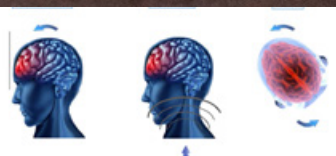


# touchline

ISSUE 16 | SEPTEMBER 2013



## CONCUSSION DANGER

Touchline investigates the hidden effects of concussion and the deadly danger it presents.



## SIZE DOES MATTER

Failure to consider on-field physical mismatches can cost you big time.



## BUTTIFANT INTERVIEW

An interview with a world leader in sports science covering altitude training, supplements and preparing elite athletes.



## NEW ZEALAND FOCUS

A look at the home of extreme sports, and 'The Original' All Blacks.

# GREAT SPORTS PHOTO COMPETITION WINNERS ANNOUNCED!

## THE WINNERS!

The winners of the Touchline 2013 Photo Competition have been announced.

It was a very tough competition to judge, as you can see from the quality of the top three place getters, however the judges were finally able to determine the three winners after a long deliberation.

In first place is **Ken Roche**, who wins AUD \$500 for his photo shown on the front cover of this issue. A great shot, and a worthy winner, we're sure you'll agree.

Second place went to **James Worsfold**, with his fantastic photo of the swimmer. James wins himself AUD \$350.

Third place goes to **Kevin Olsen** with his action photo of the surfer, which certainly looks like it would be a difficult shot to take! Kevin wins AUD \$150.

Thanks to all entrants and winners. Keep your cameras handy and keep taking those great sports shots ready for our next competition.



# WHAT MAKES A SPORTS STAR INTO A LEGEND?



I love X-Factor. There, I have said it! I'm outed!

I was watching the Australian X-Factor finals a few weeks ago - it was the week of pop and rock legends - which meant that all of the contestants had to sing songs from music legends. There were songs from The Beatles, Rolling Stones, MJ etc.....and Rihanna. That prompted one judge to question whether Rihanna was a music legend and a slightly heated (by X-Factor standards) debate took place without a conclusion being reached.

That prompted me to think about the labels that we put on our sports heroes. When does a sports star become a legend, and are we diminishing the real sports legends by attaching that label to just too many of those who, whilst no doubt great sportspeople and athletes, are, in fact just that?

Several articles in this edition of Touchline refer to some of sports 'legends'. So what is a legend?

There are probably a whole list of names that we can reel off where there would be little dispute about whether or not they are sport legends. Superstars past and present such as Sir Donald Bradman, Pele, Michael Schumacher, Usain Bolt, Sir Bobby Moore, Babe Ruth, Sir Jack Brabham, Tiger Woods, Muhammad Ali and Michael Jordan, to name but a few. There are also legendary teams, such as the current World and European championship winning Spanish football team, the West Indies cricket team of the 80's followed by the all conquering Australian team that dominated the first decade of this millennium, many of the New Zealand All Blacks and New York Yankees teams throughout history, Busby's Babes and the Real Madrid Galácticos . The list goes on.

However, there are also a host of other great sports people and athletes that are often referred to as legends that, in fact, will not necessarily be remembered in a few years time except by a few die-hard fans. I would venture to say that the real test of whether a sporting star is a legend is how well they are remembered by a sizeable proportion of people some time after they are no longer competing.

It is a fact that most of the current sports stars will not make legendary status on this basis.

However, spare a thought for those athletes or teams who achieve incredible success, yet because their sport is not one of the most popular, they fail to gain the wholesale recognition that affords them legendary status. Sports people such as five times world hockey player of the year, Jamie Dwyer, and Jahangir Khan, who was unbeaten in competitive squash from 1981 to 1986. These are legends in their field of sport.

But Rihanna.....not in my book.

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Zorbing

# NEW ZEALAND: THE HOME OF EXTREME SPORTS

BY TIMOTHY MOTTRAM

**E**xtrême sports continue to ratchet up in popularity around the world, but New Zealand has always been at their forefront. Whether you wish to plunge, fall, bounce or spurt, New Zealand will find a way to make your eyeballs pop and your adrenaline spike.

There are a few reasons why New Zealand is the hub of world extreme sports. The climate is temperate so you can actually be outside without fear of death by freezing, yet it is cold enough that there is access to the ice and snow that facilitate going fast.

The country is not densely populated, meaning that you can get away from urban centres easily, and out into the countryside.

For this is the primary reason for New Zealand's extreme sport culture. This Pacific island group seems to have been allotted an unfair amount of beauty, as sweeping mountains give way to lush and secret valleys. Lying on the edge of a tectonic plate might have the disadvantage of leading to the odd earthquake, but the pay off is ever growing mountains and thermal springs.

Then there is the X factor, which is the New Zealand character. Normally a friendly and laid back sort, some fire lights behind a Kiwi's eye when presented with a steep drop or boiling rapid. Perhaps it is the Maori heritage, or maybe the pioneer spirit of the white settlers: but there is something wild in the New Zealand soul, something which compels them to push the boundaries.



*Normally a friendly and laid back sort, some fire lights behind a Kiwi's eye when presented with a steep drop or boiling rapid. "*



Zorbing involves rolling down a hill inside a giant ball

This month in Touchline we would like to share some of the top extreme sports in New Zealand: many long established, some in their infancy. Given New Zealand's strict safety codes, these are safe sports: but they certainly don't feel that way when you are jumping from a bridge, cliff or helicopter.

**Bungee Jumping:** This is the granddaddy of new generation extreme sports. It was actually here in New Zealand, on the shores of Lake Wakatipu that the first commercial bungee jumps were staged. That was back in 1988, and since then the sport has exploded around the world. Today, the centre offers a jump of almost 300m, where the jumper comes within 10m of

the rock-strewn ground before being yanked back by the latex cord.

**River surfing:** Another sports that can be found in Queenstown, this involves nothing more than shooting down a river on a body board. Safety equipment begins and ends with a helmet. White water rafting has its dangers, but in the pummelling rapids you still have a tough rubber raft protecting you from the boulders the line the river. In river surfing, not so much.

**Caving/Spelunking:** Where you have mountains you have caves, and New Zealand is blessed with many cave networks. Not for

the claustrophobic, these caves often contain the snaking path of an underground river. This allows rafting and even deep water cave diving (or spelunking). Glow worms light up the cave with eerie phosphorescent light, while stalactites and stalagmites create other-worldly views.

Glacier walking: might not seem dangerous compared with some of the other sports on offer in New Zealand, but recently there has been a spate of deaths. The Franz Josef Glacier is one of the world's most accessible glaciers, and has the distinction of being on the move. It can travel up to 70cm per day. Significantly, this makes it quite unstable. While New Zealand's strict safety regulations mean the tracks are tightly monitored, in 2009 two Australians left the path. Ashish and brother Akshay Miranda were crushed under roughly 100 tonnes of ice and rubble when a section of the ice wall collapsed. It is reported that some of the ice blocks were as big as a car. The message to others: stay on the path.

Zorbing: Much safer is the sport of zorbing, which was invented in the famous thermal town of Rotorua. Inspired by hamsters placed in a ball, this sport simply blew up the ball and replaced the rodents with people. Harnesses keep things nice and safe inside, but the thrill of rolling down a hill inside a giant beach ball is enough to get the pulse rate hammering.

Ice Climbing: while the name is not particularly imaginative, it is very descriptive. Modelled on rock climbing, New Zealand's abundance of precipitous ice formations mean there are plenty of venues on which to haul you body up and over. The equipment is specialized for the ice, but the main items you'll need are crampons for the feet and picks for the hands. Ice climbing runs the full gauntlet of climbing: abseiling, belaying and tying in. But ice is a slippery substance, and is not to be trusted...

New Zealand provides year round opportunities to scare yourself witless and make you question your mortality. Done is some of the world's safest conditions, among some of the world's most beautiful views, there is no end in sight to the New Zealand extreme sport love in. ■

## WORLD'S MOST DANGEROUS EXTREME SPORTS

1

### CREEKING

A form of kayaking which sends the craft off sheer drops. The potential for landing on a rock is pretty high.

2

### BASE JUMPING

This sport involves jumping with a parachute from a comparatively short height. Any failure to open the parachute in time ends with certain death. There are only about 400 base jumpers in the world: there is one death for every 2,317 jumps.

3

### TOW-IN SURFING

For years surfers looked on in frustration as the world's biggest waves pounded the surf and they were not able to swim out to them. Today, surfers can be dropped onto the waves by air. Leaving the slight problem of being dashed on reefs or held under by the monster waves.

4

### FREE SOLOING

Is rock climbing without any equipment. Enough said.

5

### WINGSUIT DIVING

Perhaps modelled on the Sugar Glider, this sport sees the diver don a suit that has material stretched between wrists and ankles.

6

### ICE-CLIMBING

Packed with all the danger of rock climbing, this sport requires a faster ascent to offset the chances of freezing on the ice.

7

### VOLCANO SURFING:

A relatively new sport, which has the enthusiast sliding down a volcano on a wooden board. Crazy.

8

### CAVE DIVING:

Poor visibility, possible equipment failure and unpredictable currents can make this a risky pastime.

9

### HIGHLINING

Tightrope walking across gorges. Yikes.

10

### KITE SKIING:

Imagine barrelling down a ski slope. Now imagine you are attached to a large kite, pulling you still faster. Extreme.

# JUST HOW GOOD IS DANIEL VETTORI?

In April of this year, Daniel Vettori became New Zealand's most capped player. New Zealand has a habit of throwing up talented all-rounders, and Vettori is making a claim to be the greatest of them. It is one of New Zealand's most crucial hypotheticals: how good is the current New Zealand captain when compared with the other great all-rounders?

First, some statistics. At 34, Vettori has had plenty of time to bag those caps. He was New Zealand's youngest ever test debutant, playing in his first match in 1996 at the age of 18. Since then, he has joined the exclusive ranks of players who have scored over 3000 runs and taken 300 wickets. To be precise, he is currently on 4516 runs and 360 wickets. On a game-to-game basis, it is his average that really counts. Often coming in at 7th or 8th, Vettori averages 30.10, a very useful return from a player picked for his bowling.

The obvious rivals for title of New Zealand's greatest all rounder are Chris Cairns and the legendary Sir Richard Hadlee. Hadlee in particular has the pedigree to be New Zealand's greatest ever player, let alone their greatest all rounder.

Regarding their batting, the two players seem about the same, though Vettori's average shades that of Hadlee. Hadlee managed an average of 27.19 over his 86 tests. The older player certainly had a better range of shots, but struggled with the short ball. And he tended not to kick on with the big scores, only making two test tonnes in his career. Vettori has racked up five and counting.

In fact, Vettori's average has improved markedly over the past four years, where he seems to stay in regardless of the streaky shots he tends to play. His runs just pile up, with his batting style often cited as ugly and idiosyncratic.

So we can say that Vettori brings more to the team with the bat. Arguably, Hadlee played for a stronger team, whereas Vettori often comes to the middle to protect and hopefully augment a low total. Hadlee had the benefit of turning up in the lower order with a decent score on the board, which gave



© CHRIS BROWN

him the opportunity to have a bit of a lash and get some fast runs. Vettori has far more not outs, proving that he has become a defensive batsman, despite his higher run rate.

But it is in bowling that Hadlee streaks ahead of Vettori. The paceman took 431 wickets in his career at a phenomenal rate of 22.29. Not only do his stats illustrate just how talented he was, but there is something almost mythical about the great strike bowlers. The way they open an innings with the shiny new ball in hand, striking the deck hard and menacing the openers. Aside from Shane Warne, slower bowlers tend not to strike fear the way a paceman can.

There was a time a couple of years ago that pundits were predicting Vettori would eclipse Hadlee's wicket total. Being roughly 70 wickets behind, it was thought that by virtue of the amount of cricket being played, Vettori's age and strike rate would get him over the line. But a serious injury in 2012 sidelined the player, even threatened his career. Though since coming back, he acknowledges that the quest to become New Zealand's greatest wicket taker is now beyond him.

"I can't play another three to four years," Vettori said back in February.

"It actually feels like it would be wrong for me to overtake him anyway. Paddles took 86 tests - that is five wickets a test. If I get it, it will be due to longevity."

This humility is typical of Vettori, and has done much to endear him to cricket supporters everywhere. And perhaps he is right. Hadlee's career as a cricketer was defined by his bowling, his batting merely a side order. He is close to the heart of every New Zealander and hopefully his record will remain. ■



# OUTLAWING AMBUSH MARKETING

BY CATHERINE BELOFF & DYLAN KENNETT OF DLA PIPER UK LLP

With the 2011 Rugby World Cup ('RWC') in New Zealand living up to its billing as the 'Stadium of Four Million', the Rugby Football Union and the RWC 2015 Organising Committee have a daunting task ahead of them in exceeding expectations for the next installment. With a reported revenue commitment to the International Rugby Board ('IRB') of £80 million, it is essential that every opportunity to create wealth to make good on the promise is exploited. Delivering a financially successful major sporting event is no easy task, with tales of woe being commonplace for poorly thought out events (see Montreal's \$1.5 billion debt from the 1976 Summer Olympic Games - which was finally settled in 2006). One element which can greatly assist in producing a major sporting event on budget is legislative assistance from government. Yet government is not always willing to lend this helping hand, notwithstanding that the benefits of doing so can outweigh the perceived inconveniences and stress on resources.

One of the main legislative areas in which government can assist those hosting major events is comprehensive protections against ambush marketing. These aim to guarantee to sponsors who are committing significant funds to the event that their brand will be the only one associated with the event in their respective brand category. This is a well-trodden area for those involved in delivering such events, with history full of clever marketing ploys by corporations looking to undermine their competitors.

