

AXH 1003 - HONOURS THESIS

DEPARTMENT OF URBAN AND SOCIAL POLICY
Victoria University of Technology

TAKING A FAST TRACK TO THE DEMISE OF DEMOCRACY ?



VICTORIA UNIVERSITY OF TECHNOLOGY



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Student No.:

Deborah Tyler

Alicia te Wierik

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Supervisor: Deborah Tyler

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SYNOPSIS

This thesis investigates different styles of government which accord different opportunities for participation of 'power to the people'. An understanding of democratic theory is thus essential as perspectives on democracy illustrate numerous styles of democratic practice and opportunities for citizen involvement. While an object of this theses is to locate styles of democracy used by modern liberal governments, the focus of the research explores the exercise of responsible citizenship. Democratic behavioural techniques of the citizen are carefully examined both in theory and practice. The case being made is that citizens, accustomed to a participatory style of democratic government, have been trained in the 'arts of participation' to act as a caretaker of both their lives and environment. With a shift in the style of government towards an elitist democratic approach, practised by the Kennett Government, the responsible citizen, as caretaker, is excluded from government decision-making processes. In response to the closing off of participatory mechanisms in favour of the elitist style of government, the responsible citizen, is turned into a person engaging in acts of civil disobedience in order to maintain his or her vigilance over the lives and environment of his or her community.

Introduction

The election in Victoria of the Kennett Liberal-National Coalition Government in 1992 with a mandate for the financial restoration of a debt-ridden state, heralded a new era of conservative government. Prior to the election, Leader of the Liberal-National Coalition, Mr Jeff Kennett, called on Victorians to accept his offer of a fresh start, seeking the chance to rebuild the state with a new style of government. During the launch of the Liberal-National Coalition campaign, Mr Kennett stated "I reject totally the Labor approach of centralised government" adding that his Government would be more accountable (Forbes, M., September 25, 1994: 15). Ironically, despite undoubted achievements and dramatic administrative reform, power in this state is more centralised than ever before (ibid.).

The 1992 election was won with such force that it provided the Kennett Government with a large majority of the seats in Parliament, paving the way for a radical reshaping of Victoria. Utilising the advantage of a weakened opposition, the Premier, Mr Kennett has been able to push through many changes, without significant challenge in Parliament. The Kennett Government has pursued reform in almost every area of State Government jurisdiction and in so doing, has implemented policies and political decisions which have relied upon closed and elitist techniques of government rather than consultation and participatory techniques of government. In response, citizens have labelled the present governing system as a "governance by decree rather than consultation" (Attwood, A., December 3, 1994: Extra 5). The style of government is typical of the elitist democratic mode where opportunities for citizens to participate beyond voting is restricted to seeking positions of leadership

within politics (Thompson, D.F., 1970: 23). Familiar with a participatory style of governance where citizens' opinions and concerns are welcomed within political decision-making processes, Victorians have been disturbed by the denial of consultation mechanisms previously afforded to them.

The discussion which follows investigates how the citizen understands him or herself within a democratic system. The focus is essentially on the making of the democratic citizen to become a kind of 'caretaker' of the interests and values of his or her society. In understanding a study of the democratic citizen, numerous subsidiary studies become involved such as opportunities for exercising responsible citizenship via participation and styles of democracy which afford citizens different levels and avenues for participation. It is useful here to explore both the theoretical and the practical techniques of democracy to gain a broader perspective of citizenship.

An understanding of the theories of democracy leads to an indication of styles of democracy as practised by government. Chapter One is thus dedicated to a review of democratic theory and its implications for the citizen. Chapter Two then illustrates practical styles of democratic government as evident in the planning system of Victoria. The planning system is a useful example in which to study the democratic styles of government as it involves an obvious practice of government in the interests of people. Until recently, Victoria's planning system has offered opportunities for citizen participation within decision-making processes. In this regard, it provides a useful means of investigating the practical nature of citizenship.

Recent changes to the style of democracy practised by government within Victoria's planning system has closed off many of the participatory mechanisms by which citizens practices the role of 'caretaker'. The case being made in this chapter is that

citizens have been trained in the ‘arts of participation’ and have demonstrated their capacity to act as ‘caretakers’’. A shift in the style of democracy practised by government is shown to undermine this capacity.

The shift in the democratic style of government is again highlighted in Chapter 3 and is used to further examine the extent to which participatory democratic values and principles are eroded to the detriment of the citizen’s ability to practice his or her trained ability to participate in the affairs of the state. The purpose of this within the scope of the study can be understood in light of Chapter 4, which provides a specific case study into the Government’s approach to facilitate the Grand Prix event being held at Albert Park. Chapter 3 provides the necessary foundations for a study into this issue as it establishes a series of instantiations where the democratically trained citizen has been left out of decision-making processes. Rendered powerless under a style of democracy which favours little citizen involvement in the activities of government, citizens in Chapter 4’s case study are shown to engage in actions which seek to re-employ their capacity to influence politics and ensure the good care-taking of the social, economic and physical environment.

Chapter One: Theories of Democracy and Participation

In understanding the concept of democracy as a form of political organisation and subsequently as a state in which society functions it is necessary to define the ideas and practice of democracy. Yet an investigation of democratic theory does not offer a satisfactory statement of the meaning of the concept. Instead, there is a generalised idea that it is “the one form of political organisation designed to accord ‘power to the people’ thus granting ordinary citizens the greatest opportunity of influencing public decisions” (Maddox, G., 1985: 26). The central ideology of democracy being ‘power to the people’ does not however, indicate as to how that power may be exercised, nor as to what degree of power people may be afforded (Maddox, G., 1985: 26).

Democracy then, is recognised and exercised in a number of styles. For the Greeks, democracy “was a label for a complex set of institutions, customs, practices and values which were themselves the product of a considerable history” (Maddox, G., 1985: 26). Democracy has developed through historical experience in what Sartori, in *Modern Federalism*, coined ‘a trial-and-error process’ (Sawer, G.F., 1969: 179). Both the conceptualisation and the exercise of democracy is built on accumulated experience which may not change the central ideological tenets of democracy, but gradually produces alternative styles and methods of practising democracy.

Graham Maddox, author of *Australian Democracy - Theory and Practice*, has defined the various styles in the following themes: direct democracy; classical democracy; enlightenment democracy; pluralist democracy; revisionist democracy; and participatory democracy. Maddox argues that each of these is a style drawn directly from the Greek democratic tradition and yet formulated around an endless ‘trial-and-error’ historical process which includes the influence of Christianity, French Enlightenment, and American pluralism (Maddox, G., 1985: 31-51).

Direct democratic theorists favour the greatest possible involvement of all citizens in the political life which affects them. They argue that while leadership is one of the basic factors in the organisation of a democratic society, popular participation by the bulk of the community is the essential element within the practice of democracy. Thus the most appropriate quality of a leader is the ability to sense what the public want. According to direct democratic theory, political leaders are in a large measure, the followers and interpreters of the public 'will', rather than its 'inventors' (Thompson, D.F., 1970: 16-17). The direct theory of democracy relies heavily on the autonomous nature of democratic citizens and suggests that "politicians treat citizens as intelligent human beings with a capacity for some emotion" (ibid.) such that citizens will subsequently act according to the ideals of the democratic model.

According to Maddox, democracy originated with the direct democracy introduced by the Greeks in Athens as early as 508 B.C. and developed through to the participatory style of democracy which has flourished largely since the late 1960's (Maddox, G., 1985: 27, 51). The differing styles he suggests are largely the product of direct democratic theory adapted in relation to the circumstances of the particular era. Australian democracy derives from direct democratic traditions but in most recent times can be characterised as a participatory democracy, sometimes called 'neo-classical' democracy. Participatory democracy then, is distinguished through its objective of restoring the 'ordinary person' to his or her rightful place of autonomous self-government within the democratic community. Participatory democracy, claims Maddox, begins by rejecting the assertion of revisionist and elitist democratic theorists, who argue that 'the people' should restrict their involvement in politics to mere voting (Maddox, G., 1985: 51). In this respect participatory democracy is very akin to the direct democratic style.

With each style of democracy, the general conditions surrounding approximation to the ideal has continued to depend as much on “an attitude of mind, on unwritten laws and customs, which require resolute adherence to the values of freedom, equality and (community), as on the institutions of the state” (Maddox, G., 1985: 31). Understanding this, the role of the citizen within a democratic society and the concept of ‘citizenship democracy’ emerges as an area of investigation. ‘Citizenship’ as used here refers to the present and future capacity of citizens for influencing affairs of the state (Thompson, D.F., 1970: 2). Theorists specialising in the activities of citizenship within a democratic framework argue that citizens armed with democratic behavioural techniques, such as autonomy and responsibility, together with accumulated experience, are capable of performing as ‘caretakers’ of their lives and their communities. Further they argue that training in participation helps to ensure individuals perform as democratic citizens with attitudes and values which adhere to the unwritten laws of conduct which presuppose the coherent functioning of a democratic society.

The term ‘citizenship’ in twentieth-century democratic theory suggest more than the Greek idea of citizenship in that in modern democratic society, all individuals are to engage in the activities of citizenship. The Greek origins of citizenship referred to a more restricted group of individuals which included only adult males eligible to give defence service. Women and children, resident aliens and slaves were denied citizenship (Maddox, G.,1985:27). Those eligible to participate in political activities expressed only the views of the collective. In modern democratic society, citizens are given the opportunity to express not only public views, but also the personal interests of individuals and groups (Thompson, D. F., 1970:2).

There are other respects in which the twentieth century sentiment of democracy differs from its classical origins in the Greek model. The modern conception allows

for less direct involvement since in a large, industrialised state. it is impossible for all citizens to be consulted on the majority of political decisions which have to be made (Thompson, D.F., 1970:2). Nonetheless the Greek practice of citizenship, which included forms of participation, discussion and voting persists in many of the twentieth-century democratic theories. It is the kinds and degrees of democracy which is the subject of much debate in democracy texts and amongst democratic theorists (Thompson, D.F., 1970: 2). What is common however to all styles of democratic governing is that a level of citizenship remains an integral condition of the democratic system.

The Role of the Citizen within Theories of Democracy

Citizenship democratic theory explores the principle of democratic theory which asserts citizenship as a feature of democracy. Theorists of citizenship democracy assert the widest possible interpretation in what is inferred by the democratic idealist notion of ‘power to the people’. Advocating an active involvement of citizens within the political life of a democratic system, citizenship theorists are concerned with the capacity of citizens to influence politics. Thompson, in his study of citizen theory, argues that “it is not necessarily so much a set of political conditions and techniques as an attitude among citizens that defines the style and nature of democracy” (Thompson, D.F., 1970: 30). In this perspective, the level of citizens’ active involvement in political life determines the style of democracy and the degree of ‘power to the people’.

