

Unions and Sport: Australian Professional Players' Associations*

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Abstract

Sport has ceased to be an amateur pursuit: it has become a form of employment and subject to many of the legalities and institutions encompassing employment relations - including unions. This paper traces the development of sporting associations, identifies the range of such associations, examines problems which are peculiar to employment in the 'sports industry' and future prospects for unions in that industry.

1. Introduction

Since the beginning of the Twentieth Century Australia has traditionally experienced, by international standards, a relatively high level or rate of unionisation.¹ While there is evidence that the level of unionisation has fallen in recent years, and the Australian Bureau of Statistics publishes two data sets which provide contradictory or inconsistent results, it is estimated that between forty and fifty per cent of the Australian workforce is un-

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ionised.² Unions and unionism is not an issue which is usually associated with professional team sports in Australia. The players of a variety of Australian team sports, however, have either attempted or brought into being player unions, or associations, to pursue their collective rights and interests.

Player associations have been a feature of professional team sports in other countries. Scoville, in reviewing the situation in North America, has observed that 'player associations are almost as old as professional sports'.³ The earliest known players' association was the National Brotherhood of Professional Baseball Players, which formed amongst North American baseball players in 1885. The Brotherhood collapsed in 1890 following an unsuccessful attempt by players to form their own league. There have been three other unsuccessful attempts to form player associations in American baseball - the Protective Association (1900-02), the Fraternity (1912-18), and the Baseball Guild (1946).⁴ In the 1950s player associations were formed, becoming more active and successful in the 1960s, in the major North American sports of baseball, football, basketball and ice-hockey.⁵ The oldest continuous players' association in professional team sports is English soccer's Professional Footballers' Association which was formed in 1907.⁶ In 1967 the players of county cricket in England formed the Cricketers' Association.⁷ Player associations have also been formed by soccer players in various European countries and the United States of America, by players of Canadian football,⁸ English rugby league, and West Indian cricket.

Player associations have sought to pursue the collective interests of players in the context of an unusual or peculiar labour market - a labour market which is unique to the operation of professional team sports. The leagues and clubs of a variety of sports have instituted a series of labour market controls which have 'restrained', or restricted, the economic freedom and income earning potential of players.

Distinctions can be drawn between three broad types of labour market controls. They are the recruitment of players, movement of players between clubs, and the use of wage maxima. In the case of Australian sport the major method traditionally used to recruit players has been a system of zoning. Under zoning clubs are granted an exclusive right to recruit players in a designated geographic area. In the 1980s the Victorian Football league (prior to the 1990 season it changed its name to the Australian Football League) introduced various systems of drafting to recruit players, a procedure which it borrowed from professional sports in North America. Under drafting new players are notionally placed into a common pool,⁹ where

clubs choose players in order with the club which finished last having first choice, the second last club second choice, and so on with the top club having last choice, with the process being repeated a stipulated number of times.¹⁰ This procedure for drafting new players has been described as the external draft. The New South Wales Rugby League introduced a similar (external) draft in 1990.

Prior to the introduction of the draft, once a player signed with a club he was bound to that club for the rest of his playing life by the transfer, or reserve and transfer system. Even at the expiry of his contract a player could not take up employment with another club without first obtaining the permission of his original or 'owning' club. For quality or star players, and even players of lesser ability, such a release usually necessitated the payment of a transfer fee.¹¹ Prior to the abolition of transfer fees by the Victorian Football League in 1988, star players were traded for amounts in the vicinity of \$250,000. The New South Wales Rugby League was forced to develop a new system of employment rules in the early 1970s following a decision by the High Court in the *Tutty* case,¹² which found its retain and transfer system to be an unreasonable restraint of trade. It subsequently introduced the thirteen import rule which allowed clubs to employ up to thirteen players from outside their zone. In 1983, following negotiations with the Association of Rugby League Professionals (in 1991 it changed its name to the Rugby League Players' Union) transfer fees were reintroduced with the size of the fee being determined according to a predetermined scale, and added measures to safeguard the rights of players.

