



Australian Government

Australian Government response to the
Senate Rural and Regional Affairs and Transport References
Committee report:

Practice of Sports Science in Australia

NOVEMBER 2016

GOVERNMENT RESPONSE TO THE SENATE INQUIRY INTO THE PRACTICE OF SPORT SCIENCE IN AUSTRALIA

Introduction

On 16 May 2013 the Senate Rural and Regional Affairs and Transport References Committee (Committee) commenced an Inquiry into the Practice of Sports Science in Australia. The Inquiry focussed on:

1. the current scope of practice, accreditation and regulation arrangements for the profession
2. the role of boards and management in the oversight of sports scientists inside sporting organisations
3. 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
4. avenues for reform or enhanced regulation of the profession, and
5. any other related matter.

The Inquiry was prompted by the introduction of proposed amendments to the *Australian Sports Anti-Doping Authority Act 2006* and followed on from the release of the findings of the Australian Crime Commission's investigation into organised crime and drugs in sport (Project APERIO). The investigation found serious unethical behaviour by registered and non-registered support staff within sporting clubs which potentially endangered the health and welfare of athletes. The Commission noted:

“Sports scientists are now influential in professional sport in Australia, with some of these individuals prepared to administer substances to elite athletes which are untested or not yet approved for human use”¹.

The Inquiry received 21 submissions and conducted a public hearing in Canberra on 12 June 2013. The Committee tabled its final report on 23 July 2013. The Committee made four recommendations while thirteen recommendations were made by Committee member, Senator Di Natale.

The Government acknowledges the work of the Committee in undertaking the Inquiry and appreciates the contribution of the many stakeholders who made written submissions and/or appeared as witnesses at the public hearing.

The Government recognises the fundamental importance of maintaining the integrity of sport, and ensuring the individual health and welfare of players is protected at all times. Sports themselves play a central role in achieving these outcomes.

¹ Australian Crime Commission (2013), *'Organised Crime and Drugs in Sport, New Generation Performance and Image Enhancing Drugs and Organised Criminal Involvement in their use in Professional Sport'*, p 9.

GOVERNMENT RESPONSE TO INQUIRY'S RECOMMENDATIONS

It was the view of the Committee that the Government's response to the Inquiry's recommendations should wait until the finalisation of the Australian Sports Anti-Doping Authority investigation into allegations of doping in Australia's professional sports. The Government has respected that recommendation. It is now unlikely there are any remaining matters from the investigation that would have a significant bearing on the Government's response to the Committee's recommendations.

The Australian Crime Commission's report highlighted the risk of engaging athlete support persons who operate outside a sport's rules or with little regard to a person's health and well-being. While the vast majority of athlete support persons work ethically and professionally and make significant contributions to sporting success, the consequences of inappropriate conduct by a few can be far reaching.

Since the Senate Inquiry, there have been a number of developments in the Australian sporting landscape that relate to the Committee's recommendations. These include:

- an increased focus on integrity matters by national sporting organisations, including the formation of dedicated integrity units in a number of sports, ensuring more effective governance and management processes including in relation to engagement of athlete support persons and revised supplements use policies;
- amendment of Australia's anti-doping legislation in 2014 to align with the revised World Anti-Doping Code, with changes coming into effect from 1 January 2015. The amendments included the introduction of the new 'prohibited association' anti-doping rule violation which seeks to prevent proven doping facilitators from working with athletes, and
- enhanced education on integrity issues and ethical decision-making in sport across the sporting sector, including on-line education modules, dedicated integrity forums, and specific programs within sports.

The Government has incorporated these developments in considering its responses to the Committee's recommendations.

Recommendation 1

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

Government Position: AGREE, noting initiatives undertaken since the Inquiry to promote ethical behaviour in sport.

The involvement of Australians in organised sport is critically linked to the values that sport promotes and the health and lifestyle benefits sport delivers. It is expected the outcome of a sporting contest is based on ability, experience, determination, and fair play. Athletes and administrators are expected to abide by rules and behave ethically.

The Australian Sports Commission works closely with the Australian Human Rights Commission, state and territory departments of sport and recreation, anti-discrimination and human rights agencies, the NSW Office of the Children's Guardian, and the Australian and New Zealand Sports Law Association to promote *Play by the Rules*². *Play by the Rules* provides comprehensive guidance on issues of ethics in sport, highlighting the importance of fair, safe and inclusive participation across all levels of the sport sector.

