

TOUCHLINE

magazine

THE ASHES

THE UPSET THAT LED TO DOMINANCE



AT RISK

SUED AFTER 'EXCESSIVE EXERCISE' CAUSES INJURY

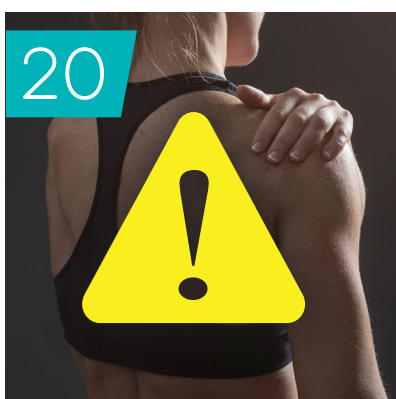
SPECTATORS BEHAVING BADLY

WHAT SHOULD CLUBS DO?

UNDER ATTACK

HOW PREPARED ARE YOU FOR CYBER RISKS?

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LET THE SLEDGING BEGIN...

Steve Boucher

Even before this Ashes had begun the now commonplace sledging had commenced. Way back in October this year David Warner said Australia must find “some sort of hatred” for England and that he plans to continue the verbal aggression when the two sides meet for the first test on 23 November.



Warner famously said England's players had “scared eyes” when facing up to the short-pitched pace barrage of Mitchell Johnson midway through the first Test of the 2013-14 series. Nathan Lyon has been warning the English that Australia's fast bowlers are relishing the prospect of ‘ending careers’.

Sledging is now an accepted and eagerly anticipated part of the Series. It is now an integral part of the build-up too.

There have been many famous sledges in the Ashes series before such as when Mark Waugh said to James Ormond, that he ‘clearly was not good enough... to play for England’ only for Ormond to retort ‘Maybe so, but at least I’m the best player in my family’.

But sledging is not restricted to cricket. It is something that occurs in most sports.



Muhammad Ali was a master at sledging, and often made caustic comments about his opponents, such as famously saying he had seen George Foreman shadow boxing and the shadow won.

There have been many classic sledges over the years, but whereas there always seemed to be some fun and clever banter in the past, too often in recent times the sledging has trended towards becoming more threatening and serious. Is it really acceptable to talk of 'hatred' and bowlers 'killing' a batsman?

There have been calls in the past by some of the leading cricketers for the sledging to stop so that the game can be played in the right spirit.

The danger is that the sledging is ramped up as matches progress and increasingly becomes more threatening. In fact, when does sledging turn into more worrying forms of gamesmanship bordering on cheating?

At the recent match between Peru and New Zealand to determine who would get the final berth at the FIFA World Cup in Russia next year there were some dubious practices which bordered on cheating. Apart from the curses placed on the Kiwis by shamans, they had to endure suspicious flight delays, a journey to the ground where the coach

driver took the wrong entrance and got stuck and a huge firework display over the team hotel in the early hours of the morning just before the match. But worst of all was the fact that lasers were being shone into the eyes of some of the players, including goalkeeper Stefan Marinovic.

Is this really acceptable behaviour? Had this happened to one of the major footballing nations, perhaps FIFA would have been pressured more to take a look.

Unfortunately, these days there is so much at stake that often players or teams resort to almost any tactics to win. Surely it is not in the best interests of sport for this to continue unchecked.

We all enjoy some witty banter, but when things get threatening or dirty tricks are involved, we really should say enough is enough and we need the governing bodies of sport to step in and say so. To not do so, they are potentially leaving themselves open to legal action if someone goes too far. At the very least, such non-action brings into question the relevance of the various behavioural Codes most sports have in place, and the commitment of the sports to their application.





WORLD SPORT NEWS

SAMOA

SAMOA WILL HOST THE 2019 PACIFIC GAMES

Samoa will host the 2019 Pacific Games after the Pacific Games Council announced the decision, saying it was the only bid that met all the criteria.

Tonga was to host the Games, but in July the government there suddenly pulled out, saying it could not afford to host them.

It had been a two-horse race between Samoa and Guam for hosting rights, but a budget agreement between Guam's governor and legislature could not be met in time.

Samoa said it would fully underwrite the cost of hosting the games and that it already has the facilities needed.

The Pacific Games Council's Chief Executive, Andrew Minogue, said with such little time to prepare, Samoa was left as the only capable choice.

"Essentially a process like this was really trying to find who amongst our members had a number of facilities in place [and] had some experienced people who had delivered events recently," said Mr Minogue.

"They were looking for a very capable pair of hands and I think they've proven to be that, and that's what's going to be needed. We've only got less than two years until the Games."

The Council said it would help Samoa in every way possible in the short time available to prepare, but Mr Minogue said he was confident that Samoa would host a successful Games.

RUSSIA

ARREST WARRANT FOR RUSSIAN WHISTLE-BLOWER

A Moscow court has issued an arrest warrant for Russian whistle-blower Grigory Rodchenkov, who helped orchestrate the country's state-sponsored Olympic doping programme and has since fled to the United States.

"The investigators put Rodchenkov on an international wanted list. Our court on September 21 issued a ruling to arrest him in absentia since he is wanted internationally," the court's spokesperson Yunona Tsareva told AFP.

The move means Russia will be able to request that the United States extradite Rodchenkov, but the two countries do not have an extradition treaty.

Rodchenkov, 58, is the former director of Moscow's anti-doping lab that oversaw drug testing at the 2014 Winter Olympics in Russia's Black Sea city of Sochi.

He headed the lab from 2006 to 2015 before fleeing to the United States.

In May 2016 he gave an interview to The New York Times describing an elaborate doping scheme that he said involved dozens of Russian athletes at the Sochi Olympics.

A bombshell report by a World Anti-Doping Agency (WADA) independent commission published in 2016 said Rodchenkov had admitted to "intentionally destroying" 1,417 test samples ahead of an audit.

It said Russia's cover-up scheme affected 30 sports and was in operation from 2010 until 2015.

Russia's Anti-Doping Agency (RUSADA) was declared "non-compliant" with international sport's anti-doping code in November 2015 after revelations by Russian athletes in a documentary aired by Germany's ARD television channel.

NEW ZEALAND

IT'S AUCKLAND OR BUST FOR THE 36TH AMERICA'S CUP

It's Auckland or bust as New Zealand's host venue or the 2021 event will be held in Italy, Team New Zealand CEO Grant Dalton has revealed as part of the new protocol for the 36th America's Cup.

Dalton confirmed that the event will feature 75 foot monohulls and nationality rules where 20 percent of sailors must be from one country. The rest of sailing team must meet strict criteria of residence of 380 days in country from 1 September 2018 to 1 September 2020.

A series of preliminary regattas will be raced internationally in 2019 & 2020 in the AC75 Class boats, culminating with a Christmas Regatta in December 2020 for all competitors.

Dalton confirmed that Team New Zealand won't take part in the America's Cup Challenger series, to be called the Prada Cup.

Dalton said there is a deadline of August 30 next year to decide whether Auckland will be ready to host the event.

"The only reason we went to the America's Cup was to bring it back here. We're really clear about that, this is where we want to hold it but we've got nothing in place yet.

"I think it's only responsible for the challengers if there is a natural disaster or whatever happens that we couldn't hold it here.

"Rather than finding out next year that it's got to be shopped out all over the place to try and find a venue, we say 'if for whatever reason it can't be in Auckland, which is the intention, absolutely the intention, it will go to Italy'.

Dalton said racing won't take place in the inner harbour but will feature off Takapuna or Milford, closer than the last America's Cup in Auckland in 2003.

Each competitor is permitted to build two boats, the hulls of which must be laminated in the country of the competitor. The first boat is not permitted to be launched prior to 31 March 2019, the second can be launched after 1 February 2020.

CHINA

THE CHINESE GRAND PRIX TO SWOP WITH BAHRAIN

The Chinese Grand Prix, which made its debut in September 2004, will take place a week later next year, on April 15, swapping places with the Bahrain race, which will move to April 8, Formula One said on its website.

The current Shanghai race weekend coincides with China's Qingming three-day national holiday, also known as the Tomb Sweeping Festival, when families pay respects to their ancestors.

This year's race, won by world championship leader Lewis Hamilton for a record-extending fifth time, was set to be the last under the previous contract.

Jiang Lan, Chairman of Shanghai Juss Sports Development, the company that organizes the race, said the Chinese Grand Prix had become "one of the most prestigious and recognized events" on the Formula One calendar.

"Since its Shanghai debut in 2004, the Formula 1 Chinese Grand Prix has become a motorsport showpiece for China but also a fixture for all of Asia Pacific's and global motorsports fans", added Jiang.

The announcement comes as Malaysia, which pioneered Formula One's push into Asia, is set to host its last grand prix in Sepang, while Singapore agreed a four-year extension earlier this month, keeping it on the calendar until 2021.

AUSTRALIA

X GAMES GO TO AUSTRALIA FOR THE FIRST TIME NEXT YEAR

ESPN has struck a deal to take its X Games action sports event series to Australia for the first time next year.

The US broadcaster announced that the event will be held in partnership with Australian free-to-air network Seven West Media, and will take place at Sydney's Olympic Park between 19 and 21 October 2018.

Under the deal, Seven will provide live domestic coverage of the event, which includes music performances and art installations as well as competitions in sports including skateboarding, BMX and Moto X.

In the US, ESPN's coverage will be shown on ESPN3 and as part of its 'World of X Games' series on ABC.