As a feature of the democratic system, most citizenship theories rely on the presuppositions of autonomy and improvability of citizens. The presupposition of autonomy in democratic theory entails that citizens be treated as the best judges of their own interests. The presupposition of improvability holds that citizens be treated as capable of showing better political and social judgement than they do at any

present time (Thompson, D.F., 1970: 10). The presuppositions of autonomy and improvability are thus fundamental conditions and ideals of citizenship within a democratic framework.

While citizenship theorists differ on the origins and foundations of these presuppositions, they all share a common commitment to these fundamental conditions. Scientific citizenship theorists would, for example, ground the presupposition of autonomy on scepticism toward any claim to permanently superior competence on matters about which someone else has more immediate experience. Religious democratic theorists would found autonomy on a belief in the sacredness of the individual soul or on the sanctity of the inner light of conscience. Humanist democratic theorists would see autonomy as the recognition of moral worth of secular man (Thompson, D.F., 1970: 13). The rationale of theorists' perspectives on the preconditions of democratic citizenship offer an insight into the will of citizens to actively participate in democratic society. Yet their perspectives are only partly useful to the theme of this discussion which explores the practices of a democratic society both through the reliance on a level of citizenship, and through the role of the institutions of the state to maintain the values of democracy.

What are regarded as the true values of democracy are often contested among democratic theorists, who offer instead a scale of democracy according to the level of reliance on the citizen. For the citizenship theorists, values essential to democracy include the autonomous nature of citizens and the ability of citizens to improve their understanding and active role within a democratic society. "Citizenship theory leads naturally to concern for improving conditions under which citizens can more actively govern themselves. Elitist theory leads in contrast to efforts toward improving the quality of leaders and the conditions under which they operate" (Thompson, D.F., 1970: 24). A deep distrust of citizen's political desires and judgement signals the

virtual absence of the presuppositions of autonomy in elitist democratic theory. When autonomy is not to some extent presupposed, participation seems pointless (Thompson, D.F., 1970: 22, 25). Elitist democratic theory then, with its rejection of the presuppositions of autonomy and improvability denies the capacity of citizens to attain a greater level of involvement in political life. Participatory and citizenship theorists acknowledge the importance of leadership as advocated by elitists, but dismiss the view that citizens should be limited in their potential to become an important players within a democratic system utilising their autonomous and improvable competence.

The strong reliance on citizen autonomy is also apparent in religious citizenship theory where it is argued that while democracy needs skill and leadership, this must be combined with a reverence for the common humanity of everyday people. It has been said by A.D. Lindsay, author of *The Modern Democratic State*, *The Churches and Democracy*, and *I Believe in Democracy*, “that if the voice of the people is not quite the voice of God, no one else has a better claim to speak for Him” (Thompson, D.F., 1970:17). The citizen is thus assumed to be the best judge of what is best for both the individual and society, subsequently, political leaders are advised by religious citizenship theorists to treat the opinions of the citizen, especially those of the ordinary man with the utmost respect (Thompson, D.F., 1979: 17).

Humanist citizenship theory also places an importance on the autonomy of the ordinary citizen, “not only should the ordinary citizen control his governors but he should participate in governing as well” (Thompson, D.F., 1970:17). For the humanist, the common man’s view is the one which should be most actively sought for he is ‘a man of character rather than intellect’ and displays ‘consistent loyalty to believed standards’ (Thompson, D.F., 1979:17). It is what the common man aspires to, not a rationalist set of standards that is important in democracy. As it is a

communality among citizenship theorists to presuppose the autonomous nature of the democratic citizen, citizenship theorists also advocate a strong local government within a federal political structure as this is the model which offers the most opportunity for participation (Thompson, D.F., 1970:17-18).

The Manufacturing of the Democratic Citizen

For citizens to participate effectively in a democratic society, theorists rely on the presumption that citizens will develop the necessary skills of autonomy through involvement in political activity. Therefore, the presupposition of improbability is very much linked to the presupposition of autonomy, with citizenship theorists believing that to treat citizens now as the best judges of their own interests is the best way to improve their competence in the future (Thompson, D.F., 1970: 19). In this light, citizenship theorists require that both the democratic citizen and the democratic community are capable of beneficial development through human effort (Thompson, D.F., 1970: 20). The dependence on improvability, as a necessary precondition of democracy, accounts for the degree of importance placed on the education of democratic citizens.

It is therefore, education, in various forms, which is distinguished as a key mechanism for improving citizen's capacity to influence politics and therefore ensure democratic progress. The kinds of education which are deemed appropriate by citizenship theorists range from 'civic education' which includes training citizens in the techniques of political organisation and activity, to informing citizens of social trends and the 'proper moral and intellectual ideals necessary for democracy (Thompson, D.F., 1970: 21). The principle purpose of democratic education is to make ordinary citizens more competent in political affairs (Thompson, D.F., 1970:21).

This emphasis on education follows the popular understanding that ‘individuals are not born citizens of a particular political state’ but are rather shaped by a process of political socialisation (Smith, D.H., Macauley, J., and Assoc., 1980: 84). The ‘political self’ is developed during a gradual and incremental process. This concept of the ‘political self’ comes from Mead, author of *Mind, Self and Society*, in 1934. Mead claims that “the self is something which has a development: it is not initially there at birth, but arises in the process of social experience and activity, that is, develops in the given individual as a result of his relations to that process as a whole and to other individuals within the process” (Mead, G., 1934: 134) (Smith, D.H., Macauley, J., and Assoc., 1980: 86).

According to democratic theorists Smith, Macaulay and Associates political education takes place alongside to the development of the ‘political self’. Political learning in this regard is acquired through various social agents involved in political socialisation. These include the family, schools, peer groups, and the media who all communicate their concerns and beliefs regarding political facts, values and attitudes. In response, the individual, in developing a cognitive nature, reacts to these messages by evaluating, rejecting or accepting the views of the social agents. An individual’s personality, personal inclinations, level of political interest, predisposition to act and social situation will to some degree influence the response to the stimuli advanced by the social agents, and in this regard the process of political socialisation can come to be understood as “an interaction between the individual and the environment” (Smith, D.H., et al., 1980: 92-93).

However, the forming of the democratic citizen is not merely dependent on a developing sense of judgement but is also the product of politically motivated direct and indirect processes of education. Indirect processes are those that do not appear to be deliberately political: direct processes involve learning of clearly political content

(Smith, D.H., et al., 1980: 93-94). Smith, Macauley and Associates, in *Participation in Social and Political Activities*, describe the three indirect modes of political learning. The first of which is 'Interpersonal Transference' - where children liken political figures and authority to many of the characteristics of their parents. 'Apprenticeship Learning' is another indirect mode of political learning identified by Smith, Macauley and Associates, and is defined as the mode of political learning "where the individual is assumed to acquire skills, habits and behaviours that can be transferred to political activities" (Smith, D.H., et al., 1980: 94). It follows that "as the population becomes more knowledgeable about political processes they demand more involvement not only in political life, but also in schools, labour unions and such" (Smith, D.H., et al., 1980: 94). The third indirect mode of political learning stems from the human tendency to generalise what is learned from one area to other areas. 'Generalisation' as a mode of political learning is said to explain the inclination of individuals within various social and or class groups to hold relatively similar political views (Smith, D.H., et al, 1980: 94).

Direct modes of political learning, as identified by Smith, Macauley and Associates include 'Imitation', where children emulate the party labels of their parents. As children grow older, the reverse may occur with teenagers rebelling against their parents' political orientations (Smith, D.H., et al., 1980: 95). 'Anticipatory Socialisation' occurs where children adopt the behaviour and attitudes of role models in areas in which they expect to be. As such the structure of school life and its promotion of democratic practices, is a working ground for students to experience 'anticipatory socialisation' (Smith, D.H., et al., 1980: 95). 'Political Education' is another direct mode of political learning identified. The instruction may be carried out by parents, relatives, teachers, peers, volunteers, work-related groups such as unions, as well as political parties and government agencies. In this mode of political learning the education is deliberate (Smith, D.H., et al., 1980: 95). 'Political

Experience' is regarded as the fourth direct mode of political learning. The process involves education through experiential learning or 'learning by doing'. Participation in voluntary action groups and political campaigns is said to further develop the previous indirect and direct modes of political education (Smith, D.H., et al., 1980: 96).

Theories in the education of the citizen within the democratic system as put forward by Smith, Macaulay and Associates offer a rather shallow idealist perspective which is of little purpose to this thesis. The weakness becomes evident in light of understanding the practical technologies of democratic government which is clearly examined in Chapter 2. In the following chapter democratic techniques of the citizen are shown to derive from more than an awareness of political processes and the occasional participation in a voluntary action group. Minson provides a useful examination of the training of the citizen and more convincingly explains the development of techniques forming the democratic citizen which produces the desire of the citizen to practice participation in the affairs of government (Minson., J.,1993: Chapter 8).

Like the citizenship theorists Minson argues that the autonomy of individuals is important to the self-understanding of the citizen within a democratic society. The degree to which this autonomy is developed is an effect of the "rise of participatory-pedagogical techniques inside civil-society" (Minson, J, 1991: 208) which train citizens to feel responsible for their own well being as well as the well-being of their community. To illustrate this, Minson uses the example of techniques of managing school populations democratically which rely in part on trainings at home during child rearing. The training is based on a balance between desires and responsibilities where, for example, a child is made to 'elect' when their bedtime should be (Minson, J., 1993: 208). Such training is aimed at 'responsibilising' children by making them more autonomous. To take this point further, it is argued by Minson

that demands for participation in the practice of government do not necessarily stem from training in the ideals of democracy, but is rather the result of ‘responsibilising’ mechanisms involved in the training of the citizen in the practice of self-governing. Self-governing techniques are then applied to the broader arena of managing populations. Democratic citizens armed with the desires and responsibility to improve the conditions of their lives and environments subsequently demand levels of involvement and participation within the affairs of the state.

