

## EDITORIAL

**Deborah Healey**

Welcome to another edition of the ANZSLA Journal, the fourth since its inception in 2006.

The year in sport has been no less interesting than previous years, with many significant issues raised in the press, in the courts and in the Court of Arbitration for Sport.

In Australia, two significant reviews have been undertaken. The long awaited Crawford Review reported recently and among other recommendations proposed reconsideration of a number of areas, including the focus of sport funding and initiatives to increase grass roots participation and address health issues in the population. The review of anti-siphoning law, coupled with the introduction of new rules governing digital television, could change how we watch sport and the sports we watch. The continuing focus in the media and parliament on consumption of alcohol and its social effects, and the place in sports sponsorship of producers of alcoholic products, also have the capacity to generate change which might significantly affect sport and its commercial environment.

Further afield, issues as diverse as doping and determining the sex of competitors have made news worldwide.

The nature of the year in sports law is reflected once again in the wide variety of contributions to the Journal. The editors are pleased to note that the Journal is now attracting a good number of high quality articles which are strenuously reviewed for inclusion.

The behaviour of elite athletes has again been at the forefront of media sports focus in Australia and overseas, arguably for good reason given the number of high profile athletes and sports in the news for inappropriate conduct. The ongoing importance of the legal implications of such conduct, and the way it is dealt with by individual sports is the subject of two articles this year. The first is written by Patrick George and deals with issues related to “bringing an athlete/sport into disrepute”. The second, by James Paterson, is a detailed comparison of the approaches to disciplining players in the Australian Football League and in the National Football League in the United States.

In this edition, the Trisley Award winning article from 2008 is of special note. The Award is named after Paul Trisley, a dedicated and inaugural ANZSLA member who was well known as a legal advisor and sporting administrator. The Award is to encourage scholarship in sports law and is made to a person who has

never presented at the Annual ANZSLA Conference, and who, in the opinion of the judges, produces the best paper. The 2008 paper, written by new Zealand solicitor Kiri Hill-Dunne, deals with the complex issue of the place of sport in the law of taxation of charities in New Zealand.

An opinion piece by Braham Dabscheck on the seminal Australian restraint of trade case *Buckley v Tutty* prompts reconsideration of that important doctrine in what is now a different professional age.

The continuing development of tort law across the States and Territories is discussed in the article by Dominic Villa, which indicates that despite sweeping amendments aimed at reducing the costs of litigation in the area of recreational activities, the area is no clearer in the short term.

The area of sporting memorabilia is the subject of a novel article by Geoff Ellwand, who provides an interesting insight into the ownership of sports items hit or otherwise propelled from the field of play in sport.

The reported case, *International Rugby Board v Troy and Australian Rugby Union*, again indicates the breadth of the provisions of the WADA Code and the seriousness of the anti-doping authorities to enforce them. The application of the Code to a local level athlete signifies the care which athletes need to take when dealing with or ingesting substances which might be prohibited under the Code.

Once again thanks go to all the contributors, to the anonymous reviewers for their helpful comments and to the members of the Editorial Board for their assistance.

I trust you will enjoy reading the articles in this edition.

**Sydney**  
**November 2009**