The Australian Financial Review reports that Sydney will become a regular stop for the X Games, which was founded in 1995, beyond 2018. It adds that Seven, which already represents ESPN for advertising in the Australian market, will assist with marketing and promotion.

The Sydney event becomes the fourth edition of the X Games slated for 2018, following previously announced events in Aspen in January, Oslo in March and Minneapolis in July.



THE ASHES



THE ASHES 1989:

THE UPSET THAT LED TO DOMINANCE

Timothy Mottram

The English Test squad that is locked in battle with Australia is not fancied to take much away. There are plenty of holes in the line up, some promise, and a fantastic captain in Joe Root, but not even their most blinkered fans are expecting much more than a loss. Perhaps even more unfancied was the 1989 Australian team that flew to England. Questions had been asked even before they strapped themselves into their business class seats (teams had always flown economy before). Many Australians thought they scant deserved the premier bump, but captain Allan Border was adamant. This was a business trip, so they would act accordingly.

Since 1984, Australian test cricket had been in a fugue state. That summer, the triple retirement party for Greg Chappell, Dennis Lillee and Rodney Marsh had led to a hangover that lasted five years. It did not help that the team was gutted of its best players following the rebel tour of South Africa in 1985, a crime that incurred a three year ban for competing players: three years they gladly gave up in exchange for the cracking pay day.

Australia managed two series wins out of 11 tries in that window, beating only minnows Sri Lanka and Trans-Tasman rivals New Zealand. Border had seen The Ashes claimed twice by England in his time as captain. One moment stands out as central to the new mood of the captain in 1989. In a widely published photograph from the earlier tests, Border can be seen celebrating with England captain David Gower. Ian Chappell, former Australian captain, had a shot at Border for his friendliness. This was The Ashes, and they are English. They should be the reviled enemy.

Border took this to heart. His new modus operandi was to compete to the edge of sportsmanship; to win at all costs.

While the new plan was clear to Border and his innovative coach Bob Simpson, surely when he looked around the cabin on that long flight to England, he was not confident he could pull it off. He had broken up the opening partnership of the past few years, David Boon and Geoff Marsh, in order to make way for talented but unproven youngster Mark Taylor. This had pushed Boon to three, which pleased the nuggety Tasmanian, but pushed Dean Jones to five, a less

popular move. The selectors had persisted with Steve Waugh despite his streaky form and uninspiring average: mainly because he was the closest thing they had to an all-rounder. Ian Healy, the keeper, was serviceable, but the true worry must have been his bowlers.

Merv Hughes was better known for his mullet and handlebar moustache than his accuracy. Geoff Lawson had pedigree, having held the line with late-era Lillee, but was not in that class by any stretch. Terry Alderman's medium pace had been eroded because of frequent shoulder injuries and rustiness because of his enforced lay-off due to his participation in the rebel tour.

The red-tops of the English press were preparing for slaughter, gleefully punning about Australia's imminent pummelling, while Gower was on record for saying that it would be a crushing victory.

This consensus seemed to be given more pop when Australia lost their one and only warm up match.

Gower won the toss at Headingley, ushering in the First Test. By the second day, England would be wiping egg off their collective faces while simultaneously eating humble pie. Australia declared for 7/601, setting the tone of dominance.

It was not all Australia's way, though. Border himself scored the crucial runs that changed the spirit of the Australians. On a batter's pitch, Australia struggled to 2/57. Coming it at Number 4, Border plugged away to a battling 66. He was aggressive and powerful, and his innings seemed to smooth the Australian psyche. More than his own runs, Border must have been delighted that his choice to disrupt the order by bringing in Mark Taylor paid off. The new opener scored a technically excellent century.

It was then Steve Waugh's turn to announce his future greatness to the world, scoring an incredible back-foot 177 not out to put the visitors right on top.

The shock waves were tangible, but Border had yet to see his bowlers

in the attack. The pitch was flat and a draw looked possible, even at this point.

Allan Lamb's 171 helped England avoid the follow on, but Alderman's line troubled the other batsmen, which would go on to being one of the defining aspects of the Series.

In the second innings, Australia went on to hit the boundary hard and set up a target of 402. Alderman cleaned up with a 5/44, giving Australia a 210 run victory.

Everything had clicked for Australia, and suddenly England realised that not only did they have a fight on their hands, but it was one they could very possibly lose.

By day three during the Second Test at Lord's, the English wobble looked to be falling into a crisis. David Gower, whose dashing style was attractive in victory, was now being accused of fickleness. In response to a reasonable 286, Australia were amassing a winning lead with an eventual 528. During the press conference at the end of Day 3, Gower left claiming that he did not want to miss his taxi to watch the musical "Anything Goes" and bailed. Border's aggressive, focused fight was compared unflatteringly to this foppish captain, whose failure to finish the press conference was seen as indicative of his weakness on the pitch.

At the end of the Second Test, Australia were left chasing 118, which they hauled in for the loss of four wickets.

The fox was well and truly in the hen house. Even though there were four tests remaining, the English selectors panicked, and the chopping and changing went on until the end of the Series. Australia stayed with virtually the same 11, grinding England down. Border's new hardline approach now set the tone for Australia. Rain saved England in the Third Test at Edgbaston, but it was only delaying the inevitable. With the entirety of the Australian top order getting into double figures in the first innings of the Fourth Test, the

morally shattered English crumbled, with the exception of Robin Smith. With this nine-wicket win, Border managed to lead Australia to their first Ashes win in England since 1934.

Yet the job was not yet done. Like his 66 in the First Test, Border wanted this series to set the tone for the next decade. Winning was not the goal anymore: he was in the business of domination. The English would not be let off the hook. Border wanted to humiliate them.

The most famous story attesting to Border's approach came in the Fifth Test. After Robin Smith was hit in the stomach, he asked the opposition captain for a cup of water. Apparently, Border replied with the words: "What do you think this is, a f***ing tea party? No, you can't have a f***ing glass of water. You can f***ing wait like the rest of us". Cricket, a game of gentlemen, had been dragged into a new world.

Australia cleaned up the Series 4-0. England's best contributor to this score-line was the weather, as both drawn matches could easily have gone to the tourists. It was a drubbing that saw the trajectories of both nations change.

For England, the next decade was one of painful regrouping. For Australia, the 1989 Series saw the beginning of a golden age, unparalleled since the days of Bradman. While Terry Alderman was too old and crooked to push on, the realisation that line and length were enough to win Tests ushered in Glenn McGrath's stellar career. Waugh, Healy and Taylor became Australian legends who would form the nucleus of the team that would reign as Test heavyweights for the next 15 years.

Beyond the individual powers of the players, the key to it all was Border's determination that Australian cricket would never be seen as pushovers again. His legacy, and that of the 1989 team, will be forever the standard for Australian cricket.

So despite what is made of the current England team, one never knows.



WHAT MAKES A GREAT TEST CAPTAIN?

Timothy Mottram

The requirements for a cricket captain are unlike any other in sport. In all sports, the captain is a crucial player. He cajoles and leads by example, bawling out his players or puts an arm around their shoulders. He gees them up at halftime, and leads the post-mortem after a belting. Legendary captains in football are people like Roy Keane or John Terry, fearless leaders who inspire others.

Cricket captains have to fulfil this brief, but do so much more. To a huge extent, they place their stamp both on their teams and on the final result. They not only have to be nursemaid, father, and chief strategist; they also manage the team off the field to a remarkable extent. That is plenty of hats to wear, and on top of that they have to maintain their own place in the team. Playing at an elite level

and keeping the average up while dealing with 10 other egos requires a very special type of personality.

For this reason, many of the greatest players could never push on to become captains for their countries. Shane Warne, possibly the greatest spinner of all time, never captained Australia in any serious capacity. Certainly, his views were sought regarding field placement and strategy, but the selectors never took him seriously as a formal leader. The case of Andrew Flintoff perhaps shows why.

Made captain of England due to the absence of Michael Vaughan and Marcus Trescothick, he saw England to a drawn series against Sri Lanka and a 5-0 thrashing by Australia. It is not that he marshalled a poor team, but he lacked

the guile to coax the best from his players or the strategic understanding to work his team to a win. His personal issues perhaps got in the way of translating his obvious skill with ball and bat into a lasting legacy.

Ian Chappell, Australian captaincy great and commentator, believes that captaincy comes down to three issues: respect, tactical acumen and inter-personal skills.

Respect within the team is vital. Firstly, the captain needs to be an established force in the game. While dips in form are part of the game, the player should have a substantial record and be able to pull it together when necessary. The term “captain’s knock” has migrated out of the game into common parlance because it connotes a special type of grit. The

captain should be the one who leads by example, coming in at 4/66 and steadying the ship when everyone is losing their heads. It could be for this reason that most captains have been batsmen: they are better able to become the core instigator in a rear guard action.

Respect is crucial because a cricket captain makes choices that other sports people are not called upon to make. The captain works with the selectors to choose the First 11, as well as deciding on the batting order. On the oval, he sets the field and decides on who is bowling. He is the one who has to pull a bowler after two overs if the ball is going wayward. If

is able to understand to a hair's width the weaknesses of the opposition and pre-formed plans can cause huge damage.

