

# **A HISTORY OF SPORT AND LAW IN AUSTRALIA**

**J. Neville Turner**  
**Monash University**

To talk of a discrete history of the law of sport is misleading. The law is ever-present, and has governed every type of activity and organization that has taken place in Australia since colonization. Sporting activity has never been immune from law. Nor has there ever been a distinct law of sport.

Nevertheless, perception of the law of sport as a special area worthy of scholarly and sociological analysis has emerged only in recent years. Similarly, a body of case law in the higher courts resolving a variety of legal issues involving sport is a late development. Moreover, specific legislation relating to sport has only recently become common.

And yet, a cursory look at the sporting pages of any newspaper, in any period of Australian history, would readily demonstrate that legal issues and disputes have featured prominently in the social history of sport. Today, there is more law on the sporting pages of a newspaper than in any other part. But incidents tend not to lead to reported litigation. They are ultimately settled, or if they result in litigation, the cases are heard in minor courts, and thus lost to law libraries and legal history. Much research is required into the vast corpus of newspaper reports that comprise an invaluable source of local incidents that form part of the history of sports law.

This article will rather deal with legislation and case law that establishes judicial precedent and thus is a primary source of law.

## **Liability for Injuries**

An area of increasing importance is the liability of sporting organisers for injuries to spectators. As early as 1938, a case came before the South Australian Supreme Court involving an injury sustained to a rider. The common law has tended to draw artificial distinctions between different categories of 'visitors'. Thus, an

'invitee' was one who came on to premises in some kind of a 'business capacity'. In a 1938 case it was held that the rider was to be classified as an invitee, and thus entitled to a higher standard of care than if he had been there simply by permission.<sup>1</sup>

An even higher duty is owed to a person who comes to premises in pursuance of a contract. This is the usual position of a spectator at an organised sporting event. A contract need not be in writing. It may be established simply by virtue of the payment of the entrance fee. In a 1984 New South Wales case, a contract between the Rugby League and a corporation was held to entitle a player in the League to sue for an injury sustained because of a sprinkler that had been negligently left on the ground while the player was training.<sup>2</sup>

A thorny question is the extent to which a sporting promoter or the owner of premises used for a sporting encounter can avoid liability by expressly stating that the spectator 'enters at his own risk'. Fortunately, in Australia, there has never been a tragedy comparable to the Bradford City fire or the Hillsborough disaster that took place on English soccer grounds. On both these tragic occasions, many spectators lost their lives. It would have been monstrous if grossly negligent misconduct or neglectful omissions in such situations could have been exculpated by the mere existence of such a warning. That is what was decided in a 1961 case by the High Court of Australia, the highest court of this country. The case involved an accident at the Bathurst Motor Race Course. A spectator who was watching car racing for the first time in his life was seriously injured by a car that ran out of control. Even though it was argued that this was a common risk associated with the attendance at motor car races, the organisers were held liable.<sup>3</sup>

Nevertheless the law does not provide a remedy for every spectator who is injured. Organisers are not required to ensure the safety of all spectators. The law has been gradually moving to a position where only those dangers that were reasonably foreseeable and should have been guarded against give rise to legal liability to spectators, regardless of their category. Indeed, Victoria, in 1983, abolished the categories of 'visitor', and enacted a system of liability based on a 'common duty of care'.<sup>4</sup>

Likewise, the courts have been concerned with cases involving injuries to players in the course of a game or sport. Spectacular and controversial cases in recent years have concerned the potential for criminal charges to be laid against players. In 1985, a controversial case in Victoria involving the famous Hawthorn Australian Rules footballer Leigh Matthews, brought to the attention of the public the possibility of police action. Mr. Matthews was charged with criminal assault for an attack 'off-the-ball' on another professional Australian Rules player. He was fined \$1,000, but on appeal, the fine was substantially reduced. As was predictable, the case raised an outburst of fury from sportsmen and administrators. It was argued that the law should have nothing to do with sport, and that the problem of violence on the sporting field could and should be left to sporting tribunals. But such criminal prosecutions had taken place for over one hundred years. Several English decisions, including a 1878 soccer case, where a player was charged with manslaughter after killing his opponent by a foul tackle provided precedents.<sup>5</sup> The continued existence of unwarranted violence on the fields of play in several contact sports and its deleterious effect on young spectators, seems to justify - indeed, demand - prosecution and punishment of offending participants.

