



24 May 2021

Coroners Court of Victoria
C/- Rebecca Hudson
Coroner's Registrar
65 Kavanagh Street
SOUTHBANK VIC 3006

Dear Ms Hudson,

Court ref: COR 2019 004895

I refer to the Finding into Death Without Inquest by Coroner Spanos dated 23 February 2021 in relation to the investigation of the death of former VFL/AFL player, Danny Frawley (**Finding**).

The Finding included the following recommendation, directed to the AFL (Recommendation 1, referred to hereafter as **Coroner's AFL Recommendation**):

That the Australian Football League 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 AFL's formal response to the Coroner's AFL Recommendation.

In short, the AFL confirms (noting the Guidelines for Responding to Coroners' Recommendation(s) provided to the AFL under cover of your letter dated 23 February 2021) that "An alternative to the Coroner's recommendation has OR will be implemented". In this regard, please note:

1. Action previously undertaken by the AFL

- a. The AFL has previously encouraged former VFL and AFL players to (pledge to) donate their brains to brain banks for research of CTE and/or other neurodegenerative conditions (**Research**), including by making public statements such as those by AFL General Counsel and Executive General Manager of Game Development, Andrew Dillon, in January 2021 as reported [here](#). The AFL has not publicly expressed a preference for such donation by former players to be made to Australian Sports Brain Bank in particular, nor to the several other brain banks as exist in Australia.
- b. The AFL has, on an ad hoc basis, assisted former VFL and AFL players and/or their next of kin, in the donation of their brains to brain banks for Research.

Australian Football League

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2. Alternative action proposed by the AFL

- a. The AFL proposes to undertake, in conjunction with the AFL Players Association (**AFLPA**) a structured and ongoing program of active encouragement of Australian Footballers to donate their brains to research by Australian brain banks (**AFL/AFLPA Brain Bank Donation Program**) as is described further below.

At this point in time, the AFL does not (contrary to the Coroner's AFL Recommendation) agree to the active encouragement of the donation of brains to the Australian Sports Brain Bank to the exclusion of other brain banks in Australia. The AFL has had recent discussions with the Australian Sports Brain Bank and the Sydney Brain Bank and is presently evaluating the arrangements, including research parameters, of both banks (and other brain banks in Australia, noting that regrettably several brain banks have or will shortly cease operation) and accessibility of wellbeing support networks for donors and their next of kin. Ultimately the AFL and the AFLPA may, as part of the AFL/AFLPA Brain Bank Donation Program, nominate a particular brain bank to which players will be encouraged to donate their brains. Alternatively, multiple brain banks may be included in the program.

- b. The AFL/AFLPA Brain Bank Donation Program will be undertaken predominantly via two main streams or actions:
 - i. First, the AFL and AFLPA will formulate and undertake a communications strategy directed to retiring and retired AFL and AFLW players that encourages them to participate in the AFL/AFLPA Brain Bank Donation Program. That communications strategy will provide those players with information and support in connection with their pledging of their 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 - which will, in time, provide better insights into the extent of any issues across the wider playing elite football cohort.

The AFL has undertaken discussions with the AFLPA in relation to the communications strategy and it is the subject of ongoing discussion. The communications 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.

The AFL anticipates that the communications strategy in connection with the AFL/AFLPA Brain Bank Donation Program will be launched prior to the finals of the present AFL Premiership Season (i.e. before the end of August 2021).

Further, the AFL will, in due course, undertake further consideration and discussions with brain banks as to the potential to also encourage male and female Australian Footballers formerly engaged in (non-elite) community football competitions to donate their brains for research in the second stage of the AFL/AFLPA Brain Bank Donation Program.

- ii. Secondly, the AFL has, for the past several years with the support of the AFLPA, facilitated and funded a clinical pathway that offered 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. That program has, to date, been limited to participants that have been triaged for priority treatment.

The AFL recently [announced](#) a significant increase in the funding of concussion and head trauma research that will likely include substantive expansion of that program into longitudinal study encompassing a much broader cross-section of players (including AFLW players) over the entirety of their football careers and beyond.

The AFL and AFLPA will prioritise and actively encourage the present participants in the longitudinal study (including new players, AFL and AFLW that may join in the future) to participate in the AFL/AFLPA Brain Bank Donation Program. Learnings derived from post-mortem examinations of brains in brain banks are exponentially enhanced by data captured prior to the participant's death, particularly so if collected over a life-time and from a broad range of participants.

The AFL recently [announced](#) the appointment of Rachel Elliott, Head of Concussion and Healthcare Governance and Catherine Willmott, Head of Concussion Innovation and Research. Together, Rachel and Catherine will work with AFL Chief Medical Officer Peter Harcourt, AFL Deputy Chief Medical Officer Michael Makdissi and representatives of the AFLPA to formulate the parameters of the longitudinal study including the post-mortem examination of brains via brain banks. The AFL presently anticipates that work will progress substantively in the second half of 2021.

Please contact me on stephen.meade@afl.com.au or 0407 326 995 with any queries in relation to the above. Subject to your views, the AFL will provide the Court with a further update on progress on these matters by, say, 1 November 2021.

Your sincerely



Stephen Meade
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