Burton and Chadwick from the Centre for the International Business of Sport define ambush marketing as a, '...form of strategic marketing which is designed to capitalise upon the awareness, attention, goodwill, and other benefits, generated by having an association with an event or property, without an official or direct connection to that event or property.' By way of illustration, the now infamous orange lederhosen promoting Bavaria Brewery at the 2006 FIFA World Cup stole the show where Budweiser had been the official sponsor.





Anti-ambushing laws are now a pre-requisite for a successful bid for the likes of the FIFA World Cup, both the Winter and Summer Olympic Games and the Commonwealth Games. Much has been written on the success of the London Olympic Games and Paralympic Games Acts of 2006; it is generally seen as being a major event which was relatively 'ambush free'. The question arises whether governments should be more flexible in their ability to deliver protections for sponsors (such as 'clean' venues, rights of association, etc.) rather than solely instituting one-off legislation which expires upon the conclusion of the event.

This year, the Queensland Parliament, in preparation for the Gold Coast 2018 Commonwealth Games, passed the Commonwealth Games Arrangements (Brand Protection) Amendment Act, which was given Royal Assent on 27 March 2013. Similar to the London 2012 legislation, it bans the unauthorised use of specified references and images where the purpose is commercial or promotional, or would suggest a sponsorship-like arrangement with the Games. It also bans conduct which would suggest a sponsor relationship with the Games which does not exist, giving the authorities the power to seize infringing materials. Yet the provisions it creates automatically expire at the end of 2018 - thus leaving future governments to deal with the same issues once again when similar major events which are perceived to be meritorious of protection come along.

Other governments have taken a more flexible approach. In New Zealand, lessons were learned from a failed sub-hosting bid with Australia for the 2003 RWC. The reason

behind it was the inability to provide clean, advertising-free stadia, where Australia could. The Major Events Management Act 2007 (the 'Act') was instituted to remedy such problems for the future. The Act contains a host of protections and enforcement mechanisms against ambush marketing by association and invasion, as well as ticket touting. In order to activate the provisions of the Act, the Economic Development Minister, after consultation with the Commerce and Sports Minister, declares that an event is to be considered 'major'. They must take into account whether the event will: (1) attract a large number of international participants or spectators and therefore generate significant tourism opportunities for New Zealand; (2) significantly raise New Zealand's international profile; (3) require a high level of profession management and co-ordination; (4) attract significant sponsorship and international media coverage; (5) attract large numbers of New Zealanders as participants or spectators; and (6) offer substantial sporting, cultural, social, economic, or other benefits for New Zealand or New Zealanders. As a result of such forward-thinking legislation, the 2011 RWC was sufficiently protected through this and its related empowering legislation.

It remains to be seen whether the government of the United Kingdom will follow a similar path in time to protect rugby's showpiece event in 2015. Initial reports stated that there would be no legislative protections against ticket touting at the next RWC - the Coalition Government citing the potential strains on police. This approach seems at odds with a survey released in June 2013 by the Sport and Recreation Alliance which stated that half of the National Governing Bodies in the UK believed that governments (both local and national) were providing inadequate support for their efforts to stage major sporting events. Still on the legislative agenda is the proposed Major Events Bill - which has the potential to pair the strength of the London Olympic protections with the flexibility of the New Zealand legislation. Whether it will be tabled is still unknown, with the failure to secure the FIFA World Cup potentially dealing a fatal blow. If it is, it will greatly assist the organisers in providing adequate and attractive safeguards to sponsors. This in turn will support their efforts in meeting their significant financial commitments to the IRB - while staging, and ensuring the future of what is, a world-class major event. ■

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# RUGBY LINKED TO EARLY ONSET DEMENTIA

A link between playing rugby and early onset dementia has been established by a brain injuries expert who has identified the first confirmed case of the degenerative disease being caused by the contact sport.

Dr Willie Stewart claimed that the discovery suggested “one or two” players competing in the Six Nations every year may go on to develop the condition.

In an interview, the Glasgow-based neurologist described how he had examined sections of brain tissue in a retired rugby player and found abnormal proteins associated with head injuries and dementia.

The unnamed former player who took part in the study was found to have higher levels of the protein than a retired amateur boxer who has dementia pugilistica.

The boxer had been diagnosed with dementia pugilistica – more commonly known as punch drunk syndrome – which is

thought to affect up to 20 per cent of boxers who retire after long careers.

Symptoms, which usually appear between 12 and 16 years after the boxer’s career begins, can include memory, speech and personality problems, tremors and a lack of coordination.

The condition has been recognised for more than a century, and until recently had been thought to only affect boxers who suffered repeated concussive injuries through being punched in the face.

But Stewart, a consultant at the Southern General Hospital in Glasgow, said: “What we are finding now is that it is not just in boxers. We are seeing it in other sports where athletes are exposed to head injury in high levels.”

“Those sports include American football, ice hockey and also now I have to say I have seen a case, the same pathology, in somebody whose exposure was rugby.”



© THOMAS FAIVRE-DUBOZ

The rugby player was aged in his fifties and had early onset dementia. He had a number of abnormal proteins in a section of his brain which was comparable to a young man who had suffered a “moderate to severe” head injury in an assault.

Stewart did say that the percentage of rugby players affected was likely to be far lower than in sports such as boxing, American football and ice hockey, where competitors are more likely to suffer repeated head trauma and concussions.

But he told BBC Radio Scotland’s Sport Nation programme: “I think on current evidence coming from American studies, from looking at American football, and our historical evidence looking at boxers throughout the world, it would be foolish to think there will be no problem and that rugby is immune from brain damage.”

“What the numbers are, what proportion of people who play rugby, how often you may have to get concussed, how long after you may develop problems, these are questions we can’t answer.”

“We would suspect it would be a fairly low number, but not zero. Let’s say it is 1 per cent of people who are playing rugby at international level may go on to develop long-term problems.”

“In any Six Nations weekend that is one or two players who may go on and develop a dementia they wouldn’t

otherwise have been exposed to. That is a realistic number.”

His findings come at a time when increasing concern is being expressed about the severity and force of the collisions which characterise the modern professional game.

The former Scotland internationalist Rory Lamont recently claimed that players were “cheating” concussion protocols and insisted many well-known figures are knowingly taking the field with head injuries.

The 30-year-old retired last month after a succession of injuries, undergoing 16 operations and suffering “at least six or seven clean knock-outs” in games, and many more what he terms “minor concussions”.

One of his injuries saw him carried off the Murrayfield pitch with a facial injury after clashing with England’s Iain Balshaw in the 2008 Calcutta Cup match, which Scotland won narrowly 15-9.

A spokesman for the Scottish Rugby Union said: “Scottish Rugby believes player safety is of paramount importance. It is a great game for all people and we are always looking at ways of making it safer.

“We welcome this report and we would be happy to pass it on to the International Rugby Board, and if it were to help their thinking on player safety that can only be a positive thing.” ■



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BY DR RYAN KOHLER

For more information and resources for parents and coaches go to:

[www.sportsconcussionaustralasia.com](http://www.sportsconcussionaustralasia.com)



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# CONCUSSION

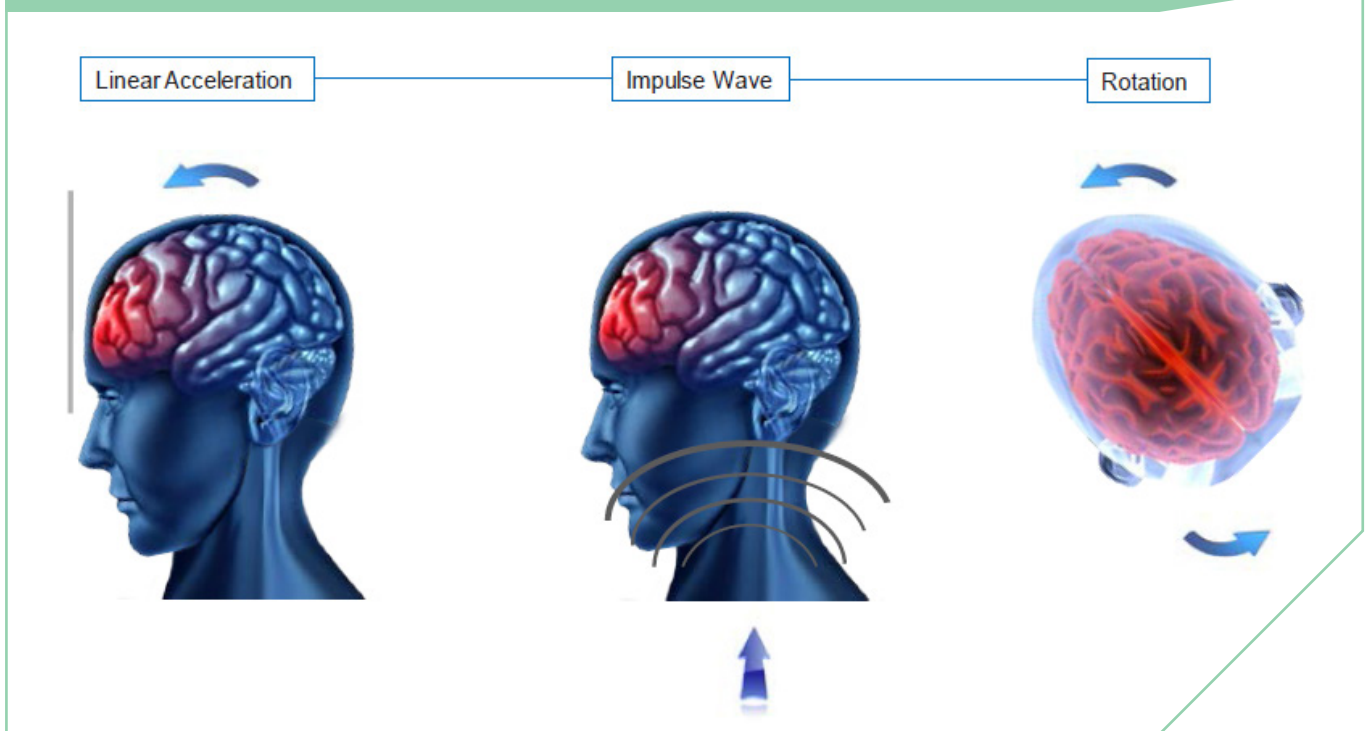
## THE HIDDEN DANGER

*Alex is a young mountain bike rider with both aspirations and talent to compete at the Olympic Games. As a result of blows to the head from 2 crashes just days apart, Alex finds himself unable to train effectively months later. Training rides are exhausting and he needs to sleep for 3-4 hours afterwards. Any exercise causes a pounding headache. At the age of 19, Alex began to question whether his dreams were over...*

### WHAT IS CONCUSSION?

Concussion is a disturbance in the speed of the brain to take in and process information. The impaired function of the brain represents damage to nerve cells (neurons). The neurons can be damaged by a direct blow to the head, which cause the brain to rotate and/or move forward and backward. Indirect impact to the body can transfer an impulsive force to the brain and have a similar outcome.

FIGURE 1: IMPACT FORCES TO THE BRAIN



© DR RYAN KOHLER 2013 HERRON SPORTS CONCUSSION AUSTRALASIA™

The effect varies from athlete to athlete, producing signs that depend on which part of the brain has been affected. Concussion signs visible to others at the time of the collision include:

- Loss of consciousness / unresponsiveness
- Upper limb muscle rigidity
- Upper limb spontaneous movement
- Loss of overall body tone
- Loss of control of the neck ("rag doll effect")
- A fit / seizure soon after contacting the surface
- Balance difficulty
- Slow responses
- Vacant stare
- Confusion
- Disorientation
- Holding the head
- Facial injury
- Speech slurring

Minutes to hours after the impact injury, the athlete can start to feel unwell as a group of symptoms start to randomly present themselves. The athlete may complain of a range of

symptoms such as headache, nausea / vomiting, blurred vision, memory loss / difficulty, dizziness, tiredness, not feeling right and intolerance of bright light and loud noise.

Days to weeks after the impact the athlete can still feel not quite themselves. They can have difficulty with a number of mood related feelings, which in combination, can lead to a downward spiral in quality of life. As the injury cannot be seen, these symptoms cause the athlete tremendous anxiety. These can include difficulty in sleeping, persistent low grade headaches, poor attention and concentration, being sad or irritable or frustrated, they may become easily tired, lethargic, have low motivation and display slow reaction times.

## HOW COMMON IS CONCUSSION IN SPORT?

A staggering 1.6 to 3.8 million concussions occur in sport each year in the United States. Across football codes in Australia, the probability of concussion is approximately 1 in 7. Whilst concussion is more likely to occur in contact sports, such as boxing, rugby, ice hockey and AFL, it can occur in almost all sports where there is danger of the head coming into contact with a solid object such as the ground or a wall, or equipment such as goal posts, or another person.

## WHY WORRY ABOUT IT?

It is recognised that most concussions get better in 7 to 10 days. However, ignoring concussion signs and symptoms or not recognising them can result in potentially catastrophic consequences. Acute brain swelling, traditionally referred to as “Second Impact Syndrome” is usually fatal. Prolonged symptoms, recurrent concussion, learning difficulties and personality problems have also been reported. A recent study showed how the recovery time from concussion became longer with each concussion.

## WHAT SHOULD

## ADMINISTRATORS DO?

Sports administrators should make sure their team or sport has a concussion programme in place. The components of a community concussion programme include a concussion policy, education modules to recognise concussion and strategies to avoid or manage catastrophic head injury, baseline computerised brain testing for all the athletes, establishing a medical referral network and the co-ordination of treatment programmes.

