unless authority is explicitly delegated by the board.

Principle 1.6: That the chairman/president should be selected by the board.

Commentary and guidance

While some sporting organisations may decide to refer to their chairman as their president, the role should be the same. The chairman is the chairman of the board, not the chairman of the organisation.

The leader of the organisation is the board itself, which acts collectively in the best interests of the organisation as a whole to govern on behalf of the members. They appoint and work closely with the chief executive officer, who manages the operations of the organisation and, in most instances, acts as the organisation's public figurehead.

The chairman facilitates discussion among, and provides leadership to, the board. As the first among equals, it is important that the chairman have the respect and confidence of their fellow directors. As such the board should select their own leader.

Some sporting organisations have retained a member-elected president despite introducing a board-elected chairman. In such instances the president will typically hold certain responsibilities with their position and act as a public figurehead for the organisation.

The ASC does not support this situation, as it creates an unnecessary duplication of powers. The roles and responsibilities typically reserved for the president can be readily performed by either the chairman or the chief executive officer.

Principle 1.7: That the board should:

- confirm the broad strategic directions of the organisation
- appoint, dismiss, direct, support professional development for, evaluate the performance and determine the remuneration of, the chief executive officer
- approve, monitor and be accountable for the financial and non-financial performance of the organisation, including setting fees
- ensure an effective system of internal controls exists and is operating as expected, and that policies on key issues are in place and appropriate and that these can be applied effectively and legally to those participants or persons for whom they are intended
- develop a clearly articulated and effective grievance procedure

- ensure financial and non-financial risks are appropriately identified and managed
- ensure the organisation complies with all relevant laws, codes of conduct and appropriate standards of behaviour
- provide an avenue for key stakeholder input into the strategic direction of the organisation
- ensure director, board and chairman performance evaluation and professional development occurs regularly.

Commentary and guidance

The board's primary responsibility is one of trusteeship on behalf of its stakeholders, ensuring that the legal entity, the organisation, remains viable and effective in the present and for the future.

The board's role includes determining the organisation's strategic direction, core values and ethical framework, as well as key objectives and performance measures. A key critical component of this role is the board's ultimate authority and responsibility for financial operations and budgeting to ensure the achievement of strategic objectives.

Another key role is developing appropriate policy. There should be two levels of policy making; board level policy and operational policy. Board level policy should include:

- strategic policies defining the outcomes sought from all operational effort
- governing process policies defining the board's own operating practices
- board/chief executive relationship policies defining the nature of the board's relationship with the chief executive (or management)
- operational limitations policies defining the limits of the chief executive's freedom to act.

Operational policy should be developed by the chief executive.

Where a sporting organisation does not have a chief executive officer or equivalent position, either paid or unpaid, management and operational tasks may be delegated to a range of people, including board members or committees. In this case, directors must ensure that they separate their strategic board roles and responsibilities from their individual operational responsibilities. This can be achieved by separating board meetings from management meetings.

To continually improve, performance evaluation should be systematic and occur at least bi-annually. The result of performance evaluation should be tied in to professional development opportunities provided to the board.

Principle 1.8: That each board should be structured to reflect the complex operating environment facing the modern sporting organisation. Normally, it is envisaged that a board will:

- comprise between five and nine directors
- have a sufficient blend of expertise, skills and diversity necessary to effectively carry out its role
- have all directors being independent, regardless of whether they are elected or appointed
- have the ability to make a limited number of external appointments to the board to fill skills gaps
- institute a staggered rotation system for board members with a maximum term in office to encourage board renewal while retaining corporate memory
- be broadly reflective of the organisation's key stakeholders, but not at the expense of the board's skills mix and the organisation's objectives.

Commentary and guidance

The number of directors on a board should reflect the size and level of activity of the organisation.

As such, the ASC advocates a board with the necessary skills to carry out its governance role rather than a representative board.

Independent directors are those that are not appointed to represent any constituent body, are not employed by or have a significant business relationship with the organisation, do not hold any other material office within the organisational structure and have no material conflict of interest as a result of being appointed director.

In relation to traditional federal sporting structures, the holding of state-level positions would be seen to be a material conflict of interest if held at the same time as national-level positions.

In unitary sporting structures, where there is only one organisational entity with a direct relationship to individual members and/or their clubs, club-level positions may create a similar level of conflict to that of the state level in the federal structure. Similarly, sporting organisations whose operations are predominantly of a business-owner nature should avoid situations where the owners of those businesses are also the key decision-makers of the organisation, where those decisions will have a material effect on the outcomes of those businesses, perceived or actual.

Examples of material conflicts are: presidents of member bodies, representatives of select groups (for example, umpires) and chief executive officers or senior staff.

When directors do represent a constituency, they are bound by their legal responsibility to represent the organisation as a whole.

External appointments (appointed directors) are appointments to the board that have not been elected by the constitutional members and are at the discretion of the existing board.

Appointed directors are an effective means of filling identified skills gaps on the board, and can bring skilled individuals into the organisation from outside the traditional membership.

An external appointment should be used for a limited term (usually two or three years) to fill skill and expertise gaps on the board. After such time that director may stand for election to the board should they wish to continue to serve as a director.

An effective board has a proper understanding of, and competence to deal with, the current and emerging issues of the business and can effectively review and challenge the performance of management and exercise independent judgment.