Conclusion

This chapter has been useful in establishing the framework in which the role and the practices of the democratic citizen is understood as a function of the democratic system. The following chapters further expand on the styles of democracy particularly focusing on their application within the practice of modern government. The critical evaluation of theories of citizenship and the training of citizens in democratic behavioural techniques is the basis of further discussion which will continue in the proceeding chapters. Minson’s preoccupation with the training of the democratic citizen provides the necessary link between firstly the democratic theories supporting alternative styles of governing which address the question of how power may be afforded to the people, and secondly with the theories of citizenship which question the capacity for citizens to be caretakers of their lives and environment within a democratic system of governing. Minson’s argument provides an insight into how citizens understand themselves within the *practice* of democratic government rather than the *ideals* of democratic government. This is useful to the purpose of this study which examines the motivations behind the individual’s active role as a caretaker ensuring the well-being of their communities.

Chapter Two: Victoria's Planning System in the Context of Democratic Practice

In an effort to establish practical examples associated with the arts of democracy and in particular the behavioural techniques of citizenship within a democratic framework, it is useful to examine public participation within the urban planning process. Urban planning can be linked to both theories and practices of democracy where planning is understood as an activity undertaken by government in the interests of the people. Over the last 30 years an increasingly common topic of discussion among planners and administrators is the need to foster increased participation by the public in the urban planning process (Payne, R.J., 1973: 25).

Before embarking on a discussion of the planning system and its implications for citizen participation it is necessary to examine what planning is and what planning aims to achieve. Essentially planning is for the people. This much repeated phrase is a seemingly trivial definition of the nature and aims of planning. It is rather vague and it does not indicate any particular area of peoples' lives with which is concerned. Yet planning involves so many areas of peoples' lives and environments that the rather trite phrase is perhaps the most useful. To be more explicit however, it is necessary to explore the initial aims of planning and to describe what planning involves today.

According to R.J. Payne, early town planning endeavours sought to reduce physical hardships and to ensure public health. As this field developed it became concerned with standards of building, sewerage disposal, and housing conditions. This concern remains a very significant part of modern planning (Payne, R.J., 1973: 27). The interest of planning with the physical well-being of the public has since developed to

include the improved living conditions of the economic, social and political environment as well as the physical environment, both natural and built (Payne, R.J., 1973: 27).

Together with the increased scope involved with the planning of improved living conditions, the development of a more culturally and technologically sophisticated society has encouraged a reliance on 'technocracy', or the application of technical knowledge; expertise; techniques and methods in decision-making processes by government (De Sario, J, and Langton, S., 1987: 5). Concerned with ensuring long-term social and economic stability much of the government's planning activities have resulted in a growth of technical expertise, elitism and bureaucratic initiative in favour of the classical idealist notion of democracy, where citizens themselves initiate programmes and monitor the actions of their elected representatives (Payne, R.J., 1973: 25-26).

Payne argues that the reality of planning activity being increasingly governed by planning authorities has in turn made the system more complex and discouraged public participation within the planning process (Payne, R.J., 1973: 26). Therefore in addition to the development of technocracy and the shift towards an 'elitist' style of decision-making in planning, many have demanded that "decision-making be infused with a more democratic expression" (Fagence, M., 1977: 2). In response to the tensions created by the development of technocracy and the insistence on public participation, modern liberal governments have tended to advocate the simultaneous growth of participatory democracy and expertise in decision-making (Fagence, M., 1977: 2).

Citizen Training in Victoria's Planning System

Planning in Victoria over the past 30 years or so has been recognised as an area of government largely utilising both elitist and participatory styles of democracy. The technologies of government which include strategies, techniques and procedures are implemented not only to plan for the long term physical, social and economic environment of the people, but also to ensure accountability and participation mechanisms for the public. While the use of technocracy is applied with the employment of planning authorities and their level of expertise, participatory democracy has also been facilitated with opportunities for citizen involvement in the process of decision-making.

Since 1944, with the passing of the Victorian *Town and Country Planning Act* of that year, planning has been a government function of this state (Eccles, D., and Bryant, T., 1991: 4). Since that time the planning system has developed in such a way that a very large number of people have had direct involvement with the planning of their environment. Legislative provisions of the Planning and Environment Act 1987 ensured that avenues of participation were made available to the public extending the planning process far beyond the interests of developers and urban planners to include interests of third parties. Under Section 57(1) of the *Planning and Environment Act 1987* "any person who may be affected" may object to an application for the use or development of land or both (Eccles, D., and Bryant, T., 1991: 89). Essentially this ensures that where a planning permit is required, any person who considers themselves affected by a proposal has the right to submit an objection outlining their concerns. The provision has served to ensure that third party concerns such as health impacts, effect on the amenity of an area, or infringement of existing uses are considered in the decision-making process. In Minson's understanding of democratic training, the provision could be seen as a 'responsibilising' mechanism training the citizen to ensure the good caretaking of the environment (Minson, J., 1993: 208).

In addition to the provision for third party objection rights, Sections 82(1) and 82(2) of the *Planning and Environment Act 1987*, contained broad provisions enabling affected persons to appeal to the Administrative Appeals Tribunal against a decision to grant a permit provided an objection was lodged by themselves or in the case where at least one written objection was received by the responsible authority (Eccles D., and Bryant, T., 1991: 89). The rationale for third party rights according to Eccles and Bryant's, is not simply that people who may be affected by a proposed development should have some input into the decision as to whether or not the development should proceed. The exercise of these rights to ensure a hearing by the Administrative Appeals Tribunal in relation to planning permits is considered the only way in which the impact of a proposed development can be dispassionately evaluated by a body independent of the responsible authority and the Minister - to consider the application and its impact if it were granted and to make a decision accordingly (Eccles, D., and Bryant, T., 1991: 178). In this reasoning Eccles and Bryant view public participation as a means of ensuring improved outcomes and providing a means of public scrutiny within the activities of government.

In this light the provisions imply that direct participation of ordinary citizens leads to better decision-making where all interests of the community are taken into account. Secondly, the third party provisions suggest that public participation ensures a level of surveillance within the system of government. This relies on the democratic behavioural techniques of citizens to be responsible caretakers and keep watch for sinister interests and corruptions of power that may divert leaders and administrators from their responsibility of good government (Maddox, G., 1985: 53).

The benefits of public participation in planning are well documented and in many ways conform to the central tenet of a democratic system which advocates that "the individual has the right to be informed and consulted and to have the opportunity to

express views on matters which affect them” (Sewell, and Coppock, 1977: 1). However it is further noted as a third argument in favour of participation, that involvement in decision-making processes not only enables the citizen to enjoy greater autonomy over their environment but benefits the individual as well. R.L. Cole in *Citizen Participation and the Urban Process* outlines the advantages of participation as follows “by taking part in the affairs of his society, the citizen should gain in knowledge and understanding, develop a deeper sense of social responsibility and broaden his perspectives beyond the narrow confines of his private life” (Cole, R.L, 1979:3). In this regard, legislative provisions which encourage participation in the planning system can be described as a means of developing the autonomous nature of the citizen, which is essential to the functioning of modern democratic societies. Cole’s argument is similar to that of Minson’s, where avenues for participation in planning are designed to develop the individual’s capacity to influence political decisions and train the citizen to balance his or her desires and responsibilities for the well-being of one’s community and environment.

The Two-Tiered Democratic Style within the Planning System

Public participation within the planning process thus illustrates the practical techniques of citizenship which rely on the presuppositions of autonomy and improvability of citizens. The provision of third party rights in the *Planning and Environment Act 1987* both indicates and requires a degree of participatory democracy where citizens have been treated as responsible caretakers of their interests and environment. Rights of appeal further presuppose that the citizen is politically aware, competent and responsive. Levelled with the autonomous and improvable expectations of citizens is an equal reliance on the planning authority as an expert who has the responsibility to initiate and formulate policies and programmes which plan for long term economic and social stability. To ensure that

determinations affecting the development and use of land do not contradict these policies and programmes, the Minister for Planning is entrusted with broad powers that enable him or her to by-pass the normal planning procedures.

For instance, the Minister has the power to “call-in” appeals under Section 41 of the *Planning Appeals Act*. This power may be exercised if, before the Administrative Appeals Tribunal makes a decision on an appeal, “it appears to the Minister administering the Act that the appeal raises a major issue of policy and that determinations of the appeal may have a substantial effect on the achievement or development of planning objectives” (Section 41 of the *Planning Appeals Act*, quoted in Eccles, D., and Bryant, T., 1991: 26). The Ministerial powers imply an elitist democratic style of decision-making suggesting as it does that the public is politically naive and incompetent where long term economic and social planning objectives are involved. The powers also hinder close scrutiny by the public by allowing the Minister to operate insulated from the normal procedures which allow for monitoring of elected representatives by citizens.

Provisions of the Planning and Environment Act 1987 have thus offered a two tiered approach within the planning system of Victoria. Provisions allowing the Minister to by-pass normal planning procedures borrows from the elitist style of democracy where experts and leaders initiate and monitor many of the programmes and policies in order to ensure long term objectives. The broad provisions for third party rights however, has indicated a participatory style of democracy particularly where appeal rights have allowed the citizen (under normal circumstances) to question the determination of planning authorities before an independent body.

The Shift to an Elitist Style of Democracy within the Planning System

The issue of third party rights has loomed large recently with the Victorian Government's introduction of the *Planning and Environment (Amendment) Act 1993* which has fundamentally changed the planning system in Victoria. Modifications made by Parliament to the *Planning and Environment Act 1987* have placed restrictions on public participation and third party rights. Changes include the removal of the right of third parties to appeal against a decision to grant a permit, if they had not objected beforehand (Section 82); and allowing responsible authorities to specify types of permits that may be exempt from public notice and any subsequent appeal (Section 60(3), 64(4) and 64(5)). In addition to these, the Minister for Planning has been given widened "call-in" powers where the application for a planning permit raises a major issue of policy or where the application has been unreasonably delayed to the disadvantage of the applicant (Brunton, N., 1994: 4). In summary, one could hardly disagree with the view of Michael Wright Q.C. who argued that these amendments reflect "a significant incursion upon the philosophy of public participation that has underlain planning in this state for the past 30 years" (Wright, H., McM., Q.C. December 2, 1993, quoted in Brunton, N., 1994: 4).

Conclusion

The implications of the changes to third party rights introduced in the *Planning and Environment (Amendment) Act 1993* encroach significantly on the public's understanding of itself as a caretaker of their environment. Restrictions to the rights of appeal impede the citizen from monitoring the actions of their elected representatives. Further restrictions imply that objectors concerns are likely to be trivial and serve only to delay development. This, in turn, undermines the participatory approach to planning in this state which has encouraged participation

assuming citizens as the best judges of their own lives and environment, and capable of showing informed political and social judgement resulting in improved planning outcomes.