Baseline computerised brain testing should be completed pre-season if possible. It is easily accessible on-line, cost effective and easy to administer. It is able to detect when impaired brain function lags behind complete subjective symptom recovery and measures reaction time. It can also detect if cognitive decline occurs in players with previous concussions and identifies players needing more complex testing.

Sometimes athletes may under report their symptoms in order to keep playing and younger players, in particular, may not recognise the symptoms of concussion.

## WHAT SHOULD BE DONE

## IN THE EVENT OF CONCUSSION:

What should parents, coaches and administrators do in the event of suspected concussion?

Any athlete with suspected concussion must be withdrawn from the event or training immediately. Furthermore, no athlete with concussion or suspected concussion should be allowed to return to the same event or practice that day. All athletes with concussion or suspected of concussion need a formal medical assessment in the soonest possible time.

Before getting to a medical doctor, be on the lookout for signs of serious neck or head injury. Protect the athlete’s neck and secure an open airway when the athlete is not responsive.

Urgent hospital referral is necessary for any athlete who has lost consciousness as a result of a blow to the head or body. The injured person should be referred to a hospital immediately in the event of:

- Fractured skull
- Penetrating skull trauma
- Loss of consciousness
- Deterioration in conscious state following injury
- Increasing confusion
- Worsening headache post injury
- Persistent vomiting
- Any convulsive movements
- Focal neurological signs
- More than one episode of concussive injury in a match or training session

All children with head injuries, and any high-risk patients (e.g. hemophilia, anticoagulant use) or those who have had a high-risk injury mechanism (e.g. high velocity impact, missile injury) must be immediately referred to hospital.

A concussed athlete should see a doctor with experience in managing concussion as soon as possible after the impact.

The doctor should see the athlete on a number of occasions, performing serial assessments. At the first visit, the doctor is likely to do a full neurological examination and document current symptoms. It is recommended that balance testing and computerised brain function testing be repeated and compared to the baseline test report. Recovery from concussion may take longer in younger athletes under 18 years of age, therefore a conservative approach to playing sport again should be followed in these cases.

## HOW TO GET BACK TO SPORT?

Athletes should only return to high intensity exercise when their symptoms have gone away and cognitive function has returned to normal. Once the athlete feels better after about 72 hours, some low intensity exercise in the form of vision and balance training can begin. Progression of exercise challenge can occur every 24 hours. If athletes start to feel unwell during or after exercise, they should rest for 24 hours and then attempt the same exercise challenge. Only when an athlete has completed all the stages of exercise challenge can they obtain written medical clearance from a medical doctor. The athlete should give this medical clearance to their coach. ■

“...Alex was referred to the Herron Sports Concussion Programme supported by Sportscover and benefited from their expertise in concussion management. By individualising concussion treatment in Alex’s case, he has made an excellent recovery. Alex is now sponsored by Giant and races in Europe.”



David Buttifant with Sportscover Australia's CEO David Lamb outside Collingwood Football Club's altitude training room at the Westpac Centre in Melbourne's sporting precinct.

## TOUCHLINE INTERVIEW:

# DAVID BUTTIFANT

David Buttifant is the former Director of Sports Science at the AFL's largest club, Collingwood. He is often regarded as the best in the world in his field. His extensive background includes thirteen years as Director of Sports Science at the Collingwood Football Club, working with Australian Olympic Athletes prior to Sydney 2000, a Doctorate in Exercise Physiology, a MBA and is an Associate Professor at Australian Catholic University.

**Sportscover Australia's CEO David Lamb** interviews David about his experience in the sports science field and discusses the hot topic of using sports science to push the legal and moral boundaries in order to gain a competitive advantage.

**DAVID LAMB: What does a Director of Sports Science do?**

**DAVID BUTTIFANT:** My role entails putting the program together; like being an architect, I suppose, designing the big plan. I start with the team and act as a conduit, working with the medical, conditioning and technical sides of things as well. We do a lot of analysis, putting the program together and putting the prescriptive model forward and determine how that can give the organisation a competitive advantage.

**How has the role of a sports scientist evolved? It's something that has been in the media so much of late.**

It's interesting; when I first started at North Melbourne (AFL Football Club) back in October 1994 it was pretty much

a one-man gig. You did everything, from rehab, to strength and conditioning to analysis and now it's obviously grown to become a micro-industry of sport.

Still, back then players were highly competitive, the team and organisation's culture was pretty similar as well, but the actual technology and services that are provided to players have been extrapolated over the last ten years, five years in particular.

Clubs have seen the benefits of sports science and how they provide the competitive advantage but also how to get the best out of individual athletes as well. It's been exciting for sports science, the AFL have been trailblazers in that particular area and football clubs have embraced the concept of sports science.

**Let's talk about that trailblazing. Your work at Collingwood led to the club being one of the first teams involved in altitude training. Can you talk us through what that involves and what the perceived benefits are?**

I was fortunate enough to go to Flagstaff Arizona to an altitude training camp with swimmers back in 2000 on the eve of the Olympics. It was really where I cut my teeth. In that experience, being involved in a lot of testing and monitoring of the athletes, I really saw the benefits from that and also how it changed how athletes perform. It's something that really provided a lot of advantage.

I mentioned to Mick Malthouse (Collingwood coach at the time), I said 'look, this is something that could really provide us a bit of an advantage. And make us 2-3 per cent better, because at the elite level, it's so close. This is something that we could do that could give us a bit of an advantage out of our players that could enhance their aerobic characteristics, but also provide psychological benefits too, in coping with the stresses of altitude.

So we embarked on this, injected resources and we used our strategies to be able to support it. As a result, each year we've been to altitude, we've made finals and it's been reasonably successful for us; playing finals and getting the best out of the players.

**In what other sports can you see the benefits for altitude training?**

I think the hybrid sports, particularly. When you look at basketball, soccer, the aerobic component is still reasonably high. I think they're a little bit behind, say, the running, the cycling, the swimming and rowers as well. Team sports can definitely get an advantage particularly if they're living in an altitude region where it's not difficult to get to. Indoor sports, like basketball, will get some massive benefits as well.

**How do AFL clubs' sports science programs compare with some of the world's other great teams, say, Liverpool in the EPL, Kerry in the Gaelic with 30-odd premierships, Miami Heat; how does it compare?**

I recently just got back from New York from the Leaders Performance Conference, and there were a lot of elite organisations over there – the NFL, EPL, ice hockey, NBA. I have to say with the facilities that we have and the resources that we have, I think the AFL is definitely leading the sports science

in terms of the resources, the amount of staff – it's like a micro industry of sport. We set up the structure and ensure there is a collaborative manner. Once you have the collaborative manner, you do your R&D, you get the competitive advantage. It's not sports science, it's sport performance, it's operating on one side and reaching that goal together and working together.

**Some critics say that altitude training is a form of technological doping, in that it gives an unfair advantage. I guess we can't ensure everyone has the same boots, the same diet, etc. How do you respond to something like that?**

There's always something that gives someone an advantage, because they had access to resources. You look at some of the third world countries that don't have access to the technology, resources, coaches, nutrition information and supplements that some athletes do have. Is that a disadvantage? Well, it is to a certain degree, but really as long as it's within the realms of fairness, then it's fine. Many years ago, I can't remember the exact date, drinking water throughout a marathon was looked upon as cheating.

It's like people having access to carbohydrates, and some people don't have access to carbohydrates. We know the actual effects it can have on performance.



*If you go down that path, you're not just compromising yourself, your family, you're compromising the sport. "*

**What advice would you give to sports administrators around the world who perhaps don't have access to elite facilities? What are the key things they can do to get the best out of their athletes?**

I think it's not just the technology or the facilities, although it does help. But it's the people in the organisation, people who believe in the program you're doing and working in a collaborative manner, I think that's really crucial. You're all working together, on the same page. You can still challenge one another.

First you need the athlete with intrinsic motivation to succeed, to want to be successful. You've got coaches who are there as well who can facilitate that learning, and that development.

As long as you can work with the athlete, you can get those adaptations that you're after. They may not have access to carbo knowledge, they may not have access to GPS or biochemical markers. But sometimes it is an artistry of sports science that helps determine whether you get the athlete to the next level. Be intuitive, understand your athlete, know when to increase the load or when to decrease the load - not just relying on objective markers.



David Buttifant with the Collingwood Football players and coaches prior to an AFL match between Collingwood and Carlton Football Clubs in 2008



© HUGH MACDONALD | FLICKR: HUGHIE THETHIRD

**There's been a lot of press in the last little while about supplements. Just for the uninitiated, give us a walk through as to what AOD-9604 is and what peptides are and what are the intended benefits of these types of supplements?**

To be honest, David, I couldn't give you a walk through because I really don't know much about it. I think the thing is, anything that is not legal, then we don't even explore the option, because it's too grey. It's either black or white. I think that if it's too risky, why use it?

I think the well-being of an athlete is paramount, and I think that once you start to jeopardise that, the integrity (of the sport) is compromised.

Being ambitious, how far do you go? And what is the ethical protocol, the boundaries that you push? Is it cheating? Well, if it is and you go down that path, you're not just compromising yourself, your family, you're compromising the sport. And I think that as an individual athlete, or as any athlete, they need to know and identify that, one, is this legal, and is it safe to use? They need to be fully aware of that. I think that's integral.

Elite athletes are fully educated with the ASADA (Australian Sports Anti-Doping Authority) hotline, if in doubt, ring. There's also, too, the doctors and sports scientists. There is a level of best practices that they need to employ, and they need to employ with integrity as well. So it needs to be authenticated and honest communication.

**You talk about networking and keeping in touch with your peers. How do you keep abreast of all these trends?**

Yeah, you've always got to keep abreast of new technology and new innovations.

Look, there's a lot of fads that come and go, but you must get your core competencies right, that is crucial. Things like, the training time, the training level of intensity, allowing for recovery in your program, when you increase the load of the program. And then you may look at other things like 'what things can we bring into our program that gives us a bit of an advantage?' Because we're talking small percentages, a very minute percentage, can give you an advantage. So you've always got to continue to look out for research – what is currently being used in other sports, and looking outside the square as well. That's important. But so often you've just got to get those basic things right to start with, get your culture organised - that is crucial. Get everyone on the same page and really highly motivated to work hard - work ethic is really important. Once you've got that, then you start bringing the periphery in.

It's like the icing on the cake. Get your ingredients right – get your methodology right, then the icing on the cake. Start bringing new things in and once they start mixing with the main ingredients, then you start looking at other things.

You always seek how to get better. You need to probably look intrinsically first, how do you better yourself as a sports scientist, as a coach, as a player? So continual education is really important. You don't necessarily have to have the elite facilities. It is an advantage having them, but it's the people within the organisation that is most important for everyone. ■

**WATCH THE FULL INTERVIEW ON YOUTUBE:**



**FULL INTERVIEW WITH DAVID [13:38]:**

[HTTP://YOUTU.BE/ZD7CVBK87HI](http://youtu.be/ZD7CVBK87HI)



# SPORTS TRAINING IN PARADISE

Located only 15 minutes from Phuket International airport in an area of outstanding natural beauty is a complex of impressive, state of the art training facilities to rival the very best in the World. Thailand's Thanyapura is dedicated to education, sports, art and holistic wellness and boasts the most extensive range of sports facilities in South-East Asia. Touchline discovers more about the facilities available from this amazing sports facility in paradise.

I was shocked. I had never seen anything like this before. I would say it is the best sports club in the World".

That was the reaction from Jürgen Zack, holder of eight worldwide Ironman titles, with eight top 10 finishes at the Ironman World Championship in Kona, Hawaii. He won the European Championship five times between 1989 and 1999.

Zack was speaking on Phuket radio in October 2012 about when he was first invited to Thanyapura in Phuket, Thailand. So impressed was he with the facilities that he agreed to become senior coach of the Triathlon Academy at Thanyapura.

Thanyapura is an active and healthy lifestyle concept built on four main constructs: namely sport, mind management, health,

and education. The complex caters to everyone from all levels of beginners to professional athletes, Olympians and to any active or healthy lifestyle fan or family.

The physical part of Thanyapura consists of a series of dedicated centres, which include the Sports and Leisure Club, Mind Centre, Integrative Health Centre, the Phuket

International Academy Day School, the Sports Hotel and the Retreat Hotel. All these centres are set against a lush rainforest backdrop that makes it hard to believe that elite athletes and amateur sports enthusiasts from around the world can find the very best of facilities, training and coaching in such a stunning and, perhaps unlikely, setting.



All of the facilities are built to the highest international standards and include a full 8 lane Olympic-standard ozone-filtered swimming pool, a tennis academy with six courts - 4 indoors and 2 outdoors, state-of-the-art Plexicushion tennis courts, triathlon training facilities, a FIFA standard artificial floodlit football and IRB approved rugby pitch and two beach volleyball courts.

The strategy for professionals is working as Thanyapura has hosted many top names in sport including the Dutch and Italian swimming teams and the Australian swimming team who have been taking advantage of training in superb weather conditions when they are not so agreeable back home.

Three times Olympic gold medal swimmer Pieter Van Den Hoogenband summed it up in an interview on YouTube: "What inspired me are the facilities....my coach and the team manager told me, 'oh, now we found something special..'"

However, Thanyapura is not just for the professional elite athlete. For the serious amateur who wants to improve their game, Thanyapura offers tailored packages for tennis, swimming and triathlon. These packages include coaching by the in-house professional, performance seminars, sport massages, food and accommodation as well as access to all of the sports facilities on campus.