The captain should be prepared before the toss, but should also be able to think on his feet. Being proactive was Chappell's mantra, but there comes a time in every match when the captain needs to follow his gut. And this includes listening to the instincts of others. Chappell recalls the story of Jeff 'Bomber' Hammond's test debut. The young bowler approached the captain, claiming that he could "bounce Kalli (Alvin Kallicharran) out." Chappell relates that in his view the batsman was pretty good on the

and curious about what made people tick... it is about talking to people and listening".

Cricket, like all sports, is highly focused on ego and self-perception. Brearley could read his players and had a set methodology for each of them. He successfully managed the mercurial Ian Botham, who "was good when you geed him up. I would say to someone like Peter Willey 'go stir Botham up' and he would snarl at him and tell him 'you are bowling like an old woman', and Both would come in and bowl with more energy. But if you did that with Willis he might feel unconfident".

The famous saying goes that **"leaders are made, not born".**

In cricket, finding a great captain is hard, but once in place, they are irreplaceable.

a captain does not have the backing of his players, there are plenty of opportunities for the other players to find fault. As stated, respect is founded on the captain's own skill, but also on his own willingness to do anything he asks of the players.

Richie Benaud, legendary Australian captain, is famous for saying, somewhat self-deprecatingly that successful captaincy is 90% luck and 10% skill... "but don't try it without that 10%". A captain lives and dies according to how he reads the game and uses his players most effectively. Vaughan was perhaps best known for how he read the game, being a cricket obsessive who studied the strengths and weaknesses of the opposition and managed to formulate plans accordingly. Today, with all the wealth of statistics and data, the captain

pull and that the pitch was flat, but gave Hammond two bouncers to see. Of course, Kallicharran got out, bowled Hammond, caught Marsh. Chappell had a plan, but was willing to listen and was rewarded. A captain without the respect of his players could not have had this conversation.

A relationship like the one above brings us to the final point, communication. This is the area in which great captains excel. Mike Brearley, who captained England to victory against Australia in 1981, is well known for his thoughts on the role. In fact, his book, *The Art of Captaincy*, is still perhaps the best-known guide to the job. He stated that listening was his greatest skill. "I did not deal with everyone as well as I might have," he said in a later interview. "But I was interested

Chappell agrees with this sentiment. A captain should know which players react to a challenge and those who crumble.

The famous saying goes that "leaders are made, not born". In cricket, finding a great captain is hard, but once in place, they are irreplaceable.



To those of us who have a non-sporting family member, explaining just why a game is so important can be challenging. When this familial pariah pokes their head around the doorway to ask with incredulity just why it takes five days for cricketers to work out who won, is hard to say. Just why it is so important that Australia needs to beat England? Many supporters are left mouthing clichés about national pride or tradition.

The reason why we care goes deeply to the heart of who we are, and illogical

as that fact is, we really can't help it.

Ten years ago, a German national of Iranian heritage named Askhan Dejea refused to take to the field during an under-21 football match. Germany was to play Israel, and the incident got more attention than usually one might expect for such a minor event. The player claimed to be boycotting the match "out of respect". The small yet powerful German Jewish lobby group was outraged and complained to the highest level, and the whole incident opened up the dialogue about where sports

and politics collide. The level of debate seems disproportionate, until you think about what is going on underneath the water level.

According to famed sociologist Benedict Anderson, nationalism is a socially constructed concept. It is a choice that groups of people make to raise their self-esteem and to feel part of something bigger than themselves. It is by no means a naturally occurring phenomenon. The role of sports in the construction of a national identity is extremely important.

NATIONALISM AND SPORTS:

WHEN SPORT GETS POLITICAL

Timothy Mottram

To understand, we need to go back in history.

In the 19th century, nationalism became an ideology. Previous to this time, Europe was contained by large yet multi-ethnic empires. People may have seen themselves as "English", but their self-identity was determined by religion primarily. Identity was not something people thought about beyond their relationship with their God and their king or queen.

As these empires started to fracture, it was an intellectual movement which began the move to nationalism as a formal structure. From 1870-1914, a period of stability in Europe, nationalism became formalized through outward expressions such as flags, emblems, anthems, rituals and costumes. These symbols masked the fact that there is very little separating the personalities of nations, particularly in Europe. Sport could easily be mobilized as an expression of nationalism, but sport has the advantage over a flag in that it is dynamic.

As George Orwell said, "at the international level sport is frankly mimic warfare... it is war minus the shooting".

And now on to sociology...

According to social psychologist Henri Tajfel, group membership is vital to self-esteem. He pioneered Social Identity Theory in an effort to understand the Holocaust, an event in which he lost much of his family. The theory states that we need an out group in order to provide meaning to our own personality. We seek a "positive distinctiveness" from others: we cannot be 'good' unless someone else is 'bad'. Sport provides an accessible means to this end. As psychologist Daniel Druckman says "At the level of the nation, the group fulfils economic, sociocultural, and political needs, giving individuals a sense of security, a feeling of belonging, and prestige".

It is for this reason that sports on the international level can get so political and can stoke so much controversy.

To take one example, South Korea was outraged during the Sochi Winter Games when figure skater Kim Yuna was beaten by her Russian counterpart. Fans launched a Change.org petition which gained 1.2 million signatures in 12 hours. The charge was bias towards the Russian due to the location of the Games.

Indeed, Druckman points out that smaller nations are more invested in

sports as a manifestation of national pride than larger nations because in sports, they can compete. Militarily, countries like South Korea are no match for their neighbours, which creates a national inferiority complex. Thus the reaction when one of the powerful countries that oversees their region unfairly beats the underdog.

In fact, South Korea has recently seen a lessening of this nationalistic fervour regarding sports, possibly because they are competing on a higher level in the business world with the success of companies like Samsung and Hyundai.

Sports as a defining condition of national identity can be detected across a range of sporting rivalries.

New Zealand rightly takes great pride from the success of their national rugby team, the All-Blacks. Naturally, Australia's Wallabies are their traditional rivals. The Bledisloe Cup, statistically, does not add up to an actual sporting rivalry. Of the 158 games played in the 114-year history of Trans-Tasman battles, Australia has only won 42. For a traditional rivalry to gain credibility, the two competitors should logically be of roughly equal quality. But for New Zealand, the annual thrashing of the

Wallabies has a powerfully calming effect, a tradition that helps them create a notion of difference, to assert distinctiveness from the larger country that at times out-stages the smaller nation to the south.

A similar pattern emerges when comparing England and Scotland in football. The term “The Auld Enemy”, coined by the Scottish, is interesting on two levels. First, the rendering of “old” into the more Gaelic “auld”, which again differentiates the northern state. And of course “enemy” shows the complicated history between the Home Nations. Fan violence has often erupted around these matches.

Indeed, most football rivalries can trace their origin back to political tensions. Maradona’s famous “hand of God” goal in the 1986 World Cup just added to the mythology caused by the Falklands War of four years previous. England vs. Argentina will forever be considered a grudge match. Brazil also has a torrid relationship with their southern neighbour as both countries vie to be seen as the predominant nation in Latin America. Israel is so despised by the Arab world that they are grouped for qualification matches against European nations.

In all of these examples, the political relationship prefigures subsequent on-field controversies, which are both amplified because of the existing tension and given extra longevity.

The Ashes is perceived as one of the greatest sporting rivalries, and again, its genesis was in what it meant from a

nation-forming dimension. The year of the famous stump burning – which gave rise to the competition – saw Britain at its height as a colonial power. To a certain extent, by this point Westminster could detect the maturation of some of its ‘children’ states, colonies like Australia slowly developing a sense of difference. Australia, on the other hand, was still two decades away from federation but a growing sense of otherness was developing.

By the 1930s, this young state was still psychologically and culturally connected to England but sport gave a language to differentiate. This is perhaps why the furore over the Bodyline series was so elevated. It was another example of a smaller, weaker nation asserting themselves on a level – so to speak – playing field.

The story of sporting rivalries is not merely that of what happens on a field. It is a story of what makes us who we are.

Sporting Rivalries Prefigured by War

Unlike The Ashes, plenty of countries started their competition with some pretty nasty wars. Here are a few...

England vs. Argentina- The Falklands War, 1984

A tiny island in the southern Atlantic, many Britons had not even heard of the Falklands until Argentina landed troops there. Margaret Thatcher, the UK

PM, decided that the island was far too strategic to fall into the hands of the South Americans, and sent in the troops. The UK came out on top, but the clash has given every football encounter since that extra spice.

USA vs. Canada- The War of 1812

While Americans tend to overlook this one, Canadians will proudly remind anyone who is listening that they are the only country that has successfully invaded the States. In fact, they burned down the White House in 1814. The war was actually a consequence of Britain and France’s stoush over Napoleon’s economic sanctions, but the Canadians had the last laugh.

Serbia vs. Croatia- The Yugoslav War, 1991-2001

When the multi-ethnic nation of Yugoslavia began to break up in the aftermath of the fall of Communism, the central state of Serbia refused to let things slide peacefully. What followed was a brutal tug of war over independence, with Muslim-majority Bosnia-Herzegovina suffering horribly. The war crimes trials are on-going.



THE ASHES



2017 PREVIEW **Timothy Mottram**

With The Ashes upon us, Touchline has a look at what the pundits are saying, who are the danger men and what's in store as these old enemies renew their battle.

As the Southern Hemisphere Summer arrives, Australia takes on England once again to determine who will hold on to The Ashes. One thing that can be said about both teams: they are not the greatest of all time.

Both teams have glaring weaknesses but also some familiar names who have plenty of Ashes experience behind them. While there should be one or two breakout stars, this Series could be decided by how the first Test goes.