The Victorian Football League revised its employment rules after Mr. Justice Crockett of the Victorian Supreme court, in the 1983 *Foschini* case,¹³ declared its transfer system to be an unreasonable restraint of trade. After a series of experiments the Victorian Football League, in 1988, introduced an internal draft to reallocate players between clubs. Under the internal draft clubs are able to trade players at the end of the season for other players or external draft choices (no money is allowed to change hands), and unwanted or non-contract (existing) players can be drafted by clubs according to the same principles which govern the external draft as described above.¹⁴ The New South Wales Rugby League adopted an internal draft in 1990.¹⁵

The officials of various leagues have introduced different systems of maximum wages to control or limit the income of players. Limits have been placed on the level of income that individual players can earn. In 1985 the Victorian Football League introduced a salary cap to limit the total income that clubs could spend on players. The salary cap was based on an agreement reached between the (North American) National Basketball Associa-

tion and National Basketball Players Association in 1984.¹⁶ The salary cap enables clubs to negotiate different levels of remuneration with different players, subject to an overall spending limit. At the end of the 1980s both the New South Wales Rugby League and the National Basketball League introduced salary caps.

This paper is concerned with an examination of player associations in Australian professional team sports. The first section will present information concerning different attempts by players in a variety of competitions to establish player associations, and will provide a brief account of their history and activities. The second section will be more thematic and will identify various issues and problems which have confronted player associations in their quest to obtain concessions and improve the employment conditions of members. The final section will provide some thoughts concerning the future of player associations in Australia.

2. A Who's Who of Australian Player Associations

There have been seventeen attempts by the players of a variety of different Australian team sports to form player associations.¹⁷ These seventeen attempts can be divided into three distinct categories. First, there is the situation where an attempt is made to form an association; however the attempt never gathers enough momentum and is unable to attract enough interest amongst players to establish an association. Or to use a term borrowed from baseball, the attempt at forming a players association fails to reach 'first base'. Second, an association is formed, operates for a period of time, experiences problems which it is unable to overcome and subsequently disbands. The third situation is those associations which have survived the test of time.

Ten examples of the first type of player association can be identified. Sandercock and Turner, in their pioneering work on the development of Australian rules football in Victoria, mention three unsuccessful attempts by players to form a union or association in 1913, 1931 and 1944.¹⁸ Rugby League's 1952/53 Kangaroos discussed the possibility of forming a union to advance the interests of rugby league players.¹⁹ Following the formation of the Victorian Football League Players' Association in 1973 (see below) there was an attempt by former Hawthorn player Bob Keddie to establish a similar body for players of the South Australian National Football League.²⁰ In 1974 there was also talk amongst players of the New South Wales Rugby League of forming an association on similar lines to those of

the Victorian Football League Players' Association.²¹ John McQuaid of the Australian Theatrical and Amusement Employees' Association maintained that players would benefit from being covered by an award of an industrial tribunal.²² At the end of 1978 Redcliffe player Bob Jones mooted the possible formation of a union in the Brisbane rugby league competition.²³

In February 1960 (English soccer's) Professional Footballers' Association received a letter from a Mr R. Haddington, a former Manchester City player, of his intention to form a players' association for Australian soccer players.²⁴ In 1989 goal keeper Tony Pezanno and former international John Kosmina spoke of the need for a players' association for soccer players.²⁵ East Perth player Glenn Bartlett, who at the time worked for the Federated Clerks' Union, attempted, in 1988, to establish an association of players, umpires and trainers in the Western Australian Football League. Umpires were experiencing difficulties with football administrators over payments. However, once this issue was resolved the umpires lost interest in the idea of an association, as did the trainers, which put an end to the formation of such a body.²⁶

Three examples of player associations which fall into the second category can be identified, two in Australian rules football and the third in cricket. In 1914 players of the Victorian Football League and the Victorian Football Association formed the Victorian Footballers' Council. The Council wished 'to assist, in full loyalty, at all times, the club committees in the protection of both the game and the players, and to raise funds by donations, subscriptions, etc, to provide (1) retiring allowances to members; (2) to assist members, when the executive may decide, in case of accident or illness'.²⁷ The Council folded with the advent of World War I.

In 1955 former St. Kilda player Tom McNeil sought to organise players of both the Victorian Football League and Victorian Football Association into the Australian Football Players' Union. He decided on this course of action following an overseas trip where he had come into contact with a number of European soccer players' unions. The Australian Football Players' Union found it difficult to attract members, with a total membership of 178, or a unionisation rate of approximately twenty per cent. In addition, it experienced difficulties in obtaining recognition from clubs, the League, and the Association. Following an unsuccessful attempt to obtain registration as a trade union under the (Commonwealth) *Conciliation and Arbitration Act* 1904, the union disbanded in 1956.²⁸