But it is not only physical exercise that is catered for in Thanyapura. The Mind Centre offers teachings in meditation and yoga together with more modern methods such as neuroscience and psychology. The sports mindfulness training programs are designed to enhance athlete performance by supplementing stamina and physical development of the athlete with improved focus, resilience and impulse control. It is really a case of mind over matter to achieve marginal gains and an overall optimal performance.

Located on the beautiful Thai island of Phuket, only 15 minutes from the international airport, and nestling in a 23 hectare compound surrounded by stunning mountain scenery, Thanyapura is a real sports enthusiast's dream come true.

But whether you are a professional athlete, serious amateur sports person, seeking a new refreshing active outlook on life or just looking for a great holiday location for the family, Thanyapura has it all. In fact, some of the guests at Thanyapura come seeking a lifestyle change for a healthier life. Shanghai Celebrity Chef Eduardo Vargas arrived with an aim to change his lifestyle due to health conditions. He joined the Integrative Health Centre's weight loss programme and lost 15 kg in one month. His daily programme was 5 hours of fitness or sports, mind management and dining on a weight loss menu.

If body building and pumping iron are your thing the 900sqm fitness centre is fully equipped with the latest Technogym machines and Power Plates training. But if your exercise regime is slightly more cerebral there are separate purpose built studios for classes such as yoga, pilates, and Zumba. For the adventurous, Thanyapura is building an assault course for training.

Naturally, Thanyapura includes that absolutely essential ingredient for relaxation at a fine resort - the spa area for treatments and massage. These will be equally welcomed by the more active as well as those purely leisure and pleasure seeking guests.

However, Thanyapura goes one better than many sports and leisure resorts by providing an Integrative Health Centre which utilises the most advanced laboratory technology to assess blood samples for nutrition, genetics testing and provides a range of services for athletes including lactate testing, altitude training, sport nutrition and physiotherapy.

The great thing about Thanyapura is that although it has the latest equipment and facilities required by the top athletes, it also caters for their families or those who just want to have a relaxing holiday in top class accommodation with a comprehensive range of excellent resort facilities and even a kids club. There is a 77 room sports hotel and a 38 room



retreat for those who want a quieter, less energetic time, all with the facilities that you would expect. So Thanyapura can be an oasis of calm if you want it to be.

Sportscover's Managing Director, Chris Nash, went on a risk management review visit to Thanyapura earlier this year and was highly impressed.

"I was blown away by the standard of the facilities. The attention to detail is incredible. Some of the features show that a great deal of thought has gone into the planning of the complex. For example, there are fold out bike racks in each of the sports hotel rooms and in the gym the lighter weights and the heavy weights are in separate rooms."

"As we insure Thanyapura for the sports liability aspects of the facilities, I was particularly interested in the attitude towards risk management. It again demonstrates real attention to detail. It is absolutely first class."

Thanyapura is clearly a great destination for the active leisure traveller and amateur sports enthusiast as well as corporate groups for off-site retreats, seminars and team building. However, where it really stands out is in the quality and range of his facilities for elite athletes.

An ideal location for individuals or teams training for a major tournament, and it is particularly appealing as a training venue for European athletes during the Northern hemisphere winter. Thanyapura is very firmly set to become a prime training and fitness venue for many of the elite teams from Asia and around the World. ■



## INTERVIEW WITH **ROBERT HAUCK**

PRESIDENT OF THANYAPURA

### **What was the vision for Thanyapura and when was it first opened?**

Thanyapura is an active and healthy lifestyle concept. Based on 3-dimensional coaching model for the mind, body and soul, Thanyapura was created with the aim of helping others optimise their potential and live a more fulfilling life: through education, mind management, health and sport.

Thanyapura facilities were opened in stages with the latest being Thanyapura Sports Hotel on 15 November 2012 which has completed the project at the moment.

### **Has it met expectations for occupancy and target audience?**

Our Sports Hotel has created more buzz in the last 9 months than any other traditional hotel. We cater to different markets. These include regular tourists or vacation seekers including people who want to be physically fit and build mental strength. We also play host to regular sports teams, schools team and Olympic National teams and champions. Guests at the hotel could find themselves rubbing shoulders with a who's who of world sport. We have recently hosted world record holders and Olympic champions from the British, Dutch, Chinese, Australian and Italian national swim teams who were here at Thanyapura for high performance tune-up sessions. So far we have met our goals in a relatively short time.

### **What are the plans for the future?**

Thanyapura is an active & healthy lifestyle brand and concept originated in Thailand which has gained a lot of interests from foreign investors in countries such as China, India and South Africa. There are many opportunities for different levels of partnership that Thanyapura can offer and we may consider to expand our brand to different destinations around the world in addition to Phuket whereby certain products or services will be adapted to suit the specific destination. We will also continue to develop high quality sports, mind, health and educational programmes with our team of professionals in response to the needs and exceed the expectations of our clients and partners of our brand. ■



# TRIATHLON TIPS

WITH 3-TIME WORLD ITU CHAMPION  
PETER ROBERTSON



Touchline recently interviewed Peter Robertson, 3 time ITU World Champion who now has his sights set for the Iron Man - a gruelling 3.8km swim, 180km cycle followed by a 42.2km marathon. Peter gives us some of his tips on how to compete in triathlon events.

**Touchline:** Could you give us your basic tips for a first time triathlon competitor – what are your tips for the swimming?

**Peter Robertson:** Firstly, not to be daunted by the swim. If you're a weaker swimmer or you haven't done much swimming before, just place yourself behind the lead guys at the start of the swim and you'll get out of the mad rush at the beginning. If you're allowed to wear a wetsuit that can help your confidence and buoyancy a bit.

Also, make sure your goggles fit correctly as it can be really annoying if they don't - make sure they don't leak before you jump in the water.

**What's your tip for the riding leg of the triathlon?**

Have all your equipment ready to go. Make sure your tyres are pumped up, brakes are working, that your helmet fits properly and that you've got your shoes: whether you're wearing cycling shoes or running shoes. Have that all sorted about a week before so that you're really confident and relaxed going into it.

Don't go flat out from the start: you've just come out of the swim so all the blood is in your arms and upper body so it will take some adjusting. Ease into the cycle leg.

Use your gears; make sure you're in the right gear before you head out.

**Do you have any running tips?**

Your legs will use different muscles when you go from the cycle to the running event, so you might feel a few weird sensations when you get out into the run.

Again, just ease into the run leg, and try to focus a bit more on getting your breathing right.

Regarding your technique – use your arms a lot more and try to use your whole body to run forward and run well. Try to save a little bit, but if you're sprinting down the finish line then maybe you could have gone a little harder during the event.

**Transition is often something that people find a bit difficult, any tips for transition?**

Transition is the fourth event of a triathlon. It can save you a lot of time, but it can lose you a lot of time as well.

Again, have everything set up in the transition area, have a little routine so that you know exactly how you're going to do it. Putting your helmet on first is generally a good tip as you have to have your helmet on the whole time you're holding your bike. ■

**WATCH ON YOUTUBE:**



**TRIATHLON TIPS:**

[HTTP://WWW.YOUTUBE.COM/WATCH?V=B60F0B0EJTS](http://www.youtube.com/watch?v=B60F0B0EJTS)

**5 QUICK QUESTIONS:**

[HTTP://WWW.YOUTUBE.COM/WATCH?V=J\\_BIO1\\_U3G0](http://www.youtube.com/watch?v=J_BIO1_U3G0)



The Manchester City Stadium - Home venue of Manchester City, who spend the highest amount per player than any other team.



Yaya Touré earns up to \$400,000 per week.



Nasri and Aguero with the Premier League Trophy in 2012

# THE SALARY CAP:

## HOW FLAT DO WE WANT OUR SPORT?

BY TIMOTHY MOTTRAM

In June of this year, English paper The Daily Telegraph published a list of how much teams spend on player wages. The figures are staggering. Manchester City, fuelled by petrodollars, spends an average of \$8,059,477 a week on wages: meaning that the squad average is \$154,990.

While big name starters like Yaya Toure and Sergio Aguero are pocketing three times that amount, fringe players are also paid money that would make a sheik blush.

What is interesting about the list are the types of teams that dominate it. Of the top 12, eight are from the European football leagues. Of the remaining four, three are baseball teams and the remaining slot is basketball's LA Lakers.

What do football and baseball have in common? That's right: they have no salary caps. Clubs can spend whatever amount they like on whomever they want. As long as they can sustain the expenditure, they can keep hoovering up the talent. Even to the point where they buy players just to keep them out of the hands of a rival team.

In one recent transfer move, English team Chelsea (9th on the list, by the way) gazumped fellow London club Tottenham Hotspur in a move for Brazilian player Willian. Chelsea now have eight players for effectively three positions. Tottenham's chairman Daniel Levy cried foul, asserting that Chelsea only bought the player to sting their cross-town rivals.

The eight clubs from the list are Europe's most successful clubs: Juventus of Italy are basically the only club from the big leagues of Europe who have won their league and remain outside the top 12 spenders.

Football, in the eyes of many, has become a travesty, ruled by the few, where the other clubs merely prop up the table. Those that fly too close to the sun (read Leeds United and Rangers) end up in financial chaos and possibly even in court.

Many think that a salary cap is the answer to this bonkers financial system. A system that leads to a much flatter and more competitive league structure would surely make football fairer.

Many professional leagues around the world have a cap of some kind. They take different forms and have wildly different ceilings and floors. But effectively, they set a limit as to how much a rich team can spend on players. Surely that is a good thing?

Australian Rugby League instituted a salary cap back in 1998. Before then, the league had been shared by the big teams, such as Manly-Warringah Sea Eagles and Parramatta Eels. In 2012, then chief executive David Gallop said that, "The cap's there to make sure that pure purchasing power cannot dominate the sport... It means we can genuinely say that all 16 teams ... have a chance. For the fan every week, every game is a contest. That's at the core of why rugby league is so successful."

In fact, rugby league finds itself competing with other rugby associations that do not have the cap. This results in player drain, but the governing body would seemingly take the player hit in exchange for a flatter playing field.

The net result of the cap? Seven different clubs have won the Premiership in the last decade. Tellingly, the only club that won it four times since 1999 was Melbourne Storm, which was stripped of two titles in 2010 after being caught dodging the salary cap rules. Clubs that struggle one year will be gifted a great player the next season, who galvanises them and turns them into a force the following season. Players whose excellence demands a pay rise have to seek a new club, breaking up the previous year's winners. So it seems to be a system that works.

Only it doesn't. Matthew Johns, the former Kangaroos player and pundit, launched an attack on the cap recently in The Telegraph. He claims that having a salary cap is undermining the game.

"But don't confuse evenness for quality," he said in the article.

"This year we are now faced with a competition in which too many teams and too many games lack genuine star power and quality...Life's too short to watch some of the matches on offer."

These sentiments are shared in Victoria, the homeland of Aussie Rules Football, where the salary cap has led to a similar sharing of the AFL Premiership, but similar problems.

One of the problems with the cap is the fact that clubs are compelled to spend over their floor, which can be a figure of 92-95% of the ceiling of the cap. This leaves all teams shelling out money for players who simply aren't worth it. In the Footy Almanac, Barry Levinson compares the Melbourne Demons and Geelong Cats as examples of how the cap hurts a well-run club and exacerbates the problems of a poorly run club.

"A ridiculous AFL rule means the Demons' squad is only permitted to earn 5% less than the Cats' squad... Geelong struggles each year to keep its talented playing stocks intact, with many players opting to accept less money than they could receive elsewhere, in return for staying at a good club. Melbourne, on the other hand, struggles each year to reach the 95% minimum for a squad largely consisting of unfulfilled talent and useless hacks."

In a way, the salary cap presents with a hobbling of excellence and a punishment for success. Johns again: "In American sports such as Major League Baseball, if a team is run better and is more financial than the team down the road, then they are allowed to spend more, it's as simple as that."

Some would say that sport is about being the best. No one is suggesting Usain Bolt run the 100 metres in a lead hat. He is simply better than the people around him. Why not let him get on with it?

Another argument for the fact that salary caps don't work, returning to football, is that the sport is hardly getting less popular. Major league baseball may be losing some of its gloss, but the 2013 European Champions' League Final, which is the catwalk for all those major teams, was aired in more than 200 countries to an estimated global average audience of 150 million.

This is an argument that will keep on running. While sport seems to tread the divide between pure business and something more lofty, there will continue to be points made and points lost. ■



*Don't confuse evenness for quality... Life's too short to watch some of the matches on offer."*

# HIGH COURT ROLLS HIGH ROLLER'S DAMAGES CLAIM AGAINST CASINO

**James McIntyre**, Special Counsel, and **Kristie Swainston**, Solicitor with DLA Piper Australia explore a recent case of a high-roller taking the casino to court that has significant ramifications for sporting clubs with gambling facilities.

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**T**he relationship between a gambler and a casino is unique as each party sets out to openly inflict financial loss on the other. Consequently, claims for damages by a gambler alleging loss at the hands of a casino should be at long odds to succeed.

Manysports clubs with gambling facilities are likely to have been comforted by the knowledge that, in the absence of relevant legislation there is no general duty upon the club to protect problem gamblers from themselves. However, the High Court has recently considered the

circumstances in which a casino may be required to refund a problem gambler's losses in *Kakavas v Crown Melbourne Ltd* [2013] HCA 25 (*Kakavas*).

