2017 Interdisciplinary Colloquium on Sport
Community Sport: Values, Perspectives & Challenges

Program
16 – 17 February 2017

Bond University
Gold Coast  Qld  4226

#BondICS2017
The 2017 Interdisciplinary Colloquium on Sport is proudly hosted by:

**Centre for Commercial Law, Faculty of Law, Faculty of Health Sciences & Medicine** and **Faculty of Society & Design**.

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**The Centre for Commercial Law Overview**

The Centre for Commercial Law is a not-for-profit university research centre established in 1989 as the *Taxation and Corporate Research Centre*. The Centre provides a vehicle for the pursuit of transnational research, teaching, conferences and colloquia. The Centre publishes scholarly books and four law journals.

**Our Mission**

The key objectives of the Centre are to:

- Provide a Centre of excellence for research, teaching, seminars, conferences, colloquia and publications in the area of commercial law;
- Encourage and organise interaction with Australian and overseas scholars and legal and business practitioners and related professional groups;
- Initiate and develop transnational and global links for the various programs of the Centre; and
- Aspire to be at the forefront of electronic publishing and blended educational presentation techniques.

The *Centre for Commercial Law* encourages relevant high quality research, publication and education on a broad range of topics that concern the relationship of law to domestic and international commercial and business activity.
# Bond ICS2017 Colloquium Program

**Thursday, 16 February**

5.00pm - 7.00pm  **Welcome Address and Industry Cocktail Function**  
University Club, Level 3, University Centre (Building 6), Bond University

**Welcome Address**  
*Mr Garry Nucifora*  
*Executive Director of Sport, Bond University*

**Friday, 17 February**

8.30am – 8.45am  **Registration and Morning Coffee**  
Lounge & Hallway, Level 3, Faculty of Law (Building 4), Bond University

8.45am – 9.00am  **Opening Address**  
Case Study 2, Level 3, Faculty of Law (Building 4), Bond University  
*Professor Tim Brailsford*  
*Vice-Chancellor and President, Bond University*

9.00am – 10.00am  **Keynote Speaker**  
*Professor Alison Doherty*  
*Professor, Faculty of Health Sciences, Western University Ontario, Canada*  
*Contemporary challenges for community sport in our changing world*

10.00am – 10.30am  **Morning Tea**

10.30am – 12.30pm  **Presentations**  
*Dr Ruth Jeanes*  
*Faculty of Education, Monash University*  
*‘Come in…but not too far’: Examining inclusion in Australian Junior Sports Clubs*

*Mr Paul Mugambwa*  
*Manager, Community Engagement, West Australian Football Commission*  
*Engaging at-risk youth through sports: Learnings from the NightFields program*

*Dr Caitlin Byrne*  
*Faculty of Society & Design, Bond University*  
*Sport leading diplomacy: Case study of the Gold Coast-PNG sporting relationship*

*Mr Anthony Crocker*  
*Barrister at Law, Jeffcott Chambers, Adelaide*  
*How satisfied should we be with ‘comfortable satisfaction’?*

12.30pm – 1.30pm  **Lunch**  
Under the Clock Tower, Level 2, Faculty of Law

#BondICS2017
1.30pm – 2.30pm  Keynote Speaker
Mr Keith Binnie
General Counsel, New Zealand Rugby Union
The challenges facing community sport in New Zealand in 2017 and beyond: An overall perspective and a case study involving Rugby Union

2.30pm – 3.00pm  Afternoon Tea
Available in hallway outside Case Study 2 during concurrent sessions

3.00pm – 4.30pm  Concurrent Sessions

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| Mr Damien Jennings  
Senior Project Officer, Sport Integrity and Governance, Office for Recreation and Sport, Department of Planning, Transport and Infrastructure, South Australia | Dr Jane E. Hunt  
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| Prosecutor discretion in relation to quasi-criminal conduct by sports participants | Role of statistics in community sports research from developing an index for physical fitness to surf life saving |
| Mr Ben Livings  
Senior Lecturer, School of Law, University of New England | Professor Kuldeep Kumar  
Professor of Statistics, Bond Business School, Bond University |
| Concussion in community sport: A retrospective analysis | Discriminating against children with disability in community sport: Time for a fair go? |
| Assistant Professor Annette Greenhow  
Assistant Professor, Faculty of Law, Bond University | Ms Simone Pearce  
Lecturer in Law, University of the Sunshine Coast |