A less controversial, indeed incontrovertible, incursion by the law into the world of sport has been the increase of civil actions for injuries sustained in sport. An assault can be both a crime and a civil wrong. It would surely be a monstrous lacuna in the law if it failed to provide a remedy to a sportsman who lost his livelihood as a result of blatantly foul play by an opponent. Indeed those sportsmen who avow a 'lack of interference' by the law might well revise their attitude if no remedy were available to them in the event of their becoming incapacitated.

It was not until 1967 that the law was unequivocally laid down in a case in the High Court of Australia.<sup>6</sup> This case finally laid to rest false notions that participation in a game or sport amounts *per se* to running the risk of being injured, or that the sporting arena is somehow exempt from the ordinary legal processes. The case involved a water-skier, who was injured while being towed by a driver. The driver failed to warn the skier of the presence of a boat in

the natural course of the skier. The skier collided with the boat. He successfully sued the driver. It was held that the driver owed a duty of care to the skier. He had breached that duty of care by failing to give a warning signal to the skier. The High Court made short shrift of the argument that the plaintiff had assumed the risk of injury by participation.

There have been many subsequent cases, both in Australia and in England where one participant has sued another, either on negligence or for the tort of assault. One such instance was an Australian Rules Football case, decided in the Supreme Court of the Australian Capital Territory.<sup>7</sup> The defendant in that case had injured the plaintiff by a foul tackle after the plaintiff had released the ball. The judge found, on the evidence, that the blow was intentional, and was contrary to the rules of the game. Although the rules of the game are not determinative of liability, in this case the judge readily found that the plaintiff could not have been considered to consent to the infliction of injury in this manner. A similar case is *Wilhams v Wills* (1977).<sup>8</sup>

These cases establish precedents for the liability of a participant who flagrantly breaks the rules of a game. The extent to which a breach of the rules will be actionable, however, remains problematical. Not every inadvertent breach will give rise to action. It may be that some element of intention or recklessness is necessary. But, probably, a merely negligent breach of a rule whose primary object is to protect a player from injury will give rise to action. Each case depends on its own facts.

The potential for liability, however, extends beyond the participants themselves. For it is well established law that employers are vicariously liable for the torts of their employer. On this basis, a club would be liable for the wrong-doings of its professional players. Likewise, a school would be liable for the torts of its teachers/coaches. Similarly, if the school were a State one, the Education Department would be liable.

It was on this basis that in 1987 a schoolboy in New South Wales was able to sue the Department of Education when he was paralysed as a result of an injury received when playing school rugby. The teacher/coach had placed him in the scrum despite the fact that he

had a long neck. The NSW Education Department had failed to circulate a medical report which had unequivocally pointed to the danger to long-necked players of playing in the strum. It was held that the boy, who was rendered a paraplegic, was entitled to \$2 million damages from this Department.<sup>9</sup>

The potential liability for exorbitant amounts of damages may have caused some Australian schools to reconsider their attitudes to sport. It may be that there has been an over-reaction. Certain schools have curtailed or even abandoned organised sport. It would be unfortunate if this were the consequence of the publicity attached to cases such as this. On the other hand, the case emphasises the need for eternal vigilance on the part of teachers and coaches, and perhaps may lead to an appraisal of the desirability of requiring children to play dangerous, body-contact sports.