The claimant, Mr Kakavas, was a known problem and pathological high roller gambler who had previously self-excluded from many casinos, including the defendant's Crown Casino in Melbourne. A number of years after this self-exclusion, Mr Kakavas wished to re-commence gambling at the Crown Casino. Before allowing Mr Kakavas to return to the casino, the casino requested that Mr Kakavas obtain a report, clearing





him of his gambling problem. A psychologist's report was subsequently obtained and Mr Kakavas was welcomed back to the high rollers section of the casino where he was promised various privileges, such as the use of Crown Casino's private jet, in exchange for gambling at the casino. Over the course of 14 months, Mr Kakavas sustained losses of \$20.5 million. He subsequently brought a claim against the casino seeking to recover his losses, alleging that the casino had engaged in unconscionable conduct in allowing Mr Kakavas to gamble.

Mr Kakavas attempted to argue that the casino exploited his inability to make worthwhile decisions in his own interests as a result of his pathological urge to gamble. In order to succeed with the argument, Mr Kakavas was required to establish that the whole course of dealing between the parties was such that the responsibility for Mr Kakavas' loss should be ascribed to the unconscionable conduct of the defendant.

Firstly, the court considered whether Mr Kakavas was unable to make worthwhile decisions in his own interests. The medical evidence was such that Mr Kakavas' pathological urge to gamble was not continuous and did not prevent him from choosing to stay away from the gambling tables, something he had demonstrated he was able to do in the past by the numerous self-exclusion orders that he had imposed upon himself. He had also stayed at the casino on occasion without gambling and had demonstrated on numerous occasions during the 14 month period that he was able to stay away from the casino for several months at a time when it suited him to do so. The court considered that it was Mr Kakavas' choice to put himself in the position where he might lose money at Crown's tables, and, had he not been gambling at Crown, he would have been gambling somewhere else. Crown was merely competing for his business, which they were entitled to do.

The High Court noted that given Mr Kakavas was a high roller, it would have made it difficult for the casino to identify whether he was a pathological gambler or not as it was always a possibility that a high roller may incur substantial losses. The Court further noted that Mr Kakavas went to considerable lengths to assure Crown that his troubles with gambling were behind him and “he presented as a successful businessman able to afford to indulge himself in the high stakes of gambling in which he chose to engage.”

Mr Kakavas’ position was distinguished from that of a pensioner being invited to cash her pension at the casino and gamble with the proceeds. Likewise, a vulnerable gambler may also be a person who is “evidently intoxicated, adolescent, senescent or simply incompetent.”

Having regard to the above, the court concluded that it was not sufficiently evident to the casino that Mr Kakavas was so affected by a psychological impairment that he was unable to make worthwhile decisions in his own interests whilst gambling.

Whilst there is no general duty of care owed by a casino to protect gamblers from the financial consequences of their wagering, the case raises the possibility that future claimants may allege that gaming operators unconscionably took advantage of some vulnerability which prevented them from controlling their gambling.

Whilst this case is unique as it deals with a high roller, it highlights the possibility that there may be circumstances in which a club with gaming machines should intervene to protect vulnerable gamblers from themselves. The case identified a number of potentially vulnerable gamblers such as pensioners, intoxicated persons and youths. However, exposure to liability would depend upon the gambler demonstrating the operator knowingly and unconscionably took advantage of some vulnerability on their part.

So, when will a gambler be successful in establishing that a gaming operator has acted unconscionably and that they should be entitled to the court’s intervention to return their losses? In Kakavas, the High Court provided some guidance by stating that a successful application for equitable relief would require proof of a predatory state of mind as distinguished from inadvertence or indifference. Unfortunately, the Court offered little insight into what this involved beyond its finding that the special perks offered by the casino to Mr Kakavas did not meet the threshold in the circumstances.

What should clubs do to protect themselves? In view of the fact that many sports clubs may encounter gamblers who fall within the groups of people that the court noted were potentially vulnerable, it is suggested that clubs should be particularly vigilant and observant of gamblers during special promotions designed to entice people to spend money on gaming at the club. Care should be taken to identify gamblers who attend the club to gamble on a frequent basis or have evidently lost a considerable amount of money.

Operators must also consider what should be done to allow them to resist an allegation that they have taken advantage of a potentially vulnerable gambler. The steps that are required will very much depend on the circumstances. The difficulty in identifying a vulnerable gambler can be contrasted with that of problem drinkers, who are more readily identified. An intoxicated person can simply be asked to leave the premises for the evening and responsible service of alcohol can prevent intoxication. In contrast to the usually obvious signs of intoxication, without detailed knowledge of a patron’s circumstances, it is difficult to assess whether a person lacks the capacity to control their gambling. This difficulty is heightened where the losses are incurred through automated gaming machines where there is little or no

scope to assess the gambler’s ability to control their actions or sustain any associated financial losses. The critical factor is that clubs need to be able to provide evidence that they have taken the necessary steps to protect vulnerable problem gamblers from themselves. In this regard, clubs should have documented policies in place to identify and deal with these issues and to record the fact that, when appropriate, those procedures were followed.

Whilst not intended to be definitive, once a potentially vulnerable gambler has been identified, appropriate steps may include ensuring an appropriately qualified officer of the operator meets the gambler to assess whether they have the capacity to control their gambling, making the patron aware of relevant counseling services, raising the possibility of ‘self-banning’ and, in appropriate circumstances, excluding the patron from use of the club’s gaming facilities. A high level of discretion and sensitivity is required in the application of such procedures. Gambling is, after all, an adult activity (with obvious risks of financial loss) and this should be remembered before a person’s general liberty to spend their money as they see fit is reduced.

## LAYING THE CARDS ON THE TABLE

In summary, the decision in Kakavas is unlikely to provide a jackpot for disgruntled gamblers. The critical lesson for operators is that, in addition to any procedures specified by relevant gaming regulation they must ensure they adopt procedures to identify patrons who may lack the capacity to control their gambling and, if they are on notice of a potentially vulnerable patron, to implement (and document) procedures that will allow them to demonstrate that they did not take advantage of that potential vulnerability. ■

The first public flight of the  
Martin Jetpack in 2008



# NEW ZEALAND JET PACKS

There are few commuters who haven't wished they could ditch their car and take to the sky with some unfeasibly futuristic jetpack. Well, New Zealander Glenn Martin could well have brought those idle dreams a bit closer to reality.

New Zealand's Civil Aviation Authority (CAA) has recently given Martin permission to conduct manned testing and it is anticipated that his patented jetpack will be available to the general public before too long.

But before you put that for sale sign on the dash of your Nissan Micra, you'd better make sure you have the ready for the Jetpack: it will set you back something between \$100,000-140,000.

The craft itself has been under development for around 30 years. As it stands, the 200hp engine powers two ducted fans that force the pilot into the sky. Rather than the somewhat more dangerous fuels used in the jetpacks of the past – such as the one that sent rocketman William Sutor into the air during the opening ceremony of the 1984 Los Angeles Olympics – Martin's jet uses two-stroke.

The current model has a limited flying time of 30 minutes but the unmanned tests have seen the machine go as high as 5000 feet. At full throttle it can propel the pilot through the air at 70kph.

It is controlled via two joysticks set into the armrests. Until recently, it was controlled by remote control rather than these user-friendly sticks.

"It's a mixture of scary and just awesome," James Boker, who was the pilot for the indoor test, said.

"Flying it remotely with just a dummy means you can see the aircraft and so you can see everything that happens, but when you're actually in it, it's all behind you and you just get lifted off the ground," he said. "It's just awesome."

The Jetpack has been designed with safety in mind. It comes complete with roll cage, parachute and shock-absorbing undercarriage. However, it is obviously being treated with a great deal of care by authorities. Any device that can send a human 5000 feet in the air should be investigated scrupulously. It will be interesting to see how insurance companies perceive the dangers of using the device.

The CAA confirmed that the "test flying was subject to strict limitations covering required safety procedures. Other restrictions included that it may not be flown more than 20 feet (six metres) above the ground or 25 feet (7.6 metres) above water and is limited to two specific test flight areas over uninhabited land."

While it may be still two years before it will be available for purchase, there have already been over 30 preorders. It is not

anticipated that the Jetpack will require a pilot's licence for use. In fact, the company concept has it moving away from the notion of it being an aircraft: "We are about to enter a stage that is going to change the whole concept of light aircraft – this is the motorbike of the sky," says Peter Coker, the chief executive of the Martin Aircraft Company.

The commercial appeal of the jetpack is obvious, but it has a variety of other applications. The military have a keen interest in the development of the jetpack, as it can be used for covert missions and intelligence gathering, Search and rescue associations look on with interest, as sometimes helicopters cannot be used effectively in smaller areas.

And then there is sport. It is hard to imagine the jetpack not being enrolled in some ball sport in the air. Quiditch for the 21st century, if you will.

New Zealand is a centre for innovation, having invented (or at least mined the commercial potential) of bungee jumping, zorbing and the jet-boat. The jetpack may just have the greatest and most varied application of any New Zealand invention. ■

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## TOKYO TO HOST 2020 OLYMPIC GAMES

The IOC have picked Tokyo over the two other contenders, Madrid and Istanbul, to host the 2020 Summer Olympic games.

Tokyo previously hosted the Summer Games in 1964.

Tokyo's bid came in at \$5 billion to \$6 billion, compared to \$19 billion pledged by Istanbul, said Ed Hula, editor and founder of aroundtherings.com, which covers the business and politics of the Olympic movement.

But Tokyo's government has already amassed a \$4.9 billion Olympic fund to pay to prepare for the Games and a \$1 billion national stadium that will be used for the athletic events and the Opening Ceremonies will already have been built for the rugby World Cup in 2017.

Turkey would have been the first Muslim country to host the Games. However, it missed out for the fifth time. It would have needed to fund infrastructure improvements, including modernisation of its transportation system. June's rioting in Istanbul's Taksim Square may have tainted the city's hopes.

Meanwhile, the IOC has voted to reinstate wrestling as an Olympic sport for the 2020 and 2024 Games after being voted in ahead of baseball/softball and squash.

The 2016 Summer Olympics will be in Brazil. The Winter Olympics will be held in Russia in 2014 and South Korea in 2018.



The Tokyo Big Sight exhibition center will be used as the International Broadcast Center



The Wakasu Golf Links and Wakasu Olympic Marina is where Golf and Sailing will be held



The Sapporo Dome in Sapporo will host Football matches

GLASGOW 2014:

COMMONWEALTH GAMES

OVERSUBSCRIBED



Ticket demand for Glasgow 2014 track and field events, swimming and cycling is high with some events already oversubscribed. Tickets for some events at next year's Commonwealth Games in Glasgow will be allocated by ballot, with applications running into the hundreds of thousands according to the organising committee.

A draw will take place to allocate tickets for swimming, diving, cycling, gymnastics, shooting and the triathlon.

Up to one million tickets went on sale until 16 September.

Glasgow 2014's deputy chief executive Ty Speer said: "We're really enthused by the continued high demand across all sports and ceremonies and are focused on ensuring everyone who wants to experience the excitement of the games can make the ticket choices that are right for them."



COUNTRY NSW REFEREES

EXPERIENCE PREMIER

LEAGUE FOOTBALL

Four referees between 15 and 17 years of age travelled from Country NSW to Sydney in August to learn and develop their skills in the state's premier competition.

The Referee Development Program, supported by insurer Sportscover, provided opportunities for Rhys Bennett (Albury), Roly Jones-Whitem (Merimbula), Dean Burge (Griffith) and Ryan Kurtz (Mudgee) to referee the round 20 fixtures between APIA Leichhardt Tigers and South Coast Wolves at Lambert Park. The four referees rotated between roles on the U14s, U15s, U16s and U18s matches.

The participants were hand-picked by Football NSW Referee Manager Kris Griffith-Jones and recommended by their local branch as excellent young referees who are determined to advance their skills towards becoming an elite referee.

"This is a fantastic initiative by Sportscover which will help us provide further opportunities for referees in regional areas of New South Wales," Griffith-Jones said.

"Often these areas don't have sufficient referees to cover matches or the resources to provide quality assessment and development opportunities."

# HEADGUARD DECISION MAY HURT BOXERS

Olympic boxers will fight without head guards after several significant rule changes by the sport's international governing body.

The rule changes banning headguards and introducing new, larger 12-ounce gloves were brought in by the International Boxing Association (AIBA) and came into effect on June 1 this year. AIBA hopes the changes will make amateur boxing more appealing on television as it seeks to launch its own semi-professional competition.



Male boxers at the world championships in October and the Rio de Janeiro Olympics in 2016 won't wear the protective head guards.

Although the move might seem counterintuitive in preventing brain injuries, the chairman of AIBA's medical commission, Charles Butler, cites numerous medical studies that suggest fighting without head guards will decrease concussions.

"There's no evidence protective gear shows a reduction in incidence of concussion," Butler said. "In 1982, when the American Medical Association moved to ban boxing, everybody panicked and put headgear on the boxers, but nobody ever looked to see what the headgear did."

AIBA's executive committee unanimously voted to add head guards to amateur competition in April 1984, and they stayed in place through eight straight Olympics.

But the headgear has long been criticised for diffusing the impact of a blow and allowing fighters to continue sustaining more head shots for a longer stretch of time. The gear also offers no protection to the chin, where many knockout blows land in boxing, while the bulky sides of the device impede fighters' peripheral vision, preventing them from seeing every head blow.

The head guard ban will only affect male boxers at the top levels of AIBA competition, meaning women's boxers and younger fighters will still wear the gear.

In some countries, elite amateur boxers may be forced to fight without injury insurance as often policies for amateur boxers will state that boxers who compete without protective headgear are not covered.