The creation of a nomination sub-committee can assist the board in developing a broad range of skills and diversity among its directors (see Principle 3.9).

Principle 1.9: That national sporting organisations and their member bodies have aligned objects and purpose to ensure effective and efficient achievement of sport outcomes.

Commentary and guidance

To achieve effective outcomes for the sport it is essential, particularly in a federated model, that national and member bodies have aligned objects and purpose. It is critical that member bodies within a sport operate as if they were one body working towards the same outcome to deliver effective products and services to its members and stakeholders. Member bodies should have aligned constitutions with aligned objects.

The sport should have a single strategic plan that drives the overarching objectives, which are delivered consistently and effectively by the member bodies. The sport's strategic plan should form the basis of all local implementation outcomes and be developed with input and agreement from all stakeholders.

Principle 1.10: That where two or more bodies are amalgamating, an interim board arrangement occurs in order for all parties to be confident about the future direction and priorities of the amalgamated body.

Commentary and guidance

In the interim arrangement, the board of the new organisation would include equal representation drawn from the boards of the amalgamating bodies or representatives nominated by each of the amalgamating groups' interests. This should be independently chaired.

This interim arrangement would operate for a finite period of time, at the end of which a new board structure as outlined in Principle 1.7 should be adopted.

The ASC encourages like organisations to look into the benefits of amalgamation to ensure that sustained competitiveness, efficiencies and economies of scale are achieved to provide enhanced outcomes for the sport's members and participants.

Principle 1.11: That the board outline the role of individual directors/board members, including (at a minimum):

- the fiduciary duty of directors to act in the interests of the members as a whole and not to represent individual constituents. Thus, once elected, the board should have the ability to operate independently in the interests of the organisation as a whole, free from undue influence
- the legal duties of individual directors, including the requirement of directors to:
  - act in good faith and for a proper purpose
  - exercise due care and diligence
  - ensure the organisation does not continue to carry on its business while insolvent
  - meet the requirements of various other federal and state laws that directly impact on the organisation
- a code of conduct or policy specifying the behaviour expected of directors (see Principle 6)
- a conflict of interest provision that specifies:
  - a director must disclose actual/potential conflicts of interest
  - the process for disclosure of real or potential conflicts of interest
  - a process that governs a director's involvement in any decisions with which they have a conflict of interest
  - the requirement for a register of ongoing interest to provide a record of all potential conflicts
  - a director should not hold any other official or corresponding administrative position within the organisation at any level that creates a material conflict of interest. This is to ensure no actual or perceived conflicts of interest
- maintaining a register of related party transactions
- the responsibilities of directors for completing an induction program, undertaking continuing professional development as well as engagement in ongoing performance assessment (see Principle 4).

Commentary and guidance

The role of a director of an organisation is one of the key components of the governance framework to ensure the accountability, transparency and contestability of the direction, performance and conformance of the organisation.

It is critical that new directors are appropriately inducted to the board and the organisation and that they understand their roles within the organisation.

In relation to a director's conflict of interest, a director should not hold any official position at state, regional or club level, or corresponding administrative position, that provides a material conflict of interest which is actual or perceived and that all endeavours to avoid this should be pursued (see Principle 1.7).

Directors should have appropriate personal qualities such as loyalty, honesty, the courage to ask tough questions and should exhibit high ethical standards. As a minimum, directors should embrace fairness, respect, responsibility and safety as key guiding principles of ethical behaviour within their organisation.

Principle 1.12: That the roles of key positions in the governance system are documented and understood. Normally these positions should include:

> board
  - chair/president
  - directors
  - company secretary
  - chairs of board committees

> management
  - chief executive officer.

Commentary and guidance

A letter of appointment should be provided to each of the above positions upon commencement, outlining the responsibilities and expectations associated with the role.

As it is expected that national sporting organisations will form a company limited by guarantee structure, then it will be necessary to appoint a company secretary to provide for the legal compliance requirements under company law.

Principle 1.13: That the chief executive officer will not normally be a director of the board. This enables and supports a clear separation of power between the board and management.

Commentary and guidance

The ASC suggests it is good practice to ensure that a distinction between management and board membership occurs and that the chief executive officer of the organisation should not necessarily be a member of the board. However, in this circumstance it is also good practice to ensure the chief executive officer is aware of, and present at, board meetings to provide information and advice to the board on the operations of the organisation and to understand the direction provided by the board.

In the event that a chief executive officer is a director, however, the ASC suggests there should be clear policies in place to ensure the distinction between management and the board exists. The organisation should have clear mechanisms in place that, as a minimum, prohibit the chief executive officer from:

> being involved in remuneration decisions

> continuing as a director beyond their appointment as chief executive

> holding the position of chair.

PRINCIPLE 2: BOARD PROCESSES

Each board should agree to and document a clear set of governance policies and processes to facilitate effective governance. These processes should reflect best practice and be subject to regular review.

An effective board meeting should have the following attributes:

> a capable chair, with meetings held regularly and attended by appropriate personnel

> board papers for every item provided in advance so directors are informed and well prepared

> clear, timely and accurate recording of decision-making and communication of outcomes to stakeholders.

Principle 2.1: That the board should document its meeting process. Normally this will include:

> legal requirements

> decision-making approach (consensus versus voting) and voting rights of attendees

> protocol/s for meeting conduct and director behaviour

> logistical details such as meeting frequency, meeting location, timing of meetings, attendees, etc.