It is also clear that a coach can be liable for encouraging violent play. This is particularly likely when the coach is in charge of children. For, in a sense, the children are the instrumentality of the coach. In 1985 a rugby coach at a college developed a dangerous strategy, known as the 'flying wedge'. He instructed his players in this manoeuvre which was quite contrary to the rules of the game. As a result, the plaintiff was speared to the ground, injured, and became paralysed. The college was held vicariously liable for the coach's gross negligence.<sup>10</sup>

Apart from coaches and teachers, there is a general responsibility on all those who play a part in the organisation and oversight of a sport or game to act in accordance with ordinary prudence. They are seen to owe a duty of care to those who they can reasonably foresee would be damaged by their failure to act reasonably. So it may be possible for a player to sue a referee or umpire who wrongly allows play to take place when the pitch is unfit, or to sue a groundsman for inadequately preparing the surface.

In one Victorian case in 1970 a resident was able to sue a Shire Council for permitting a golf course to be marked out so near to her property that she was endangered by the number of golf balls hit on to her land.<sup>11</sup> In this case, the action was for the tort of Nuisance. Again the principle involved is one of reasonableness. There must be a degree of give-and-take in the acceptance of sporting activity in a

neighbourhood. On the other hand, excessive interference with the quiet enjoyment of one's property is actionable.

An amusing variation on the nuisance theme took place in a landmark case that reached the High Court of Australia in 1937. In this case it was the sporting organisations that complained of the nuisance.<sup>12</sup> It took the form of the defendant, who lived next to a racecourse, erecting a platform from which spectators could see over the Racing Club's fences, and thus avoid the necessity for paying for admission to the ground. The High Court of Australia refused the club a remedy. It was held that there was no 'right of privacy' in Australian Law that entitled the club to claim protection. There was, however, a vigorous dissent from one of the judges, Evatt J., and it may be that the case would be decided differently today.

Sporting activity sometimes takes place - indeed, may well be encouraged - at work, during a lunch break for those in the course of a day's work. Some firms and companies may even provide sporting and recreational facilities, and exhort their employees to use them so as to maintain maximum health and fitness. In some cases, employees have suffered injury during these exertions. There have been several actions brought for workers' compensation in these circumstances. In 1962, in a High Court case, it was held that an employee injured while playing cricket on the premises of his employers, during the lunch-break, was acting in the course of his employment.<sup>13</sup> And in 1979 it was held that a Customs Officer playing football for his department was injured 'in the course of his employment,' even though the game did not take place on the Department's premises.<sup>14</sup>

## **Defamation**

Another tort in which sporting personalities have occasionally featured is that of defamation - divisible into libel, if in permanent form, and slander, if temporary or transient. In 1958, Bobby Simpson, the former Australian Test cricketer, insinuated that Ian Meckiff, a left-arm fast bowler, threw rather than bowled. Mr Meckiff sued Mr Simpson in the Victorian Supreme Court.

In 1980, a well-known Rugby League player, Les Boyd, sued the Sydney newspaper, *The Daily Mirror*, which published an article

accusing Mr Boyd of being 'slow, fat and unpredictable'. This case was heard in the New South Wales Supreme Court, before a judge and jury. The jury decided that those words did lower the reputation of Mr Boyd, and awarded him substantial damages.<sup>15</sup>

Not all adverse comment on a sports person, however, is actionable. There are several defences to an action in defamation. 'Truth' may be a defence, in some States. 'Fair comment' on a matter of public interest operates as a defence. And there are some occasions where the situation demands absolute frankness, and communications are 'privileged' - that is to say, the contents are confidential and not amendable to an action in defamation unless made maliciously. An excellent example of 'qualified privilege' is in the giving of references. One interesting case reached the New South Wales Court in 1984. A newspaper published an article suggesting that Rugby League trainers in the State of New South Wales were requiring their players to undergo excessively vigorous and cruel methods of training. It was held that the public was entitled to be told of these tendencies, and thus the article was 'privileged'.<sup>16</sup>

In another New South Wales case the Aboriginal tennis player, Evonne Cawley, nee Goolagong, sued the journal, *The Bulletin*, for publishing a poem suggesting that she had betrayed the Aboriginal cause.<sup>17</sup> This was held to be defamatory. It was held that the defence of 'fair comment' failed. The article was not a fair critique of Mrs Cawley's playing ability, but constituted a personal attack on her.

