

13 March 2024

Kate Sanderson  
State Coroner's Registrar  
Coroners Court of Victoria  
65 Kavanagh Street  
Southbank VIC 3006

By email: [cpuresponses@coronerscourt.vic.gov.au](mailto:cpuresponses@coronerscourt.vic.gov.au)

Dear Ms Sanderson

**RE: Coronial investigation into the death of Shane Michael Tuck – COR 2020 003895**

We refer to the findings and recommendations of the Coroner delivered on 11 December 2023 following the inquest into the death of Shane Tuck, and your letter of the same date.

The purpose of this letter is to provide the AFLPA's formal response to the Coroner's recommendations.

The AFLPA is the professional association and advocate for the interests of both current and former AFL and AFLW players. Under the AFL and AFLW Collective Bargaining Agreement 2023-2027, the AFL is required to engage in genuine consultation with the AFLPA on any proposed rule changes that affect our members. In light of this, we have set out below our response to the recommendations relating to the AFLPA and Australian rules football at the elite level.

***Recommendation 1: The AFL consider implementing rules and guidelines that limit the number of contact training sessions in the off season, pre-season and during the season with a view to implementing these amended rules and guidelines by the commencement of the AFL/W 2025 pre-season.***

Based on discussions with the AFL, the AFLPA understands that the AFL is in the process of reviewing data from clubs about contact training sessions and concussions sustained during training. Following this review, the AFLPA anticipates being consulted on the development, implementation and enforcement of any rules or guidelines to limit the number of contact training sessions.

The AFLPA is open to supporting limitations on the number of contact training sessions provided they will make the game safer for our members. As was raised in the AFLPA's closing submissions, there is a risk that limiting contact training may have unintended negative consequences if not appropriately managed. For example, there may be a greater risk of injury in matches if players do not have the opportunity to practise in training how to tackle safely and how to protect themselves when being tackled. The AFLPA does not have a firm view on limiting contact training at this stage but we believe these types of broader risks must be considered before adopting the recommendation.

***Recommendation 2: The AFL implement a rule whereby concussions spotters at elite AFL/W games be empowered to mandate that a player be removed from the field of play for a medical assessment based on their live and/or video review of an incident.***

This recommendation has been implemented following the Coroner's finding. The AFL implemented the recommended rule in its updated 2024 Guidelines for the Management of Sport-Related Concussion – AFL & AFLW published on 6 March 2024, and the AFLPA is supportive of this.

***Recommendation 3: The AFL employ independent medical practitioners to attend all elite AFL/W games to assist club doctors in the assessment of a player for a suspected or actual head injury. Whilst the decision to enter a player into concussion protocols should be a joint decision by the independent medical practitioner and the club doctor, if a situation arises whereby the club doctor and independent medical practitioner cannot agree, the opinion of the independent medical practitioner should prevail.***

Based on discussions with the AFL, the AFLPA understands that the AFL is in the process of considering this recommendation.

The AFLPA supports independent medical practitioners attending all elite AFL/W games to assist club doctors in the assessment of a player for a suspected or actual head injury. The AFLPA's view is that the independent medical practitioner and club doctors should work collaboratively to assess a player. However, if either the independent medical practitioner or club doctor determines that a player should enter into concussion protocols, the player should be required to enter into concussion protocols and not be permitted to return to play. This approach prioritises player health and safety, including in a situation where, for example, the club doctor determines that a player should enter into concussion protocols and the independent medical practitioner disagrees and determines that the player is fit to return to play.

***Recommendation 4: The AFL in consultation with the AFLPA consider how to best improve player awareness and review its current educational material on concussion and repeated head trauma including the risk of CTE to expressly address:***

- a) recognising the acute signs and symptoms of concussion and head trauma;***
- b) responding and managing concussion and head trauma; and***
- c) understanding the short and long-term risks of concussion and repeated head trauma.***

This recommendation has been implemented following the Coroner's finding. The AFLPA and AFL met in December 2023 to discuss a more structured, collaborative approach to player concussion education. In January 2024, the AFLPA reviewed and provided comments on the AFL's proposed presentation materials.

The AFLPA and AFL also organised for Dr Michael Makdissi (AFL Chief Medical Officer) to present the player concussion education session to Accredited Agents on 6 March 2024 and to AFLPA staff on 12 March 2024.

***Recommendation 7: The AFL continue to disseminate and develop evidence-based, and easy to understand education materials for concussion and repetitive head trauma for elite AFL/W and community club doctors, coaches, trainers and other volunteers involved in the Australian football community.***

The AFLPA is supportive of education materials that would assist doctors, coaches, trainers and any personnel who work with players to understand the concussion protocols and the consequences of not complying with them.

***Recommendation 8: The AFL take all reasonable steps to promote and extend the use of mouthguard accelerometer technology in elite AFL/W clubs with a view to extending player uptake to 80% for the 2024 AFL/W season. In doing so, the AFL should consider obtaining specialist advice on overcoming any legal and privacy issues which may prevent the AFL from mandating the use of the mouthguard accelerometer technology in elite AFL/W clubs and using the data for clinical research purposes.***

The AFLPA has been supportive of the AFL's mouthguard research project and has been involved in its development and in communicating to players to encourage participation. However, the AFLPA does not support the AFL mandating the use of the mouthguard accelerometer technology, even if the legal and privacy issues can be overcome with specialist advice. The AFLPA is seeking its own legal advice on whether such issues can be overcome.