Commentary and guidance

The legal requirements in regard to meetings incorporate such items as the official number required to make a quorum, the amount of notice required for calling a meeting and other such requirements as specified in the organisation's constitution.

The frequency of meetings will depend on the size of the organisation and the internal and external circumstances, including any specific issues the organisation needs to deal with at any given time. A sporting organisation board should meet no less than six times per year and often as regularly as monthly. The schedule of dates for board and committee meetings should be agreed in advance.

Principle 2.2: That the board should prepare an agenda for each meeting. In addition, the board should agree how the agenda will be developed and the items for regular inclusion.

Commentary and guidance

The governance policy should outline the process for establishing the agenda for each board meeting. It is essential that the board ensures meetings adhere to pre-agreed time frames and that adequate time is given to each agenda item. It is also essential that the board ensures agenda items are linked to the strategic objectives of the organisation and that there is an alignment between the reporting from management and the key performance indicators that have been approved by the board.

Principle 2.3: That board meetings should have appropriate documentation. This means issues submitted to the board should be in an appropriate and agreed form (a board paper) and be circulated sufficiently in advance of the meeting. The board should similarly maintain a clear record of decisions made through an appropriate and agreed minuting process.

Commentary and guidance

The governance policy should determine timing with regard to receiving board papers in advance, and where appropriate the length, format and detail required in the board papers.

Minutes should be an accurate record of discussions held and should be distributed in a timely manner, usually within a week of the meeting. These should be agreed by the board and outcomes communicated to stakeholders, again in a timely manner.

Principle 2.4: That the board should be provided with all relevant information on an issue to enable proper execution of directors' duties. The board, or any individual board member, should also have the right to request, through the chief executive officer, any additional information from management if required (see Principle 4).

Commentary and guidance

The governance policy should state the circumstance when and how board members should go about accessing external or additional information in relation to board papers. For example, a director may wish to receive additional financial reports to enable them to effectively carry out their duties.

Principle 2.5: That the board should plan its key annual activities and develop a corresponding board calendar/work plan.

Commentary and guidance

The board calendar/work plan should include major annual activities for the board agenda, such as budget approval, strategy review, chief executive officer evaluation and annual general meeting.

The board should also develop an annual board plan that sets key performance criteria for the coming year that tie in with the strategic objectives of the organisation.

Principle 2.6: That the board and each committee established by the board should have terms of reference or a charter. The terms of reference or charter should include, at a minimum:

> board/committee purpose

> authority delegated to the board/committee

> board/committee composition, including the appointment of a chair

> reporting requirements

> delineation of the role of the board/committee and the role of management.

Commentary and guidance

Board committees allow directors to give closer attention to important issues facing the organisation than is possible for the full board. Board committees are an effective way to distribute the work between the directors and allow more detailed consideration of specific matters.

The number of board committees, size and mix, will vary from organisation to organisation depending on its size, complexity and the challenges it faces. Sporting organisations should consider the need to have board committees. Examples of board committees are audit and risk, nomination and remuneration, selection, and technical. The function and importance of the audit committee are considered later in these guidelines.

Not all committees need to report directly to the board; some committees such as selection and technical committees can report through senior management and the chief executive officer.

Committees should exist for a specific purpose and not merely because they always have.

PRINCIPLE 3: GOVERNANCE SYSTEMS

The board is ultimately responsible for the success of the organisation it governs. Each board should clearly define its role in discharging this responsibility.

An effective organisation should have the following systems:

> a strategic planning framework identifying core organisational values, goals and performance management indicators

> clearly documented board/management interaction, including appropriate delegations and authority of all parties

> a thorough process for identifying and monitoring legal, compliance and risk management requirements

> a thorough system of audit, including internal and external processes

> a performance management system to provide evidence and ensure monitoring of legal compliance and performance against plans.

Principle 3.1: That the board should determine the process by which it oversees and develops the strategic direction, key objectives and performance measures as well as core values and ethical framework for the organisation.

Commentary and guidance

It is important that a board regularly reviews its strategic priorities to ensure it maintains its competitive advantage and is clear about on what it wants management to focus. The board's agenda should reflect the strategic objectives of the organisation (see Principle 2.2)

The ASC considers it important that all key stakeholders are consulted through the strategic planning framework to ensure future strategies address the most pressing issues within the industry.

Principle 3.2: That the board should develop a protocol outlining expectations for board–management interactions. This will normally include:

> expectations regarding the use of a board member's networks/contacts

> expectations regarding provision of advice to the chief executive officer and management

> a protocol for individual directors to acquire all information required for decision-making and control (see Principle 4).

Commentary and guidance

The relationship between management and the board is critical and must be supported by a clear segregation of responsibilities. At all times the board must be in control, however management must be accountable, operate with delegated authorities, have appropriate levels of skills, and perform against the established key performance indicators.

Directors should not approach management directly, but rather should channel all additional information requests through the chair and chief executive officer, unless specifically approved within the protocols.

Principle 3.3: That the board should have in place an effective and efficient monitoring and evaluation system. This will include financial and non-financial monitoring. In particular, each board should monitor outcomes of the implementation of the strategies as the basis for the evaluation of overall performance and reporting to members (see Principle 5).