The participatory approach has fostered the training of citizens to become involved in the decision-making processes within the planning system. As discussed in Chapter One, participatory mechanisms such as third party rights promote a form of training enabling the citizen to develop and utilise his or her autonomous and improvable nature. Don Dunstan suggest that where training of the citizen is employed to cast the citizen as caretaker of his or her interests and environment, a shift away from this technique of government towards a style which emphasises a limited role of the citizen produces a significant impact on how the citizen sees him or herself as part of the democratic society (Dunstan, D., in Sandercock, L., 1975: 138). The following chapters investigate the political training of citizens further, and examines the impact on the democratic citizen of a shift away from participatory democratic practice.

Chapter Three: The Elitist Style of Democracy as Practised by the Kennett Government.

The opportunity for citizens to elect a government is perhaps one of the basic avenues of political participation in a democratic society. In 1924, the Australian government introduced compulsory voting for all Commonwealth elections. According to Maddox, this was principally for the purpose of democratic education (Maddox, G., 1985: 61). Even before compulsory voting, legislation and statutory procedures were introduced to uphold traditional values of democracy. Many of the institutions, rules and procedures of government can be described by direct reference to the written constitution (Maddox, G., 1985: 69).

“Like all modern western democracies, Australian democracy is rooted deeply in the theory of constitutionalism” (Maddox, G., 1985: 69). It is essentially a theory of limited government which insists that the power of government be strictly confined and restrained, such that it operate only within certain areas of clearly defined jurisdiction, and that there should be certain areas of activity in which government has no business in interfering (Maddox, G., 1985: 69: 73). The Australian Constitution, passed by the Westminster Parliament in 1900, establishes the political institutions, and working conditions of national politics. Its most obvious function, apart from establishing federal government, is to limit the power of government (Maddox, G., 1985: 69), thus preventing the federal government from becoming an oligarchy. In maintaining the Australian Constitution as one of the prime conditions of democracy, it is upheld that any change to the Constitution requires a national referendum, therefore ensuring full citizen consultation and participation in the foundations of the Australian democratic system.

In addition to the Commonwealth Constitution, the States and Territories of Australia also maintain their own Constitution Acts, which can be amended by legislation passed by State Government and Parliament by a majority vote of both houses of Parliament, and with a statement by the relevant Minister on the reasons for using the clause (Elias, D., October 17, 1994: 4). The procedure implies that representatives elected into Parliament are authorised by citizens to administer justice and apply laws.

Yet in Victoria at least, the sense of authorisation has begun to be challenged. Curiously the very size of the Kennett electoral victory is regarded as the key to its less 'democratic' actions, including the dissolution of consultative mechanisms. The Kennett Government has legislated 34 times in the past 24 months to amend the State Constitution Act (Rosenbloom, H., October 4, 1994: 15). The present State Government is in a favourable position to enact such legislation as it holds the majority of seats in both houses of Parliament enabling the Government to implement changes with little opposition. Subsequently, serious concerns have been raised in the media in regard to the State Government's seemingly free-hand in amending the State Constitution Act. These concerns have been further echoed by the legal profession in response to more than 50 acts of Parliament designed to curb the jurisdiction of the Victorian Supreme Court (Elias, D., October 17, 1994:4). As the Supreme Court is entrenched in the Victorian Constitution, the State Government has authority over the powers of the Supreme Court.

The Attorney-General, Mrs. Jan Wade, has overseen wide-ranging legal changes, many of which "result in a substantive loss of people's rights" (Elias D., October 17, 1994: 4). Mrs. Wade has been criticised, especially by legal groups and the media, for failing to consult. In response, she has described consultation as being "an invitation to the Government concerned to bend over and prepare to be kicked" (Giddings, J., September 25, 1994: News 15). Critics of this approach argue that the

lack of consultation effectively cuts off valuable avenues of advice from professionals and shuts out public opinion such that the government practices an isolated method of decision-making. It is clear though that the Kennett Government regards consultation as an impediment to exercising the mandate it was given.

The Victorian election of the Kennett Liberal Coalition Government in 1992 brought with it a shift away from the techniques of participatory democracy, including consultation and citizen involvement, to a representative and administrative structure of liberal-democracy which advocates that 'the people' should restrict their involvement in politics to mere voting (Maddox, G., 1985: 51).

In August 1993, the Government released the report *Planning a Better Future for Victoria*, in which it described the policy direction that would orient the planning system and style of governing that would dictate Victoria's political system for the entirety of the Kennett Government's electoral term. The Government made it clear that "Wealth creation is a first priority in Victoria. The statutory planning system should ... give additional weight to protection and wealth creating activity. The first major reality is unemployment and the need for economic development are of far more immediate importance than increased residential amenity" (Department of Planning and Development, August 1993: 3). Further, as outlined in Chapter 2, it was stated that investment would be facilitated "... by substantially simplifying and clarifying the development approvals system to make it more effective in facilitating desirable development" (D.P.D., 1993: 6). Clearly then, the Government is convinced that economic development can best be facilitated by diluting the public participation mechanisms, thus limiting the role of the citizen in political decision-making processes.

Democratic behavioural techniques of the citizen learnt through democratic education are dismissed in this style of decision-making. Where once, the citizen was provided with avenues to legal remedies for government action which adversely affected them, now citizens are denied redress and are subsequently left open and vulnerable to the political decisions of the government in power. Elitist democratic theorists would argue that the elected government has justifiable authority to amend the Constitution on the grounds that the public willingly chose, by vote, the present government to act as representatives of their interests thus providing a mandate enabling the government to perform as it sees best. This is characteristic of democratic theorists who favour limited participation on the grounds that it is far more decisive and less time-consuming.

Those who favour participation however, are concerned that the government is failing to give proper consideration to the claims of all concerned and is effectively limiting the role of the citizen to participate in political life. What is perhaps most disturbing for those who prefer increased political participation, is the withdrawal of many provisions established to provide the citizen with avenues enabling individuals to influence political processes, decisions and actions. In response to the State Government's maintenance of the Constitution and handling of state affairs, such as the planning system those favouring participation have described the present mode of decision-making as closed and undemocratic (Farrant, D., September 17, 1994: 3).

The changes to the *Planning and Environment Act* thus signal a dilution of public participation mechanisms and a breakdown of the participatory democratic tier with a move towards a centralisation of decision-making processes where government officials are making decisions and formulating policies. The government approach towards this mode of practice is exemplified in the repeated amendments to the State's Constitution; restrictions to the jurisdiction of the Supreme Court and changes

to the State's planning legislation. Effectively these changes have heralded a new era of democracy with an emphasis on centrality and a shift away from participatory democracy. It seems appropriate to question what then occurs when a citizen's expectation of participation is denied, and the participatory style of representative government, which Victorians are accustomed to, is replaced with a closed circle of elitists. To illustrate the effects of the new era of centralised democratic practice it is useful to discuss what has occurred on a local scale.

In what has been one of the most fundamental reforms in State politics for a long while, the amalgamation of Victorian municipalities has involved the controversial appointment of Commissioners in replacement of popularly elected local councillors. Local communities throughout Victoria are presently under the management of State Government appointees who have been given the task of overseeing the smooth transition of the amalgamation process. The Commissioners' powers however, extend far beyond the rationalisation of the newly merged councils. In replacing councillors, Commissioners have been entrusted with responsibilities such as determining planning applications and the management of community services and infrastructure.

Residents in newly amalgamated councils have argued that circumstantial to the overriding of the right of citizens to elect representatives which reflect a community's interests, the Commissioners have no electoral incentive to represent or be accountable to a local community. Rather, their loyalties lie with the government which appointed them (McArthur, S., October 26, 1994:14). This argument follows that decision-making processes and the democratic system in Victoria is becoming further centralised and isolated from the public.

One of the primary areas for citizen participation in political life is within the local sphere, where decisions and policies can have a very real effect on the individual's circumstances and environment (Smith, D.H., et al., 1980: 94: 96). According to G.D.H. Cole, in Entwistle, H., *Political Education in a Democracy*, "...real democracy ... is to be found for the most part not in Parliament or in institutions of local government, but in small groups, formal or informal, in which men and women join together out of decent fellowship or for the pursuit of a common purpose - societies, clubs, churches, and not the least, informal neighbourhood groups. It is in these groups, and in the capacity to form them swiftly under pressure of immediate needs, that the real spirit of democracy resides' (Cole, G.D.H., quoted in Maddox, G., 1985:55).

It is for this reason we turn to the local area for an analysis of the reaction to restrictions on citizen participation in political life. Much anger and frustration has manifest at the local level with the sacking of elected councillors and the suspending of local government. Dissatisfaction with decision-making processes and the lack of community consultation has become evident in the protests, rallies, and media attention surrounding many policies and political decisions facilitated by changes to the Constitution, planning system, and appointment of Commissioners.

The outrage is perhaps most apparent in the vast numbers of ordinary citizens who are daily, becoming increasingly disenchanted with their government. Bruce Chapman, national convenor of the Movement for Direct Democracy has stated that "Many are fed up with the smaller and smaller numbers of power brokers making more and more decisions while listening less and less to the voters" (Chapman, B., October 5., 1994: 16). There is no one particular debate, but a whole range of issues which have emerged in local areas. <most of these stem from what has been described as

undemocratic practice and a lack of “genuine representation on issues” (Chapman, B., October, 5., 1994.: 16). The gamut of issues include:

- the decision by Commissioners of the City of Yarra to close the Fitzroy public swimming pool, despite resident opposition,
- the State Government’s proposal to extend the Eastern Freeway along Alexandra Parade into the heart of Fitzroy and Collingwood without any meaningful community consultation and a refusal by the Planning Minister to carry out an environmental impact study,
- the introduction of Vic Code 2 by State Government which allows multi-storey housing developments in certain areas without any consultation with affected residents,
- the fast-track planning of the Casino which involved insufficient consultation with persons and businesses which have subsequently been detrimentally affected by the construction of the facility,
- the decision by the State Government to hold the Formula One Grand Prix racing event in one of Melbourne’s inner city parklands, circumventing normal planning procedures with the introduction of the Victorian Grand Prix Bill which overrides planning and environmental legislation.