During the early and mid-1970s Australia's leading cricketers believed that they were inadequately compensated for the time they devoted to cricket, and that the Australian Cricket Board did not take account of their

needs and interests when making decisions. Under the leadership of Ian Chappell, the players felt that their position would be enhanced by forming a players' association. During the mid-1970s they had discussions with Bob Hawke, President of the Australian Council of Trade Unions. With the advent of World Series Cricket in 1977 the players formed the Professional Cricketers Association of Australia. Kerry Packer provided a \$10,000 loan to help it become established. In early 1979 the Cricketers Association was registered under the New South Wales *Companies Act* 1961. Following the 1979 agreement between Packer and the Australian Cricket Board, the Cricketers Association sought to expand its membership to Board players. At its height the Association had 67 members, or approximately seventy-five per cent of regular first class players. The Cricketers Association was mainly constrained by the problem of having a small membership evenly distributed across six states in a continent as large as Australia. In addition, the Board's use of a player representation system in a Cricket Sub-Committee,²⁹ and the appointment of a co-ordinator to act as an intermediary between the Board and players frustrated the Association's attempts to be recognised by the Board. The Cricketers Association was moribund by 1982, and officially wound up in 1988.³⁰

Australia currently has four player associations. The longest surviving body is the Australian Football League Players' Association (it was originally called the Victorian Football League Players' Association and changed its name when the Victorian Football League became the Australian Football League). The Association was formed by Essendon player Geoff Pryor at the end of the 1973 season.³¹ Since its formation the association has represented approximately between sixty and seventy per cent of players, having, at different times, experienced problems with North Melbourne, Geelong, Richmond and Brisbane Bears in being able to recruit members.³² In negotiations completed in 1990 concerning a Standard Playing Contract the Australian Football League agreed that all clubs should provide access to the Association to enable it to recruit members. At various times the Australian Football League Players' Association has flirted with the idea of affiliating with the Australian Council of Trade Unions, or seeking registration as a trade union under industrial relations legislation.³³

While the Australian/Victorian Football League Players' Association has been recognised by the Australian/Victorian Football League it would not be too unfair to state that it has found it difficult to obtain or wrest concessions from the League. At various times it has threatened the use of strike action. In 1974 it indicated its preparedness to strike when the League foreshadowed the abolition of the ten year rule - a rule which enabled players with ten years service with a club to seek employment with other clubs free

of the encumbrance of the transfer system.³⁴ The Victorian Football League ignored the threat and duly abolished the rule; the players' association did not act on its threat. In late 1980 early 1981 the League withdrew recognition of the association; however a threat by Essendon and Fitzroy players not to play in the opening round of the night competition witnessed the Victorian Football League backing down and agreeing to recognise the players' organisation.³⁵ In 1989 and 1990 the association again threatened strike action in negotiating changes to the Standard Playing Contract.³⁶

Western Australian Ian Miller played with Fitzroy in the Victorian Football League in the 1970s, being a member of the Victorian Football League Players' Association. After returning to the west he formed the Western Australian Football League Players' Association in 1979. The organisation did not experience problems attracting members, but found it difficult to develop a bargaining relationship with, and secure concessions from, the Western Australia Football League. Following the announcement of the West Coast Eagles entering the Victorian Football League, the players association went into limbo in 1986,³⁷ and only continued to exist by virtue of some monies held in a bank account. As already referred to above East Perth player Glenn Bartlett unsuccessfully attempted to form an association of players, umpires and trainers in 1988. In 1990 it was suggested that the balance of the players' association funds held in the bank could be donated to help pay Western Australia's costs of competing in the Teal Cup (a junior interstate competition). Bartlett as a club captain and senior player was contacted to see if these funds could be made available for the Teal Cup side. His answer was no and he initiated action to revamp the players' association. A new committee was elected at the beginning of 1991, membership is increasing and the association has obtained recognition from the Western Australian Football Commission. The Commission has indicated that it wants to hold regular monthly meetings with the association to discuss and resolve issues of mutual concern.³⁸

In 1979 a group of players, former players, coaches, accountants and lawyers formed the Association of Rugby League Professionals in the New South Wales Rugby League. In 1991 the organisation changed its name to the Rugby League Players' Union. Following the election of coach Jack Gibson as President in 1980 the association experienced growth and development. It was registered under the New South Wales *Trade Union Act* 1881 in 1980, and the *Industrial Arbitration Act* 1940 in 1984. The association has, generally speaking, had in excess of ninety per cent of players enrolled as members.³⁹ Notwithstanding some initial problems the association obtained recognition from the New South Wales Rugby League. Between 1983 and 1989 the two bodies experienced cordial relations with

player association representatives being appointed to the League's General and Judiciary Committees (the latter is concerned with determining the innocence or guilt, and penalties, of players accused of rough play). Following the New South Wales Rugby League's announcement in 1989 that it intended to introduce a draft, relationships between the league and association substantially deteriorated. Disquiet amongst players resulted in a leadership challenge to the players' association with Kevin Ryan replacing John Adam as President. The players' association has challenged the legality of the draft. There have also been disputes between the league and the association during 1990 concerning the administration and rights of players associated with drug testing.⁴⁰ In 1991 the Rugby League Players' Union affiliated with the Labour Council of New South Wales.