Commentary and guidance

It is essential that the performance indicators are clear and concise and, more importantly, can actually be measured, are aligned to strategic objectives, and comprise both lead and lag indicators where possible.

It is also imperative that an organisation understand where they currently stand in relation to key performance indicators so a comparison can be achieved between past, current and future result targets.

Principle 3.4: That the board should have in place an effective risk management strategy and process. This will require the board to take actions to identify key risks facing the organisation and ensure that risk management strategies are developed and actioned. The risk management system should comply with the Australian/New Zealand Risk Management Standard AS/NZS ISO 31000:2009.

Commentary and guidance

Standards Australia/Standards New Zealand has prepared a handbook titled 'Guidelines for managing risk in sport and recreation organisations' (HB 246:2010) in accordance with AS/NZS ISO 31000:2009 to enable better understanding and application of effective risk management within the sport and recreation sector.

It is essential that an organisation regularly reviews its risk exposure across all facets of the organisation.

An organisation should establish its risk appetite and assess risk in line with this.

In line with HB 246:2010, an organisation should review the likelihood and impact of all possible incidents and assess the actions required to minimise, avoid or eliminate potential risks. An organisation should ensure it also assesses the opportunities forgone as part of its risk assessment and evaluation process, as risk is not only a negative element; the opportunity cost of not doing activities should also be considered.

In addition, some events or activities often need a specific and comprehensive risk assessment to be done (for example, the hosting of a large sporting event). In this situation a business case should be developed as part of normal risk management processes to assess the impact and potential outcomes, negative or positive, of such an event.

Principle 3.5: That the board should implement an effective compliance system. It is recommended that this system comply with Australian Standard AS3806:2006 and require, at a minimum, that:

> the organisation complies with all relevant statutes, regulations and other requirements placed on it by external bodies

> effective internal controls exist and there is full and accurate reporting to the board in all areas of compliance

> the organisation is financially secure and is able to meet all its financial obligations when they fall due, in the normal process of business.

Principle 3.6: That the board should develop and document a regular (annual/six-monthly) performance review process for the chief executive officer.

Commentary and guidance

While the detail of the performance review may be undertaken by the nomination and remuneration committee or another board committee, at some point in the process all directors should have an opportunity to review and comment on chief executive officer performance.

The performance indicators for the chief executive officer should be clearly linked to the strategic goals and objectives set by the board and should be measurable. In addition the chief executive officer should have performance measures linked to staff performance and key stakeholder relationships.

Principle 3.7: That the board must ensure an effective audit system and process is in place. The audit process may include internal and external processes and systems.

Commentary and guidance

An effective audit process should ensure there are adequate controls and systems in place to alert management and the board to potential risks associated with the operation of the sport.

Given the heavy financial focus on audit processes, management and board directors should have basic financial literacy that enables them to understand and actively challenge information presented.

Principle 3.8: That the board should establish an audit committee and that its role be set out by formal charter/terms of reference.

Commentary and guidance

The existence of an audit committee is recognised as an important feature of good corporate governance. The committee should be structured with at least three people who should be financially literate, and include at least one who has financial expertise (that is, a qualified accountant). The audit committee should only comprise persons who are not directly involved in the management of the organisation; however, the chief executive officer and chief financial officer or equivalent should have standing invitations to provide clarification where necessary.

The chair of the audit committee should be independent from the chair of the board.

The audit committee should take prime responsibility for, but not be limited to:

> reviewing the organisation's annual financial accounts and recommending them to the board for approval

> overseeing the relationship, appointment and work of external and internal auditors

> reviewing compliance-related matters

> overseeing the organisation's risk management framework

> regularly reviewing the organisation's ongoing financial accounts, systems and delegations.

The audit committee charter should clearly set out the committee's role, responsibilities, composition, structure and membership requirements. The committee should be given the necessary power and resources to meet its charter. This includes rights of access to management, and to auditors without management being present, and rights to seek explanations and additional information.

If approved by the board, an audit committee can extend their mandate beyond purely financial and audit matters to include compliance and risk management as areas of focus.

Principle 3.9: That the board should establish a nomination committee and that its role be set out by formal charter/terms of reference.

Commentary and guidance

The existence of a nomination committee is recognised as an important feature of good corporate governance. It is important that boards are comprised of members with a variety of skills and experience, and who act in the best interests of the organisation as a whole.

The committee should be structured with at least three people and may be a combination of directors and external appointments. The nomination committee should only comprise persons who are not directly involved in the management of the organisation; however, the chief executive officer and human resources manager or equivalent should have standing invitations to provide clarification where necessary.

The chair of the nomination committee should be independent from the chair of the board.

The nomination committee should take prime responsibility for, but not be limited to:

> reviewing the board's skill mix and identifying gaps

> identifying potential directors for appointment to the board or to be put forward as preferred nominations for elections

> reviewing director nominations and providing the members with the board's preferred nominees based on needs identified in the skill gap analysis

The nomination committee charter should clearly set out the committee's role, responsibilities, composition, structure and membership requirements. The committee should be given the necessary power and resources to meet its charter.

Principle 3.10: That since ultimate decision-making power rests with the board, the board should clearly document all delegations of authority to the chief executive officer and other individuals, committees or groups. This document, or delegations register, should be regularly reviewed and updated. It should be the subject of a formal board resolution.