The Pundits

As always, there are plenty of ex-players who are very happy to give an opinion on the Series. Some have been carefully non-committal. Australians Shane Warne and David Gillespie reckon it will be close, and all the more fun for that. "I think it is going to be close," said former leg-spinner Warne. "I think both sides' batting is a bit brittle and they rely on a few guys". Former quick Gillespie seconds

this, saying that he thinks "both teams are quite evenly matched-England still have a couple of question marks over the make up of their best XI."

Former West Indian champion Clive Lloyd is claiming an England victory, betting on a 3-2 score line, though his praise for Joe Root's team is muted: "I don't think either team is good enough to draw any Tests". Nasser Hussain, the former England captain, agrees, and he gives some sage advice, saying that "England have to get first innings runs: par score in Australia is 400". Though where he thinks these runs will come from, he doesn't say.

England's Michael Vaughan and Kevin Pietersen are not as positive: indeed they are pretty scathing in their assessment of the squad. In an interview with The Times, the forcibly-retired Pietersen said that "if Root gets injured or doesn't score runs, they'd pick (Gary) Ballance again. I mean it is a joke, it is an

absolute joke the batsmen they have in that set-up."

Vaughan is not quite as direct in his appraisal, but doesn't hold out much hope for an England win. According to him, Root's "greatest challenge is going to be convincing the team that they can win. It may be that he has to lie a bit and con them".

Of all the opinions that have hit the papers over the past few weeks, the one that keeps doing the rounds comes from respected BBC commentator Jonathon Agnew. 'Aggers' has pointed the bone at the tourists, saying that "this is the weakest party I have seen sent down under from these shores." He predicts a drubbing, a 5-0 slaughter.

The Teams: England

So, with a mix of opinions, it is clear that this is not a team that fills the Poms with hope. There are troubles throughout the batting order and some questions about the bowlers. The biggest question now is what will become



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of Ben Stokes, and how will it unbalance the team?

At the time of writing, Stokes was not allowed to join the tour after being caught on film engaging in an altercation at 2am at a nightclub. As the police investigate, the ECB has seen fit not to make their call on whether he can join the tour at a later date. Stokes, the beating heart of the team, is probably their best batsman after Root and bowls with great flair. His fielding is dynamic. Replacing him in the line-up would take two extra players. Management would dearly love him back in the team, but even if there are no criminal charges, his reinstatement would be tricky politically. He has a history of shoddy discipline and this could be taking things too far.

Root himself averages over 50 but his insistence at batting himself at Number 4 has led to some criticism. England lacks a stand out for First Drop, which means that James Vince is earmarked for that crucial position. Vince has an average for the summer of 19, which is troubling for the English supporters.

Some see Mark Stoneman as shy of world class, but such is England's confidence in their opener that they have not taken a back up. At least a known quantity will play along side him, with Alastair Cook looking to add to his record run-scoring tally. Cook will provide know-how in the shed but at 32 is nearer the end of his Test career than its beginning.

Further down the order, Jonny Bairstow is a technically gifted wicketkeeper and has a very healthy batting average of 39.77, which will come in handy when the top order caves on the flat Australian pitches.

Moeen Ali has enjoyed an excellent run of form with bat and ball over the summer and will look to continue Down Under. In South Africa he scored more than 250 runs and took more than 25 wickets. But he may find it tougher to get the ball to turn in Australia.

James Anderson and Stuart Broad are both class acts who have excelled consistently over the past decade. But will this be the summer where their ages catch up with them? Anderson, the 6th most prolific bowler in Test history, is 35 this year. England doesn't seem to have a third or fourth string bowler that can get under the ribcage of the Australians.

Overall, this England team is a mix of past champions who will perform and a cast of County players who may not. One or two might step up, but that only means the other three will fail.

The Teams: Australia

Just like England, Australia has some quality players but some selection headaches. Australia has been sweating on the lack of a clear all-rounder for years, and has tried plenty of players at Number 6, with none standing out. The question mark over Ben Stokes may not only have removed England's danger man from the series, but also dampened the need to find someone to go head-to-head with the English vice-captain.

At this point, Mitchell Marsh looks likely to nail down the spot, if in fact Australia decide they need an all-rounder. His test average of 21.74 is not really doing much to justify his inclusion, and nor is his bowling average of 37.48. But he is young

and one good series could be the making of him.

The poor batting form of Matthew Wade means that Marsh and other all-rounders could even be bounced out of contention. One option would be to include another specialist batsman at Number 6. Indeed, Wade's difficulties with the gloves could lead to him getting dropped for Pete Nevill.

Up the order, David Warner has added some refinement to his powerful style and knows these pitches like the back of his hand. Captain Steve Smith still averages a touch under 60 despite a few series of less-than majestic form. Usman Khawaja has done enough to nail down the Number Three spot and has been backed by Steve Waugh to score "a million runs" this summer.

Overall, though, it is in the bowling department that Australia holds the edge. On his day, paceman Mitchell Starc is unplayable. He can be wayward, but has the fire to rip through any top order going. Josh Hazlewood is the ice to Starc's fire, doing a pretty admirable Glenn McGrath impression with his precise fast-mediums.

When spin is needed, Nathan Lyon has confirmed his position as top spinner in the country, having an average of 31. But perhaps the most exciting prospect of the summer is a fit-again Pat Cummins. After an exciting debut as an 18-year-old, Cummins is finally injury free and ready to play a summer in Australia. His pace and swing could be the vital ingredient that separates the sides.

In short, there will be plenty to keep the viewers entertained this summer. It might be variable in quality, but it's still The Ashes.

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THE WOMEN'S ASHES

Timothy Mottram

There is nothing like a grudge match, and with the Women's Ashes, Australia and England get to double down on some good-natured hostility this summer. Over the course of October and November, the old enemies will be playing matches in all forms of the game to see who will be victorious.

At the time of writing, unfancied Australia had taken two points by winning the first one-day match against the tourists by two wickets. The remainder of the series should offer up plenty of action to match this blistering opening. Organisers hope that this series will give the competition the profile that it deserves.

As part of the bitter pay dispute that nearly saw the Ashes cancelled, Australia's women saw a massive pay rise. Cricket Australia's chief executive James Sutherland said that this represented the "first gender neutral pay scheme in Australian sport". It would see payments to Australia's women increased from \$7.5 million to \$55.2 million, with around two-thirds of that amount going into grassroots development.

Now, elite female cricketers can go professional, which naturally benefits overall the quality of the game.

Viewer numbers are up, despite some criticism of how the matches are being telecast. The one-day

matches are being shown on Gem, Channel 9's off shoot station, but the test will only be available through the cricket.com.au streaming service. This is a paid provider, which critics believe will limit the viewership of this unique event.

It is the first time a women's test will be a day-night affair, which excites players and organisers alike.


That aside, the mood surrounding the series is very positive. England went in as strong favourites, having the more settled line up and the best pace attack in women's cricket. Australia lost Meg Lanning to a shoulder injury, which put a real dent in their ambitions.

Captain Lanning is the top ranked batter in the world, and statistically is compared to Donald Bradman. On top of her deft stroke play, she is a hard-as-nails captain and skilled fielder. Her place as captain was taken by Rachael Haynes, which caused a touch of controversy as she was not a locked-on member of the starting line up. But her credentials as a leader are clear, having captained both Victoria and

New South Wales successfully. At 30, she is ready for the challenge. In the first one day match, she steered Australia to victory with an unbeaten 30, which is a dramatic improvement on her average of just 11.

Otherwise, Australia has some world beaters in the team. Ellyse Perry bats at 4 and will also lead the bowling attack. Elyse Villani, Nicole Bolton and Alyssa Healey have plenty of experience and will give England some hurry up. Lauren Cheatle, returning from shoulder injury, will add some pace to the bowling attack, and a special shout out goes to Ashleigh Gardner, who has made the squad as an off-spinner. She is the first indigenous woman to be handed the Baggy Green. More established spinners Kirsten Beams and Amanda Wellington provide an excellent team.

World Number One England went into the competition as hot favourites. Winners of the World Cup as recently as July, they have a settled line up with quality throughout. England have brought



in a spinner-teenager Sophie Ecclestone - for seamer Beth Langston. Katherine Brunt and Anya Shrubsole represent the best opening bowlers in women's cricket, Brunt's aggression matching Shrubsole's swing.

Opener Tammy Beaumont was the highest run getter at the World Cup, with 410. Wicketkeeper Sarah Taylor made almost as many, with 396, which provides stability in the middle order. Captain Heather Knight also buoys the order and has the full confidence of her team, visibly lifting them in the field. All-rounder Nat Sciver is an important member of the team and has been likened to her male counterpart in the England set up, Ben Stokes.

England will not be taking anything for granted. Australia definitely has the historical edge, and are the current holders. The hosts need only to draw the series to retain the trophy. Since the first match in 1932, Australia has won eight series to England's six. The first proper series was played in 1934, seeing England stroll it in with two wins and a draw.

The series wasn't always known as The Ashes, as that would denote a level of competition that was considered unbecoming in the days before feminism allowed for more fire in the encounter. Instead, they played "for the love of the game". This changed by the 1990s, when a bat was ceremonially burned and the ashes were placed in a hollowed out ball to justify the naming of the series.

Once again, the series will be decided across all formats. Three one-day matches, a single test and three T20 matches will decide the series. Each of the short versions garner two points for a win, while the test is worth four points. The team on the highest points will take home the trophy.