Between March and May 2015, *Play by the Rules*, the Australian Sports Commission, the National Integrity of Sport Unit, the Australian Sports Anti-Doping Authority and all state and territory departments of sport and recreation collaborated in the delivery of *Safeguarding the Integrity of Sport* forums around Australia. The forums addressed issues of anti-doping, match fixing and the use of supplements and image-enhancing substances, based on an ethical decision-making framework.

These principles should be embraced in the codes of conduct that apply within organised sport and in the operation of programs and activities delivered by sporting organisations to their members.

The Committee's recommendation for a statement of ethics should be considered in the context of subsequent initiatives to promote ethical behaviour in sport. In particular, *Play by the Rules* fulfils this recommendation.

² Play by the Rules is a collaboration between the Australian Sports Commission; Australian Human Rights Commission; state and territory departments of sport and recreation and anti-discrimination and human rights agencies; the NSW Office of the Children's Guardian, and the Australian and New Zealand Sports Law Association. Website available at <http://www.playbytherules.net.au/>.

Recommendation 2

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.

Government Position: AGREE IN PRINCIPLE

Evidence before the Committee indicated most people involved in sports science behave ethically and work to protect athlete health and welfare. Nevertheless, athletes must be able to be confident the people providing them with specialist performance assistance are doing so with athlete health and welfare foremost in mind. It is appropriate that training and assessment on ethics and duty-of-care should form part of undergraduate studies in those professions in which expertise is used to advance sports performance.

Appropriate training in ethics in tertiary institutions is incorporated into considerations of Recommendation 4.

Recommendation 3

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

Government Position: AGREE

Sporting organisations and clubs have an obligation to athletes and support persons to provide information on their rights, roles and responsibilities in terms of protecting the integrity of sport. This includes educating members about the standards of ethical behaviour, and need to protect long-term personal health and welfare.

Athletes have a similar obligation to be aware of and understand their rights and responsibilities.

To the extent the Government may meaningfully contribute to this outcome, there are a number of existing resources that support the recommendation.

- The Australian Institute of Sport (AIS) *Sports Science Sports Medicine Best Practice Principles* is a practical guide to assist boards and senior management of sporting organisations in performing their oversight function in relation to sports science and sports medicine practices.
- The National Integrity of Sport Unit, within the Department of Health, has launched an anti-match-fixing e-learning education program on the threat of match-fixing to help sports organisations to educate players, coaches and officials. The National Integrity of Sport Unit, in collaboration with the Australian Sports Commission, has also released an ‘illicit drugs in sport’ e-learning education program designed to inform sports people on the dangers of illicit drugs to their health and sporting endeavours.
- The Australian Sports Anti-Doping Authority hosts an anti-doping e-learning education tool, developed for the Australian sporting community, to provide education on key areas of anti-doping such as prohibited substances and methods, therapeutic use exemptions, doping control and whereabouts.
- The National Integrity of Sport Unit and Australian Sports Anti-Doping Authority have developed an e-learning ethical decision making course that includes modules on anti-doping, match-fixing and illicit drugs. Further, teacher lesson plans on sports integrity matters have been developed for use in the national Health and Physical Education curriculum.
- The Australian Sports Commission, National Integrity of Sport Unit and the Australian Sports Anti-Doping Authority delivered *Safeguarding the Integrity of Sport* forums focusing on ethical dilemmas facing sport and providing participants with a framework to address these issues.

Recommendation 4

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.

Government Position: AGREE

The Australian Crime Commission's *Organised Crime and Drugs in Sport* report highlighted the potential dangers in engaging athlete support persons prepared to operate at ethical margins and with disregard for an athlete's health and well-being. While the majority of athlete support professionals act ethically and professionally, the consequences of inappropriate behaviour by a few can be severe and far-reaching.

The key issue in the Inquiry was whether the practice of sport science requires some form of governance to improve industry standards and counter the risks identified in the Australian Crime Commission report. Two approaches were given detailed consideration:

- Registration – a formal scheme underpinned by legislation, or
- Accreditation – a less-formal scheme run by industry and governed by quality assurance.

Implementing a registration scheme for sports scientists would involve excessive regulation for what is a small, specialised and dispersed profession. This option carries a significant administrative burden for Government and industry, and would be inconsistent with the Government's broader deregulation agenda.