Commentary and guidance

To ensure the delegations document is not limiting and restrictive on the operations of the organisation, it is often better to articulate the limits of management authority as opposed to trying to articulate every possible approval item. This approach will provide a framework in which management can operate, without unnecessarily burdening the board with items management should clearly deal with.

PRINCIPLE 4: BOARD REPORTING AND PERFORMANCE

Each organisation should have a comprehensive reporting and performance management system in place to ensure organisational effectiveness and efficiency. It is essential that directors are provided with timely and accurate financial accounts to ensure effective decision-making can occur.

In addition, the board should review the directors' individual and collective performance, including the effectiveness of the chair, to ensure they are discharging their responsibilities against that of the stated objectives. Ensure a board and individual director development program is in place, including mechanisms to respond to non-performing directors.

An effective system of reporting and performance management should include:

> comprehensive and complete financial accounts

> review and consideration of the accounts by an audit committee

> ensuring the independence of the organisation's external auditors

> directors and board committee members being knowledgeable, well-briefed and informed, having access to the appropriate information or advice when required, and being provided with the opportunity for continuous improvement and education

> a board and director performance evaluation system

> an alignment between key performance indicators and the strategic objectives as outlined in the organisation's strategic and operational plans.

Principle 4.1: That the board should ensure its officers and directors have appropriate insurance cover.

Commentary and guidance

It is essential that all directors and officers in an organisation have the appropriate liability and indemnity cover no matter what the purpose or structure of the organisation (for example, not for profit), as once an organisation starts incurring debts and liabilities, directors are potentially liable to provide for any losses incurred.

Principle 4.2: That the board should ensure all new directors undergo an appropriate induction process.

Commentary and guidance

The induction process should ensure all directors have:

> an appropriate level of knowledge of the industry in which the organisation operates

> a clear understanding of an organisation's business operations

> a clear understanding of the organisation's financial circumstances

> a clear understanding of the organisation's strategy and direction

> a clear understanding of what is expected of the director in their role, including legal responsibilities

> a high-level knowledge of the business risks that may affect the organisation's success

> access to relevant background information.

Management should provide a briefing session to all new directors once they have had time to assess the information just listed. This will allow them to address any concerns or queries they may have regarding the organisation.

In addition, each new director should receive:

> a letter of appointment outlining the role and expectations in their role

> a copy of the directors and officers insurance

> a copy of the constitution, board charter, governance policies, strategic plan and any other key governance documents.

Continuous education and professional development programs should be made available to directors as necessary.

Principle 4.3: That the board should ensure that a director can access independent professional advice if required and that this is appropriately protected with a deed of access or similar.

Commentary and guidance

Board directors and board committee members should be entitled to obtain independent professional or other advice at a cost to the entity on predefined terms. These rights should be documented and provided to directors and committee members.

Board directors and board committee members should be entitled to obtain certain resources and information from the entity. These rights should be documented in the deed of access or similar document.

Principle 4.4: That the board should receive timely reports that are presented regularly (preferably monthly), including:

> accurate financial statements, that comprise:
  - profit and loss statement
  - balance sheet
  - cash flow statement
  - written report regarding material variances from budget
  - budget versus actual report on a month and year-to-date basis as well as identifying the full-year budget
  - listing of all major outstanding debtors and creditors
  - bank reconciliation (including bank account evidence)

> performance reporting against the organisation's strategic objectives.

Commentary and guidance

The organisation should have a one-year fully costed operational plan, as well as having a more strategic 3–5 year financial plan that should link the financial objectives of the organisation with that of its strategic objectives.

It is critical that all directors understand and take their financial responsibility on the board seriously by ensuring they are able to comprehend and challenge the financial information presented to them by management.

It is critical that the board has detailed knowledge of the financial health of an organisation, as it is illegal for an organisation to trade while insolvent and the directors could be held personally responsible.

The board should receive performance reporting, inclusive of lead and lag indicators against its strategic objectives, that allows the board to monitor its performance on an ongoing basis.

Principle 4.5: That the full board of directors should annually meet and be debriefed by the external auditor on the state of the financial position and systems within the organisation and any issues identified throughout the audit process.

Commentary and guidance

To ensure that each director can fully extinguish their fiduciary responsibilities, it is good practice that the full board meets with the external auditor annually to discuss the findings of the audit and any identified issues that may have arisen from the audit.

This open and frank discussion allows individual directors the opportunity to receive further clarification of any particular issues to ensure they fully understand the financial operations and health of the organisation.

Principle 4.6: That the board should regularly review and assess its own performance and the performance of individual directors, including that of the chair and its committees.

Commentary and guidance

Done well, board assessment can be an extremely productive process. A robust and successful assessment process will give the board:

> a balanced view of its performance, identifying the positive aspects of the board's operation and areas for improvement

> a benchmark against which the board can assess its collective and individual progress and performance over time

> a basis to establish agreed performance objectives for the board.

The process should include mechanisms such as external facilitators, assessment questionnaires, confidential non-attribution interviews and a workshop of the findings. Additionally, 360-degree feedback from the likes of management and key stakeholders enhances the comprehensiveness of any program. An effective program should also include separate assessments of individual directors' performance and that of the chair.

PRINCIPLE 5: STAKEHOLDER RELATIONSHIP AND REPORTING

The board should ensure it exercises leadership, integrity and good judgment, always acting in the best interests of the organisation as a whole, demonstrating transparency, accountability and responsibility to its members and stakeholders.