Stephen Parnis, Victorian president of the Australian Medical Association, condemned the ban. "It significantly increases the risk of harm and really demonstrates that the safety and wellbeing of the boxers is not the principal priority of these people who profit from this sport," he said.

"We know the more frequent and severe blunt trauma to the head is, the more the risk of serious head injury, and there are circumstances where one unlucky punch can result in a potentially lethal injury. There are no circumstances that could make this acceptably safe."

Australian national boxing coach Don Abnett said he was in favour of amateur boxers wearing headguards at all levels. "These are young men still developing and learning their ring craft," he said. ■

## LEGAL FOCUS:



# A TALE OF **TWO WARNINGS**

One of the most important ways in which a recreational activity provider can discharge its duty of care or secure the benefit of a statutory defence is to provide a warning to participants. However, **James McIntyre** and **William Thompson**, write that it is not necessary for the warning to list each and every potential risk associated with the activity but a warning buried in the fine print of a lift ticket may not be sufficient.



# CLAIM TRIPPED UP BY ADEQUATE WARNING

(Action Paintball Games Pty Ltd (in liquidation) v Barker [2013] NSWCA 128)

**A**ction Paintball Games Pty Ltd (the Appellant) occupied an area of natural bushland on which it ran laser tag and paintball games. Throughout the area of bushland, where the game was conducted, there were rough tracks through the bush but also fallen branches and debris. On 16 February 2008, Bethany Baker (the Respondent) attended a laser tag game in the area run by the Appellant for her brother's birthday. At the time of the incident the Respondent was aged one day short of 10 years of age.

Prior to the laser tag game commencing, a member of the Appellant's staff conducted an induction, in the presence of the Respondent's father, which warned the Respondent and other participants in the game about certain safety aspects and the game's rules. The Appellant's safety briefing included a warning that "there is a lot of sticks and obstacles in the way, so not to run full out, because you might fall over, and hurt yourself".

Shortly after the game commenced, the Respondent tripped over a tree root and fell whilst jogging on a dirt track. The Respondent suffered a significant fracture to her left elbow as a result of the fall. The 2011 District Court decision awarded the Respondent damages in an amount a little over \$280,000.

The appeal brought by the Appellant was limited to the issue of liability rather than the assessment of damages.

The Civil Liability Act (2002) NSW (the CLA) provides that a person who suffers harm as a result of an obvious risk is presumed to have been aware of that risk of harm. The Act also provides that there is no duty of care to another person to warn of an obvious risk.

The trial judge found that tripping on a tree root on the pathway was not an obvious risk pursuant to section 5F under the CLA because the recreational activity site was not ordinary bushland, the plaintiff had never been there before and she had not played laser tag before.

Section 5M of the CLA sets out that a person does not owe a duty of care in respect of a risk of a recreational activity if the risk was the subject of a warning. The section further provides that a valid warning is one that is reasonably likely to warn people of the risk before engaging in the recreational activity. A defendant is not required to establish that the person received or understood the warning or was capable of receiving or understanding the warning. A warning does not need to be specific to the particular risk and can be a general

warning of a risk that includes the particular risk concerned.

The Court of Appeal considered whether the Respondent's claim for damages resulting from the recreational activity was the subject of a "risk warning" which would exclude the Appellant's duty of care under the Act.

On appeal, it was accepted that the warning was provided to the Respondent in the presence of her father and that from her evidence, she understood the general risks associated with running through bushland.

In a unanimous judgment, the Court of Appeal rejected the Trial Judge's suggestions that one specific hazard should have been identified and held that this was a function of hindsight. Basten JA held that the suggestion that children should be told not to run at all would have been disproportionate to the risk and would have greatly diminished the game's attractiveness. He found that a risk warning needs to identify the existence of a risk but not necessarily instruct the recipient as to all the steps necessary to avoid the risk. His Honour determined that reference to the general kind of risk involved without precise delineation of each separate obstacle or hazard could constitute an adequate warning.

Accordingly, the Court of Appeal concluded that the Appellant's warning was adequate and allowed the Appellant's reliance on section 5M in defence of the claim.

Basten JA considered that irrespective of the application of the 5M defence, the Trial Judge's formulation of the duty of care was too high. Basten JA also considered the common risk of harm through tripping, the need to avoid reliance on hindsight and the social utility of the activity, in finding that there was no obligation on the Appellant in exercise of its duty of reasonable care to remove the offending protruding tree root from the ground.

## SUMMARY

The decision provides guidance for operators of areas which provide recreational activities, in relation to the requirements for the nature and scope of warnings to be given to participants regarding the risks of an activity. It is sufficient for a warning to identify the general type of risk involved rather than having to identify each and every risk. A further important consideration for operators is to ensure they can prove that the warning was appropriately communicated to participants prior to their involvement in the recreational activity to discharge their duty of care.



## FINE PRINT WARNING NO SUBSTITUTE FOR OPERATOR

**T**he decision of the New South Wales Supreme Court in *Nair-Smith v Perisher Blue Pty Ltd* [2013] NSWSC 727 provides an important discussion in relation to the negligence of recreational activity providers, sufficiency of warnings and breaches of implied terms.

Dr Ghita Nair-Smith (the Plaintiff), an experienced skier, was skiing at the Defendant's ski fields with her family and friends. On 18 July 2003, the plaintiff attempted to board a triple chair ski lift with two friends. They noticed that the safety bar on the approaching chair was down and alerted the ski lift operator.

The lift operator was able to raise the safety bar shortly before the chair reached the loading point. Despite this, the plaintiff was misaligned with the chair and struck by the right hand rail in the groin area from behind. The plaintiff remained straddled on the armrest but was eventually pulled into her seat by one of her friends on the chairlift. As a consequence of the incident, the plaintiff suffered damage to her pelvis and on-going pain and allegedly developed a psychiatric condition as a result of the incident.

The plaintiff sued the ski resort for damages claiming that the lift operator's actions caused the chair to move out of its alignment and strike her.

The court held that section 74(1) of the Trade Practices Act 1974 (Cth) (the TPA) had the effect of deeming an implied term of contract between the parties that the defendant would provide services with due care and skill to the plaintiff.

The defendant purported to exclude liability of the implied terms and its liability generally under the CLA and to rely upon a written exclusion of liability clause on the reverse side of the plaintiff's lift ticket and the operation of section 5N (1) of the CLA which allows parties to a contract to exclude liability for dangerous recreational activities.

Section 68 of the TPA provides that any term of a contract that purports to exclude, restrict or modify or has the effect of excluding, restricting or modifying the section 74(1) implied due care and skill warranty is void.

The defendant sought to avoid the operation of section 68(1) by relying on either or both of the exceptions contained in sections 68A and 68B of the TPA which allow limitation of liability to the cost of the supply of the service. Section 68A provides the exception in relation to the supply by a corporation of services other than those of a kind ordinarily acquired for personal, domestic or household use or consumption while section 68B relates to the supply by a corporation of recreational services.

The Court of Appeal held that neither of the above applied. The contract was not for services for "personal, domestic or household use or consumption". In relation to section 68B, the court concluded that the contract was not one for the supply of "recreational services" because the contract was merely a contract to provide transport services on a ski slope and did not concern participation in a sporting activity.

The Court held that the ski resort was negligent and in breach of the condition implied by section 74(1) of the TPA, by reason of the lift operator's inattentiveness and failure to take precautions. The Court held that the lift operator was not adequately positioned to identify, and if required, ensure that the safety bar could be lifted in a timely manner. The identified risk of harm was foreseeable and not insignificant. The court concluded that the incident would likely not have arisen if the lift operator had intervened in the correct manner.

The court accepted evidence that the plaintiff was out of alignment with the chairlift at the designated loading point when she was hit by the chair. Despite this, the plaintiff had not contributed to her own injuries and that instead her

misalignment was a consequence of the late intervention by the chair lift operator in rectifying the safety bar issue. Accordingly, the court rejected the ski resort's allegations of contributory negligence.

The court rejected the defendant's inherent risk argument raised under section 5I of the CLA on the basis that the risk could have been avoided by the exercise of reasonable care and skill on the part of the lift operator. The ski resort also contended that the harm suffered by the plaintiff was a result of a dangerous recreational activity pursuant to section 5L of the CLA. The Court rejected this argument and held that the relevant activity (for the purpose of the statutory defence) was the process of boarding a triple chair lift in the presence of lift operator and this did not constitute a dangerous activity.

The Court held that the defendant could not rely upon the warning on the reverse of the ticket or the "Alpine Responsibility Code" signage displayed at the resort to avoid liability. The warnings were not considered adequate under section 5M because:

- 1 The mere printing of the warning in small font was not sufficient to bring the warning to the attention of people; and
- 2 The warning did not warn of the specific risk in relation to the chairlift.

## SUMMARY

This case highlights the significant difference between a recreational activity which may be dangerous (such as skiing) and potentially offer the 'dangerous recreational activity' defences as opposed to ancillary activities (such as using a chairlift) which should be relatively innocuous if operated carefully.

The case also provides guidance to operators in relation to the adequacy of warnings. To be effective a warning must be communicated. This is unlikely to be achieved by a fine print warning on the reverse of a lift ticket if it lacks specificity and is not brought to the attention of patrons. ■

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## BOSTON'S SHUT DOWN:

# THE BLOW BACK

BY TIMOTHY MOTTRAM

**T**he crowd was thick and densely packed around the finishing line. This was a just a normal day, friends and families cheering on the runners. The festival atmosphere was fostered by the kind of goodwill that can often be found at sporting events. The runners passed the line, sweaty, their legs burning but feeling a genuine sense of achievement.

They had no idea their lives were about to be torn apart.

On April 15th at 2.49pm, two explosions -160 metres apart- rocked through the crowd. Suddenly the happy atmosphere was shattered, replaced by blinding pain and disbelief. Three people were killed immediately, but such was the density of the crowd and the spacing of the bombs that 264 others were injured. Many had limbs torn from the bodies by the force of the blasts, while some had to be amputated later at the hospital. The carnage was horrifying.

The bombers themselves, Dzhokar and Tamerlan Tsarnaev, were on hand, perhaps wanting to see firsthand how their bombs would destroy the lives of hundreds. Later, in an attempt to flee, the brothers hijacked a car, but were involved in a shoot out with the police. One officer was killed and another injured. In the fire fight, Tamerlan was killed. Dzhokhar drove through the police but was later caught hiding in a boat in a backyard.

In this new age of terrorism, sporting events are an obvious target. Huge amounts of people clustered together enable

the terrorist to cause maximum damage. Despite there being security at big matches, most of their concern is about violence within the crowd, rather than violence targeted towards the crowd. Add to that the media coverage on hand, and you have a perfect target for terrorists. This tragedy has much to teach us about the danger posed to the sporting public.

Shortly after the attack, the police initiated a "shelter-in-place" order. Lock-downs occur often at schools or businesses when there is a natural catastrophe or some other danger. But the authorities of Boston took a step that is unprecedented in American history. They shut down the whole city.

There has been terrorism in America for years, but the September 11 attacks changed the way it is seen and handled. Many Americans are worried about how their civil liberties are being impinged through moves to track and capture terrorists. How the lock-down worked and what its ramifications could be in the future are occupying the dialogue on both sides. Will other cities shut down when there is a terrorist move at a sporting event? Is a lock-down an extreme yet cautious method to save lives? Or is it an infringement on liberty?

The police and authorities acted quickly and decisively after the explosions. They gained praise from President Obama. "After a vicious attack on their city, Bostonians responded with resolve and determination," he said in an address to the nation.

Other experts said the lock-down was justified. Frank Cilluffo,



director of the Homeland Security Police Institute said that “In terms of both scale and scope, the shelter-in-place that was enforced was extraordinary, perhaps even unprecedented, but so too were the circumstances...I think what you saw here was a prudent number and series of steps that were taken that very well could have saved lives.”

But Cilluffo’s opinion is not shared by many other Americans. They see the lock-down as evidence of the slow shedding of freedom that began with the Patriot Act after 9/11. They say it is a form of martial law.

Perhaps most vocal in his opposition to future lock-downs is former Republican and current libertarian Ron Paul. The outspoken politician is known for his extremist views, but he speaks for many Americans who believe in freedom above all else. “The Boston bombing provided the opportunity for the government to turn what should have been a police investigation into a military-style occupation of an American city. This unprecedented move should frighten us as much or more than the attack itself,” he said.

But it is not only the extreme right that is worried by the lock-down precedent. Comedian and political commentator Bill Maher warned of a police state on his show, claiming it as evidence of a creeping “police state”.

Firing back, the Governor of Massachusetts Deval Patrick said that “There was a firefight out here last night [with] some

200 rounds and explosives, so we were very justified, I believe, based on what we understood about the investigation, in taking what we knew was a big step.”

Champion Red Sox baseballer is unbowed by the effect of the lock-down. “We won’t be giving up any civil liberties to keep ourselves safe because of this,” he said soon after the attacks.

There is, however, a further complication that comes with a global lock-down, beyond the limiting of liberties. Terror is enhanced through exposure: hence the vulnerability of sporting events. But they also benefit from causing disruption and havoc. Should lock-downs become a normal response to terror, it may just encourage the terrorists.


“The payoff to the would-be terrorists is the most disruption you can get,” says Stephen Flynn, who directs Northeastern University’s George J. Kostas Research Institute for Homeland Security. “So on the one hand, you’re trying to obviously safeguard life and property. On the other, you want to make sure that you’re not creating, essentially, future motivation for follow-on attacks to take place because [of] the possibility [that] if you carry out one of these horrific acts, you can shut down a major city.”

