



FEDERATION OF
INTERNATIONAL CRICKETERS' ASSOCIATIONS



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