An effective organisation should ensure its members and key stakeholders are:

> consulted and involved in the development of the sport's strategic plan

> supportive of, and actively involved in, achieving the outcomes of the national plan

> well-informed and actively participating at its general meetings

> regularly provided with timely and accurate disclosures on all material matters regarding the governance and performance of the organisation.

Principle 5.1: That the board should strive to ascertain the interests, aspirations and requirements of members and create responses to these in the form of a national strategic plan with alignment between this and member plans.

Commentary and guidance

Existing boards should canvass the interests, aspirations and requirements of key members. The board should have in place a process that reports and receives feedback from members.

All members should embrace the strategic plan of the sport and should work towards the achievement of its outcomes. In federated organisational structures it is essential that member bodies are working towards a unified strategic document and are held accountable for their outcomes.

Principle 5.2: That members of an organisation should have the ability to remove board members (or a board as a whole) and change the constitution, should they see fit, in accordance with applicable legislation.

Commentary and guidance

It is a guiding principle of law that members must have the right to remove the board and change the constitution as they see fit, as they are ultimately the owners of the organisation.

There may be circumstances where certain arrangements are in place that restrict the members' capacity to make change, however these should only be temporary measures in periods of instability and ultimate power should always return to the members.

Principle 5.3: That board directors should have no voting rights at general meetings.

Commentary and guidance

Where the membership of an organisation comprises other organisations, clubs or groups of individuals, board directors should not be eligible to vote at general meetings or annual general meetings. This ensures a clear separation between the 'owners' and the 'governors' of the organisation.

Principle 5.4: That the board should provide members and key stakeholders with a comprehensive annual report outlining how they fulfilled the governance roles, achieved strategic objectives and aspirations of the organisation, and sufficient financial information so that members can make a judgment as to how effectively the board is fulfilling its role.

Commentary and guidance

The system of governance should ensure that timely and accurate disclosures are made on all material matters regarding the organisation, including governance, financial situation and performance.

It is not appropriate that these reporting documents are delayed. It is the board's responsibility to ensure the appropriate legal time frames are met.

Disclosure should include, but not be limited to, material information on:

> any legally required information as per the relevant Act

> the financial operating results

> the entity's strategic objectives and goals

> members of the board and key management personnel, including board conflict of interest declarations

> material foreseeable risks

> material issues regarding employees and other stakeholders

> governance structures and policies.

PRINCIPLE 6: ETHICAL AND RESPONSIBLE DECISION-MAKING

Each board should ensure and actively promote ethical behaviour and decision-making within their organisation. Good corporate governance ultimately requires people with integrity and leadership to ensure that the reputation of an organisation is managed, protected and enhanced.

A culture of integrity and ethical behaviour is characterised by:

> an effective code of conduct

> quality decision-making processes

> people of the highest integrity and ethical standards

> an intent to put the organisation ahead of individual gains.

Principle 6.1: That the board establish a code of conduct to guide directors, the chief executive officer and other senior management as to:

> the practices necessary to maintain confidence in the organisation's integrity

> the responsibility and accountability of individuals for reporting and investigating reports of unethical practices.

Commentary and guidance

The code of conduct should set out ethical and behavioural expectations for both directors and employees. It is critical that the board and senior management demonstrate, through their words and actions, absolute commitment to the code and stakeholders in its execution.

Adherence to the code should be periodically evaluated and action taken, where necessary.

Principle 6.2: That the board ensure key decisions and actions are based on a thorough review of all available information and are assessed against the organisation's risk management framework and strategic objectives and that these are documented.

Commentary and guidance

When organisations embrace opportunities to expand or promote the sport, they should assess the opportunities against the risk framework and key strategic objectives of the organisation.

There should be evidence of an evaluation of the benefits and risks prior to any key decision being taken by management or the board.

Principle 6.3: That the board ensure a business case is developed for each major project or significant event/activity prior to the organisation committing resources and that the worst-case scenario has been evaluated and can be mitigated/managed by the organisation.

Commentary and guidance

The development of a business case allows sporting organisations to embrace opportunities to expand or promote the sport through a major event/activity by assessing the ability of the organisation to sustain a worst-case scenario loss.

Given that most sporting organisations have very limited available resources, the assessment of risk and opportunities is critical to the long-term viability of the organisation.

To not develop business cases for major projects and events potentially leads to poor decision-making and lack of awareness of the various scenarios that may play out, hence all major events/activities should be fully costed and assessed for variations from budgeted figures prior to the organisation committing scarce resources.

GLOSSARY

Appointed director — a person who is on the board of directors of an organisation by virtue of being appointed by the board for a set period of time.

Board — the official group of people (directors) empowered through the constitution to oversee the running of an organisation.

Company limited by guarantee — a company formed on the principle of having the liability of its members limited to the respective amounts that the members undertake to contribute to the property of the company if it is wound up.

Deed of access — a formal instrument for companies to enter into agreements with their directors relating to access to documents, rights of indemnity and insurance.

Director — a person who is on the board of directors of an organisation either by being elected or appointed to the board.

Elected director — a person who is on the board of directors of an organisation by virtue of being elected by the members of the organisation.

Independent director — a person who has no direct links, perceived or real, to any official position within the organisation or its directly related member bodies.