The political decisions outlined above have been arrived at without public consultation mechanisms and have subsequently rescinded the citizen’s role as a

caretaker within the community. This has in turn has stimulated local battles across the State in response to the Government's system of closed and accelerated decision-making processes. One of the most vocal community groups has been the Save Albert Park group which is made up of thousands of persons throughout the State who have donated time and money to the protests against the Government's decision to stage the Grand Prix at Albert Park (Save Albert Park group are apprehensive to release exact figures on the number of members due to the Government's intent to discredit the Group's political influence, although membership is reported as rising by 600 a week as recorded in *The Age*, December 13, 1994, p.1). Those opposed to the Grand Prix at Albert Park were denied preliminary consultation on the proposal and have since experienced a hostile response from Government when appeals have been made for the reconsideration of the Grand Prix's location. For many of us, whether in favour of the decision to stage the Grand Prix at Albert Park or not, the Government's decision-making approach has been of most concern, as it implies that involvement of citizens is unwarranted in affairs of the state.

The Albert Park Grand Prix issue has signalled to all Victorians, that the Kennett Government regards itself, having a sufficient mandate, as able to represent the public's interests without the need for employing the techniques of consultation and participation. Driven by the potential for economic development, the Government has lived up to its statement that residential amenity will be sacrificed for the enabling of wealth creating activity (D.P.D., August 1993: 3). This is not all that has been sacrificed however. The accepted avenues for public concerns, objections and appeals for compensation to be heard have been obstructed with the legislative changes introduced by the Kennett Government to facilitate development through the removal of participation mechanisms. The following case study examines the controversial decision by the Kennett Government to hold the Grand Prix at Albert

Park. The discussion is essentially an enquiry into the practical meaning of citizenship within a democratic society. Much of the public debate surrounding the Grand Prix has been focused on theories of democratic practice and it is therefore a useful case study in which to explore how democratic citizens understand themselves as politically active, as well as the significance of any dilution of participatory democracy.

Chapter Four: Case Study : The Albert Park Grand Prix

On December 17, 1993, it was announced to the public that Melbourne had won the right to hold the Formula One Grand Prix racing event at Albert Park, in favour of Adelaide who has hosted the Grand Prix for the previous nine years. There was little detail given except for an organised dissemination of information indicating that the event would stimulate the State's economy, enhance Victorian tourism and the projection of Melbourne to a world-wide audience, providing much needed employment and a rejuvenated attitude throughout the State's financially burdened population.

In a public address, the Victorian Premier, Mr Jeff Kennett said that the Grand Prix represents the "jewel in the crown" (Magazanik, M., December 18, 1993: 9). Combined with the Spring Racing Carnival, the Australian Open Tennis, the AFL Grand Final, and a range of cultural festivals, the Grand Prix would "significantly boost Melbourne's growing international standing as a prime tourist destination" (Taylor.,T., December 18,1993: 9). Further, Mr Kennett added that "this will ensure (Victoria) will have an event ... not only of international standing but probably of pre-eminence of all international events" (Magazanik, M., December 18, 1993: 9). Ironically, in light of subsequent public demonstrations of opposition to the event, the Premier described the securing of the Grand Prix in Victoria, as one of the most exciting things to have happened in the 14 months since he was elected (Unsourced., December 18., 1993: 1). The decision to hold the Grand Prix at Albert Park however, has since been one of the most troublesome issues on the Premier's agenda.

Since the announcement, public and political debate has centred on issues not necessarily concerning the Grand Prix's relevance to Victoria, but rather on the conduct, decisions, attitude and general handling of securing and facilitating the event

by State Government and the Melbourne Major Events Company. Behind the scenes, the securing of the Grand Prix in Victoria is a fascinating saga of tangled commercial and political manoeuvres. The way the deal was done provides a rare insight into the institutions now at the heart of the State Government's centralised decision-making processes - the Liberal Party, Melbourne's business community, and the company that won the bid to manage Melbourne's casino, Melbourne's Crown Casino group.

The Grand Prix Decision as a Non-Participatory Style of Democracy

The key players in the Victorian Grand Prix bid are also a part of the power broking circle, and include the Premier, Mr. Kennett, the chairman of the Melbourne Major Events Company and former Lord Mayor, Mr. Ron Walker, the chief executive of Carlton and United Breweries, Mr. Pat Stone, and Melbourne's Major Events Company chief executive, former Olympic swimmer, Mr. John Konrads. Together with the managing director of the National Australia Bank, Mr. Don Argus, the head of Federal Hotels, Mr. John Haddad, and the City of Melbourne's chief executive, Ms. Elizabeth Proust, these individuals had been privy to information, or had been involved in the bid for securing the Grand Prix in Victoria for almost a year before the final decision was made and the public made aware of the bid (Neales, S., December 18, 1993: 1).

According to Mr Walker who was one of the prime movers amongst the group in the pursuit to obtain the rights to stage the Grand Prix in Victoria, the individuals "... are all part of the Loop. All the best deals are closely-kept secrets - kept in a Loop of people who respect that need" (Neales, S., December 18, 1993: 1). The group were sworn to confidentiality in the first instance when the possibility of winning the Grand Prix bid was first realised in September 1992 after the South Australian Labor Premier and close friend of Mr. Bernie Ecclestone, Mr. Bannon resigned from his

post. Clearly then the centralised style of decision-making which has characterised the Grand Prix issue is no accident but a deliberate technique, implemented to facilitate wealth creating activity and economic development within the State.

The controversial saga continues two weeks after the resignation of Mr. Bannon, when Mr. Konrads, chief executive of the Melbourne Major Events Company flew to London to strike up a rapport with Mr Bernie Ecclestone, the London-based head of the Formula One Constructors Association, which chooses where the Grand Prix events will be held around the world (Neales, S., December 18, 1993: 8). A further two weeks later when Mr. Kennett and the Liberals gained power, securing the Grand Prix deal was high on the list of government priorities. Almost immediately, Mr Kennett transformed the Melbourne Major Events Company from a “broadly based and poorly focused committee into a company with Mr Walker as it’s head” (Neales, S., December, 18, 1993: 8). The first deal was signed early in 1993, giving Melbourne an initial discussion agreement, on the same footing as rivals Beijing and Malaysia. In July, 1993, on a public visit to London, Mr. Kennett signed a preliminary contract with Mr. Ecclestone ensuring Melbourne winning preference over Beijing and Malaysia. The final deal, putting Melbourne ahead of Adelaide for the 1997 Grand Prix, was signed by fax on 14 September 1993 (Neales, S., December 18, 1993: 8).

The decision was withheld from the public until December 17, so as to not to damage the Liberal Party’s chances of winning the South Australian election, where it seemed the Liberal Party may gain power for the first time in 11 years. Neither Mr. Kennett nor Mr. Walker wanted to harm their colleagues chances with the news that Victoria’s Liberal Government had seized Adelaide’s prized Grand Prix event (Neales, S., December 18, 1993: 8). The public announcement that Melbourne had won the right to stage the Grand Prix finally came from Mr. Kennett and Mr. Walker

after the new Liberal Premier, Mr. Dean Brown, was safely elected in Adelaide. Paradoxically the South Australian Premier first heard the news in person from his federal Liberal Party Treasurer, Mr. Walker (Neales, S., December 18, 1993: 8).

The handling of the deal has been a particular example of top-down decision making in its most restricted and stringent form (Josephs, L., December 1985: 21). There was no public participation, or Environmental Impact Study either considered or prepared prior to the Government's decision to proceed with the bid. The case study highlights the opportunity for a State Government, with a majority of seats in Parliament, to exercise a free-hand when it is the proponent of a proposal. In response to the Government's covertness which has characterised the Grand Prix issue since its move to Melbourne was announced, the public have been highly critical of the mechanisms used by Government to facilitate the Grand Prix event. The outrage has continued to this day with claims that the Government has exercised its power in an anti-democratic and draconian manner (Farrant, D., September 17, 1994: 3).

The response of the Democratic Citizen

One of the first of many grievances to manifest as a result of the announcement was the alienation of public parkland for private purposes. The decision to stage the Grand Prix in Albert Park, one of Melbourne's inner city parklands, was made prior to the consultation of residents around the park, sporting clubs located in the park, or users of the park. Concerns were aroused as to the impact of a Formula One car race on the park and urban environment. The day after the announcement was made, cautious welcome came from representatives of the Albert Park community. The then Mayor of South Melbourne, Councillor Frank O'Connor said the Grand Prix would be a boost for Melbourne and Victoria but described the Albert Park Lake area and formula one car racing as "incompatible", suggesting that a more appropriate location would be the Docklands and Footscray Road area rather than open parkland (Farrant,

D., and Taylor, T., December 18, 1993 : 8) (Forbes, M., and Thompson, S., December 19, 1993: 1). The then Mayor of St. Kilda, Councillor Tim Costello, expanded on Councillor O'Connor's concerns adding that lack of "proper consultation and planning by State and Local Government" (Farrant D., and Taylor, T., December 18, 1993: 3) would sow the seeds of discontent amongst concerned residents and park users.

As part of the State Government's municipal reform of Local Government, the State Government has since sacked Local Councillors and amalgamated inner-city Local Government Areas replacing them with enlarged municipal districts temporarily governed by State appointed Commissioners. Residents of South Melbourne and users of Albert Park are subsequently denied the pre-existing avenues of lobbying their locally elected representatives to convey concerns to Parliament. In response to the suspension of local government, those concerned and opposed to the Grand Prix at Albert Park formed a community action group calling for the relocation of the Grand Prix. The Save Albert Park group have staged numerous protests and rallies against the Government's decision to stage the Grand Prix at Albert Park.

The government and organisers of the Grand Prix event, Melbourne Grand Prix Promotions, who have made attempts to discredit the group, admit to being surprised by the tenacity and strength of the Save Albert Park group. Despite branding the group as disaffected local residents whinging solely for NIMBY (not-in-my-backyard) reasons, or as a local group hijacked by political opponents of the State Government, neither brush has weakened the group's force of resistance (Neales, S., November 26, 1994: 20).

To suggest that the anger and protest surrounding the Grand Prix event is simply because those opposed to the Grand Prix at Albert Park are protecting their property values, protecting the ducks, or are defiant of change does not adequately measure up to the degree of rage evident in the assemblage of opposition to the event at Albert Park. People from all over the State have voiced their opposition through the local media, and protest rallies organised by the Save Albert Park group. Letters to the Editor columns of *The Age* and other newspapers make it clear that opposition to the Grand Prix at Albert Park is not confined to the bayside suburbs of Middle Park, South Melbourne and St Kilda. Letters have been received from as far away as Mont Albert, Eltham, Mallacoota, and Geelong (See Appendices 17, 18 ,19 and 20).

