

## Sports law: a practical guide

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With the increased commercialisation of professional sport and indeed, the increased participation by the community in sport and recreational activities, there is a greater community awareness of sport and the law issues, fuelled no doubt, by the intense media coverage such issues usually attract.

Issues such as:

- athletes' rights at a tribunal hearing;
- the freedom to move from one club to another;
- compensation for injuries; and
- the rights of athletes to market their own image without interference from others

are issues that have recently attracted media interest.

Sport is largely administered by lay people, usually with no professional qualifications relevant to their sport and driven only by a strong desire and commitment to see their sport flourish. These very administrators are generally ignorant of the legal ramifications of unreasonably restraining an athlete or of not giving the athlete a fair hearing before an unbiased tribunal. Certainly, whilst these administrators act with only the best interests of the sport at heart, little attention is paid to the possibility of legal consequences their actions may bring.

Their legal advisers should be able to have reference to a suitable text for immediate guidance to the resolution of a particular issue.

Whilst there is no distinct body of law that can truly be called "sports law", there is a need to put together in one text all those principles of law that can cater for these administrators and their advisers. Even though this might be considered to be an onerous task, reference can be made to the types of issues that have arisen in the past for guidance.

*Sports Law: A Practical Guide*<sup>1</sup> is a text comprising of seven chapters, covering seven topics by seven groups of authors. However, what strikes the reader at first glance of the text is that four of the seven chapters focus on one particular aspect of sport and the law, namely the commercialisation of sport. Whilst these chapters

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1 Fewell, M. (ed), 1995, *Sports Law: A Practical Guide*, Law Book Company, Sydney.

represent a valuable discussion on this important aspect of sport, it is generally felt that this area is very narrow and the text too heavily concentrates on one aspect of the law. This is so especially with regard to the assertion made by the editor that: this book arose as a result of a perceived need for a reference book for students, administrators, managers, athletes, sponsors and lawyers.

Indeed, the editor does admit the: subjects covered were chosen first out of my selfishness as the areas in which I was interested ...

It is felt that if this text was to be used as a reference book for students and others, its value would have been very much enhanced had the text given coverage to a greater range of subject matter rather than focus on such a specialised area as it has.

This is not to detract from the quality of the topics covered. The material presented is both interesting and informative. The text provides a selection of topics which are very relevant in modern sport and its commercialisation. As an example, the fourth chapter deals with the negotiation and sale of television rights. The sale of exclusive rights to a sporting event is now considered to be an important source of income to a sports governing body; indeed, the telecast of live sport represents a significant part of a network's programming. The chapter gives an excellent account of all the relevant issues and provides the practitioner with an insight into the pitfalls that may befall the unwary.

Its only drawback is that it pays insufficient attention to the legality of the exclusive agreement between the two parties. It is now clear that the subject matter of such an agreement is "exclusivity" of broadcast and as such, may offend the provisions of the *Trade Practices Act 1974* (Cwlth). For the sake of completeness in a chapter dealing with the sale of television rights, this aspect of the subject matter ought to have been given some treatment.

The text has practical uses. For the busy practitioner, it contains sample agreements and clauses that would be most beneficial: for the student interested in further research in a selected topic, it contains a comprehensive bibliography that will at least be a starting point for such research.

The text cannot, however, be considered "an all embracing" sport and the law text that can cater for students embarking on such a course. It lacks the range of subject matter for it to be truly classified as such. "Core" or "grass roots" topics such as natural justice, restraint of trade and contract law issues, to name a few, ought to have been covered for it to be given that classification.

Whilst the size of the text would have markedly increased to accommodate these topics, a more selective approach as to the original contents together with some refinement as to length would have ensured that the text would remain of reasonable size and price.