After politicians, sporting personalities probably constitute the group of persons most frequently defamed - or, at least, most frequently willing to litigate their case in courts. Sporting personalities in Australia are a class particularly vulnerable to attack. In a spectacular case, which was one of the last Australian cases to be decided by the Judicial Committee of the Privy Council in London, the West Indian cricket captain, Clive Lloyd, sued a Melbourne newspaper, *The Age*, for publishing an article that suggested that the West Indian team had deliberately lost a one-day match.<sup>18</sup> The West Indies, Pakistan and Australia were playing a Triangular World Series Tournament in the 1981-1982 season. West Indies had already qualified for the Finals, but Australia would have failed to do so had they not beaten the West Indies in the last match of the preliminary

rounds. The West Indies unexpectedly lost a close encounter with Australia. *The Age* newspaper suggested that the match had been 'rigged,' for commercial purposes, since the organisers had desperately wanted Australia to reach the Finals.

The jury, at first instance, awarded Mr Lloyd \$100,000 damages, and although the New South Wales Court of Appeal allowed an appeal, the original decision was restored by the Privy Council.

### **Discipline and Natural Justice**

A branch of law which has assumed great importance in sporting circles is that known as 'Administrative Law'. Actually, this broad concept covers a multitude of issues, but it impinges on sport wherever a non-judicial body (i.e. not a court of law), is called upon to make a decision affecting a sports person. The number of formal tribunals which may adjudicate upon a sports person's conduct or performance is quite large - e.g. Harness and Trotting Boards, Australian Football League Tribunals. In addition, sporting clubs themselves may establish informal tribunals that have considerable adjudicatory powers. For instance, a golf club may appoint a committee to oversee applications for membership. The committee may refuse an application on allegedly racist or sexist grounds; or a committee may decide to expel a member of a club; or a disciplinary committee of a club may decide to fine, suspend or otherwise punish a player, with adverse financial or social consequences for him or her.

The general principle in all these and like instances is that it behoves any adjudicatory body sitting in judgement to act in accordance with the principles of natural justice. This concept, however, is flexible. It varies from tribunal to tribunal. It may vary according to the exigency of the particular circumstances and the need for an urgent resolution. It is, thus clear that not all tribunals are required to provide all the procedural safeguards that would be appropriate to a court of law.

As early as 1880, it was held that a Court of Law may review the decisions of committees of sporting associations. In that year a

member was expelled from a club without having full opportunity to state his case. It was held that this decision, which had grave social consequences for the member, was challengeable in the courts.<sup>19</sup> Even if the rules of the club purported to exclude the jurisdiction of courts, such exclusions would be void. In a New South Wales case of 1979 an owner of a horse was excluded by stewards from running horses, without having any opportunity to present his case.<sup>20</sup> It was agreed that the stewards had acted improperly, and the owner brought an internal appeal under the rules of the club. The appeal was dismissed. It was ultimately held that although the courts had power to review the decision, in this case, the original defect had been cured by a full and proper hearing at the internal appeal. This Privy Council decision seems to encourage disenchanted sports persons to exhaust all internal procedures before resorting to the drastic action of seeking a court review. The case certainly states that the safeguards to be followed in an internal hearing need not necessarily be as stringent as those in a court of law.

