

## **EDITORIAL**

**Deborah Healey**

Welcome to the fifth edition of the ANZSLA Journal. If 2010 could be described as anything other than a World Cup year, it would be the year of the scandal, not just in Australia but worldwide. The scope of behaviour and events which made news in a negative way, and the range of sports involved, were simply breathtaking. From Tiger Woods to the Melbourne Storm, AFL players and naked photographs, anti-gay and racial vilification issues in major codes and match fixing in cricket and rugby league, the stories became more lurid and more highly-publicised as the year went on. Match fixing allegations in a number of sports generated dismay in the sporting public with calls for government intervention to protect the integrity of sports. Sponsorships crumbled as incidents continued to surface. The full impact of innovations such as social networking, Twitter and mobile phone cameras on sports reverberated and required a rethink of a number of aspects of governance.

Significant reviews of law relevant to sport were undertaken in Australia. The Commonwealth Consumer Affairs Advisory Council rejected the idea of national legislation governing ticket on-selling, finding little consumer detriment from current practices in its report to government, despite impassioned submissions from some sports advocating such laws. The Government proposed reforms to the current Anti-Siphoning Scheme following an extensive process of review of sport on television, significantly reducing the length of the current list and introducing increased flexibility. Late in 2010 the Government released terms of reference for a comprehensive review of Australia's communications and media regulation in light of increasing convergence in media platforms. The recommendations of this review clearly have the potential to significantly alter media and content regulation and to impact on the way that broadcast and other media rights are negotiated, sold and used. We look forward to this report in 2011–2012.

The year in sports law is reflected again in the wide ranging Journal contributions.

The first piece by Alan Sullivan QC reminds us of the foundational place of contract in sports law, whether sport is considered at an elite level or in a more humble context.

The Trisley Award winner in 2009 was Alex Campbell, whose article published here considers whether New Zealand athletes should compete against countries in breach of fundamental or non-derogable human rights. The author recognises that breaches of these principles are of serious concern and argues that New Zealand fails in its international responsibilities when competing against athletes from non-compliant countries.

The important issue of sports governance and the significance of the guidelines of the Australian Sports Commission are the subject of detailed analysis in the article by Lloyd Freeburn. He writes in detail about the good governance principles of the Australian Sports Commission and raises a number of questions about their suitability and effectiveness in a number of contexts.

In an interesting approach to a well-known area of law, David Thorpe considers the impact of third party payments in the context of restraint of trade and the NRL salary cap in an article which suggests that their introduction may compromise the legality of the salary cap.

The last article looks at sports corruption, exploring the connection with organised crime and the adequacy of the law to deal with it from a New Zealand perspective in the shadow of the Rugby World Cup.

Two cases complete the content. Both look at the position of other athletes when one of their team is sanctioned for breach of doping rules. The first looks at the position in relation to the Olympics prior to the WADA Code. The second looks at a similar situation under the World Anti-Doping Code, and provides useful analysis of the Code provisions dealing with team members and others.

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

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

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