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## ***Editorial:* Change law to reflect sport's rightful place**

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Saturday sport is such a Kiwi institution that few if any of us bother to question its benefits. There is something wholesome about getting out to play at the weekend. Not only is it good for mind and body but it has an educative quality that may be less clearly defined than book learning but is nonetheless real.

And, of course, there are the benefits of physical fitness which cannot be underestimated in an era when we are so often reminded of the enormous costs, social and financial, of inertia and obesity.

It therefore came as a surprise to learn that some charitable grants that have traditionally gone to supporting community sport are under threat.

The Department of Internal Affairs has written to 33 charitable gaming trusts warning them that, because of a recent High Court ruling, amateur sports may no longer qualify. Doubts about the legitimacy of such grants emerged after the court ruled that a trust set up to promote a horse race was not entitled to registration by the Charities Commission.

Given horse racing's status as the sport of kings this hardly seems surprising. But the court's exploration of the legal issues revealed that what everyone had assumed was clear cut about amateur sport generally was in fact a difficult, grey area.

The court commented that "sport, leisure and entertainment for its own sake are not charitable but that where these purposes are expressed to be and are in fact the means by which other valid charitable purposes will be achieved, they will be held to be charitable". In plain English, this seems to suggest that unless a sport had some specific education objective – say training a school rugby team – then it could not qualify for a grant.

The fallout has been more confusion than you would find at the bottom of a Tri-Nations ruck. Unfortunately the department has not been able to offer much clarity. It has warned trusts, told them to check their deeds and suggested independent legal advice.

The result has been a variety of reactions. Some trusts have suddenly stopped handing over money. Others say they believe they are unaffected. And at least one is in a quandary having received conflicting legal advice.



**The New Zealand Herald**

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Some clarity is needed, and quickly. The Government should take whatever steps are required to ensure that community sports clubs are still eligible for charity money.

Most New Zealanders have come to expect that a good proportion of money collected from gambling will go to supporting local sports clubs. It has always seemed a fair trade-off between the perceived harmfulness of one type of activity and the real benefits of the other.

You do not need to look far to find evidence of those benefits. The Waitakere United Football Club is a good example. Its chairman Rex Dawkins pointed out it put an enormous effort into the community with school coaching programmes and holiday coaching programmes.

"Grants filter down to 4000 players in West Auckland and we put a lot of resources into 15- to 19-year-olds, which is a very critical age."

Under the definition cited above it is doubtful that this kind of thing could strictly be regarded as "charitable" and yet most New Zealanders have come to expect that clubs like Waitakere will get support.

In its judgment, the High Court noted the concept of "charitable purpose" was evolving in response to changing social circumstances and the development of a unique New Zealand legal culture.

If so it is not evolving fast enough. It is time the law caught up with social circumstances that have existed for many years and are well entrenched in the Kiwi psyche.

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