A decision by a sporting tribunal may be also challenged on the basis that its own rules were not followed. An interesting instance of this is a New South Wales case in 1985. A member of the Modified Sprint Car Association assaulted another person at a race meeting. The assault took place away from the car pits. The rules proscribed an assault which took place 'on the speedway track'. The disciplinary committee construed this to refer to an assault anywhere within the arena, but the court held that this liberal interpretation was erroneous. The words should be construed strictly, and did not refer to an assault well away from the pits.<sup>21</sup>

Several Australian cases have sought to determine what are the constituents of natural justice, as applied to sporting tribunals. Certainly, it is necessary that an alleged offender should be notified clearly, and thus have the opportunity to refute a charge. It has been argued that 'natural justice' requires that legal representation should be, if not provided, certainly permitted. However in a 1975 case involving a New South Wales soccer club it was held that there was no such right.<sup>22</sup> Nevertheless, the position may be different where the charge is very serious, or where the accused's livelihood is at stake. A case in point is a 1981 Victorian decision where a young, inarticulate

jockey appearing before the Greyhound Racing Control Board of Victoria had been denied representation. The judge found that this was a denial of natural justice.<sup>23</sup> Moreover, it has been held in a 1977 case in New South Wales that even on an admission of guilt, natural justice requires that the accused person be permitted to make representations in mitigation of the offence.<sup>24</sup>

There have been a few Australian sporting cases which illustrate that natural justice is breached when the tribunal is biased. Thus, in a 1973 case it was held that the presence of the Manager of the Board, who was neither a witness nor a tribunal member, might have given rise to the inference that he was there to exert improper influence on the tribunal.<sup>25</sup> On the other hand, in a 1985 Australian Rules Football case it was held that the presence of two executive officers of the then Victorian Football League did not invalidate the tribunal's decision in a matter involving the footballer, Krakouer.<sup>26</sup>

## **Contracts**

A great deal of sporting law has been made in recent years in the area of contract law. Sporting bodies must necessarily enter into many commercial contracts of an ordinary business nature. Some considerable difficulties arise if there is a breach of contract and the sporting body is not an incorporated association. It may be difficult to know who is liable to be sued. Such a case in 1970 involved the Carlton and Fitzroy Australian Rules Football Clubs where Carlton was left without a remedy when Fitzroy Football Club negotiated with the St Kilda Club to use the Junction Oval, in breach of an agreement made with the Carlton Club. Carlton Club was left without a remedy because of its inability to find someone to sue.<sup>27</sup> In other cases, however, the committee members or sometimes the whole membership of the club have been held liable.

It is hoped that such difficulties will be minimized by the increasing tendency of sporting clubs to incorporate. A cheap and simple machinery under the Associations Incorporation Acts of every State is now available and is being increasingly used by sporting clubs.

Much litigation has been engendered in recent years by contracts which are *sui generis* to sport. The rapid increase in sponsorship contracts is a good example. The jurisdiction of the Trade Practices Act 1974 may well be involved, so that such a contract may be adjudged void if it is not regarded as being in the public interest. Particularly vulnerable to challenge have been sponsorship contracts with cigarette and liquor companies. The moral issues involved in using sport to advertise a product that has been officially condemned as damaging to health are manifest. Even when such a contract is validly formed, it may be the subject of challenge and investigation under some statutory provision. Thus, a complex case initially decided before the Australian Broadcasting Tribunal, involving cigarette advertisements on Football grounds the subject of television broadcasts, reached the Federal Court of Australia in 1985. Fox J. decided in short that signs on the grounds did not constitute direct advertisements, and therefore did not constitute a breach of the Act.<sup>28</sup>

Several cases have come before the courts involving employment contracts between clubs and professional players. Tension necessarily exists between the two. A club will rush to hold on to the exclusive services of a good player. The player may wish to pursue his or her own best financial advantage, which may well mean transferring to a wealthier or more prestigious club.

Contracts used to be regarded as sacrosanct and invariable. Hardly ever were they the subject of scrutiny. The nineteenth century prevailing philosophy of *laissez-faire* suggested that a contract freely entered into could not be broken with impunity. But this pure doctrine has been totally exploded in this century, with the rise of standard form contracts between parties of completely unequal bargaining power. Today, both legislation and court decisions give a lie to the notion that unfair contracts are nevertheless always binding on their parties if entered into without duress.

