



SPORT | Issue No. 11 | *When it comes to footballers when is a contract a contract*

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Whether it's Daly Cherry-Evans changing his mind on his "contract" with the Titans, Toulon threatening to sue the Australian Rugby Union and now Quade Cooper over his possible change of heart, footballers seeking release on compassionate grounds, or Sonny Bill Williams' famous departure from the Canterbury Bulldogs, we wonder when is a contract a contract in professional football?

Apart from the law of the land, other factors impact upon player contracts which are different to "normal employees". Some of these are collective bargaining agreements with player associations, registration of players, rules of the competition and specific contracting rules.

In situations such as Toulon, these vexed questions are further complicated by the law of the jurisdiction. I would think that if Toulon was to sue anyone, Toulon would sue in France. The law of France would determine whether there was a contract, whether there was a breach, whether there was behaviour which induced breach of contract and whether damages flowed from any of this conduct.

So far as Cherry-Evans is concerned, the NRL has created competition rules to say that you have until a specified date to indicate whether or not you intend to be bound by a contract. This sounds like a cooling off period.

Cooling off periods are generally used in consumer situations to avoid people either rushing into or being pressured into decisions. One may question whether a highly paid and well-represented professional footballer should be entitled to such a cooling off period.

Professional football is a tough game. Players get injured, careers end. Players' contracts are terminated for lack of performance, so players who in most cases rely

upon playing football for their sole income are entitled to strike bargains in their best interest. It may be, and it probably is the case, that the recent changes of direction by Cherry-Evans and Cooper may be in their best interests, but whether it is in the interests of their team or the sport in general, could be questioned.

Supporters, the people who buy the tickets to the games, the merchandise and the pay TV subscriptions, support teams in a loyal way. But equally, they support players.

This movement of players and the mystery around whether they are signed / are not signed, does not help the team, its standing or marketability. Ultimately if the team's marketability suffers, so ultimately will the financial position and probably the success of the team.

Modern player contracting has not kept pace with the global market and the loyalties of the supporters will continue to be challenged as quickly as loyalty of players appears to be eroding.

The whole issue is difficult and outstanding footballers are a rare commodity. Is it too much to ask that the codes, the teams, the players, the managers will act with integrity, not just strict compliance with the rules in the process? Integrity, it seems, is too much to ask of some of our political leaders, so we can hardly expect more of our footballers.



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