The Women's Ashes represents an important levelling of the playing field in sport and it behoves the public to support this cricketing spectacle.

AT RISK

AT RISK



AUSTRALIAN GYM CHAIN AND PERSONAL TRAINER SUED AFTER 'EXCESSIVE EXERCISE' CAUSES INJURY

One of Australia's largest gym chains is being sued after a client ended up in hospital for more than a week following a personal training session. Snap Fitness responded to the lawsuit by arguing that it wasn't responsible for the PT's actions as the personal trainer was not an employee of the firm.

The injury occurred to Daniel Popp who was checked into an emergency ward when his urine turned "as black as leather" following his first PT session at Snap Fitness in the inland central Queensland town of Emerald in August 2014.

Doctors diagnosed rhabdomyolysis - the rapid breakdown of seriously injured muscle tissue severe enough to threaten the kidneys. It can be found in car crash victims, illicit drug takers and marathon runners but doctors blamed "excessive exercise", according to Mr Popp's discharge summary from the Emerald Hospital.

In a lawsuit filed against Snap Fitness Emerald and the trainer, James William Fallow, earlier this

year, the 30-year-old blamed the exercise regime he was put through, calling for about \$200,000 in damages.

He alleged the trainer told him to push through despite complaining of "significant" pain in his legs and groin, feeling faint, struggling to stand and vomiting in the toilet several times.

Both Snap and the trainer were contesting the lawsuit but disagreed over whether or not the personal trainer was an employee of the gym. Mr Fallow signed Mr Popp up to the gym, where he worked exclusively and wore a uniform, but Snap denied he was an employee.

In his defence, Mr Fallow said his program was safe and suitable for Mr Popp's desire to "tone up", denying that the gym member made any of his concerns about vomiting or pain known.

Both he and Snap denied negligence, with Snap also denying the man suffered injuries as a result of the session.

The Company argued it did not

owe the mines worker a duty of care to ensure PT services at the gym were "provided with due care and skill".

Mr Fallow argued he was in fact employed by the gym and that both parties owed a duty of care to the father-of-five.

The arrangement whereby personal trainers are considered as contractors is common throughout the fitness world, where trainers often have arrangements with gyms to use their facilities in return for part of their earnings.

Queensland Law Society President Christine Smyth said the line between employee and contractor could be tricky and had the potential to cause problems in the fitness industry and even more broadly.

Bill Moore, Chief Executive of peak industry body Fitness Australia, of which Snap is a member, would not comment on the case but urged clients to always check their PT's qualifications, membership and insurance credentials.



Golf Company Director jailed over ball collector drowning

A golf company director has been jailed after a ball collector drowned in a lake on a Welsh golf course.

Gareth Pugh died in February 2016 while collecting golf balls at Peterstone Lake Golf Course near Newport.

Dale Pike, of Boss Golf Balls, pleaded guilty to manslaughter by gross negligence at Cardiff Crown Court and was sentenced to 32 months in prison.

The Court heard that Pike had agreed to pay Pugh to retrieve balls from the lake but the measures in place to ensure his safety were inadequate.

Iwan Jenkins, Head of Complex Casework Unit for the Crown Prosecution Service Wales, said: "Dale Pike stood by and watched as Gareth entered the water knowing that safety regulations were being breached and which resulted in Gareth losing his life.

"There was clear evidence that Pike had made enquiries with legitimate dive operators to cost this activity but he chose not to use them, instead falsely claiming to the golf club that he was a qualified commercial diver with his own safety equipment".

Para athlete dies after being struck by metal pole in training

Para athlete Abdullah Hayayei died after being struck by a metal pole during a training incident in London before the World Para Athletics Championships last July.

The 36-year-old, who represented the United Arab Emirates in the F34 class javelin and shot put at Rio 2016, was training at Newham Leisure Centre in preparation for the Championships at the London Stadium.

Majid Al Usaimi, the Vice President of the UAE Disabled Sports Federation, told Dubai Sports TV that the pole formed part of the discus cage at the venue.

The incident was witnessed by some of his team-mates as well as coaches and athletes from other competing nations, all of whom have been offered counselling.

London 2017 would have been Hayayei's second World Championships and he was due

to compete in the shot put, discus and javelin F34 events. At the 2015 Championships in Doha, Qatar, Hayayei came fifth in the discus and finished eighth in shot put.

One of the deadliest years for college football sees two players die in a weekend

Two college football players died after games in September while a Harvard football player suffered a neck injury and remains paralysed.

Robert Grays, a 19-year-old cornerback for Midwestern State University in Texas, died after he was hurt making a "routine tackle" during his team's 35-13 win over Texas A&M-Kingsville.

The University's interim Athletic Director said there was nothing unusual about the play that led to

Grays' injury.

"He made this tackle hundreds of times, but it was just one of those situations that landed wrong," Kyle Williams told The Wichitan, the university's student-run newspaper before the teen died. "It was traumatic for all of us, particularly the football players. As a campus, we are thinking about him every day."

Grays, a Houston native, played in each game as a freshman for the Division II school and made four tackles in his College debut.

During the same weekend at the college of Wooster, Ohio, Clayton Geib, a senior football player died after complaining that he did not feel well after the Division III team's game. Geib, who was 21, had cramps and was hyperventilating in the locker room after the game.

Most of the 35 college football-related deaths since 2000 have been linked to overexertion rather than traumatic injury, CBS's Dennis Dodd reported, citing research by Scott Anderson, the University of Oklahoma's head Athletic Trainer and an authority on player safety. However, traumatic brain injuries in football have been a focus in recent years.

"Training regimens are too often built on tradition versus based on

AT RISK

science and place players at risk,” Anderson wrote in a 2012 research paper published by the Journal of Strength and Conditioning Research.

Earlier this year Dodd reported on several recent cases of Division I football players who were hospitalised after gruelling workouts. In a particularly high-profile example from 2011, the University of Iowa concluded after an investigation that 13 Iowa football players were hospitalised after becoming ill with a muscle syndrome called

rhabdomyolysis. The syndrome occurs when muscle is destroyed and releases into the bloodstream products that damage the kidneys. It can be caused by exercise and some dietary supplements.

Sickle-cell trait can also contribute to injury and death from overexertion.

Yet college football player deaths related to overexertion and sickle cell, which affects one in 12 African-Americans, have continued.

Also, during that same week-end, a Harvard University football player, Ben Abercrombie, severely injured his neck while making a tackle during the team's loss to the University of Rhode Island.

Abercrombie, a first-year student, lost feeling in his arms and legs and has required breathing assistance since sustaining the cervical injury. Doctors operated on his neck and are reportedly hopeful that the paralysis will subside.

SPECTATORS BEHAVING BADLY

WHAT CAN AND SHOULD CLUBS AND OFFICIALS DO ABOUT POOR SIDELINE BEHAVIOUR?

Kid's sport fosters health, teamwork, application and self-discipline in a fun and social environment. However, in a more and more competitive society and with increasingly lucrative professionalism in sport, the desire for success can override some of the softer factors. When this spills over to the sidelines to overly passionate spectators, many clubs are understandably caught off guard, but it is happening.

Media reports indicate an under 12's soccer match in Canberra, Australia in 2014 had to be replayed with parents and spectators banned from attending the rematch after the 16 year old referee made a contentious decision, which led to a players' fight on field and then parents joined the fray throwing punches. The police were called.

In August of this year, an umpire at a junior footy grand final in Hoppers Crossing, Victoria reportedly had to run for his life to get away from physically abusive spectators. Police are investigating the incident.

Recent high profile media incidents underscore this. George Columbaris of Master Chef was convicted for

punching a fellow spectator at an A League football match earlier this year. Former North Melbourne football player, Glenn Archer, was convicted and fined \$2,000 for punching a volunteer runner at an under 15's junior football game in Melbourne.

Both matters were appropriately punished by the criminal Courts. But what happens when poor spectator behaviour meets catastrophic injury? A coward punch can cause devastating damage in the blink of an eye and often the perpetrators have no capacity or insurance cover for their illegal act to make recompense. This is where desperate claimants may look to cast the net wider towards the deeper pockets of a sporting club or code and its officials, and raises important risk management



issues.

Sporting clubs liability

The starting principle is that no party should be held liable for the criminal acts of an unrelated third party¹ However, it gets more complicated when the club ought to have been aware of the risk or escalating situation but takes no precautions. These principles are yet to be tested in the sporting spectator context but analogies can be drawn from the existing established law.

A parallel can be drawn with

the well-known case of *Adeels Palace Pty Ltd v Bou Najem*². A fight broke out in a Punchbowl, NSW restaurant and one of the antagonists went away to return with a gun and shoot two people. The plaintiffs argued the restaurant owed a duty of care to take better precautions for the safety of patrons in this escalating situation. The High Court held that even though the restaurant could not be directly liable for the shooter's criminal act, they owed the Plaintiffs a separate duty to take reasonable care to protect them from foreseeable

circumstances, particularly on licensed premises where alcohol can increase the risks. However, in this case it could not be shown any reasonable precautions, such as increased security, would have made a difference. Most security guards will not be in a position to neutralise an enraged gunman.

It is not too great a stretch to find sporting clubs, commonly the holders of liquor licenses themselves, subject to such a duty of care. What steps will be sufficient to discharge this?