In one area of contract law, indeed, sporting cases led to new appraisals. That is the law relating to contracts in restraint of trade. 'Trade' has been interpreted widely to include professional sport. Since the seventeenth century, it has been accepted that courts do have power to declare a restraint void, if it is unreasonable. Until recently,

most restraints had involved either a vendor and purchaser of a business, or an employer and employee. The restraint had usually been declared void if it was too wide, in scope, in time or in place, to be reasonable; but in a landmark case in 1971 the High Court of Australia found that the New South Wales Rugby League's retain and transfer system constituted an unreasonable restraint on players.<sup>29</sup> While some restraint would be reasonable, the system was unduly restrictive on the players, in that it enabled a club to place an unreasonably high transfer fee on a player, and thus prevent him from being purchased by another club.

The 1978 English case, *Greig v Insole*<sup>30</sup> actually involved a private Australian promoter of cricket, Mr Kerry Packer. He sought to break the monopoly on English cricketers' services enjoyed by the English County Cricket Clubs. By inducing Mr Tony Greig and other English cricketers to break those contracts, he forced the Test and County Cricket Board to take the players to court, so as to test the validity of those contracts. It was held that the clauses in the contracts preventing the players from playing cricket otherwise than as authorized by the TCCB were unreasonable restraints. A similar Australian case was *Parish v World Series Cricket* (1978).<sup>31</sup>

These cases had the effect of permitting a private promoter to 'poach' a large number of players, and thus devalue first class cricket in Australia. The Australian Cricket Board was forced to reach a compromise with Mr Packer's organisation, and to redraft contracts more in favour of the players. Nevertheless, the validity of those more liberal contracts was challenged in 1985, when a group of players led by the former Australian cricket captain, Kim Hughes, signed contracts to play in South Africa. These contracts were clearly in breach of the players' existing contracts with the Australian Cricket Board, and the Board had no option but to sue the players for an injunction restraining them from playing in South Africa. It should be noted that it is well-established law that the Board had no power to seek an order of specific performance of these contracts, so as to require the players to observe them. For such an order would amount to an acquiescence in a system of slave labour! The Board settled the case, probably to avoid ruinous litigation costs, and the players went to South Africa. Although one of the terms of the settlement was that

all players consented to a declaration that the Australian Cricket Board's contracts with the players were valid and enforceable, it is difficult to avoid the suspicion that the Board was apprehensive that certain clauses of the contract would be declared by the Court to be unreasonable restraints.

On his return from South Africa, Kim Hughes later brought a successful action against the Western Australian Cricket Association - which sought to debar him from playing District cricket in Western Australia.<sup>32</sup> Hughes won on several counts, including the application of the Trade Practices Act 1974. Essentially, it was held that the disqualification was an unreasonable restraint on the player.

In Australian Rules Football, too, there have been further developments. In 1983, the footballer, Sylvio Foschini, won an important case in the Victorian Supreme Court when he was required to move from his home town of Melbourne to Sydney, his club, South Melbourne, having been transmogrified into the Sydney Swans.<sup>33</sup> Another Melbourne Club, St Kilda, offered Mr Foschini a position, but the Sydney Swans would not release him. Crockett J in the Supreme Court of Victoria found that the VFL procedures and practices, even though they allowed the player a right of appeal from the Club's decision to an Appeal Board, were unsatisfactory and constituted a restraint.

The success of players in these and other cases may have encouraged other players to view contracts as documents not worth the paper on which they were written, and able to be broken with impunity. However two 1987 cases in the Victorian Supreme Court, both involving Hawthorn Australian Rules Football Club, disabused them at that notion. Both Gary Buckenara and his colleague, Harding, failed in their attempts to break their existing contracts with Hawthorn and, no doubt, accept higher terms from other clubs. The Victorian Supreme Court in *Harding v Hawthorn Football Club* (unreported) and *Buckenara v Hawthorn Football Club* (unreported) found in both cases the contracts were reasonable. Although, for the reason given above, the Court could not specifically enforce the contracts it did order injunctions, in effect restraining the players from pursuing their careers as footballers in the Victorian Football League with any club other than Hawthorn. These 'negative orders' had the effect of

persuading the players to turn out for Hawthorn, after all. And, as it happened, Mr Buckenara scored an all-important goal in the Preliminary Final in that year, that put Hawthorn into the Grand Final.