Players in the National Basketball League formed the Basketball Players' Association of Australia in 1989. Led by international representatives Larry Sengstock and Damian Keogh the association has achieved between sixty and seventy per cent of membership coverage, and has been recognised by and received positive responses from League administrators. The association has focussed its activities on procedural and organisational matters, and developing communications with members.⁴¹

3. Problems Confronting Player Associations

Player associations have experienced a number of problems in seeking to defend and advance the rights and interests of members. These problems can be broadly distinguished into two categories: the development of internal effectiveness, and the ability, or inability, to develop an external, or bargaining, relationship with the clubs and leagues of their respective sporting competitions. The discussion will begin with an examination of issues associated with the internal organisational effectiveness of player associations.

Other than the peculiar labour market arrangements which govern the employment of players of professional team sports (see above), the most distinctive feature of the employment of players is the shortness of their playing life. With the unremitting pressure on maintaining form and the ever present risk of injury, only a small number of highly skilled players last in the game for ten years or more, and/or are still playing in their thirties. When a young player enters the game he may easily be carried along by the game's glamour and kudos, and his thoughts will be directed to establishing a regular first-team place, rather than worrying about issues associated with

employment rights. Moreover, club management will assure our young hopeful that the club will always do the right thing by him, as long as he realises his unlimited promise. In addition, the payment of relatively 'high' incomes to star players may convince them that life can be fairly sweet for those who excel at professional sport. With the passing years the glamour of the game may begin to wear off. Players may start to think more seriously about their profession and the associated conduct and operation of their sport. However, by now they may be near the end of their career, and may become concerned about what life and future employment (and income) prospects await them once they retire from professional sports.⁴²

The implications of this phenomena for player associations are twofold. First, there is a relatively high degree of apathy amongst players concerning their employment rights and the role and function of player associations. Second, the constant turnover of players/members means that player associations experience difficulties in developing any sense of continuity, and impose costs with having to educate new members as to the needs or rationale for having such an association.

The membership of Australian player associations is and has been small; in some cases, very small indeed. The 1955 Australian Football Players' Union only attracted 178 members. The Professional Cricketers Association of Australia in the early 1980s had a maximum membership of 67, spread across the length and breadth of the Australian continent! The maximum membership of the Rugby League Players Union is 912 (16 teams by a 57 player roster), 780 for the Australian Football League Players' Association (15 by 52), 168 for the Basketball Players' Association of Australia (14 by 12), and up to 500 for the Western Australian Football League Players' Association.⁴³

All player associations have, or have had, low membership subscriptions. During its first regency between 1979 and 1986 the Western Australian Football League Players' Association initially set its membership fee at \$10 for senior players (less for juniors), which it subsequently increased to \$12! Following its revival under the leadership of Glenn Bartlett joining fees having been set at \$2, with an annual fee of \$10. The cricketers initially set their membership fees at \$50, but lowered them to \$25 following the compromise between Packer and the Australian Cricket Board. The basketball players have set their fees at \$20. Throughout the 1980s rugby league players had an annual fee of \$20, which was increased in 1991 to \$100 for senior, and \$30 for junior, players. In 1990 the Australian Football League Players' Association increased its membership subscription to \$75. Player associations have also supplemented their income by sponsorships and product endorsements.

A small or low membership base and low subscription levels translates into low incomes which reduces the ability of player associations to provide services for members and pursue issues on their behalf. Of the current player bodies in existence only the Rugby League Players' Union could be said to have a 'modest' level of reserves; though this will quickly disappear if it is unsuccessful in its challenge concerning the legality of the drafting system introduced by the New South Wales Rugby League.

As a result of low income player associations have experienced leadership problems. They have not generated enough revenue to employ persons who could devote all their time, and provide them with the necessary wherewithal, to pursue the needs of players. Individual players have either performed these functions themselves, in addition to their commitments as a player, and other obligations. Or, alternatively, they have relied on former players and other individuals to work on behalf of the association in an honorary, but nonetheless part-time capacity. For example, both John Adam and Kevin Ryan who have assumed the office of President of the association/union representing rugby league players, both of whom were former players, have performed their functions in the spare time provided by working in a legal practice. Peter Allen, who has guided the affairs of the Australian/Victorian Football League Players' Association since 1980, has performed this function in the context of a business which is devoted to sports promotion.