4.30pm – 5.00pm  Colloquium forum and discussion around raised topics (from Twitter/question box)

5.00pm – 5.15pm  Closing Remarks

5.15pm – 6.30pm  Drinks and Canapés

Venue Details

Bond University
14 University Drive, Robina  QLD  4226
BIOGRAPHIES
(In order of presentation)

Professor Alison Doherty
Western University Ontario, Canada

Professor Doherty is with the Sport Management program in the School of Kinesiology, Faculty of Health Sciences at Western University in London, Ontario, Canada. Her research focuses broadly on the management of non-profit and community sport, and particularly sport and event volunteerism, group dynamics, and organizational capacity and innovation. She has over 80 peer-reviewed publications, book chapters, editorials and consulting reports, and is a co-author of the text Managing People in Sport Organizations: A Strategic Human Resource Management Perspective (2nd ed.). She is also co-editor of the recently released Routledge Handbook of Theory in Sport Management. Prof Doherty’s work has been supported by over $430,000 in nationally competitive grant funding (Social Sciences and Humanities Research Council of Canada).

Prof Doherty is a Research Fellow and former President of the North American Society for Sport Management (NASSM). In 2012 she was honoured with both the Dr Earle F. Zeigler Lecture Award and the Dr Garth Paton Distinguished Service Award from that organization. She is the former Editor of Sport Management Review (2013-2016) and a member of the editorial board of the Journal of Sport Management. Prof Doherty has also served as guest editor of special issues for Sport Management Review (Sport Volunteerism), European Sport Management Quarterly (New Perspectives on Sport Volunteerism), and Journal of Sport Management (Community Sport). Prof Doherty has been a keynote speaker at many workshops and conferences, and was a visiting scholar at the Centre for Sport and Social Impact at La Trobe University, Australia, and the Norwegian School of Sport Sciences. She served for two years as a visiting lecturer in the Masters in Sports Administration program, Russian International Olympic University, Sochi, Russia.

Mr Keith Binnie
General Counsel, New Zealand Rugby Union

Keith is General Counsel at New Zealand Rugby Union, a position he has held for 10 years leading a team of four lawyers. Prior to his current role, Keith was a partner at New Zealand law firm Simpson Grierson for 9 years and at the firm for 14 years practicing in the area of sports, employment and health and safety law. Previous roles involved employment law, industrial relations and collective bargaining in some of NZ’s toughest industries like the waterfront and construction.

Keith recently graduated with an LLM in commercial law from Melbourne University specialising in sports law and provides assistance and guidance on a pro bono basis to a range of other sports on everything from governance to judicial matters. Keith is also a board member of the Australian and New Zealand Sports Law Association.
TITLES AND ABSTRACTS
(In order of presentation)

Dr Ruth Jeanes
Faculty of Education, Monash University
Title: ‘Come in…but not too far’: Examining inclusion in Australian Junior Sports Clubs
Abstract:
This presentation examines how junior sports clubs develop inclusive practice and provision. Over the previous two decades the Australian Sports Commission and various other sporting and health organisations have encouraged the inclusion of diverse young people within junior sport. This presentation will focus specifically on the ways in which clubs have interpreted and acted on these policy objectives to support the participation of young people with disabilities. Several sporting organisations (see for example Cricket Australia, Basketball Australia) and the ASC have sought to encourage the participation of young people with disabilities within mainstream community sport. Whilst research at an institutional level has highlighted mainstreaming agendas to be problematic, very few studies have examined how grassroots clubs, as key components of the ‘supply side’ of inclusive provision seek to respond to such policy imperatives. This paper therefore provides a critical analysis of four clubs experiences’ of enacting inclusion policies in practice. Theoretically the paper conceptualises inclusion using De Luca’s (2013) framework for educational inclusivity and also draws on the concept of policy enactment (Braun, Maguire and Ball, 2012). These theories provide a critical lens to interrogate what is understood and offered as inclusive opportunities within junior sport. Through analysis of semi-structured interviews with club volunteers three key findings emerge. Firstly, the critical role individuals or ‘policy entrepreneurs’ play in establishing and developing provision within clubs, secondly the largely separatist nature of disability provision within clubs and thirdly, that policies tend to encourage club to focus on narrow forms of participation that lead to competitive pathways and mirror the structure of mainstream sport. The paper concludes by problematizing the notion of inclusion presented in policy and practice suggesting such imperatives do not encourage a holistic approach to inclusion.