Legal compliance — adherence to the various laws and statutes that govern the operations of the organisation by virtue of the activities that it is involved in.

Material variances — a variance that by virtue of its size or impact, would materially change the result or outcomes for an organisation had it not been adjusted.

Members — those persons, clubs or associations, that by virtue of fulfilling the conditions stated in the constitution, belong to or 'own' the said sporting body.

National sporting organisation — the organisation recognised by government and the majority of playing participants as the national representative for that sport.

Organisation — a collection of persons, clubs or associations registered as an incorporated association or company limited by guarantee.

APPENDIX 4

National Sporting Organisations recognised by the Australian Sports Commission (as at February 2012)

National Sporting Organisation	Status	Sport
Archery Australia Inc	Funded	Archery
Athletics Australia	Funded	Athletics
Australian Football League	Funded	Australian Rules
Badminton Australia	Funded	Badminton
Australian Baseball Federation Inc	Funded	Baseball
Basketball Australia	Funded	Basketball
Australian Baton Twirling Association	Unfunded	Baton Twirling
Australian Biathlon Association Inc	Unfunded	Biathlon
Australian Billiards and Snooker Council	Unfunded	Billiards
Bicycle Motocross Australia Inc	Funded	BMX
Australian Bobsleigh and Skeleton Association Inc	Unfunded	Bobsleigh / Skeleton
Bocce Federation of Australia	Funded	Bocce
Bowls Australia Inc	Funded	Bowls
Boxing Australia Inc	Funded	Boxing
Australian Calisthenic Federation Inc	Unfunded	Calisthenics
National Campdraft Council Inc	Unfunded	Campdraft
Australian Canoeing Inc	Funded	Canoeing
Cricket Australia	Funded	Cricket
Croquet Australia	Unfunded	Croquet
Cycling Australia	Funded	Cycling
Dancesport Australia Ltd	Unfunded	Dancesport
Darts Federation of Australia Inc	Unfunded	Darts
Diving Australia Inc	Funded	Diving
Australian Dragon Boat Federation	Unfunded	Dragon Boat
Australian Eight-Ball Federation Inc	Unfunded	Eight-Ball
Equestrian Federation of Australia	Funded	Equestrian
Australian Fencing Federation Inc	Funded	Fencing
Australian Floorball Association	Unfunded	Floorball
Australian Flying Disc Association	Unfunded	Flying Disc
Football Federation Australia	Funded	Football (Soccer)
Gaelic Football & Hurling Association of Australasia	Unfunded	Gaelic Football / Hurling
Gliding Federation of Australia	Unfunded	Gliding
Golf Australia	Funded	Golf
Gridiron Australia Limited	Unfunded	Gridiron
Gymnastics Australia Inc	Funded	Gymnastics
Australian Handball Federation	Unfunded	Handball
Hang Gliding Federation of Australia	Unfunded	Hang Gliding
Hockey Australia	Funded	Hockey
Ice Hockey Australia	Unfunded	Ice Hockey
Australian Amateur Ice Racing Council	Funded	Ice Racing
Ice Skating Australia Inc	Unfunded	Ice Skating
Australian Ju-Jitsu Federation Inc	Unfunded	Ju Jitsu

National Sporting Organisation	Status	Sport
Judo Federation of Australia Inc	Funded	Judo
Australian Karate Federation Inc	Funded	Karate
Australian Kung Fu (Wu Shu) Federation Inc	Unfunded	Kung Fu (Wu Shu)
Australian Lacrosse Association	Funded	Lacrosse
Modern Pentathlon Australia	Unfunded	Modern Pentathlon
Confederation of Australian Motor Sport Ltd	Funded	Motor Sport
Motorcycling Australia Ltd	Funded	Motorcycling
Oceania Muaythai Federation	Unfunded	Muaythai
Netball Australia	Funded	Netball
Orienteering Australia	Funded	Orienteering
Australian Parachute Federation Inc	Unfunded	Parachuting
Australian Paralympic Committee	Funded	Paralympics
Australian Polo Council	Unfunded	Polo
Polocrosse Association of Australia Inc	Funded	Polocrosse
Pony Club Australia	Funded	Pony Clubs
Powerlifting Australia	Unfunded	Powerlifting
Skate Australia Inc	Funded	Roller Sports
Rowing Australia Inc	Funded	Rowing
Australian Rugby League	Funded	Rugby League
Australian Rugby Union	Funded	Rugby Union
Yachting Australia	Funded	Sailing
Australian International Shooting Ltd	Funded	Shooting
Ski & Snowboard Australia	Funded	Skiing
Softball Australia	Funded	Softball
Squash Australia Ltd	Funded	Squash
Surf Life Saving Australia	Funded	Surf Lifesaving
Surfing Australia	Funded	Surf Riding
Swimming Australia Ltd	Funded	Swimming
Synchronized Swimming Australia Inc	Unfunded	Synchronized Swimming
Table Tennis Australia	Funded	Table Tennis
Tennis Australia	Funded	Tennis
Tenpin Bowling Australia Ltd	Funded	Tenpin Bowling
Touch Football Australia	Funded	Touch
Triathlon Australia	Funded	Triathlon
Australian Underwater Federation	Unfunded	Underwater Sports
Australian University Sport	Funded	University Sport
Australian Volleyball Federation	Funded	Volleyball
Australian Water Polo Inc	Funded	Water Polo
Australian Water Ski and Wakeboard Federation	Funded	Water Skiing
Australian Weightlifting Federation Inc	Funded	Weightlifting
Olympic Winter Institute of Australia	Funded	Winter Sports
Australian Axemen's Association	Unfunded	Wood-chopping
Australian Wrestling Union Inc	Funded	Wrestling

