



24 May 2021

Ms Rebecca Hudson
Coroner's Registrar
Coroners Court of Victoria
65 Kavanagh Street
Southbank VIC 3006

Dear Ms Hudson

Court Reference: COR 2019 4895

We refer to the Finding Into Death Without Inquest by Coroner Spanos dated letter of 23 February 2021, in relation to the death of Danny Frawley (**Finding**), and your letter of same date.

The Finding made the following recommendation to the AFLPA (Recommendation 2, referred to hereafter as **Coroner's AFLPA Recommendation**):

That the Australian Football League Players' Association actively encourages players and, their legal representatives after their death, to donate their brains to the Australian Sports Brain Bank in order to make a meaningful contribution to research into Chronic Traumatic Encephalopathy and thereby improve the safety of future generations of footballers and others engaged in contact sports.

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

We note Guidelines for Responding to Coroners' Recommendations that were attached to your letter of 23 February 2021, in particular the five categories of response suggested. In the present circumstances, we confirm that Recommendation 2 has, or will be implemented, at least in part, with some alternative elements as set out below.

1. Action taken so far by AFLPA

Discussions with Australian Sports Brain Bank (ASBB)

We have been in discussions with ASBB since prior to the Finding. Following the Coroner's AFLPA Recommendation we met with the ASBB with the purpose of this meeting being to discuss the best way for the AFLPA and ASBB to work together effectively. Those discussions are continuing.

Ad hoc communication to members

Since the Finding was made public, the AFLPA has received various enquiries from its members, seeking to learn more about the process for brain donation. To ensure that our members who are interested in brain donation are able to access reliable information we have:

- Made available the most relevant contact details for ASBB staff in Victoria and New South Wales;

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- provided those members with links to additional information about ASBB, and instructions for registering an information and consent pack to be sent from ASBB; and
- educated our staff who are most likely to receive such enquiries to ensure that they are in a position to provide members with the information referred to above.

2. Ongoing actions with AFL

The AFLPA notes that the Coroner's AFLPA Recommendation is in identical terms (save for the relevant organisation) as a recommendation for AFL. AFLPA is currently working with the AFL to devise a structured and ongoing program of active encouragement of AFL and AFLW players to donate their brains to research by Australian brain banks (**AFL/AFLPA Brain Bank Donation Program**) in an effort to enable a consistent approach to brain donation by former AFL and AFLW footballers.

We note that the Finding refers specifically to the ASBB to the exclusion of other brain banks. While the AFLPA is supportive of ASBB's work and has had fruitful discussions with ASBB and has directed members to ASBB's resources, we believe it is necessary to undertake further investigation into all brain banks, including the accessibility of wellbeing support networks for donors and their next of kin, provided by different brain banks.

The AFLPA and AFL may, as part of the AFL/AFLPA Brain Bank Donation Program, nominate a single brain bank to which players will be encouraged to donate their brains. Alternatively, multiple brain banks may be included in the program.

Communications plan

As a first step, the AFL and AFLPA are currently in discussions with a view to formulating, and then implementing, a communications strategy directed to retiring and retired AFL and AFLW players. This communications strategy will encourage those players to participate in the AFL/AFLPA Brain Bank Donation Program, providing them with information and support in connection with the pledging of brains to brain banks.

As part of this communications strategy, all former players will be encouraged to pledge to donate their brains to research, whether they are suffering cognitive challenges or not. The strategy will be supported by a wellbeing framework which ensures that donors and their next of kin have access to psychological support, either through the relevant brain bank or the AFLPA Mental Health Navigator Service.

We anticipate that the communications strategy will be launched by the end of August 2021.

Continuation of clinical pathway

For several years, the AFLPA has supported and referred players to a clinical pathway facilitated and funded by the AFL, that offers assessment and monitoring to players self-reporting cognitive problems and mental health challenges a program of brain imaging, neuropsychology assessment and medical led cognitive and mental health assessment.



We understand that this program will likely be expanded to include a longitudinal study encompassing a much broader cross-section of players (including AFLW players) over the entirety of their football careers and beyond, connected with an increase in funding recently announced by the AFL. The AFLPA is supportive of expansion into a longitudinal study, and we will continue to work with the relevant AFL representatives on the parameters of any such study including post-mortem examination of brains via brain banks.

The AFLPA will continue to support the program more broadly and will prioritise and actively encourage those currently participating to also participate in the AFL/AFLPA Brain Bank Donation Program.

3. AFLPA future actions

Notwithstanding the efforts the AFLPA is making to work with the AFL to agree AFL/AFLPA Brain Bank Donation Program, the AFLPA is committed to certain future actions in terms of communication to its members regardless of the outcome of agreement with the AFL on that Program. While we expect that these actions will form part of the above-mentioned communications strategy, they will be undertaken by the AFLPA regardless of any joint planning with the AFL.

Each year, the AFLPA publishes a series of handbooks aimed at informing AFLPA members of their rights and obligations in their workplace, and creating awareness among members of benefits, programs and services available to them.

One of these handbooks is targeted at players transitioning from being a current player to being an AFLPA alumni member, and one handbook is targeted at all alumni members. These handbooks will be produced and distributed towards the end of 2021 in line with usual publication timeframe. We will include a section in each handbook which encourages those member groups to donate their brains for research purposes (whether this is the ASBB, another brain bank or brain banks in general), and provides direction on how to find more information.

We will also continue to provide individual members with this information on an ad hoc basis, as we have been.

Please contact me if you have any queries regarding this letter or if there is any further information that would assist.

Yours sincerely,



James Gallagher
General Manager – Legal & Player Affairs