¹Modbury Triangle Shopping Centre Pty Ltd v Anzil (2000) 205 CLR 254

²Adeels Palace Pty Ltd v Bou Najem [2009] HCA 48 (10 November 2009).

³Cole v South Tweed Heads Rugby League Football Club Ltd [2004] HCA 29

Alcohol

Cole v South Tweed RLFC shows how far the alleged duty of care can extend. A drunk and abusive patron of the club refused offers of a courtesy bus to deliver her safely home. She was later struck by a car walking home on a dark roadway and sued the club. The Court found a duty was owed by the club to take precautions for responsible service of alcohol and the safety of clearly intoxicated departing patrons. The claim against the Club failed on appeal because of the explicit refusal to accept assistance whilst apparently in the care of others, however the matter had to be defended all the way to the High Court.

Guidelines

In Australia, the Sports Commission has introduced a code of conduct in an attempt to combat the incidence of bad spectator behavior. The code of conduct is a set of statements that can be adopted to set out what a club considers to be an acceptable standard of behaviour and conduct. If spectators do not adhere to the code of conduct they can be asked to leave a sporting venue.

The NSW Office of Sport lists six crucial risk management steps for a club: develop codes of conduct; establish disciplinary procedures; have clear incident processes; bind the non-members to the rules of the club; appoint ground officials and train officials and club members to be able to deal with difficult members and

situations.

The duty of clubs is one of reasonable care. It is not an obligation to prevent any incident, just do what they reasonably can to minimise the risk. Some examples of good risk management are:

- Clear and concise codes of conduct for spectators prominently displayed at the venue;
- Monitoring and enforcement of the code, with polite requests, warnings or removal as may be commensurate with the conduct;
- Clear guidelines to management for when the police should be called to assist;
- Adequate security staff where trouble might be expected;
- Keeping a record of any incidents and near misses;
- Period of time suspensions or blanket bans for serious or repeat offenders.

The above measures may seem extreme but often the simple articulation of what is not acceptable is enough to curb behaviour. A lower grade awkward situation might nip in the bud a much more serious situation getting out of control. Clubs need to be conscious that their role is to set guidelines for and monitor behaviour but any difficult or dangerous enforcement situations should be left to well-trained experts such as the police or security providers. Striking the right balance will improve the sporting experience for all and protect against any legal



liability.

MY BIO

Jane specialises in sports insurance litigation at Hall & Wilcox in Brisbane. She has successfully defended an array of matters involving sporting clubs, venues, sports associations, coaches and trainers and is truly passionate about the importance of sport in the community. Jane is an experienced litigator, who has practiced on both sides of sports litigation (plaintiff and defendant), enhancing her ability to understand her opponents strategy to the advantage to her clients. Jane uses her wealth of sports knowledge, experience and industry contacts to protect sporting organisations from costly negligence claims and litigious claimants.

Level 4, 320
Adelaide Street
Brisbane QLD 4000

Phone + 61 7 3231 7734

Email: jane.bowes@
hallandwilcox.com.au

⁴www.ausport.gov.au/supporting/clubs/resource_library/managing_risks/codes_of_behaviour_or_conduct

⁵ <https://sport.nsw.gov.au/clubs/ryc/fairplay/sportrage/prepare>



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WORLD CUP 2030: ARGENTINA, URUGUAY & PARAGUAY ANNOUNCE PLAN FOR JOINT BID

Argentina, Uruguay and Paraguay are to make a joint bid to host the 2030 Football World Cup.

The three countries' presidents announced the plan in Buenos Aires, although the bidding process will not begin for several more years.

The 2030 World Cup will mark the centenary of the tournament, which was first held in Uruguay in 1930.

In June, Uefa said it would "strongly support" either a pan-British or an English bid to host in 2030.

A joint bid from the United States, Mexico and Canada is the favourite to win hosting rights for the 2026 tournament, with Morocco the only other candidate so far.

A total of 48 teams, rather than the current 32, will compete at an expanded tournament in 2026 after changes announced by Fifa earlier this year.

The 2018 World Cup will be held in Russia, while Qatar is to host the 2022 event.

GOLF & RUGBY SEVENS RETAIN OLYMPIC SPOTS

Golf and rugby sevens will remain on the programme for the 2024 summer Olympic Games in Paris, the International Olympic Committee has confirmed.

The decision, taken by IOC members at the IOC session in Lima, ratifies an earlier recommendation from the IOC executive board to retain all 28 sports that featured at the

Rio 2016 Olympics. The programme for the 2028 Games in Los Angeles will not be finalised until after the 2020 Olympics in Tokyo.

At the same IOC session, Anita DeFrantz of the US was elected as an IOC Vice-President, replacing Australia's John Coates.



FRANCE REJECTS PLAN TO SHORTEN THE SIX NATIONS TO SIX WEEKS

The RFU's proposal to condense the Six Nations Rugby Championship into a six-week schedule from 2020 appears to be dead in the water after France voted against the plan.

The RFU motion would have seen England and France sit out the first weekend of fixtures, all teams compete on the second weekend, and France and England play each other in the third, usually a rest week under the current format.

However, Wales, Ireland, Scotland and Italy are in favour of keeping the present format of five rounds played over seven weeks with two rest periods.

The quartet were supported by France at a Six Nations board meeting to vote on the RFU proposal of losing one bye week, which England lost by five to one, according to reports.

The RFU proposal would only have succeeded if all nations had agreed to the six-week schedule.

9 TOP WEIGHTLIFTING COUNTRIES HIT WITH DOPING BAN

Russia and China were among nine countries suspended from weightlifting for a year in an attempt to combat an epidemic of doping.

The sport has been under pressure to clean up or face being dropped from the Olympics Games.

The decision by the International Weightlifting Federation followed the re-testing of anti-doping samples from the 2008 and 2012 Olympics. Countries with at least three doping offences from those Olympics were suspended. The IWF started pursuing the suspensions before last year's Olympics, but the process was held up by legal challenges.

Also suspended were Kazakhstan, Armenia, Azerbaijan, Belarus, Moldova, Turkey, and Ukraine.

"We have made it clear that the incidence of doping in some areas is totally unacceptable and that our members have a responsibility to ensure clean sport in their countries," IWF president Tamas Ajan said in a statement.

"If they do not fulfill their responsibilities to ensure their lifters are clean then they will lose their right to participate. But we will not turn our backs on them; we will continue to work with them, (the World Anti-Doping Agency), and their national anti-doping agencies to support their anti-doping activities and help make cultural change."

The suspensions could mean a drastically weakened World Championships, scheduled from 28 November in Anaheim, California.

The IWF said there wouldn't be any exceptions from the ban to allow individual athletes from the suspended

countries to compete, regardless of whether they've ever failed a drug test. Athletics has allowed some athletes from Russia to compete as independents during its ban from that sport for systemic doping.

It's not the first time the IWF has kicked countries out of major competitions for doping.

Bulgaria and Russia were both barred from last year's Olympics – Bulgaria after eight of its athletes tested positive for steroids ahead of the European Championships, Russia after WADA accused it of widespread drug use and cover-ups.

In June, the International Olympic Committee warned weightlifting to do more to fight doping or risk being cut from the 2024 Paris Games. IOC President Thomas Bach demanded the IWF "address the massive doping problem" and report back by December.

There have been more than 50 failed tests in weightlifting from the 2008 and 2012 Olympics combined, putting it second only to athletics, which had many more competitors. In some weightlifting events, all three original medalists were disqualified.

The men's 94-kilogram category from the 2012 Olympics saw seven lifters fail re-tests, putting the original ninth-place finisher in line for an upgrade to bronze.

Those banned include some of the sport's biggest stars, such as Ilya Ilyin from Kazakhstan, a four-time world lifter of the year who was stripped of his 2008 and 2012 gold medals for taking anabolic steroids.

PENINSULA LEISURE IS A LEADING EXAMPLE OF RISK MANAGEMENT BEST PRACTICE

With a reputation for innovation and excellence, Peninsula Leisure manages the Peninsula Aquatic Recreation Centre (PARC) in Frankston, Victoria.

Peninsula Leisure is known as an industry leader and challenges the norm to identify and mitigate risk and ensure community safety while maintaining its commitment to customer satisfaction.

Peninsula Leisure CEO, Tim Gledhill, said Peninsula Leisure's risk strategy effectively utilises a best practice 'three lines of defence' approach which has helped instil resilience into the organisation's capacity for growth.

"Peninsula Leisure has developed an industry leading approach to risk management by creating shared interest and accountability for risk from the bottom up.

"The first line of defence for Peninsula Leisure is to create 'an engaged front-line', with an ongoing shift in ownership in risk management. We implement a collaborative approach, with front-line staff that are accountable to report and evaluate risk and to make relevant decisions aligned to the business strategy. We hold regular meetings



with core front line staff to build a risk culture, highlight and discuss known risks and then have these risks assessed by a dedicated risk manager.

“The second line of defence in our risk management strategy is to create ‘a proactive second line’ - a dedicated Board Risk and Audit Committee who influence decision-making through consultation and collaboration, with risk key to its Charter.

“Peninsula Leisure has also established a Companies Occupational Health & Safety Management System (OHSMS), aligned to Australian and International Standards AS4801 and ISO45001, to ensure continuous improvement.

“The third line of defence in our risk management strategy is to create an ‘independent third line’. As part of our comprehensive internal audit program, we draw on PKF Australia who test our policies, procedures and processes to identify opportunities for improvement.