## Conclusion

The above areas are perhaps those where sporting law has most obviously developed in the recent past, but there are other areas of sport where the law is making its presence very much felt. So important is sports law, that several firms of solicitors have taken to engaging lawyers exclusively working in sports law. Several universities and other tertiary institutions have developed courses in Sport and the Law, or in Sports Management, with legal content.

It must be clear to all involved in sports management, from the most prestigious professional clubs to the humblest local Bowling or Tennis Clubs, that acquaintance with areas of law such as Town Planning, Insurance, Incorporation, Sex Discrimination and Safety of Premises, is essential knowledge. As was previously said, there is more law to be found in today's newspapers in the sporting columns than on any other pages.

## NOTES

1. *Watson v South Australian Trotting Club Inc.* (1938), SASR 94.
2. *Nowak v Waverley Municipal Council* (1984), *Australian Torts Reports*, 80-200.
3. *Australian Racing Drivers Club Ltd. v Metcalf* (1961), 106 CLR 177.
4. *Occupiers Liability Act* (Victoria) 1983.
5. *Regina v Bradshaw* (1878), 24 Cox C.C. 83.
6. *Rookes v Skelton* (1967), 116 CLR 383.
7. *McNamara v Duncan* (1971). 21 ALR 584.
8. 74 *Law Society of South Australia Reports* 450.
9. *McHale v Watson* (1987), *NSW Supreme Court*.
10. *O'Brien v Mitchell College of Advanced Education*, unreported [New South Wales Supreme Court].
11. *Lester-Travers v Frankston* (1970), VR 2.
12. *Victoria Park Racing v Taylor* (1937). 58 CLR 479.
13. *Commonwealth v Oliver* (1982), 107 CLR 353.
14. *Commonwealth v Lyon* (1979). 24 ALR 300.

15. *Boyd v Mirror Newspaper Ltd.* (1980), 2 NSW LR 449.
16. *Austin v Mirror Newspapers* (1984), 2 NWLR 383.
17. *Cawley v A.C.P.* (1981), 1 NSWLR 225.
18. *Lloyd v David Syme & Co. Ltd.* (1985), 60 ALJR 10.
19. *Savill v Committee of the South Australia Jockey Club* (1880), 14 SALR 22.
20. *Calvin v Curr* (1979), 1 NSW 3.
21. *Rush v Modified Sprint Car Association of New South Wales* (1985), unreported Supreme Court of New South Wales, mentioned in G.M. Kelly, *Sport and the Law* (Sydney: Law Book Co. Ltd 1987) p. 72.
22. *McNab v Auburn Soccer Sports Club Ltd.* (1975), 1 NSWLR 54.
23. *Freedman v Petty* (1981), VR 1001.
24. *Hall v NSW Trotting Club Ltd.* (1977) NSWLR 378.
25. *Stollery v The Greyhound Racing Control Board* (1972), 128 CLR 509.
26. *Krakouer v Croxford, Supreme Court of Victoria, unreported* (9 April 1985).
27. *Carlton Cricket and Football Social Club v Joseph* (1971). VR 487.
28. *Benson and Hedges Company v Australian Broadcasting Tribunal* (1985), 58 ALR 675.
29. *Buckley v Tutty* (1971) 125 CLR 353.
30. (1978), ALL E.R. 449.
31. Unreported, Supreme Court of New South Wales.
32. *Hughes v W.A. Cricket Association* (1987), unreported, Supreme Court of Western Australia.
33. *Foschini v Victorian Football League* (1983), unreported, Supreme Court or Victoria.