In preference, the Government supports the operation of an effective industry-based accreditation scheme. Such a scheme would ensure an athlete receives professional advice which is ethical and focused on health and well-being. Such a scheme should:

- ensure a sport scientist is properly qualified and has contemporary ethical standards training;
- encourage sport scientists to continue professional development and improve their skills;
- provide athletes, employers and the public with a common understanding of what is meant by the term 'sport scientist' and confidence that services are being delivered by reputable people, and
- provide a mechanism for taking action against individuals who behave unethically or corruptly.

Critical to this scheme is placing an obligation on employers to ensure only appropriately qualified individuals are engaged, codes of conduct observed, and appropriate action taken when breaches are identified.

The main employers of sport scientists are national sporting organisations, sporting clubs, the Australian Institute of Sport, state institutes and academies of sport and universities. Sports scientists would also be qualified to work in other health-related sectors such as injury rehabilitation and health promotion. Placing the obligation on employers to ensure only accredited sports scientists are employed involves a co-ordinated approach.

The Australian Institute of Sport is the largest employer of sport scientists in Australia. As it is part of the Australian Sports Commission, the Institute will be expected to only employ sport scientists who meet the appropriate accreditation standards.

State and territory institutes and academies of sport operate under the auspices of state and territory governments. The National Anti-Doping Framework is a non-binding agreement between the Commonwealth and state and territory governments to align domestic anti-doping efforts through a set of agreed principles and identified areas for cooperation. This existing relationship between jurisdictions provides a platform for seeking a unified approach to the employment of accredited sports scientists in all institutes and academies of sport.

The Australian Sports Commission is the body responsible for the provision of Australian Government funds to Australia's national sporting organisations to develop sporting excellence and increase participation in sport. The Australian Sports Commission administers funding to individual sports through 'sport investment agreements'. These agreements underpin collaboration between the organisations by specifying those activities each is required to carry out along with measures of performance.

The Australian Sports Commission reviews the performance of national sporting organisations through the 'annual sport performance review' process. The outcomes of the review process identify themes or critical actions, including Australian Sports Commission support, to enhance the capability of sports. The review model is intended to balance certainty and continuity of funding with the need to achieve accountability for the Government's investment.

The proposed accreditation scheme would fit within these arrangements. National sporting organisations should adopt and observe the *AIS Sports Science Sports Medicine Best Practice Principles*. The employment of accredited sports scientists sits within the first of the Principles and is therefore contained within the terms of each sport investment agreement. The operational detail of such a scheme will be a matter for the Australian Sports Commission as part of its standard review process and national sporting organisation obligations under their individual sport investment agreements. While the Australian Sports Commission will assess whether the accreditation of a sports scientist meets the required standard, the actual process for accreditation will need to be delivered from within the sports sector.

In its report, the Committee referenced the role of Exercise and Sports Science Australia in Australian sport. Exercise and Sports Science Australia is recognised as a peak organisation for exercise and sports scientists and the allied health profession of exercise physiology. Exercise and Sports Science Australia has administered a sport and exercise physiology accreditation system since 1996 and has now developed a tiered system of accreditation for sports scientists based on qualifications, practical experience and proficiency in meeting certain standards.

The standards address the uncertainty about the scope of the profession by defining the practice of sport science. Exercise and Sports Science Australia has also developed a grandfathering arrangement for accrediting experienced sports scientists and arrangements for maintaining accreditation standards over time. Exercise and Sports Science Australia has consulted with sports organisations, Sports Medicine Australia and the Australian Institute of Sport in the development of professional standards for sports scientists.

GOVERNMENT RESPONSE TO RECOMMENDATIONS BY SENATOR DI NATALE

Recommendation 1

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

Recommendation 2

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

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

Senator Di Natale's recommendations 1-3 repeat Committee Recommendations 1-3.

Recommendation 4

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 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. Exercise and Sports Science Australia 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.**

The Government notes the Exercise and Sports Science Australia submission to the Inquiry and its role as a body representing and advocating for university trained exercise and sport science professionals.

Since the completion of the Inquiry, Exercise and Sports Science Australia has developed an industry-based accreditation scheme for sports scientists. On this basis, a separate feasibility study is not required.

Recommendation 5

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'.**

The Government response to the Committee's Recommendation 4 addresses this recommendation.

Recommendation 6

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.

The Government response to the Committee's Recommendation 4 addresses this recommendation.