The issue has gone well beyond the Grand Prix event, with protest fundamentally concerning the perceived loss of democratic rights as a result of the Kennett Government's style of exercising political authority. Many of those who have joined the Save Albert Park group initially expressed concerns on issues ranging from the use of a public park, pollution of the environment, the unsatisfactory consultation process, loss of residential amenity, impact on existing sporting facilities and clubs at Albert Park, as well as the State Government's financial arrangements with the Melbourne Major Events Company. During the past year these preliminary concerns have remained important . Yet what has perhaps sustained the level of opposition and compelled citizens to become involved in protests, is that the Grand Prix - and in particular the handling of the decision-making process and apparent disregard for principles of democracy by the Government, has become a major political issue (Neales, S., November 26, 1994: 21).

Victorians are accustomed to a modern liberal democratic style of governance which upholds principles including freedom of speech; of association; of participation; of

democracy. It is the government's disregard of these principles and the bulldozing of legislative provisions established to preserve these principles which has impelled citizens to become involved in direct means of protest against the Government's closed decision-making approach. Much of what has fuelled the Grand Prix debate has been the Government's evasion of attempts at preventing plans for the race from proceeding.

Threats to the Principles of Democracy

Attempts by the State Opposition to investigate the Government's political deals and financial justification for securing the Grand Prix were stopped after an appeal under the Freedom of Information Act to release 40 documents pertaining to the finance arrangements of the Grand Prix was refused. The public of Victoria were told that to release the documents would damage the ability of the Melbourne Major Events Company to conduct business with overseas and interstate companies, as they could not be confident that sensitive information would be kept secret (Magazanik, M., August 2, 1994: 4). Seemingly the 'loop of individuals' sworn to secrecy, are accountable to their business acquaintances more so than to those they represent.

Following attempts to release the Grand Prix documents under the Freedom of Information Act, has been the introduction into Parliament of the Australian Grand Prix Bill. Under the Bill, the Grand Prix is made exempt from the Planning and Environment Act 1992 (as amended) as well as from the Freedom of Information Act. These exemptions effectively withhold from the public any means of appeal against the decision to stage the Grand Prix at Albert Park. In addition, the Bill provides that the Supreme Court be prevented from hearing compensation claims, effectively closing off any right of redress for the public (Forbes, M., and Green, G., September, 19, 1994: 5). People who may be detrimentally affected by the race are denied involvement in the planning of the event and also denied any access to compensation.

It has also been suggested that the Bill enables the Government to pass regulations that ban any protests during the race (Save Albert Park Group, October 1994, Issue 6).

The introduction of this Bill has provoked intense reaction from the public, media and various legal groups who have described the style of government and contents of the Bill as draconian and anti-democratic (Farrant, D., September 17, 1994: 3). Alan Kohler, editor of the Melbourne newspaper *The Age*, which had previously lent the paper's support to the staging of the Grand Prix at Albert Park, condemned the introduction of the Bill, and supported claims that the approach was undemocratic. In a recent Editorial Opinion Kohler expressed much of the public's disapproval, describing the Kennett Government as "displaying disturbing authoritarian tendencies in its determination to protect the Albert Park Grand Prix from public scrutiny, legal challenge and statutory impediments...(further) the Government's effort to cocoon itself, from every possible contingency goes well beyond what is acceptable in a free democratic society" (Kohler, A., September 17, 1994, quotation in Save Albert Park, Issue 6, October 1994).

Loss of Participation Mechanisms and its Effects on the Democratic Citizen

Victorian democratic citizens trained through political socialisation and previously encouraged to participate in political life, have effectively been closed out of the political system. The amalgamation of councils, appointment of Commissioners, restriction of third party rights in planning legislation; changes to the State Constitution Act; and limits placed on the jurisdiction and power of the Supreme Court, are seen as a sequence of attacks to the basic safeguards of democracy which were established to provide the opportunities for citizens to become involved in political decision-making and prevent the arbitrary exercise of executive power. As these basic safeguards are eroded away in the interests of facilitating wealth creating

activities such as the Grand Prix, citizens appear threatened and are become hostile towards the mechanisms which are wearing away their autonomy. Citizens familiar and accustomed to the techniques and mechanisms of participatory democracy have developed a social responsibility to provide their concerns and opinions within the process of political decision-making.

Jeffrey Minson, in *Questions of Conduct: Sexual Harassment, Citizenship, Government*, explores the effects (evident in the Save Albert Park group) of participatory training of the democratic citizen. He describes that participatory procedures and provisions, established within the political decision and policy making process, advocate and require self-governing techniques. As with theories of democratic citizenship which rely on the presuppositions of autonomy and improvability of citizens, Minson cites Carole Pateman who argues that participation in political life “represents an avenue for the free yet socially responsible self-development of individuals...(to)...acquire a real degree of control over their lives and environment” (Pateman, C., as quoted in Minson, J., 1993: 192). Further, Pateman suggests that participatory democracy “generates common feelings of belongingness, willingness to work together for the public good, and a preparedness to accept decisions one dislikes by virtue of the way in which they were arrived at (Pateman, C., in Minson, J., 1993: 192). Minson’s discussion on citizenship delves further into the training of the citizen than Pateman. Like Pateman and other citizenship theorists Minson argues that the autonomy of individuals is important to the self-understanding of the citizen. The degree to which the autonomy is developed relies in part on trainings within civil society which foster ‘responsibilising’ behavioural techniques. In this regard, the Save Albert Park group’s call for the consideration of economic, health, environmental and physical factors reflects not just lost opportunities through the closing of participation mechanisms but also a reflection of the training of the democratic citizen to act as responsible ‘caretakers’ over their lives and environment.

The Save Albert Park group symbolises a self-governing community of citizens politically educated in understanding that “true democracy means far more than the intermittent opportunity for voters to vote out their rulers” (Minson, J., 1993: 192). Those opposed to the Grand Prix at Albert Park see their fight as one against a system of government which threatens democracy in its simplest form - government by the people, for the people. Their struggle to be listened to by government is made possible by the formation of citizens who have developed an obligation to participate and portray their concerns about political decisions affecting their lives and environment. Their motives for opposing the Grand Prix at Albert Park, as suggested earlier, are not selfish but exhibit a learnt concern for the interests of the community at large. It has always been claimed by the Group that it is not opposed to Grand Prix in Victoria. Rather its point of contention is that a public park is not an appropriate location for a formula one racing event (Save Albert Park, Issue 3, July 1994: 1).

The means of protesting against the Grand Prix at Albert Park also displays strong characteristics of what citizenship theorists such as D.F. Thompson describe as citizenship behavioural techniques. Training is essential to the Group’s protest activities. All potential protesters within the Save Albert Park Group have attended weekend and night meetings at special locations around the neighbourhood to be taught the appropriate behaviour for peaceful, non-violent protest (Neales, S., November 26, 1994: 21). The level of self-governing which has been acquired by the community, as described in Chapter One, Theories of Democracy and Participation, can be explained to some degree through the direct and indirect techniques of democratic education which trains citizens in the techniques of political organisation and activity. Yet Minson has shown that training of the citizen derives from more than an increased awareness of political processes and procedures.

Over seventy-five protesters have been arrested since November 7, 1994, in demonstrations which peacefully obstruct construction works for the Grand Prix at Albert Park (Neales, S., November 8, 1994: 3) and (Jellie, D., and Murdoch, A.K., December 1, 1994: 3). Almost a year after the decision was announced, the outcome of the Save Albert Park Group's protest against the venue for the Victorian Grand Prix Event is still not evident. Plans showing the circuit, grandstands, pit buildings and other infrastructure required for the race at Albert Park were released on November 15, 1994 amidst an angry crowd of around 500 protesters with banners reading "Keep Albert Park for the People", "Relocate the Grand Prix", and "Kennett Treats Democracy with Contempt" (Neales, S., November 16, 1994: 5). In response to the protest at the unveiling of the Grand Prix plans, the Premier Mr Kennett, admitted some "rough days" of confrontation lay ahead (Neales, S., November 16, 1994: 5).

Letters to the Editor columns of *The Age* newspaper have continued to illustrate that the anger towards the State Government's lack of interest in the techniques of participatory democracy, evident in the decision-making process of the Albert Park Grand Prix, have not waned. Convenor of the Save Albert Group, Mr Iain Stewart, has vowed that the passive opposition of protesters wearing yellow ribbons and singing a chant from the musical 'Les Miserables' will continue at Albert Park (Neales, S., November 26, 1994: 20). Together with political pressure on the Government, provision of disincentives for corporate sponsors to advertise at the Grand Prix and lobbying for support from other influential organisations such as the Australian Conservation Foundation and the union movement, the Save Albert Park Group still holds much hope that the Grand Prix can be relocated and 'democracy restored' (Neales, S., November 26, 1994: 21). Further, confident in the decision to reopen the Fitzroy swimming pool after community protests against the City of Yarra Commissioners' decision to close the pool for financial reasons, the Save Albert Park

Group have a renewed faith in the power of people in the face of a style of “governance by decree rather than consultation” (Attwood, A., December 3, 1994: Extra 5).

Picture: JOHN WOULDSTRA



Demonstrators try to stop a truck entering the Grand Prix construction site at Albert Park yesterday.

Conclusion

This thesis has argued that the works of theorists of democracy, concentrating as they do on different styles of democracy, has both value and limits in considering the formation of the 'Albert Park Protester'. The theories are useful because of the classification of different styles of democracy, enabling the recognition of a shift away from 'participatory democracy' as a technique of government in the Kennett Government. The theories are useful also because participatory democracy tends to be understood by many theorists as the closest approximation to the democratic 'ideal', as represented by Ancient Greek direct democracy. A move away from participatory democracy is thus understood by many theorists as a move away from 'democracy' itself. Clearly then, this view is one shared by many in the Save Albert Park group, who regard the actions of the Kennett Government as an attack on 'democracy'.

Democratic theory however, has its limits in understanding the formation of the citizen practising civil disobedience, as with the Save Albert Park group. Democratic theory is shown to be limited because of its lack of attention to the practical techniques by which the citizen has been formed. Theories of democracy fail to explain the practical democratic behavioural techniques of the democratic citizen such that he or she is capable of, and expects to participate in the governance of the environment and community.

This thesis has sought to demonstrate some of those practical techniques, and the extent to which they are acquired through certain kinds of trainings, including those of 'participation' provided by the planning system. Such capacities remain part of the repertoire of citizens, who continue to exercise them, and to experience their responsibilities. Presumably, many of those involved in the Save Albert Park protest

would not feel good about themselves were they to sit on the sidelines, or not regard themselves as acting responsibly as citizens with a 'duty to care' for their environment. Rather than stemming from within the personality or even the political persuasions of those involved, the actions of the Save Albert Park protester would seem to have been formed through those techniques of participation previously enjoined of the 'good citizen'.