Player associations have also experienced difficulties in obtaining recognition and/or developing a bargaining relationship with the governing authorities of their respective sports. The 1955 Australian Football Players' Union failed to gain recognition from the Victorian Football League and the Victorian Football Association. The Australian Cricket Board used a Cricket Sub-Committee and a cricket co-ordinator to deflect the establishment of a bargaining relationship with the Professional Cricketers Association of Australia. Except for a period in the early 1980s the Australian/Victorian Football League Players' Association has been recognised by the Australian/Victorian Football League. While the players' association can point to some gains it has achieved,⁴⁴ it has nonetheless found it difficult to obtain concessions from the League. The association has been party to the negotiation of a Standard Player Contract, a contract which enables clubs to cut players and their payments during the life of the contract.⁴⁵ The League, however, has been able to introduce major changes to the labour market arrangements governing the employment of players, with little or limited involvement from the players' association. Such examples would be the abolition of the ten year rule in 1974, introduction of the salary cap, determination of the size of salary caps, and the introduc-

tion of various drafting systems. It should be noted, however, that representations from the players' association resulted in the League introducing a mid-season draft in 1990 for players who had been cut by their clubs in the early part of the season.

Following its desire to reintroduce transfer fees in 1983 the New South Wales Rugby League was prepared to enter into negotiations and discuss various issues with the Association of Rugby League Professionals. This preparedness to negotiate with the players, however, could be interpreted as an attempt by the League to use collective bargaining to shield themselves from any legal attacks which may have been mounted against their new transfer system in light of the High court's decision in the *Tutty* case. As already mentioned relationships between the League and the players have substantially deteriorated since the New South Wales Rugby League announced its intention to introduce a draft. If the Players' Union is successful in its appeal concerning the draft it is likely that players and the League will re-establish a bargaining relationship. On the other hand, if the Players' Union loses its appeal, coupled with opposition from the League and clubs, it is possible that impoverishment will lead to impotence,⁴⁶ and/or force it to disband.⁴⁷

While both the resurrected Western Australian Football League Players' Association and the recently formed Basketball Players' Association have been recognised by their respective leagues, developments at this stage are embryonic and more time will need to pass to determine the tone and level of the bargaining relationships that will develop in these respective sporting competitions.

4. A New Game Plan for Player Associations

The first section of this paper has demonstrated the fragility of player associations in professional team sports.⁴⁸ Of the seventeen attempts to form such associations only four are in existence at the time of writing. Moreover, two of these associations are only of recent vintage; basketball players forming a body in 1989, and the resurrected Western Australian Football League Players' Association at the end of 1990, early 1991. Only the Australian Football League Players' Association and the Rugby League Players' Union have any longevity. The latter is involved in a major struggle over the draft, and the former has found it difficult to influence the major decisions which effect the employment rights of members. Section two of the paper has sought to explain the reasons for the fragile nature of

player associations. Player associations, with their limited membership base and low subscription levels, have lacked the necessary resources to enable them to play an active role in the decision making processes which determine the employment rights of members. Their role has tended to be more that of a spectator than an active participant. The actions of the Rugby League Players' Union in opposing the draft, is an attempt to change this situation.

The affairs of player associations have been conducted on a part-time or ad hoc basis. The leaders of player associations have found it difficult to develop the organisational verve to wrest concessions for members from their respective leagues. Player associations have sought to defend and advance the employment rights of members while being starved of resources, time and money. While league and club officials often cry poor, they work at their job on a full-time basis, and generate income in terms of millions of dollars, compared to player associations thousands of dollars. The relationship, or contest, between leagues and player associations has been one of unequals; virtually a struggle between professionals and amateurs.

A fundamental law of sports is that if a team is being defeated it will need to revise its tactics and strategies in an attempt to enhance its ability to compete successfully. The application of this dictum to labour-management relations in Australian sport would suggest that player associations need to develop a new plan of action to enhance their ability to provide benefits for members. During the 1980s Australian team sports have introduced changes to their operation which have been based on the organisation and administration of North American sport.⁴⁹ The move away from city to national competitions, the granting and payment for team licenses, the increased role of television and sponsorship, the salary cap, the draft, and running the clock backwards have all been borrowed from North America.