The Boston Bombings were a horrible, senseless tragedy. But the way the authorities reacted should give everyone, particularly those involved in sporting events, pause for thought. ■

THE SCANDAL IN SOCHI:

# A COLD RECEPTION FOR GAY ATHLETES AT THE SOCHI WINTER OLYMPICS

BY TIMOTHY MOTTRAM



Johnny Weir, openly gay figure skater who is married to a Russian-American

In June, the Russian parliament passed a law banning the dissemination of “propaganda of non-traditional sexual relations” among minors. This move was seen as a major attack on the Gay, Lesbian, Bi-sexual and Transgender (GLBT) population of the country, and the ripple effect has probably shocked some of the law-makers.

With the Sochi Winter Olympics only 6 months in the future, there have been frenzied calls for a boycott of the games to show the world’s solidarity over the oppressive new laws.

The situation once again brings forth the question of the wider role of sport in the global community. It is a given that it is more than the simple running of a race, or putting a ball in a net. International sport, with the Olympic Games as its figurehead, was envisaged to be a force beyond politics and pettiness, where the global community could join together and be their best.

It is logical that when a political body is making movements that some interpret as oppressive, the Olympic spirit of equality is being undermined.

Comedian Steven Fry, who is something of a spokesperson for gay rights, has likened the support of the Winter Olympics to the 1936 Berlin Games. He claimed that Putin “is making scapegoats of gay people, just as Hitler did Jews. He cannot be allowed to get away with it ... I am gay. I am a Jew. My mother lost over a dozen of her family to Hitler’s anti-Semitism.” In his open letter, he called for a blanket ban on the games.

While there remains a definite logic to his argument, many others believe that a boycott will not have the desired effect. In an interview with the Guardian, Olympic Skeleton winner Amy Williams, summed up what many athletes are thinking. “As far as I know from the statistics, boycotting does not work,” said Williams. “I did hear that boycotting in the past has proven to never work, it doesn’t solve an issue.”

"The athletes are staying out of it. They've worked their whole lives for an Olympic Games and, if things happen outside of your bubble, you let the right people deal with it and comment on it.

"You're focusing on your performance. Highlight the issue in other ways, through political leaders."

German Foreign Minister Guido Westerwelle, who is himself gay, mirrors this notion. "It would be wrong to leave the field to those who are against tolerance and the protection of minorities," he said. His opinion is thought to reflect that of German Chancellor Angela Merkel.

Within the GLBT community, there is a split concerning the best way to counter the new laws. Some agree with Fry and support a boycott, whereas others support a more vocal reaction. Within this second opinion is the theory that a boycott would be welcomed by Putin and his cronies as the boycott would keep homosexuals away from the Olympics. Attendance would not only highlight the problem but would put it in the spotlight.

As quoted on CNN, openly gay figure skater Johnny Weir, who is actually married to a Russian-American, is all for going to the Olympics. "I'm quite well known in Russia, so my sheer presence is a big statement against this anti-propaganda law," he told CNN.

Actually being present visualizes the problem. Nikolay Alekseev, prominent GLBT activist and lawyer told one website that "We think that the best solution for all this is to go and protest during the Olympic Games, so that all the sportsmen can join in and wear rainbow pins and talk about the issues during the press conferences - so that the media reports about what is going on in Russia."

So it would seem that a boycott is not in the best interests of the GLBT community. But there remain a couple of questions. Is the creeping Russian homophobia a reality, and just how much personal risk will these athletes be taking by attending the Games?

Perhaps in an effort to head off the furor, the IOC asked for assurances that gay and lesbian competitors would not be discriminated against. The Russian authorities were adamant that the laws would in no way hurt any international who attends the games.

Russian Deputy Prime Minister Kozak wrote: "The Russian Federation guarantees the fulfillment of its obligations before the International Olympic Committee in its entirety.

"In particular, legislation of the Russian Federation does not

stipulate any restrictions or differentiation of the rights and responsibilities of citizens on the basis of sexual orientation."

This declaration was seen as sufficient to the IOC, who now have got no hesitation in allowing the games to go ahead in Sochi.

Kozak's comments were not entirely reflective of those spoken earlier by Russian Sports Minister Vitaly Mutko, who said no concessions would be made to foreign athletes and visitors to the Sochi Olympics.



*"I'm quite well known in Russia, so my sheer presence is a big statement..."*

"No one is forbidding an athlete with non-traditional sexual orientation from coming to Sochi, but if he goes onto the street and starts propagandizing it, then of course he will be held accountable," Mutko said.

The vague menace of a Russian official warning of "being held accountable" should be enough to worry some athletes who may have been considering a more vocal response during the games.

According to many reports, Russian homophobia has hardened over the past few years, as a result of political pressures making use of deep-seated prejudice. Putin has been accused of trying to forge a new Russian identity, one that is aligned with values that contrast with those of the west - read social freedoms- and an alignment with the Russian Orthodox church.

State Duma MP Mikhail Degtyarev proposed a range of laws that pertained to homosexuality in August. Among them is a banning of gays from blood donating programs and a state funded 'ex,gay' therapy program, which would enable GLBTs to, according to Degtyarev, "return to a normal life and become heterosexuals, as are 95 to 99 percent of our citizens."

In August, Putin banned public protest in and around Sochi for the duration of the games. This is clearly a pre-emptive move, but is one that could provide some heated scenes. Should an 'illegal' protest take place, police will be empowered to disperse the crowd using extreme measures, perhaps reflecting the anti-government protests in Turkey in May. Already, there are reports of Neo-Nazis attacking gay protesters in other parades, and of police non-intervention, even of collusion. The result of a Gay Pride protest in Sochi could be explosive.

The situation has created tension in sport, politics and within the GLBT community. So much for the Olympics being 'apolitical'. ■



# AT RISK

'At Risk' is a new regular feature which highlights recent news stories about some of the accidents and injuries that occur in the sport and leisure world. Risk is present in our everyday lives even when we are playing sport and having fun.

Here we report some of the more tragic and bizarre events that lead to injury and sometimes even death in our industry.

## AFL PLAYER SUES AFTER LOSING VISION IN ON-FIELD BATTLE FOR BALL

An AFL full-forward who lost part of his vision in an incident in April 2010 is suing the opponent defender who hit him during a football marking duel.

Andrew Taranto, 28, claims he was left with scarring and loss of his peripheral vision while playing for St Pauls East Bentleigh. He was struck in the head by St Kilda City football club defender Dylan Reiseger at a match at St Kilda City's Peanut Farm Oval. The incident was not reported to the Southern Football League at the time.

It is alleged by Mr Taranto that his opponent had not followed the rules of the sport when he struck him to the head. He also claims Mr Reiseger did not take reasonable care to ensure he was not injured.

Mr Taranto is trying to recoup costs from ongoing medical expenses and a loss of earnings. He claims to have also suffered anxiety and depression.

Legal experts say it is rare for a lawsuit to be lodged for an incident during play but said sportsmen were increasingly being held legally accountable for their actions on the field.

Despite Mr Taranto's injury, he played on in 2011, booting 50 goals as a key forward during the club's premiership season.

St Kilda City football club president Shaun Cotter said Mr Reiseger was shocked when he received the legal letter. "In 25 years of playing football, I have never heard of a player being sued in local footy before," Mr Cotter said.

"If the lawyers were called every time a player was hit in a contest, I could have a couple of hundred of lawsuits coming my way."

## PROFESSIONAL FOOTBALLER DIES AFTER DEBUT

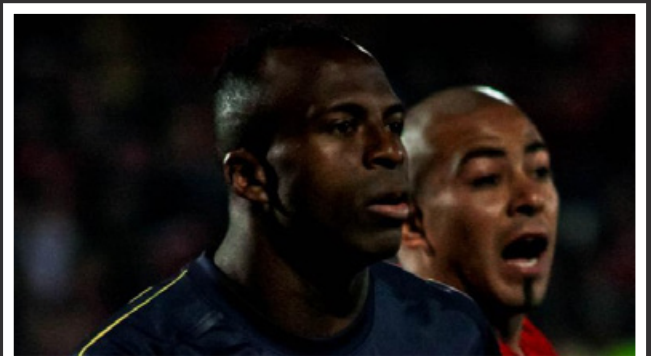
A professional football player died within hours of his debut in Qatar in July.

Christian "Chucho" Benítez, the 27-year-old Ecuadorean forward, left the field after making his debut for the Qatari team El Jaish on Sunday appearing fit and well. He complained later of stomach pain, and was pronounced dead at a Qatar hospital.

El Jaish's Web site said Benítez had not complained about any health problems after playing in the club's 2-0 victory over Qatar Sports Club in the Sheikh Jassem Cup.

The player's father-in-law, Cléber Chalá, said from Ecuador that Benítez had had what was thought to be appendicitis, but that he had developed complications that led to respiratory arrest.

Benítez was born in the Andean city of Quito, but he played almost 200 games in Mexico, before and after a season with Birmingham City.





## AFL FOOTBALLER LEFT QUADRIPLÉGIC AFTER SPINAL INJURY

Casey Tutungi, a former VFL footballer has been left a quadriplegic after damaging his spine in a game of football. The 27-year-old injured his spine during an on-field accident against St Joseph's in June.

Doctors have told Casey Tutungi, who played for Geelong's Victorian Football League side before becoming co-coach of Geelong Football League team South Barwon, that he will never be able to walk or use his arms again. He fractured and dislocated his C4 and C5 vertebrae, which had compressed his spinal cord and caused swelling.

He injured his spine during an on-field collision with an opposition player in the last minutes of the game. After collecting the football he pushed through a pack colliding head first into the stomach of an opposition player. Following impact he flopped to the ground and was unable to move below the shoulders.

He was placed in an induced coma before being returned to full consciousness several days later to be given the shattering prognosis.

He has stated that he is determined to continue to coach South Barwon.

Although such injuries are rare in Australian Rules football, several have happened in recent decades.

In July last year, country South Australian footballer Trent Rothall fractured his C4 and C5 vertebrae during an on-field accident. After being confirmed a quadriplegic, the 21-year-old Kingston player has reportedly regained some movement in both his arms.

Rothall's accident came weeks after Gippsland footballer Beau Vernon suffered a similar injury.

The 2011 best-and-fairest Leongatha Parrots was left with C5-C6 quadriplegia after an on-field clash against Wonthaggi.

In 1975, former Footscray footballer Neil Sachse was left a quadriplegic after an accidental collision with Fitzroy player, Kevin O'Keeffe.

Tutungi's family has set up a trust to help pay for medical equipment. Anyone wishing to donate can visit [caseytutungi.com](http://caseytutungi.com) or visit any branch of the Bendigo Bank and donate to the Casey Tutungi Future Fund.

## CLUB RUGBY PLAYER DIES AFTER BRAIN BLEED

Takapuna Club rugby player Willie Halaifonua died in Auckland hospital after collapsing with a head injury at the end of a match on 20 July.

The father of two was named player of the day moments before he fell to the ground unconscious at the end of the premier division match between his Takapuna team and Massey at the Onewa Domain.

Mr Halaifonua reportedly clashed heads with a Massey player about a minute before the game ended, and collapsed just a few minutes later. The 27-year-old lock could not be roused and was rushed to Auckland City Hospital where he underwent a three-hour emergency operation to relieve pressure on his brain. He died without regaining consciousness.

Takapuna manager Glenn Gissing said "He collapsed at the end of the game. I was walking back to the clubrooms with all the gear, the game had finished and everyone was shaking hands and Willie just dropped to his knees. Willie had just been made our player of the day. He played very well.

"He had a couple of knocks during the game. He had a head clash with a Massey player but Willie was okay so he obviously carried on playing. There was another incident right at the end, in the last five minutes of the game, and it wasn't deliberate, where a stray knee hit him in the head. That probably compounded the first knock."

### CONCUSSION RULES

In accordance with International Rugby Board rules, any player thought to have suffered a "suspected loss of consciousness" must be referred to a doctor for a pitch side suspected concussion assessment (PCSA)

They are referred for the test if they are unsteady on their feet, if they are disoriented or confused, if they appear dazed or are exhibiting inappropriate behaviour or other symptoms or signs suggesting a suspected concussion.

Players can only go back on the field if the person administering the test deems them fit to play.

# SIZE DOES MATTER

By **Carmen Hodges**, Special Counsel, Moray & Agnew Lawyers,  
with additional contribution from **David Lamb**, CEO Sportscover  
Australia.

A recent substantial insurance claim has demonstrated the potential pitfalls with mixed sports or where players of greatly varying weights or sizes are playing in the same match. The claim resulted when a petite woman in a mixed gender game sustained a serious back injury when a much larger male collided with her in the ordinary course of the game. Compounding this were previous allegations that the association was aware of previous “rough play” of a particular team and failed to take any remedial action which would have prevented the injury.

The rules of the social competition provided that players should take “reasonable care when playing to ensure that the game is not too rough or inappropriate, taking into account size, weight and gender”.

Importantly the male who initiated the contact was not deemed to be playing outside the rules of the game and was not sanctioned at the time of the incident for unsportsmanlike behaviour or the like, yet the association was still deemed liable for the injury due to the obvious physical miss-

match between the participants and the foreseeability of contact in the particular sport involved.

There was no record of any formal complaints about the team being received by the club and no mention of any concerns about any adverse behaviour by a particular team or player in the minutes of committee meetings. Notwithstanding, it became clear that the team in question played seriously and competitively and that the members of the committee were aware of this.