This sophisticated approach to risk management continues to ensure the facility remains a premier aquatic and recreation experience for members and visitors.

Peninsula Leisure Chair, Roseanne Healy, said: “We prioritise the ongoing annual review of our complex risk management strategy and implementation plan, and continue to exceed best practice standards in this high-risk environment. In short, managing risk well is paramount to our success and underscores our respect for the trust the community has placed in us.”

“We engage with our community, focus on recruiting and retaining talented staff, embrace a dynamic culture with a goal to provide exceptional customer experiences, and implement ongoing innovative ways to do business.”



YOUR CHILD YOUR FOCUS



Under
5 yrs

Responsible adult
within arms reach.

Under
10 yrs

Responsible adult
always actively
supervising.

Under
13 yrs

Responsible adult
always accessible
within the facility.



PARENTS SUPERVISE –
LIFEGUARDS SAVE LIVES.





Important Information

PARC is an accredited Watch Around Water facility.
These guidelines must be followed:

CHILDREN UNDER 5 must be constantly supervised and remain within arms reach. If the child is in the water, the responsible adult must be in the water too.

CHILDREN UNDER 10 must be accompanied into the facility and constantly supervised by a responsible adult. The responsible adult must have a clear view of the child at all times.

CHILDREN UNDER 13 must be accompanied into the facility by a responsible adult who must remain accessible within the facility at all times.

A responsible adult must be aged over 18 years.

Active Supervision means:

- Constant visual contact with the children in the adult's care
 - Being prepared to enter the water
- Positioned such that there are no physical barriers between the adult and the children in their care
- Not being distracted by things like books, magazines, phones, laptops or tablets.



PARENTS SUPERVISE –
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Cnr Cranbourne Road
and Olive Grove
Frankston VIC 3199

T 03 97818444
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THE PENINSULA'S
PREMIER AQUATIC,
FITNESS AND FUN
PARC

At a glance - PARC's achievements over the last three years:

- nearly 10,000 members and over 2.5 million visitors
- in 2017, 901,329 visitors, up 12% and 33,000 visitations ahead of target
- financial targets have been met two years ahead of schedule
- 17.7% annual growth year on year
- all profits have been reinvested so PARC can maintain its quality standards
- more than 300 staff employed with over 70% from the Mornington Peninsula
- we 'give back' to the Frankston community supporting over 100 local clubs and community groups, providing more than \$500K in sponsorship and community support.

For more information go to
parcfrankston.com.au or call on
9781 8444.



Risk Management PARC Case Study – Watch Around Water (WAW) Program

The majority of aquatic facilities throughout the country implement the well-known WAW Program. However, over 12 months ago, Peninsula Leisure identified a risk in the current program, specifically for children aged between 10-13 years, and decided to implement a risk management strategy to ensure the safety of their patrons that challenged the Industry and reset the standards.

The risk: the WAW program essentially endorses and allows children 10-13 years of age to be unaccompanied in facilities such as PARC, leading to many examples of children staying for long periods of time without supervision. Peninsula Leisure identified this issue as a risk for the facility and asked the question of their community “would you be comfortable to leave your 10-year-old child unsupervised for hours on end in an aquatic centre environment?”. The resounding feedback was “no”. With this anecdotal evidence, Peninsula Leisure then revised their implementation of the WAW program policy guidelines to best suit PARC and the needs of their patrons

The mitigation: as a result of Peninsula Leisure’s review, PARC implemented an extension to the current WAW program mandatory policy. Now children aged 10-13 years must have a responsible adult (18 years or older) with them at PARC at all times in the event that an incident occurs. Peninsula Leisure has raised the bar and set a new standard in risk management, challenging industry norms and influencing other leisure and recreation facilities to also change their policies.

For more information go to:
[lsv.com.au/pool-safety-services/
watch-around-water/](http://lsv.com.au/pool-safety-services/watch-around-water/)



Peninsula Leisure is a company focused on activating and engaging the community of Frankston by creating experiences that enhance health and wellbeing, encouraging social engagement. With a specific focus on sports, recreation and leisure, our commitment to quality, innovation and customer service underpins our reputation for excellence.

For more information on Peninsula Leisure go to: <http://peninsulaleisure.com.au>.

UNDER ATTACK

UNDER ATTACK

HOW PREPARED ARE YOU FOR CYBER RISKS?



It is impossible to get through a week, currently, before some headline jumps out declaring that a legal firm has had several hundred thousand private client financial records 'exfiltrated', the NHS has had the same thing happen to citizens medical records. Unencrypted Security details for Heathrow turn up on a flash drive on a street, Alistair Brownlee having his medical records released by Uber in Australia paying over \$150,000 to hackers to keep secret the hacking of Uber customer records in 2016. This is more than mildly alarming, especially when the fact that the owners of this confidential data didn't even know that they had lost it until it appeared in the press. Exfiltrated..... gutted more like!

Every sports club and association of respectable size is dependent on email, has

a website for selling tickets and merchandising, has personal data stored on their fans, season ticket holders, merchandise purchasers. Their major assets, team stars, have contract and medical details securely protected somewhere on their system. But are these digital assets and online brands secure and what impact would a front page data leak have?

21st Century Cyber-crime comes in a wide variety of forms from viruses and ransomware to fake websites and social media accounts, to mirrored e-commerce platforms attempting to sell counterfeit merchandise and tickets. Solutions are needed that cover all these risks both internally and externally.

Throw in the Towel

or Fight Back?

There is no doubt that Cyber criminals are devoting a great deal of time and effort into attacking and damaging businesses. Sports clubs and associations are recognizable brands and have associated commercial sponsorship deals which make them prized targets for exploitation. Not only are the criminals zeroing in on the Sports sector but the Laws on Data management are also being changed.

The General Data Protection Regulations (GDPR) are being introduced on 25th May 2018 across Europe. The UK equivalent, the Data Protection Bill will be introduced around the same time. Under GDPR a 'minor' data breach can result in a fine of £8.5 million or 2% of the company's turnover,

whichever is the greater. National Governing Bodies (NGB's), sports associations and sports clubs need to think about more than typical Cyber threats such as phishing and malware, because a data breach under the new regulations is defined as any security incident which leads to the destruction, loss and unauthorised access to personal data sent or collected by the organisation. According to Privacy Rights Clearing House under these terms only 57% of data breaches are a result of hacking or malware, 22% are due to unintended disclosure such as emails sent to unintended recipients, whilst 10% is due to the loss of a smart phone and 7% loss of a corporate laptop and drives.

Under the new legislation there is an obligation for all information holders to demonstrate that they have processes and policies in place to comply with the laws and have taken reasonable steps to prevent data misuse or leakage. This will require major changes in the way sporting associations collect, use, handle and store personal data. Cyber awareness and understanding vulnerabilities from data loss is an important first step.

Fortunately there are many things that can be

done to improve protection making your company cyber resilient, ranging from the straightforward to the spectacular, with the hunters becoming the hunted.

Basic Protection.

No cyber security strategy currently provides full assurance against attack and cyber crime.

Most companies will have covered the traditional defences with tools like firewalls and encryption, but hackers and cyber criminals are constantly looking to exploit weaknesses. Unfortunately, one ubiquitous weakness is the human element. Humans will very often be unaware of the multitude of devices available to the criminals plotting against them and on top of that humans genuinely make mistakes.

Cyber Awareness Training:

A fundamental first step is to ensure that all staff and systems users are properly trained and cyber risk aware. There are now sophisticated on line training packages that will engage with staff and teach them the range

of pitfalls, how to recognise the most obvious ones and what basic precautions they should be taking to keep themselves and their companies safe. This is why the first stage approach to cyber resilience always focuses on training and educating staff and data owners about their core responsibilities and vulnerabilities.

This route not only puts staff and systems users in an empowered position, it also enables the company to mitigate its position in relation to GDPR should a cyber attack succeed. The latest on-line training packages individually record the training record of each member of staff so that the organisation is able to demonstrate that it has taken reasonable steps to ensure that requirements under GDPR have been met. Good on-line training packages will be updated regularly as both the law and cyber attack tactics change and not be a one off.

Sports Cyber has teamed up with SportsCover to make available the leading, on-line, GCHQ accredited Cyber Awareness and GDPR training modules developed by CybSafe.

For an exclusive on-line 10% training discount click on: www.cybsafe.com/en-gb/sportscover/ and enter the code "SBC-CYB01" when purchasing the course.

Thinking about 'Inside the Ring'

History tells us that learning from the past is important. This is indeed true but it also throws up some examples that highlight the problems we are now facing with cyber attacks. The French built the Maginot Line, the height of trench warfare technology, to stop the Germans attacking them as they had in the previous war. The Germans went around the obstruction and successfully attacked at a weak spot they had discovered. Does this sound familiar? Cyber defences put in place, ie. patches, that deal with the last successful attack will not necessarily work to prevent the next new cyber threat.

The cutting edge of cyber resilience now has to focus on detecting what is actually happening in an attack and preventing that. To achieve this, hardware and software have been developed that utilise Artificial Intelligence (AI) to understand and monitor your networks and all the data on it in real time. One defence product currently available observes your network and over

a relatively short period of time learns what is the normal mode of operation for all legitimate users. Any hacker or abnormal activity inside the network will then immediately be flagged and can be shut down.

Thinking about 'Outside the Ring'

With the development of AI, machine learning and the massively increased computer processing power now available there also exists another line of defence. As all sports oriented people will know, the best form of defence is attack.