If the administrators of Australian professional team sports have looked to North America or overseas for guidance and inspiration, player association may also benefit by examining the history and activities of overseas player associations. In saying this, however, there may be some aspects of Australia's system of industrial relations which could be usefully employed by player associations. The following is a four point plan concerning the future development of player associations in Australian professional team sports.

Players associations need to consider obtaining the services of full-time professional leadership to advance the rights and interests of players. Player associations in English soccer and the major North American sports have

such leadership. In 1966 the Major League Baseball Players' Association obtained the services of Marvin Miller, an industrial relations specialist, who achieved major gains for baseball players during his period of leadership.⁵⁰ Such a policy will necessitate player associations increasing their subscriptions, and/or obtaining additional revenue from endorsements and promotion to attract such leadership and provide them with associated funds to initiate and pursue programmes of action.

English soccer's Professional Footballs' Association, since the 1950s, has obtained a share of television income which it has used to fund many of its activities.⁵¹ Australian player associations could explore means to obtain such income, in addition to the income that they derive from sponsorship and product endorsement.

While the Rugby League Players' Union has been registered under New South Wales industrial legislation since the early 1980s (see above), it, and other player associations, have not made use of Australia's system of industrial tribunals to pursue their goals. In 1990 the New South Wales Industrial Commission was activated in resolving an intra-union dispute when Kevin Ryan replaced John Adam as leader.⁵² The Australian Football Players' Union failed in its bid to obtain registration before the Commonwealth Court of Conciliation and Arbitration in 1955. Industrial tribunals may be able to provide player associations with benefits that they have found difficult to obtain from their respective leagues. In particular, they may be of use in establishing minimum conditions and entitlements, such as a minimum wage, which would be of particular relevance to junior and fringe players employed by clubs. In addition, industrial tribunals may be able to provide player associations and their members benefits with respect to the operation of standard player contracts, salary caps, the draft and other matters.

In 1987 the Australian Council of Trade unions in *Future Strategies and Australia Reconstructed*⁵³ recommended that Australian unions needed to embark on a massive campaign of mergers and amalgamations. Such a strategy was advocated to enable unions to reap economies of scale, rationalise resources, and provide additional and improved services for members. Player associations in Australia might wish to consider amalgamating to form a general players' association or union (the Association of Players of Professional Sport may be an appropriate title) to pursue their common interests. Moreover, such a body could seek to enrol and represent players of other professional sports. This would enable the association to increase its membership base and help generate additional funds to enhance the employment of professional leadership. In moving to a general or amalgamated players association it would be necessary to ensure that an

appropriate structure and form of organisation was developed so that the interests of players of different professional sports were adequately represented and pursued.

5. Conclusion

This paper has been concerned with an examination of player associations in Australian professional team sports. Information was supplied concerning seventeen attempts by players of a variety of sporting competitions to form such associations. As of 1991 Australia has four player associations. The paper also examined the internal organisational and external problems which have confronted player associations. Finally, the paper recommended that player associations give consideration to the appointment of full-time professional leadership, seek to obtain a share of the television income that is flowing into sport, make greater use of Australia's system of industrial tribunals, and explore the possibility of amalgamating to form a general or super players' association. Given the historical record so far, it would appear that, at a minimum, player associations may be well advised to consider the development of new strategies and tactics if they wish to play an active role and help determine issues which pertain to the employment rights and income of their members.

Notes

1. For example see R. Bean (ed), *International Labour Statistics: A Handbook, Guide, and Recent Trends*, Routledge, London, 1989, pp. 146-181.
2. A survey of Trade Union Members (ABS Cat. No. 6325.0) provides the lower figure, while a survey of Trade Unions (ABS, Cat. No. 6323.0) the higher figure (for financial members).
3. James G. Scoville, 'Labour Relations in Sports', in Roger G. Noll (ed), *Government and the Sports Business*, Brookings, Washington, 1974, p. 206.
4. For details of these various bodies see Paul M. Gregory, *The Baseball Player: An Economic Study*, Public Affairs Press, Washington, 1956, Chapter 22; Erwin G. Krasnow and Herman M. Levy, 'Unionization and Professional Sports', *The Georgetown Law Journal*, Winter 1963; and James B. Dworkin, *Owners v ersus Players: Baseball and Collective Bargaining*, Auburn House, Boston, Chapter 1.
5. For an analysis of the role of player associations in these sports see Dworkin, *op. cit.*, Robert C. Berry and William B. Gould, 'A Long Deep Drive to Collective Bargaining: Of Players, Owners, Brawls and Strikes', *Case Western Law*