In the absence of any written material to suggest otherwise, the decision by the association inferred there was an element of prior knowledge on their part about the adverse behaviour of the particular team. As a consequence, there was a real concern that the plaintiff would be able to prove that the club was aware of the adverse behaviour and was therefore negligent in failing to remove the team from the competition at an earlier date. After considering legal advice, this claim was settled prior to trial.



## LESSONS LEARNED

Sporting associations and clubs owe a duty to their players to provide a safe environment for playing the game. Safety is paramount and it is important that clubs properly consider any physical miss-matches particularly in mixed gender competitions that might increase the possibility of injury. Appropriate responses may include modification of the rules to limit any physical contact and waivers to be signed by ALL players to ensure they are aware of the consequences of the physical miss-match.

If either of these steps cannot be adequately implemented and appropriate safeguards put in place then consideration should be given to stopping mixed competitions.

The second main lesson arising from this claim is that complaints about teams' behaviours, particularly those that raise safety concerns, must be dealt with promptly and in an appropriate fashion and importantly, records kept of the complaint and the association or club's response. Obviously the appropriate response will vary depending on the circumstances, but a reasonable response could include the club:

- ▶ Investigating the circumstances of the complaint;
- ▶ Raising the concerns directly with the team or player involved in an informal manner;
- ▶ Sending a written warning to the team or player in question;
- ▶ Referring the complaint to a disciplinary tribunal;
- ▶ Banning the player or team from the competition for a period of time or permanently.

Clubs that consistently manage complaints in a pro-active fashion should be rewarded with more enjoyable competition and receive fewer complaints. They should also be in a good position to defend any claims made on the basis that the club was aware of adverse behaviour and failed to take appropriate action to prevent injury.

Finally, if your sport involves significant physical miss-matches or mixed gender competitions then you should speak to your insurer or broker about what steps can be undertaken to better manage and mitigate this risk. It only takes one claim like the one discussed above to open the door for others to follow. ■

## CHECKLIST FOR CLUBS WHEN DEALING WITH COMPLAINTS

1

Clubs should develop a clear system for dealing with complaints.

2

Players should be informed of the complaints process.

3

Any decisions or discussions relating to player or team complaints should be properly minuted and records kept of any action taken.

4

Clubs should ensure they always comply with their complaints process.

5

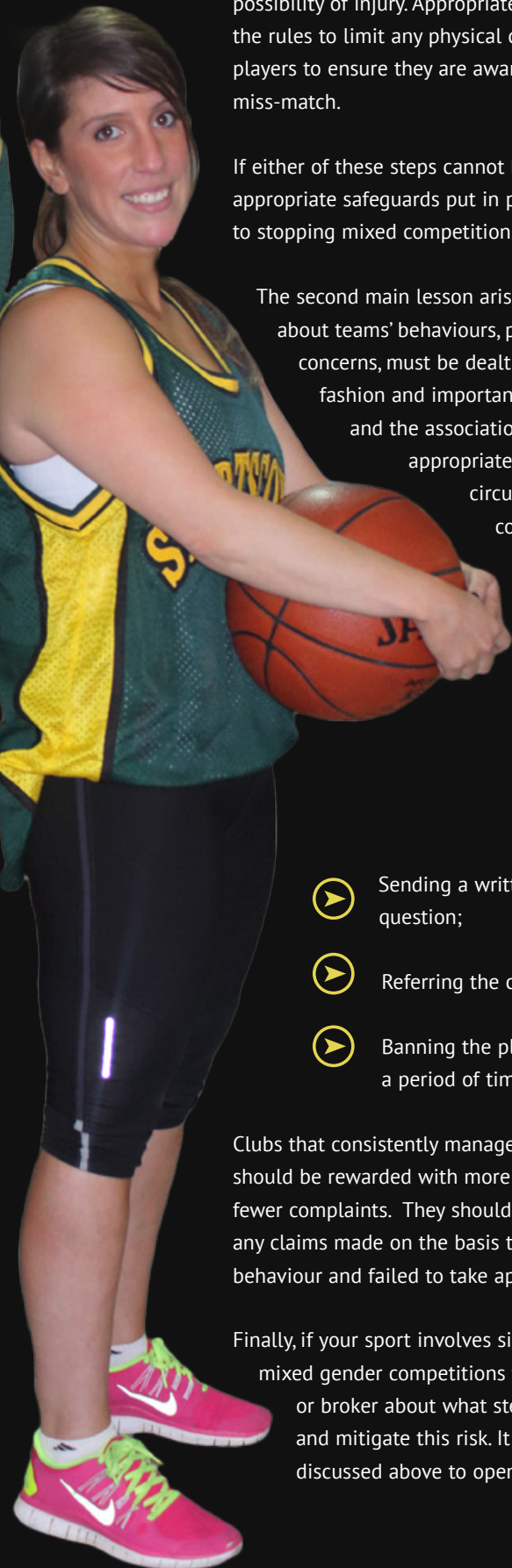
Clubs should ensure that the rules of competition are clear and all players are aware of the rules.

6

Rule changes should be considered to improve player safety.

7

Clubs should ensure that their minutes of committee meetings accurately reflect any discussions and decisions made in relation to any complaints about teams or players or any the changes to the rules for reasons of safety.



# MANAGING YOUR RISK



**Phil Stevens** has spent much of his life involved with analysing and minimising risk. During the many years that Phil was the CEO of Australia's largest football body, the Victorian Amateur Football Association he spent a great deal of time educating the 10,000 registered Amateur players, its 73 clubs and over 210 teams that the game can be a much more enjoyable past-time if everyone recognises the need to minimise or control risky situations.

Now, as Operations Manager of risk management specialists VRA, which conducts risk assessments on properties, Phil says we should all take risk management seriously whatever we are doing.

**L**ife or living is a risky business. From the moment we get out of bed in the morning we are exposing ourselves to risk. Whether we travel to work, work a full day, play sport, eat, go on holidays or do anything at all, there is a degree of risk.

We cannot stay in bed just because we may be involved in an accident on the roads, or suffer an injury playing sport. What a terrible life it would be if we were not prepared to embrace all the things that make a life thrilling, enjoyable and rewarding.

Firstly we need to acknowledge that each of our "life" situations – playing, travelling, working, relaxing – will expose us to some degree of risk, or in other words open us up to a degree of danger, harm or potential loss.

What we do need to do, in all the things that we embark upon, is to be aware of the risks associated with our activities and, where possible, reduce the danger, harm or loss in what we are doing. Many people will do this automatically for many of their everyday activities, but whether it is a regular and familiar activity or a completely new one, we should go through a process as follows:

- Identify the risks before we begin an activity - Is our car safe to drive to work each day? Does our airline have a good safety record? Is the sporting field we play on safe from unnecessary hazards? Is the place we are going to for our holiday a safe place to go to at this time of the year?
- Assess the risks that have been identified -The playing surface of my footy ground is uneven and has pot holes in it. It is foolish to go camping in northern Australia in the cyclone season. The steps leading into my workplace are not highlighted so someone may suffer a trip of fall.
- Eliminate or control the identified risks - Get the club to resurface the ground where your sport is played. Ask for signs to be put up indicating dangerous areas.

The little examples listed after each of the above are by no means extensive and a good organisation should dedicate time to compiling as many situations as possible, this being a precursor to a risk management policy.

I read recently of a local council which had removed a number of large pine trees from behind the goals at a local football club. The removal of the trees may well have been necessary as they were old and there had been some evidence of broken limbs in recent heavy weather. However the trees gave a form of protection from footballs being kicked through the goals and into neighbouring houses and causing property damage. Good risk management would suggest that it is important to remove the trees as they were becoming a potential dangerous situation but also address the exposure of a further risk (damage to property) resulting from this action.

A recent court decision saw an adventure company fined over the death of a teacher, who got caught in a rip and drowned after suffering a heart attack whilst participating in a snorkelling activity with his students as one of the activities run by the adventure company. The judge acknowledged that the company did not deliberately ignore safety standards but should have, and could have, assessed the risks associated with the activity. For example, were the water conditions checked so all were not exposed to unnecessary risk, were the swimming abilities of the group assessed to ensure they could cope with the requirements of the activity and was there safety equipment on hand to assist those in need?

The judge's closing comments in this particular case illustrate what all administrators, sports executives and those in charge of running workplaces and activities for others need to be mindful of, when he said;

"The events of this case (and others like it) will have been a salutary reminder of the need to assess risks."

There is a growing recognition of the value of professional risk management services in all walks of life. Many insurers insist on risk management reports prior to providing cover for property risks or for liability policies and VRA is completing more and more risk assessments for local councils and sporting clubs who see the value of having the properties used by the public independently assessed. They recognise that this is essential for the ongoing process of improving properties and public areas, making them safer for all. The message is getting through but, whilst it is important that we strive to minimise risk as much as we can, we will never completely eliminate it. So, don't forget to check out the weather forecasts when you next go on that camping expedition! ■

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# THE ORIGINALS:

## HOW NEW ZEALAND'S **ALL BLACKS** ARRIVED

BY TIMOTHY MOTTRAM

**B**y the time the 1905 All Blacks were finished wiping the proverbial turf with England's best teams, it was time for another dose of national soul searching in the Home Countries. One journalist from the Daily Mail had this to say in the aftermath:

"The conclusion is irresistibly borne upon me after every game that they are not only better men physically, but quicker in conception, possess much more initiative, and, moreover, a greater amount of resolution. What is the reason? Has the decadence of the English athlete really set in?"

It would not be the last time this once-dominant sporting giant would scratch its head and wonder how it just got mugged by some upstart colonial.

But such were the hidings handed out in the winter of 1905-6 that New Zealand's rugby heritage attained new heights. And as tended to happen in those days of empire, sticking one up Britannia helped forge a national identity. It was on that tour that the legend of the All Blacks was formed.

The name itself was not widely used until the end of that series. There is a famous story that the name was planted due to a journalistic mistake. When filing a report to a stenographer, the journalist said that the New Zealand team played so fast that they played like "all backs", which was misheard. The more prosaic reason is more likely though. They played in their now-familiar black uniform and were referred to as "The All Blacks, as they are styled by reason of their sable and unrelieved costume."

Regardless of the source of the name, the mere act of dubbing a team organically speaks to the admiration that all felt for this incredible group of sportsmen.

The statistics speak for themselves: during the tour, they played 30, won 29, scoring 821 points to 35 conceded. Against well-drilled and established county teams, the results were astonishing: 41-0, 41-0, 32-0, 28-0, 34-0, 16-3, 63-0, 31-0, and 44-0. These were in the days of much lower totals than currently.

Both England and Ireland were seen off for the same score of 15-0. It is estimated that around 75,000 spectators were at the match where England were humbled.

The Scottish match has become famous for the bad blood that developed between the two groups. The Scottish RU made some shockingly – if slightly stereotypical-tight-fisted decisions both before and after the match. Unwilling to pay the New Zealand team a flat rate, and expecting a low crowd, they offered instead a net percentage of the gate. An ungainly back flip was attempted when they got wind of the fact that over 20,000 supporters were on their way to watch the match.

This level of support would ensure the All Blacks made far in excess of their initially requested figure. So it may have been an innocent oversight when no straw was placed on the turf on the freezing night before the match. The Scottish RU attempted to convince the New Zealanders to cancel the match due to frozen conditions, but perhaps bloody-mindedness made the All Blacks insist on playing. In parlous conditions, the All Blacks ran out winners 12-7.

It was a streaky win, but certainly satisfying. Which perhaps led to the even more petulant behaviour of the Scottish RU, who went to the All Black's changing room to ask for their ball back.

The solitary loss in the series was to Wales, but like Bradman's 99.94 average, it only served to make the team more human.

Aside from that blemish, the only team that managed to score more than one try against them was the French national team at the end of the tour. It was said that the tourists were less than competitive when faced with a team playing its first international, so perhaps those tries were gentlemanly rather than testament to French Rugby.

So how did a team of colonials simply show up and beat the best teams of the United Kingdom? Judging from the press of the day, it was certainly a shock when the All Blacks took apart their teams. Those reports imply that the English teams were no longer a true fighting force: something had gone out of them. The truth, though, was simpler.

Let's start with endurance. The All Blacks were renowned for their speed and the way they seemed to swarm the ball in a manner with which the British could not compete. One prime reason for the superior fitness was simply a vagary of the rules. In New Zealand, the game was played for 90 minutes, in Britain it was 70 minutes. Those extra 20 minutes helped the regular New Zealand player build up a toughness that carried them through some of the scrappier matches.

Add to that the long boat voyage from New Zealand to Plymouth, in the south of England. Ship-board life is notoriously dull, so the player livened things up with long training sessions. They would box and run around the ship, but it is not recorded how many balls were lost overboard. So a certain lack of diversion probably had the players exercising more than they may have at home.

Another offshoot of life on a ship was that when they were not exercising they were talking rugby. The leadership of the team would brainstorm plays. By the time they got to England, each forward had a place within the ruck, whereas in Britain the use of designated forwards was not wide spread.

Another innovation that shocked the locals was the five-eighth, which was a common position in New Zealand but unheard of in the UK. This player helped the team transition from defence to attack quickly. The All Blacks also played with an attacking fullback, which was until then seen as a purely defensive position.

All of these small advantages feed into what made this team great. But, as with all great teams, stars must align. For a legend to be created it takes more than tactical tweaks and a clever name.

The Originals remain one of sport's legendary teams. In New Zealand, they have a cult status that can only come when sport transcends the mere act of kicking a ball. They helped a country forge an identity. ■



*The Scottish match has become famous for the bad blood that developed between the two groups. The Scottish RU made some shockingly – if slightly stereotypical - tight-fisted decisions”*

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