National Sporting Organisations for people with disabilities recognised by the Australian Sports Commission (as at February 2012)

National Sporting Organisation	Status
Australian Sport and Recreation Association for Persons with an Intellectual Disability (AUSRAPID)	Funded
Australian Athletes With a Disability	Funded
Blind Sport Australia	Funded
Deaf Sports Australia	Funded
Disabled Wintersport Australia	Funded
Riding for the Disabled Association of Australia	Funded
Special Olympics Australia	Funded
Transplant Australia	Funded

APPENDIX 5

NSO/NSOD 2012-13 Grants & Allocations

Sport	AIS Allocations	High Performance	Sport Participation	Sport Grant	Other	Business Development Grant	Sport Leadership Grants and Scholarships for Women	Total
Archery		600,800	27,200					**628,000**
Athletics	1,302,622	5,524,000	296,400					**7,123,022**
Australian Football	194,000		966,000					**1,160,000**
Badminton		425,000	177,000					**602,000**
Baseball		1,347,000	296,000					**1,643,000**
Basketball	1,447,400	3,530,600	716,400		60,000			**5,754,400**
Bicycle Motocross		458,500	132,500					**591,000**
Bocce		26,000	25,000					**51,000**
Bowls		667,200	546,800			125,000		**1,339,000**
Boxing		1,046,000	54,000					**1,100,000**
Canoeing	816,431	2,760,000	108,000					**3,684,431**
Cricket	432,000	61,000	1,116,000					**1,609,000**
Cycling	1,458,100	5,443,000	460,000					**7,361,100**
Diving	603,676	1,361,800	27,200					**1,992,676**
Equestrian		2,239,000	337,000				10,000	**2,586,000**
Fencing		35,400	26,600					**62,000**
Football	1,374,639	1,331,600	916,000					**3,622,239**
Golf		858,400	501,600					**1,360,000**
Gymnastics	598,971	1,774,000	816,000					**3,188,971**
Hockey	1,186,546	4,853,200	661,800					**6,701,546**
Ice Racing		83,000						**83,000**
Judo		667,800	16,200					**684,000**
Karate			86,000					**86,000**
Lacrosse			50,000					**50,000**
Motor Sport		304,200	64,800				3,500	**372,500**
Motorcycling		382,600	64,400					**447,000**
Netball	667,585	1,397,100	979,900		15,000			**3,059,585**
Orienteering		86,000	100,000					**186,000**
Polocrosse		61,000	60,000					**121,000**
Pony Club		30,000	25,000					**55,000**
Rowing	1,445,897	5,426,600	89,400			50,000		**7,011,897**
Rugby League	190,660		616,000					**806,660**
Rugby Union	193,998	350,000	666,000					**1,209,998**
Sailing	666,082	4,730,600	546,400					**5,943,082**
Shooting		1,859,800	76,200					**1,936,000**
Skate			686,000			50,000		**736,000**
Ski & Snowboard		767,600	16,400				4,000	**788,000**
Softball	376,265	1,439,200	411,800					**2,227,265**
Squash	433,895	637,600	118,400					**1,189,895**
Surf Life Saving		855,400	411,600					**1,267,000**
Surfing		923,400	586,600					**1,510,000**
Swimming	1,399,421	7,265,000	616,000					**9,280,421**
Table Tennis		103,800	198,200					**302,000**
Tennis	477,112		966,000					**1,443,112**
Tenpin Bowling		80,000	225,000					**305,000**
Touch Football		120,000	450,000				9,300	**579,300**
Triathlon	507,071	1,503,600	346,400					**2,357,071**
University Sport		460,000	50,000					**510,000**
Volleyball	1,172,192	1,486,000	64,000					**2,722,192**
Water Polo	485,377	2,075,000	61,000					**2,621,377**
Waterski & Wakeboard		161,000					5,000	**166,000**
Weightlifting		362,600	21,400					**384,000**
Wrestling		50,000						**50,000**
Winter Sports (OWI)	598,645	1,325,000						**1,923,645**
Paralympics	304,478	11,950,000			300,000			**12,554,478**
NSO TOTALS	**18,333,063**	**81,286,400**	**16,876,600**	**0**	**375,000**	**225,000**	**31,800**	**117,127,863**
AAWD				210,000				**210,000**
AUSRAPID				100,000				**100,000**
Blind Sports				65,000				**65,000**
Deaf Sports				85,000				**85,000**
Disabled Wintersport				60,000				**60,000**
RDA				100,000				**100,000**
Special Olympics				445,000	100,000			**545,000**
Transplant				70,000				**70,000**
NSOD TOTALS				**1,135,000**	**100,000**			**1,235,000**
OVERALL TOTALS	**18,333,063**	**81,286,400**	**16,876,600**	**1,135,000**	**475,000**	**225,000**	**31,800**	**118,362,863**

Effective 24 April 2013

Please note these funding figures are subject to change as additional grants may be allocated for a range of purposes throughout the 2012-13 financial year