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Appendix 1

Forbes, M.,

'Keeping the State on a Tight Rein'

The Age, September 25, 1994 p.15



Light and shade: Jeffrey Gibb Kennett, the man who promised Victoria a fresh start and whose force of personality has pushed changes through largely unchallenged.

Keeping the state on a tight rein

ANALYSIS

By Mark Forbes.

TWO years ago, in his campaign launch amid the blue-ribboned American razzmatazz in La Trobe University's Union Building, Mr Jeff Kennett called on Victorians to accept his offer of a fresh start, seeking the chance to rebuild the state with a new style of government.

"I reject totally the Labor approach of centralised government," Mr Kennett said, adding that his Government would be more accountable. Ironically, despite undoubted achievements and a dramatic administrative shake-up, power in this state is more centralised than ever before.

These days, the reins are firmly held by one man — Jeffrey Gibb Kennett. The force of his personality has pushed changes through largely unchallenged. But key business supporters, like the head of the Victorian Employers' Chamber of Commerce and Industry, Mr David Edwards, question the means employed even as they applaud the ends.

"If the Government was a business you would expect a devolving of decision-making," Mr Edwards said. The centralised style had initially been appropriate in the financial circumstances, but now more initiative from the public sector should be encouraged, he said. If Mr Kennett departed, would his reforms linger?

Of the Cabinet, only the Treasurer, Mr Alan Stockdale — head prefect to Mr Kennett's strict headmaster — can rival the Premier and he is the Government's undoubted ideological force. Aided by a national economic recovery, Mr Stockdale has overseen a turnaround in debt and pioneered a historic shift of government business from the public to the private sector.

Among the other ministers, good performers include the Minister for Local Government, Mr Roger Hallam, who has reformed WorkCover and sacked most Victorian councils, and the Planning Minister, Mr Robert Maclellan, who has ushered in a full-scale reform of planning laws.

On the other hand the Attorney-General, Mrs Jan Wade, has largely botched several actions that many believe would have undermined the independence of the judicial system.

Mr Kennett brushes off concern about the lack of democracy inside and outside government by insisting he must show leadership — a leadership that has been threatened only by the near-revolt of National Party MPs over changes to the electricity system — but recent polls showing Labor neck and neck indicate he should not take the tolerance of the electorate for granted.

Although private Liberal polling shows the Government still ahead in key marginal seats, it reveals that nearly eight out of 10 voters feel alienated by it. If Mr Kennett can persuade Victorians the crisis is over, they may also decide his harsh leadership is no longer necessary.

Picture: CRAIG SILLITOE

Appendix 3

Elias, D., 'When the court's Hands are Tied'

The Age., October 17, 1994, p.4

p.4. The Age Monday 17 October 1994.

When the court's hands are tied

By DAVID ELIAS

The State Government has curbed the jurisdiction of the Victorian Supreme Court in more than 50 acts of Parliament since it came to power two years ago.

In the autumn session, Parliament inserted the ousting clause of section 85 of the Constitution Act 1975 into 13 of the 63 laws it passed.

The legislative device is designed to assist governments over clear technical hurdles.

In the Victorian workplace, the Supreme Court is forbidden from hearing appeals on decisions by the Industrial Relations Commission on working hours, pay rates, annual leave, the making, varying or revoking of awards and any disputes on long-service leave and continuity of employment.

The Supreme Court cannot hear claims for compensation by police officers who have had their rank reduced with loss of salary or been dismissed.

Teachers have no recourse to the court if they are disciplined for breaches of professional standards or dismissed under the 1993 Teachers Act. The same applies to school principals under the Teaching Service amendment Act and to any member of the council of the Institute of Educational Administration who loses office.

In the WorkCover Act the Government took away the court's jurisdiction over decisions on workers' claims made by the new WorkCover Authority, a self-insurer or the recommendations of conciliators and gave it to the County Court and the Magistrates Court with no right of appeal.

There was also no right of

THE LAW GOVERNMENTS USE TO PUT COURT OUT OF PUBLIC REACH

FROM: PAGE ONE

Even the judges found the situation becoming so intolerable back in 1990 that they complained to the Governor, Dr Davis McCaughey, that their function as guardians of the rule of law was under threat. They asked him to take the unusual step of tabling their report in both houses of Parliament.

In their annual report this year, the judges said: "We have noted, with disquiet, the prevalence in acts passed by, and bills presented to, the Victorian Parliament, of a drafting technique utilised to limit the jurisdiction of this court."

The Liberal chairman of the all-party scrutiny of acts and regulations committee, Mr Victor Perton, agreed yesterday that the use of the ousting clause (contained in section 85 of the Constitution Act 1975) might at times result in a substantive loss of people's rights.

He said it was a problem confronting all state governments but especially Victoria's because the Constitution entrenched the Supreme Court. There were often good reasons to use the clause, but it had become a mix of the technical, the trivial and the serious, he said.

His committee had looked at the use of

appeal to the Supreme Court on the rulings of medical panels who are the sole arbiters over the extent of work-related injuries. And the new act confirmed a Kirner Government ceiling on the level of damages the court could award to an injured worker in a common-law case.

But the reform that last year established the Local Government Board broke new ground in totally tying the court's hands.

It was the first of a number of acts that expressly prohibited legal proceedings through prerogative writs seeking the granting of orders to quash, prohibit, require

the clause in 29 bills last year and had sent four back to ministers for further explanation, but they were passed without amendment.

Mrs Wade has vigorously defended the use of the clause, saying that while in opposition the coalition forced changes that stopped the Labor Government from limiting the jurisdiction of the court with zest and legislative style.

In the years following the 1975 enactment of the Victorian Constitution, the Flamer, Thompson and Cain Governments limited the Supreme Court's jurisdiction in many acts of Parliament but they did not always, as required, obtain a majority vote in both houses of Parliament.

To save these laws from being challenged, the Labor Government in 1989 brought in a retrospective amendment to the Constitution that automatically closed down two actions already filed in the Supreme Court.

After lawyers in those cases lobbied MPs, the coalition moved in 1991 to change the

procedure so that as well as a majority vote of both houses of Parliament, the relevant minister must also make a statement to Parliament on the reasons for using the clause.

In a letter in *The Age* last month, Mrs Wade said there were many circumstances in which proceedings in the Supreme Court were inappropriate. This was recognised in the Constitution itself and by the Government and the Opposition, provided appropriate safeguards were in place. She said the Government had created the safeguards.

"Far from displaying a cavalier disposition towards the Constitution Act, the actions of the Government reflect the appropriate gravity with which it approaches moves to alter the jurisdiction of the Supreme Court," Mrs Wade said.

In the *Law Institute Journal* last month Mrs Wade said the Kennett Government had made a conscious attempt to rein in the excesses of executive government. It had introduced the scrutiny of acts and regulations committee, a step ignored three times by the previous Labor Government after it was recommended by the legal and constitution committee in March 1990.

claim was lodged outside a month limit and it cannot be recovered of debt proceedings under the Rural Finance Act that abolished the Victorian Economic Development Corporation.

In a whole raft of acts it included the clause to protect government officers, special investigators, health department case auditors, health visitors, doctors, school councils, public authority board members from legal claims in the Supreme Court for action, commission or omission committed in good faith in the course of their duties.

lished the City of Melbourne Act it again forbade the Supreme Court from entertaining writs or the use of the Administrative Law Act so it could appoint city commissioners and have control over the timing of the next city council elections and the number of councillors to be elected.

The Government has also used the clause to protect its revenue base. The Supreme Court cannot entertain proceedings for the recovery of licence fees, duties or other payments to the state under the State Tax Act. It cannot hear a case claiming the return of money paid to the state by mistake if the

When the Government estab-

Appendix 4

Giddings, J.,

'Law Reform - from 'Revolution',

The Age, September 25, 1994, p.4

LAW REFORM

.....
Jeff Giddings, lecturer, law school,
La Trobe University

AS ATTORNEY-GENERAL, Mrs Jan Wade has overseen wide-ranging legal changes, with the criminal justice system being the main locus.

Many changes were flagged in principle but with little or no detail before the election.

Mrs Wade has been criticised, especially by legal groups, for failing to consult. She has described consultation as too often being "an invitation to the Government concerned to bend over and prepare to be kicked". The problem with such an approach is that it cuts off valuable avenues of advice and isolates policymakers. The principal exception to this lack of consultation has been the crime victims' lobby.

The Government has clearly recognised the need to support victims of crime. But resources will be required to turn the rhetoric of victim impact statements into meaningful reform that actually assists victims. Furthermore, such changes as the abolition

of the accused's right to give unsworn evidence should not have been "sold" as "pro-victim".

Courts may now order a wide range of procedures to be used on serious crime suspects. The use by police of reasonable force to take fingerprints and the power to require name and address are important extensions of power, yet they have not been balanced by extra accountability measures.

The introduction of indefinite sentences represents a big policy change. This and moves towards cumulative sentences portray the Government as tough on crime but also seriously undermine the existing system of sentencing.

Mrs Wade shifted ground on her controversial changes to the office of the director of public prosecutions only after intense pressure from other Liberals and the legal profession. Some of the changes seemed quite sensible but the whole business was handled very badly.

The proposed shake-up of the profession is a positive step, especially those measures that would take regulation out of the hands of the lawyers.

Equal opportunity changes repre-

sent the lowest point in the Government's upheaval. Victoria's system is in crisis, with many complaints being transferred to the Commonwealth system for hearing.

Although the expansion of FoI law to cover local government was a step forward, the widening of the Cabinet document exemption, introduction of an application fee, and moves to control voluminous requests were backward steps.

even they were not
ward ie ok
Under the Employee Relations Act, it became more difficult to lodge unfair-dismissal claims: qualifying service of six months was required and compensation was limited.

Applications under the Victorian act fell away sharply last year, from some 5000 in 1991-1992 to 800 in the year to March 1993. With more benefits in the federal system, the state's jurisdiction has become something of a backwater.

In December 1992, the federal Labor Government legislated to free up the movement of workers from the Victorian system to the federal one.

My best guess is that about 15 per cent of former state award employees are under employment agreements and most agreements have been rolled over from the old awards.

While the Government appears keen to revive the state system, plans for legislation to enable the Employee Relations Commission to set minimum wages in 12 key areas and to reduce the impediments to unfair dismissal claims were announced only recently. Almost certainly, this is a case of too little too late. By default, the State Government appears to have contributed to the development of a single national system of industrial relations.



Q: Which Government decision has affected you most?