As was raised in the AFLPA's closing submissions, given the mouthguards collect health information and research data, players must retain the power to choose whether or not to participate in the gathering of that information and data. In addition, the wearing of the mouthguards impacts player comfort and performance so should only be used based on player preference. Mouthguards are considered a tool of the trade for a player, which, pursuant to player working conditions, means players must be able to choose this equipment (regardless of sponsorships, research and other projects) based on performance and any other factor they consider relevant.

The AFLPA will support the AFL in promoting the use of mouthguard accelerometer technology but will oppose any action which would have the effect of undermining players' freedom to make personal choices about their tools of trade.

***Recommendation 9: The AFL develop and implement standardised neurological baseline testing for all elite AFL/W players. The data obtained from the standardising neurological baseline testing should be linked to the clinical profile of each player and should occur at the beginning of each elite AFL/W season. The data obtained by the AFL should be used to further longitudinal research into player brain health and the impact of repetitive head trauma in the playing of Australian rules football. If a player does not wish for their deidentified data to be used for research purposes, they should be required to opt out.***

The AFLPA supports standardised neurological baseline testing for clinical purposes, provided that it is evidence-based and compliant with privacy laws and player consent.

Based on discussions with the AFL, the AFLPA understands that the research component of this recommendation will be implemented as part of the AFL's proposed Brain Health Initiative (Longitudinal Research Program). The AFLPA considers that the use of player data for research purposes, even if deidentified, must be in accordance with the Australian Code for the Responsible Conduct of Research 2018 and the National Statement on Ethical Conduct in Human Research 2018. The AFLPA will provide input to the AFL once more operational details of the Brain Health Initiative are received.

***Recommendation 10: The AFL should develop educational material aimed at elite AFL/W players on the benefits of neurological baseline testing and the use of the deidentified data for clinical purposes to further longitudinal research into player brain health and repetitive head trauma in the playing of Australian rules football. Any such educational material should be evidence-based, updated with the current scientific research and disseminated with the assistance of the AFLPA.***

Based on discussions with the AFL, the AFLPA understands that such educational material is being developed as part of the AFL's Brain Health Initiative. Once the educational material has been finalised, the AFLPA will implement the Coroner's recommendation to assist with the dissemination to players.

***Recommendation 11: The AFL and AFLPA expedite and improve their communications with AFL/W players (past and present) and encourage them to donate their brains at end of life for further research. That encouragement should include concrete information and education about the risks associated with repetitive head trauma including CTE that is delivered throughout a player's career and beyond.***

This recommendation has been implemented following the Coroner's finding. The AFL Player Handbook, which will be distributed to all AFL players and will be available on the AFLPA website in March 2024, includes the following:

### **Concussion Research and Brain Donation**

*The AFLPA and AFL are committed to ongoing concussion research to improve prevention, detection and management of sports related concussion and improve outcomes for past and present players at all levels of Australian Football. There are currently contrasting and evolving views from medical and sport research groups on the long-term impacts of concussion and repeated head trauma, including CTE. Recent examples of position statements about the risks associated with concussion and repeated head trauma include:*

- [Australian Institute of Sport Concussion and Brain Health Position Statement 2024](#)
- [Concussion in Sport Group Consensus Statement 2022](#)
- [National Institute of Neurological Disorders and Stroke \(a component of the US National Institutes of Health\) statement in 2022](#)

*An important aspect of concussion research are the learnings that can be obtained from brain donation and analysis by brain banks. The AFL is currently developing a longitudinal research program to be launched in the future, which will additionally offer participation in a brain donation program. While this research program is being developed, we continue to encourage past players to consider brain donation.*

*If you are thinking about donating your brain and would like some more information and/or to register your interest in brain donation, please contact:*

- AFL: [concussion@afl.com.au](mailto:concussion@afl.com.au)
- Australian Sports Brain Bank: [SLHD-brainbank@health.nsw.gov.au](mailto:SLHD-brainbank@health.nsw.gov.au) or (02) 9351 0943
- Sydney Brain Bank: [braindonors@neura.edu.au](mailto:braindonors@neura.edu.au) or (02) 9399 1707

The same will be included in the AFLW Player Handbook and Alumni Handbook to be produced and distributed later in the year, in line with usual publication timeframes. Communications including similar wording to the above were also sent to all current AFL and AFLW players and their Accredited Agents via email on 1 March 2024.

As was raised in the AFLPA's closing submissions, the AFLPA has been proactively encouraging members for a number of years to donate their brains after death to Australian brain banks for research purposes. The AFLPA has published information about brain donation with links to the Australian Sports Brain Bank and Sydney Brain Bank in its Alumni Handbooks since 2021, sent multiple email communications to members with this information


and provided this information to members where relevant on an ad hoc basis.

***Recommendation 13: I recommend that the AFL explore with the AFLPA how they may engage the AFLPA in assisting with education and training for players on concussion and the risks associated with repetitive head trauma.***

Please see response to Recommendation 4 above.

Should the Coroner have any questions regarding this letter or require any further information from the AFLPA, please contact me.

Kind regards



**Paul Marsh**

Chief Executive Officer  
AFL Players' Association