Recommendation 7

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.

The Government response to the Committee's Recommendation 4 addresses this recommendation.

Recommendation 8

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.

The Australian Sports Anti-Doping Authority has a legislated responsibility to provide education on anti-doping. This education material covers most aspects of anti-doping including general information on health effects:

- the Australian Sports Anti-Doping Authority online course which is freely available
- website
- face to face education services
- outreach stands at sporting events
- *Check your Substances* online with GlobalDRO.

Athletes can access additional resources such as:

- the World Anti-Doping Agency website and associated resources which include a range of toolkits for coaches, teachers, medical staff, and the online course *Athlete Learning Programme about Health and Anti-Doping* (ALPHA);
- a Safe Guarding Integrity website developed by *Play by the Rules* which raises the awareness of drugs in sport, supplements and match fixing at the sub-elite and community level;
- the [Playing Clean website](#) which was developed by Curtin University, and
- the Australian Institute of Sport's Playbook provides athletes with access to the above-mentioned resources.

The Government response to the Committee's Recommendation 3 also provides details of existing resources.

Recommendation 9

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.

The Australian Sports Commission first published *Sports Governance Principles* in 2002 and *Mandatory Sports Governance Principles* in 2013 to promote and guide national sporting organisations to follow best practice governance. These principles were updated in 2012. The *Mandatory Sports Governance Principles* were introduced in 2013 and updated in 2015.

The 23 highest funded national sporting organisations are required to comply with the Commission's *Mandatory Sports Governance Principles* as part of their sports investment agreements. National sporting organisations outside these sports are benchmarked against these Principles. Included in the *Mandatory Sports Governance Principles* is the expectation that national sporting organisations adopt and observe the *AIS Sports Science Sports Medicine Best Practice Principles*.

The Australian Sports Commission monitors the performance of every funded national sporting organisation against the best practice principles through the Annual Sport Performance Review process.

Recommendation 10

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.

The Australian Sports Integrity Network provides a vehicle through which member sporting organisations can work with Government to coordinate responses to sport integrity issues. Network members meet regularly to discuss integrity issues including but not limited to doping, manipulation of results, organised crime connections and illicit drug use.

The Network currently has over 20 members.

The National Integrity of Sport Unit hosts a Network members' website which acts as a resource for stakeholders to access up-to-date information, including integrity tools, education, contacts and research.

In addition, the Jurisdictional Sport Integrity Network and Committee of Australian Sport and Recreation Officials (CASRO) facilitates collaboration between Commonwealth, state and territory governments on sport integrity issues.

Recommendation 11

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.

The Government recognises the important role doctors play in maintaining the health and welfare of athletes. Under the *AIS Sports Science Sports Medicine Best Practice Principles*, national sporting organisations should have:

- a written Supplementation Policy approved by the organisation's Supplements Panel;
- a Medication Policy, approved by the organisation's advising medical practitioner to oversee the use of prescription and over-the-counter medication by athletes, and
- an Injection Policy, which prohibits athletes from self-injecting and individuals other than a medical practitioner administering injections to an athlete.

The Australian Sports Commission's *Mandatory Sports Governance Principles* state Boards should adopt and observe the *AIS Sport Science Sport Medicine Best Practice Principles*. Through the Annual Sports Performance Review, the top 23 funded national sporting organisations are assessed against the *AIS Sport Science Sports Medicine Best Practice Principles* while other sports were benchmarked against these principles.

Sporting organisations have been reinforcing the role of doctors in protecting the welfare of athletes.

If a sporting organisation does not provide a medical officer to support the athletes, the athlete should seek the advice of a qualified medical practitioner.

Recommendation 12

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 Programme.

The AIS *Sports Supplement Framework* builds on the expertise and resources developed during the implementation of the AIS's *Sports Supplement Program* from 2000 to 2013.

The *Sports Supplement Framework* was developed following consultation with key stakeholders in the Australian sports system, particularly via the 2013 AIS Supplement Summit. It provides elements around provision, education, research and governance for Australian sporting organisations to inform the development of appropriate sports supplement programs and guidelines.

The Government response to the Committee's Recommendation 3 notes the range of educational material made available to athletes and support persons since the Inquiry.

Recommendation 13

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.**

The AIS *Sports Supplement Framework* addresses this issue. Whether this information should be made publicly available is a matter for the national sporting organisation.