Play the Game
Concussion Management and Team Doctors:
Legal and Ethical Implications

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Background

- Legal Counsel, Professional Footballers Australia
- Commercial legal practice
- United Nations ICTY
- Professional cricketer, South Australia 2010/11
PLAYER PERSPECTIVE

1. Collective Player Representation Landscape (Cricket Example)
2. The High Performance Context
3. Medical & Wellbeing Considerations
4. Legal Considerations
5. Getting the Right Frameworks in Place
A PRO CRICKETER & COLLECTIVE REPRESENTATION

Country specific representation

Global representation in cricket

Global representation across sports
THE HIGH PERFORMANCE CONTEXT

- **Reality** - player pressures, staff pressures
- **Careers on the line** - & barriers to good decisions
- **Decision makers** - often not objective
MEDICAL & WELLBEING CONSIDERATIONS

- **Athlete wellbeing** - primary consideration v competition integrity

- **Fit for purpose frameworks (e.g for)** -
  - Primary response
  - Diagnosis
  - Treatment
  - In-game v post game (e.g stand out periods)
  - Doctors / independence

- **The cost argument**
SOME LEGAL CONSIDERATIONS

- **Sport specific regulation** - v domestic legal frameworks
- **Duty of care** - sport as a workplace
- **Players' right** - to a safe and secure workplace
- **Learning from the past** - proactive v reactive, inquest / class action
GETTING THE RIGHT FRAMEWORKS IN PLACE

- **Multi-stakeholder** - collaborative approach, player wellbeing central
- **Collective bargaining** - robust, enforceable, agreed outcomes
- **Education & empowerment** - v top down imposition
- **Good science & expertise** - within decision making bodies
- **No fear of innovation** - player safety v commercial benefit