We have all heard of the Deep and Dark Web and believe that devious actors occupy this space. Well it is true and by looking in the right places criminal intent and data leakages can be observed. It is possible to see who is offering for sale the private records of a company, who is interested in buying them. Think of all the areas that plague today's businesses. Can you see how many fake websites have been set up around the globe and whose counterfeit goods are being sold on them. Has

anyone set up a mirror website and is luring genuine clients into paying criminals for non-existent goods?

Are you able to protect your brands online? Solutions now exist to do this and are protecting leading global brands. It is time for the sports sector to catch up and not be the point of vulnerability.

Sports Cyber can work with you to assess your current state of cyber resilience and recommend steps to improve your defences.

In summary then, there are cost effective actions that can be taken to protect your assets.

Any sporting organisation with world class brands, IP, star players and confidential records can be sure that their success will fall under the gaze of exploitative cyber criminals. But there are methods and equipment available to put up a robust defence and a penetrating attack.

By deploying basic cyber awareness training, cutting edge AI Cyber attack detection hard and software and rooting out those who plot against you, the perfect storm can be ridden out.

Sports Cyber was established to ensure that sports clubs, associations and related companies can have access to the latest cutting-edge cyber technologies and ideas that are currently protecting some of the world's leading brands and largest companies. We are passionate about protecting the reputation and data integrity of the sports industry.

By focusing on the sports market, we are able to offer bespoke, independent, targeted advice and solutions. Working with you to understand your core cyber vulnerabilities, our partners have strong experience and a focus on the sports marketplace making us ideally placed to help protect you from cyber attack and loss.

Feel free to contact us at info@sportscyber.co.uk, visit our website at www.sportscyber.co.uk or call us for a confidential conversation on how we can help you on +44 (0) 203 858 0218

A TALE OF TWO DECISIONS

In contrast to high level sport, lawyers and judges do not have the luxury of a replay to assist them in advising on and deciding liability claims arising from sporting events.

Two recent decisions from the New South Wales and Victorian Courts of Appeal highlight the importance of obtaining contemporaneous evidence from witnesses and undertaking timely investigations. While the decisions had dramatically different outcomes for the respective defendants, they illustrate the importance of securing evidence which may assist defence strategy at an early stage.

Double foot fault for plaintiff in the Court of Appeal

In *Passmore v Maitland City Council* (2017) NSWCA 253, the New South Wales Court of Appeal dismissed an appeal by an unsuccessful plaintiff who alleged that he suffered head injuries when he tripped on the raised area of the court markings while playing tennis on a court owned by the Council and operated by the Maitland City Tennis Club.

The plaintiff commenced proceedings against the Council and the Club, alleging that:

- due to wearing of the court's artificial surface, the court lines were raised a few millimetres above the surrounding court surface; and
- he tripped because his left

foot caught against a raised area of the line as he moved backwards to play a shot.

The first allegation was not in dispute. However, the plaintiff's allegation that he had caught his foot on the raised area of the line was disputed by the defendants.

At trial the plaintiff gave evidence that while running backwards to play a ball lobbed over his head in his foot caught on the raised line.

The plaintiff's version of events was not corroborated by any other witness to his fall.

The defendants called five witnesses who gave evidence that the claimant had not fallen in the vicinity of any lines on the court.

Crucially, one witness gave evidence that he saw the plaintiff shuffling back and tripping over his own feet before falling on his back some distance from the line.

Unsurprisingly, the plaintiff's claim failed at trial. Despite the liability evidence in the defendants' favour, the plaintiff appealed to the Court of Appeal.

In dismissing the appeal, the Court of Appeal found that there had been no error in the primary judge's conduct of the trial or the finding that the incident did not occur as alleged by the plaintiff.

Although the decision does not raise any points of law, the fact that the defendants were able to rely upon five witnesses to contradict the plaintiff's

account of the incident highlights the importance of capturing evidence (in the form of witness statements) as soon as possible and ensuring those witnesses are available to give evidence to resist claims that lack merit

Although the defendants escaped liability due to the evidence that the raised lines had not caused the plaintiff's fall, the decision also illustrates the importance of occupiers and operators of sportsgrounds and other playing surfaces to conduct regular, documented inspections to identify potential tripping hazards for participants who have their eyes on the ball rather than potential hazards on the ground.

Mind the gap

In *Beaumaris Football Club v Hart* (2017) VSCA 226, the Victorian Court of Appeal dismissed an appeal by the Beaumaris Football Club (the Club), the South Metro Junior Football League (the League) which organised the competition and the Bayside City Council (the Council) against a finding that they were liable to pay damages to the plaintiff in respect of a knee injury sustained while playing football at the Banksia Reserve, Beaumaris.

The plaintiff suffered extensive injuries to his left knee while playing for the Beaumaris Sharks under 17

team when he jumped for a mark and landed with his left foot on the boundary fence.

The plaintiff commenced proceedings against the Club, the League in which his team competed and the Council, the owner and occupier of the reserve.

At trial the plaintiff was awarded damages of \$589,525 plus interest and 60% of the liability was apportioned to the Club and the League with the remaining 40% allocated to the Council.

It was common ground that, under its arrangements with the Council, the Club was responsible for marking the position of the boundary line on the Reserve.

The principal issue on appeal was the trial judge's factual conclusion that the distance between the marked boundary line and fence with which the plaintiff collided was significantly less than the minimum requirement of 3m and was inadequate.

Evidence at trial

Sonia McNally, the manager of the Club's senior team gave evidence that:

- she completed a ground inspection report on 20 June 2009, eight days before the accident. Her inspection noted that the boundary line was 3m from the fence at all times and she rejected suggestions that the distance was 2m, 2.4m or 2.5m.

John Collins, a former President and Secretary of the Club gave evidence that:

- he marked and remarked the ground every Friday afternoon during the football

season and was adamant that there was "no way" that the distance between the boundary line and the fence would have been only 2.5m.

- At no time during 2009 did a representative of the Council conduct an inspection of the distance between the fence and the boundary line with him.

In cross-examination, Mr Collins conceded that, apart from putting one mark on the ground, he relied on his visual assessment of the distance of the boundary line from the fence when marking the boundary.

Mr Robert Collie, the President of the junior club, gave evidence that he estimated the distance between the fencing and the boundary line 4.5m. In response to a question from the trial judge, he conceded that he could not imagine someone leaping for the ball within the field and striking the fence on the full unless the boundary line was too close to the fence.

Damian Carr, an employee of the Council gave evidence that:

- it was not his responsibility to inspect the ground at the beginning, middle and completion of the season. However, he conceded that the Council could have checked the distance between the boundary line and the fence on all of the football grounds under its responsibility.
- The Council had the control, management or ownership of 42 sports grounds and the ground users were required to do their own line marking and if the Council

took over that job there would be an initial cost of \$40,000 and an ongoing cost of approximately \$150,000 each year.

- He would visit the ground once or twice per month and walk the ground during those visits but he would not focus on the position of the boundary line at that time.

The appeal

The Court of Appeal held that the methodology adopted by the trial Judge to assess the distance of the boundary line from the fence the point of the incident by taking measurements from an aerial photograph was not a reliable basis upon which to make findings about the distance between those two points on the ground. Accordingly, the Court of Appeal found that the flaws in this process negated the reasoning by which the trial judge concluded the boundary line was less than the prescribed 3 m from the fence

The Court of Appeal noted the following relevant matters:

- At trial, the plaintiff had not advanced any oral evidence that the boundary line was less than 3m from the fence. Consequently, the plaintiff's case was circumstantial and depended upon inferences to be drawn from the evidence at trial.
- The Banksia Reserve was an unusually large oval for suburban football ground and there was ample scope for the boundary line to be marked at least 3m from the fence without limiting the amount of space available

for a football match.

- The determination of the distance to the boundary line involved analysis of competing possible conclusions to be drawn from the evidence.
- There was no direct evidence that any measurement was taken of the distance between the boundary line and the fence at the point at which the accident occurred, at the time of the accident or shortly afterwards.
- Although Mr Collins gave evidence that he used a tape measure to mark a distance of 4.5m from the boundary line to the fence, there was no evidence as to how close or distant such a mark would have been from the point at which the accident occurred. Consequently, while his evidence was relevant, it did

not conclude the question as to whether the boundary line was at least 3m from the fence where the accident occurred.

- Both Mr Collins and Mr Collie accepted that an accident of the kind sustained by the plaintiff would not occur in an ordinary game of football if the boundary line was a sufficient distance from the fence.

The Court of Appeal concluded that, on the balance of probabilities, the point at which the accident occurred, the boundary line is less than prescribed safe distance of 3m from fence in the area in which the accident occurred.

The Court also noted that the evidence that there had been no complaints regarding the position of the boundary line in 2009 or any other time was relevant, but of limited weight.

The Court concluded that the Club, the League and the Council each failed to take reasonable care to ensure the boundary line was within the safe distance of 3m from the fence and the plaintiff's accident occurred as a consequence of that negligence. Accordingly, the defendants' appeal was dismissed.

While measurement of the distance between the boundary and the fence immediately after the incident is unlikely to have altered the outcome of the case at trial, had such measurements been taken shortly after an incident in which the plaintiff had suffered a significant knee injury they would likely have afforded the defendants an opportunity to assess their prospects at an early stage before incurring significant costs defending the claim at trial and on appeal.

James McIntyre



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