Mr Paul Mugambwa
Manager, Community Engagement, West Australian Football Commission
Title: Engaging at-risk youth through sports: Learnings from the NightFields program
Abstract:
This paper uses the NightFields program to demonstrate the potential for sports-based programs to reduce crime and other anti-social behaviour. The NightFields program is an Australian Football Rules based activity delivered to at-risk and disengaged youth (aged 8-18) in after school hours and during holiday periods with the aim of encouraging positive engagement and reducing anti-social behaviour. The program was developed by the West Australian Football Commission (WAFC) and delivered in more than 16 targeted locations across metro and regional Western Australia. To date, the program has reached more than 2,000 participants.

This paper reviews the outcomes of the program on participants and the community alike, the key factors driving its success as well as challenges to its ongoing sustainability and demonstrate how these can be applied or mitigated. The paper concludes that the NightFields program shows that having a “hook” of sports activities to engage at-risk youth followed by an offer of support services and pathways to positive lifestyles is an effective strategy to reduce anti-social behaviour,
re-offending and drug/alcohol use while also improving education attainment and employability. Moreover, it concludes that the key learnings from the NightFields program can be applied to achieve similar outcomes in other locations and utilising other sports.

Dr Caitlin Byrne
Assistant Professor, Faculty of Society & Design, Bond University
Title: Sport leading diplomacy: Case study of the Gold Coast-PNG sporting relationship
Abstract:
In early 2015 Gold Coast City Mayor Tom Tate signed a Memorandum of Understanding (MOU) with Papua New Guinea’s (PNG) Minister for Sport committing to closer sporting ties between the regional Australian city and its northern neighbour. Signing the agreement, an act of diplomacy in itself, signalled the City of Gold Coast’s intent to leverage its role as host of the 2018 Commonwealth Games and engage more closely with nations in the region. A flagship initiative of the MOU is the provision of leadership training to PNG athletes on the Gold Coast. Other training opportunities for PNG athletes will follow. The relationship bears all the hallmarks of ‘sports diplomacy’: connecting people and institutions, building capacity in the region and promoting Australia’s reputation. But the evidence supporting sports diplomacy is notoriously thin. Questions about the nature and conduct of this less conventional mode of diplomacy must be asked: whose interests are advanced, by whom and to what ends? This paper will explore and map the emerging Gold Coast-PNG sporting relationship to identify the key actors, understand the diplomatic interests at play and assess the nature of the outcomes. Research builds on and contributes to the sports diplomacy research partnership between Bond University and the Department of Foreign Affairs and Trade (DFAT) and is relevant in the lead-up to the 2018 Gold Coast Commonwealth Games. Findings will have wider implications for the diplomatic futures of Australian cities.

Mr Anthony Crocker
Barrister at Law, Jeffcott Chambers, Adelaide
Title: How satisfied should we be with ‘comfortable satisfaction’?
Abstract:
The regulation and governance of community sporting organisations involves a consideration of the disciplinary structure within such organisations. This is so whether it be the need to discipline athletes for on-field (or off-field) behaviour, punish the misconduct of spectators or regulate the conduct of the organisation’s members.