- Review*, Summer 1981; Robert C. Berry, William B. Gould and Paul D. Staudohar, *Labour Relations in Professional Sports*, Auburn House, Dover, 1986; and Paul D. Staudohar, *The Sports Industry and Collective Bargaining* (Second Edition), ILR Press, Ithaca, 1989.
6. Earlier attempts to form player unions in 1893 and 1898 were unsuccessful. For an account of the activities of the Professional Footballers' Association see Braham Dabscheck, "'Defensive Manchester": A History of the Professional Footballers' Association', in Richard Cashman and Michael McKernan (eds), *Sport in History: The Making of Modern Sporting History*, University of Queensland Press, St. Lucia, 1979; and Braham Dabscheck, 'Beating The Off-side Trap: The Case of the Professional Footballers' Association', *Industrial Relations Journal*, Winter 1986.
 7. For details concerning the Cricketers' Association see Ric Sissons, *The Players: A Social History of the Professional Cricketer*, Pluto, Sydney, 1988, pp. 285-292.
 8. For information on this association formed in Canadian football see Kenneth Alyluia, 'Professional Sports Contracts and the Players' Association', *Manitoba Law Journal*, 1973.
 9. According to Kevin Ryan, the President of the Rugby League Players' Union, it would be more appropriate to refer to this as a 'cattle yard'.
 10. On several occasions the Australian Football League has allowed poor performing clubs several draft choices ahead of other clubs.
 11. For a critical examination of the Victorian Football League's zoning and transfer systems see Braham Dabscheck, 'Sporting Equality: Labour Market vs Product Market Control', *The Journal of Industrial Relations*, June 1975.
 12. 125 CLR 353.
 13. Unreported. *Foschini vs VFL and South Melbourne* (Supreme Court of Victoria, 1982) No. 9868.
 14. For a detailed examination and critique of the draft see Braham Dabscheck, 'Abolishing Transfer Fees: The Victorian Football League's New Employment Rules', *Sporting Traditions*, November 1989.
 15. The various controls governing the recruitment and transfer of players have been a continuing source of litigation. For a review of the case law see Braham Dabscheck, 'Sporting Labour Markets and the Courts', *Sporting Traditions*, November 1985; G. M. Kelly, *Sport And The Law: An Australian Perspective*, Law Book Co., Sydney, 1987, Chapter 14; and Deborah Healey, *Sport And The Law*, New South Wales University Press, Kensington, 1989, Chapter 4. In early 1991, Mr Justice Hill of the Federal Court found the New South Wales Rugby League's drafting system to be a reasonable restraint of trade. *Adamson + Ors versus New South Wales Rugby League Limited + Ors*, No. G511 of 1990. On 6 September 1991 a Full Bench of the Federal Court (Justice Sheppard, Wilcox and Gummow) unanimously upheld an appeal against this decision by the Rugby League Players' Union, No G79 of 1991. On 24th October the New South Wales Rugby League was unsuccessful in seeking special leave before the High Court to appeal the decision of the Full Bench of the Federal Court.
 16. For details concerning the negotiation and operation of the salary cap in North American basketball see Robert C. Berry and Glen M. Wong, *Law and Business of the Sports Industries*, Vol. 1, *Professional Sports Leagues*, Auburn House, Dover, 1986, pp. 165-169 and 391-402; Berry, Gould and Staudohar, *op. cit.*, pp. 181-188; and Staudohar, *op. cit.*, pp. 109-113.
 17. It is possible that future research will unearth additional examples.