An important aspect of any disciplinary process is defining and applying the appropriate standard of proof which must be attained, prior to finding an allegation proven. The notion of ‘comfortable satisfaction’ is the standard in many international elite sports. How this notion of ‘comfortable satisfaction’ is to be defined is a moot point.

The common law of Australia knows only two standards of proof, that of beyond reasonable doubt or on the balance of probabilities; there is no third (or in between) standard of proof.

The notion of ‘comfortable satisfaction’ has been defined by reference to a sliding scale, namely, that it is greater than the balance of probabilities but less than beyond reasonable doubt. The proposed paper will expose the unintended consequences and potential injustices of this approach. It will explore how the two common law standards have been defined in Australia.
The paper will be of interest to lawyers, administrators and athletes. It will offer practical examples and advice as to different approaches to the regulation and governance of community sporting organisations, particularly in respect of disciplinary matters.

Mr Damien Jennings  
Senior Project Officer, Sport Integrity and Governance, Office for Recreation and Sport, Department of Planning, Transport and Infrastructure, South Australia  

Title: Community sporting leagues and competition law: Do community football league player payment regulations achieve their objectives and are they vulnerable to a challenge?  

Abstract:  
Professional sporting leagues introduce rules to promote competition and minimise lopsided results, such rules have the capacity to not only impact on the quality of competition but also player salaries and the entertainment product available to consumers; these measures are generally supported if they are judged to be in the best interests of all stakeholders. But it is not only professional sport leagues which seek to introduce regulations that promote competition and support the financial sustainability of sporting organisations.

Increasing player payments in community football has led to the South Australian Community Football League introducing regulations, which place a cap on both the amount an individual player can receive from playing each week and the total amount that one team can pay its players per game. A key driver for the implementation of the regulations was the concern that the inflationary nature of player payments was impacting negatively on the social construct and financial sustainability of many community football clubs.

Using the South Australian Community Football League player payment regulations as the foundation, this paper considers the application of competition law to the regulations and undertakes a comparative analysis, highlighting similarities between the South Australian Community Football League regulations and the UEFA Financial Fair Play Rules. The comparison suggests that both governing bodies could consider alternative methods to achieve their desired objectives.

Dr Jane E. Hunt  
Assistant Professor, Faculty of Society & Design, Bond University  

Title: History as a pathway to a sense of sporting community?: Memory, narrative and community in the case of a number of Australian sporting Halls of Fame  

Abstract:  
Sport history has long been viewed as the product of fanaticism and nostalgia rather than critical historical analysis. Yet a growing body of sports historians, applying lessons arising from the cultural turn have re-visioned sports history as a collection of case studies in the production of collective memory relating to specific sporting disciplines, nations, teams or demographics; case studies that, in themselves, are revealing. Instead of crafting sporting narratives some scholars dissect those that underpin films, documentaries, books, websites, Wikipedia entries, museums and Halls of Fame. These tend to highlight the competing visions of diverse stakeholders as they relate to respective sports. Studies of sporting Halls of Fame have tended to focus on the physical or virtual museum-like institutions that communicate the importance of designated sporting figures to the
public, but understandings of the collective memory created through sporting Halls of Fame might be further deepened by closely considering the changing and contrasting award and recognition policies of their related sports governing bodies. This paper seeks to add to understandings of the role played by Halls of Fame in the creation of notions of imagined sporting communities by considering the policies and histories relating to a range of Australasian institutions, in particular the Triathlon Australia Hall of Fame. It suggests that Hall of Fame policies reflect the competing claims of diverse internal communities as well as external forces, that narratives of sporting community are thus complex and multifaceted and tend to highlight narrow collective memories that are not always meaningful to the broader communities that sports governing bodies seek to serve.