18. Leonie Sandercock and Ian Turner, *Up Where, Cazaly? The Great Australian Game*, Granada, London, 1981, pp. 60, 121 and 123.
19. Interview with Martin Gallagher, former player and official of the Association of Rugby League Professionals, Padstow, 14 June 1990.
20. Football Times (mimeo). Information supplied by Bernard Whimpress.
21. *Rugby League Week*, 24 August 1974.
22. *Daily Telegraph*, 20 April 1974.
23. *The Australian*, 11 August 1978.
24. Minutes of Management Committee, Professional Footballers' Association, 14 February 1960.
25. *The Australian* 7 April 1989, 21 December 1989, and 11 January 1990.
26. Telephone Interview. Glenn Bartlett, 17 April 1991.
27. Quoted in Sandercock and Turner, op. cit., p. 60.
28. 84 CAR 675. For an account of the activities of the union see Braham Dabscheck, 'Out of bounds: The 1955 Australian Football Players' Union', *Journal of Australian Studies*, November 1990.
29. David Richards, the Chief Executive of the Australian Cricket Board, regards it as 'a very, very important committee, probably the most important committee the Board's got'. 'David Richards', in Jack Egan (ed), *Extra Cover*, Pan, Sydney, 1989, p. 331.
30. For further details concerning the activities of this body see Braham Dabscheck, 'The Professional Cricketers Association of Australia', *Sporting Traditions* (forthcoming).
31. For details concerning its formation see Braham Dabscheck, 'Industrial Relations and Professional Team Sports in Australia', *The Journal of Industrial Relations*, March 1976. Also see Bob Stewart, *The Australian Football Business: A Spectator's Guide to the VFL*, Kangaroo Press, Kenthurst, 1983, Chapter 12.
32. Inside Aussie Rules, AFLPA Members' Newsletter, December 1990.
33. See for example *The Australian* 18 May 1978, 20 July 1978, 1 August 1978, 28 March 1979; and *The Age* 19 July 1990.
34. For details see Dabscheck, 'Industrial Relations ...', op. cit., pp. 38-40.
35. Interview with Peter Allen, Executive Director, Australian Football League Players Association, Melbourne, 9 July 1990.
36. See *The Australian* 8 July 1989, 19 June 1990, 13 and 16 July 1990; *The Sun* 18, 19 and 29 June 1990, and 12 and 14 July 1990; *The Age* 12, 14, 19 and 21 July 1990.
37. For an account of the association's activities up to this point see Tony Buti, 'History of the WAFL Players Association', Papers in *Labour History*, No. 4, November 1989, Perth Branch, Australian Society for the Study of Labour History.
38. Telephone Interviews, Glenn Bartlett, 17 January 1991 and 17 April 1991. Also see Industrial Relations Society of Western Australia, Newsletter, November 1990.
39. Annual membership figures held with the Registry of the industrial Commission of New South Wales.
40. For details see Sydney daily newspapers in the period June to August 1990.
41. *The Sydney Morning Herald*, 29 March 1990; *The Australian* 30 March 1990; Interview Damian Keogh, Woollooware, 2 May 1990; Telephone Interviews, 6 September 1990 and 15 April 1991.
42. Such thoughts pervade Brian Taylor's diary concerning the Collingwood Football

- Club in 1990. See Brian Taylor with Jon Anderson, *Black and White: The Taylor Diaries - 1990*, Globe Press, Brunswick, 1990.
43. Bartlett, Telephone Interview, 17 April 1991.
 44. For example see 'A Summary of Major Accomplishments by the VFLPA 1980-1988', *On The Ball*, VFLPA, 12 April 1988.
 45. See Australian Football League Standard Playing Contract, particularly Clause 9. Salary cuts were forced on several players during the 1990 season. See *The Age* 21 July 1990.
 46. Such a fate befell the Professional Footballers' Association following an unfavourable decision in the *Kingaby* case (unreported) in 1912. For details see Dabscheck, 'Defensive Manchester ...', *op. cit.*, pp. 242-243.
 47. The National Football League Players Association disbanded following an unfavourable decision in 1989. The decision has been seen as 'tactical' in removing the National Football League's anti-trust exemptions afforded by collective bargaining. See *The Sporting News* 27 November 1989. For discussions of the legal situation in North America see Berry, Gould and Staudohar, *op. cit.*, Chapter 2; and Berry and Wong, *op. cit.*, Chapter 2.
 48. And for those who are interested in such things it might provide us with an indication of the life that awaits enterprise unions which operate outside industrial tribunals.
 49. For a critical examination of North American sport see Randy Roberts and James Olson, *Winning Is The Only Thing: Sports in America Since 1945*, John Hopkins University Press, Baltimore, 1989.
 50. For details of Miller's impact on baseball see Dworkin, *op. cit.*, pp. 29-37; and Berry, Gould and Staudohar, *op. cit.*, pp. 52-53.
 51. For information in this see Dabscheck, 'Defensive Manchester ...', *op. cit.*, pp. 237 + 255; and Dabscheck, 'Beating ...', *op. cit.*, p. 351.
 52. Industrial Commission of New South Wales, Mr Justice Bauer, No. 271/90.
 53. Australian Council of Trade Unions, *Future Strategies for the Trade Union Movement*, May 1987; and Department of Trade, *Australia Reconstructed - ACTU/TDC Mission to Western Europe: A Report by the Mission members to the ACTU and TDC*, AGPS, Canberra, 1989.