Mr Ben Livings  
Senior Lecturer, School of Law, University of New England  
Title: Prosecutorial discretion in relation to quasi-criminal conduct by sports participants  
Abstract:  
The paper will focus on a recently agreed protocol signed by the Football Associations of England and Wales, the police authorities and prosecutorial authorities, which exists to aid decisions whether to prosecute in the case of matters which come under the ‘concurrent jurisdiction’ of the sports governing bodies and agencies of criminal justice. The protocol is most likely to apply to sports violence, and seeks to provide a pragmatic prosecutorial policy in respect of such quasi-criminal behaviour. The guidance in the protocol suggests that prosecution is more likely in relation to those engaged in lower-level/amateur competition, since the governing bodies exert a lesser degree of control over participants at this level. The paper examines whether this differentiated treatment amounts to an appropriate response.

Professor Kuldeep Kumar  
Professor of Statistics, Bond Business School, Bond University  
Title: Role of statistics in community sport research from developing an index for physical fitness to surf life saving  
Abstract:  
Obesity is a major problem in Australia and it is increasing alarmingly. It is estimated that in 2014-15 63.4% of Australians were overweight or obese as compared to 56.3% in 1995. It is also estimated that 27.4% children in the age group 5-17 are obese. It is estimated by 2020 seventy five of the population will be obese. According to the Australian Institute of Health and Family Welfare obesity is a major risk factor for cardiovascular disease, Type II Diabetes, cancer besides many other health problems. In view of the startling obesity problems one of the aims of the community sports should be to raise awareness and improve physical fitness especially amongst the children. It may be mentioned that Bond University has taken the lead and established the Collaborative Research Network for advancing exercise and sports sciences. Improving physical fitness can bring much health, social and economic benefits. Statistical techniques can play major role in community sports research. In this talk we will discuss how we can develop a test battery to measure the general physical fitness amongst the school children. This can be reported in their report card for the parents to take necessary information and action. Also Gold Coast is famous for surfing which can be considered as a community sports. At Bond University in collaboration with Surf Life Saving
we have developed a Surf Hazard Rating Model (jointly with Gary McCoy and Neville de Mestre). We will also discuss the salient features of this model.

Assistant Professor Annette Greenhow
Assistant Professor, Faculty of Law, Bond University

Title: Concussion in community sport: A retrospective analysis
Abstract:
Sports governing bodies’ have been identified as the custodians of their sport. As such, they occupy a dominant position within their sport in the regulation of the harm associated with sport-related concussion. The expectation is that sufficient resources will be deployed to ensure that reasonable steps are taken to protect all participants from the harm associated with sport-related concussion while preserving and maintaining the high social utility of sport. This presentation provides a retrospective analysis of the issue of sport-related concussion within the framework of community sport in Australia and examines the steps taken in those sports with high incidence rates of concussion. While significant steps have been made, this presentation questions whether there is a role for other regulatory actors to drive the concussion agenda in Australia.

Ms Simone Pearce
Lecturer in Law, University of the Sunshine Coast

Title: Discriminating against children with disability in community sport: Time for a fair go?
Abstract:
Children with disability face discrimination in community sport. They often face exclusion, and even when included, often face a less than meaningful experience because the rules of the sport are not adapted to take into account their disability. This discrimination is not unlawful under the Disability Discrimination Act (Cth) 1992 – the pre- eminent framework governing discrimination in Australia. Because the treatment of children with disability in community sport is not identified as unlawful discrimination - law is currently not a solution to the ‘problem’. This paper explains how law can be identified as an influence to make community sport not only inclusive but a meaningful experience for children with disability.

Traditional inquiries and approaches to the barriers faced by children with disability in community sport often narrowly focus on the views of these children (or their parents or carers) about their experiences. Because of this, past efforts to improve the experience for children with a disability in community sport – such as awareness campaigns and attempts to provide for ‘disability’ community sports – have had minimal substantive impact. This paper explains why focusing on the views of children with disability is a flawed methodology in seeking to improve the experience of children with disability in community sport because the ‘problem’ of discrimination is not addressed.

By contrast, this paper introduces a Disability Legal Studies (DLS) approach to the study of the experience of children with disability in community sport. In this way, this paper explains how a DLS examines the social construct of community sport from the ableist perspective of oppression and disadvantage- identifying law as a potential solution to the barriers children with disability face in community sport.