Sue Rattray, 49, Clunes, office worker

A: In terms of business, the levies on property and WorkCover have directly affected us the most. We pay the \$100 on our home and on our business. It's added nearly \$300 each year to our expenses.

Rosenbloom, H., 'Kennett's Agenda a Test for Democracy',
The Age, October 4, 1994 p.15

Kennett's agenda a test for democracy

AFTER two years, the penny has finally dropped. The Kennett Government is not just a conservative regime on a financial restoration mission. True conservatives do not tamper with the Constitution, attack the liberties of the citizen, intimidate the courts, or engage in a war on community institutions. This Government is trying to radically reshape Victoria.

Until recently, the Government's agenda seemed to be merely a harsh, aggressive version of the dry economics that has swept the Western world in the past two decades. With its initial emphasis on good house-keeping, and against the background of an incompetent preceding Labor administration, Kennett had a mandate for strong, corrective action.

Even deep cuts to the Public Service and to the education, hospital and transport systems were performed under the cover story of a genuine need to restore the state's finances. The emasculating of Work-Care, which reduced the benefits and rights of injured workers, had the same apparent legitimacy. The high unemployment that followed these actions had the welcome additional feature for the Government of turning state difficulties into federal problems.

Less clear-cut was the rationale for the attack on community organisations and services in the city and the country. As money was directed away from a range of advocacy groups and communal bodies, people in greatest need started to feel abandoned and defenceless. The financial argument for all this nastiness seemed threadbare. The Government took tiny individual amounts from groups that could not afford them and spent the savings on — what? The evidence seems to be that they have been spending them on circuses. Our bread, their circuses.

There are two big circuses in town — the Crown Casino and the Grand Prix. Both are seen as money-spinners by the Government, and both have the potential to damage the community immensely. The Government seems to believe that, by backing a casino, it can stimulate a gambling-led economic recovery. But unless the casino brings large numbers of high-rolling tourists to Victoria (which seems unlikely, given the competition), the casino is simply an internal money-transfer operation.

Since all casinos are organised to extract more money from punters

The Victorian Government has gone too far in its radical attempt to reshape the state, writes **Henry Rosenbloom**.

than they pay out, this means that what the community spends at the casino it does not have available to spend elsewhere. There is early evidence that this is bringing distress to individuals and families and flattening retail sales across Melbourne — and it can only get worse.

Of course, the Government is now reliant on a substantial stream of income from various gambling taxes — almost \$900 million this financial year. According to the last Budget, this represents its fourth-highest source of revenue. When the next economic downturn hits, gambling revenue will become even more significant. It seems extraordinary that any conservative government could choose to become financially dependent on such a socially destructive activity. So now, not only do we as a state run all the well-known risks of criminal activity attendant on high-stakes gambling, but we are exposed to unnecessary social and economic ills.

Privatisation of Government businesses is another area of Government policy that looked as though it was based on financial exigencies, but is coming more and more to sound like an ideologically driven agenda. Despite worldwide evidence that privatised businesses are usually sold too cheaply, that governments lose more in forgone dividend payments than they benefit from one-off capital gains, and that consumers end up with worse services and higher costs, the Government is pushing ahead with its privatisation plans. The only beneficiaries of this policy will be the discounted businesses' new owners.

At the industrial level, the Kennett Government made an early, unsuccessful attempt to destroy the unions and to impose individual employment contracts on workers. This had little to do with state finances or business prospects (Australian workers have the third-lowest unit labor costs in the OECD). The policy enacted a radical, right-wing agenda, regardless of economic reality, the workers' needs, or even the federal coalition's electoral needs.

All this time, while profound change has been imposed relentlessly on the community, critics or dissenters have been vilified, removed,

or ostracised. Neither judges nor newspaper editors are beyond this kind of treatment. Teachers have been banned from talking about education. Magistrates have been discouraged from criticising Government policy. Elected local government councillors have been replaced by appointees. But the trains, we are promised, will run on time.

Now, special legislation has been introduced to facilitate the smooth running of circus number two — the Grand Prix at Albert Park. The Government's bill does this by overriding all relevant planning and environmental laws and by denying citizens access to compensation and even information about how their own money is being spent on their behalf to disadvantage them.

The Kennett Government's political instincts are anti-democratic. It is damaging political and civic values of immense importance, and it is engaged in a kind of war on the community.

The Government has already legislated 34 times to amend the state's Constitution to limit the powers of the Supreme Court and to deny ordinary citizens access to legal remedies for Government actions that affect them adversely. It is trying to gut the Freedom of Information Act. It equates political opposition with disloyalty to the state.

We have long-standing democratic traditions derived from Britain, with safeguards for all citizens based on the common law, and on the separation of powers between the executive, the parliament and the courts.

But are these traditions and safeguards secure? The Government has at its disposal total control of both houses of Parliament, an intimidated Public Service, a tamed media, and a political Opposition severely handicapped by its past. Because the Victorian Constitution can be amended by Parliament, the Government has already started using the sacred power to change the Constitution at will.

In these circumstances, the Government is in effect limited only by its collective imagination and by public opinion. If the Kennett Government is successful in its Grand Prix legislation, it may feel that anything is possible. What it does then, and how the community reacts, will reveal whether our democracy has deep or shallow roots.

Henry Rosenbloom is the publisher at Scribe Publications.

Farrant, D., 'Judge Withholds Grand Prix Documents'

The Age, September 17, 1994 p.3

SATURDAY 17 SEPTEMBER 1994 THE AGE 3

Judge withholds Grand Prix documents

By DARRIN FARRANT

A tribunal judge has rejected an Opposition request to release almost 50 secret documents about the Albert Park Grand Prix.

Judge Warren Fagan of the Administrative Appeals Tribunal said releasing the documents would "maim the business arm of the state".

He also dismissed claims that the prominent businessman Mr Ron Walker has displayed a conflict of interest over the race.

In a 77-page written finding delivered yesterday, Judge Fagan agreed to release three documents, but the Opposition said they were innocuous.

The Opposition spokesman for sports and recreation, Mr Bruce Mildenhall, said: "The unfortunate part is that it really is the last chance for Victorians to find out how much their Government has committed on the formula one Grand Prix."

The Government came under

continued attack yesterday for its sweeping Grand Prix legislation, with a residents group promising to step up its protest campaign.

The Save Albert Park Group, which describes the new legislation as draconian and anti-democratic, will hold a protest ceremony around Albert Park Lake on 9 October.

The legislation exempts the race contract from freedom of information laws, overrides planning and environmental laws and

restricts the Supreme Court's jurisdiction to award compensation.

The Premier, Mr Kennett, said yesterday that it relected legislation operating in South Australia for the Adelaide Grand Prix.

"It is designed simply to allow the facilitation of the event in the most orderly way possible," he said.

In his finding, Judge Fagan also said:

❶ The race was likely to have

substantial economic benefits for Victoria.

❷ "It is far from clear to me that the group involved (local protesters) is not simply a relatively isolated few locals with a capacity to achieve publicity for their views."

❸ Any negative environmental effects caused by the race would be minimal.

"This is not a case where the claim for confidentiality is sham

or spurious . . . Nor is it a case where any issue of illegality, unlawfulness, irregularity, antinomy, impropriety or sharp practice . . . has been raised," he said.

Judge Fagan said that "for the tribunal to override genuine business confidences reposed in the Government of the state by business, commercial or financial undertakings in the kind of circumstances involved in this case would be to maim the business arm of the state".

He added that "there does not seem to be any sufficient evidence that director's duties as to conflict of interest were broken . . . through (Mr Ron) Walker".

Mr Walker, the chairman of the Melbourne Major Events Company which won Melbourne the rights to the Grand Prix last year, has been the subject of Opposition claims that he has a potential conflict of interest because he is a director and major shareholder in the Crown Casino.

TOMORROW IN
THE SUNDAY AGE



THE
RISING STARS

McArthur, S., 'Democracy Seen Through a Pool Rather Darkly'
featured in Letters to the Editor of The Age, October 26, 1994, p.14

14 THE AGE WEDNESDAY 26 OCTOBER 1994

Edited by
JOHN MESSER

Democracy seen through a pool rather darkly

from Stuart McArthur,
Fitzroy ratepayer and resident

Bigger than the issue of the Fitzroy pool is the dark glimpse it gives us of life without the democracy we take for granted.

The Yarra commissioners are ignorantly trying to save Fitzroy ratepayers \$20 or so by closing our pool, unaware we ratepayers want to spend it on the pool, and giving us flats in return. What's frightening is that the ratepayers can't influence the decision.

In other words, the commissioners know what the ratepayers want better than the ratepayers do, and that's final. It takes an issue like this to clarify the real dangers of unelected decision-making, and the reaction it's causing shows people are now seeing these dangers in pretty sharp focus.

With Kennett's commissioners now in place, we must assume this is the first of many similar decisions across Melbourne, so let's try and logically predict the next. It's a simple game. Choose something cultural that earns little income, costs a bundle, and would be lucrative to private developers.

The Museum for instance — a CBD site. Or the Royal Botanic Gardens, which outstrips the Fitzroy pool on all such points, and imagine how many flats they could build there. Even in Fitzroy, the Edinburgh Gardens is 18 times the size of the pool, worth a squillion more, charges no admission and costs the council a fortune to maintain.

To accept the commissioners'

reasons for the pool sale is to logically argue to sell the gardens instead.

It's easy to dismiss that as outrageous, but why should it be considered outrageous any more? It's the type of cultural vandalism that occurs as a matter of course in countries without the guardian of democracy to carry the big stick. It happens overnight there, just as the Fitzroy pool decision happened overnight here.

Imagine if Federal Parliament were replaced with commissioners. Why would they look after the homeless or the elderly? There's no money in it, and votes don't matter. Why would they fund parks and schools for underprivileged kids, when the sites could be sold for private golf courses or offices?

But this is exactly what's happening to the underprivileged Fitzroy kids who, in summer, live for their pool and who have few other considerations given them — kids the people of Fitzroy willingly provide the pool for, knowing there's more to life in our wonderful diverse suburb than making money from it.

For 10 years, I've happily paid the elected Fitzroy council to subsidise the pool, seen attendances boom, and was looking forward to it giving my kids the same indefinable pleasures it's given me through the years.

It's a happy place. Anyone who's swum towards the deep end with the sun setting over the Aqua Profonda wall, knows what I mean.

I'll bet the Yarra commissioners have never done that.

Stuart McArthur,
North Fitzroy.

Why all councils are in the Fitzroy swim

from Councillor Kevin Abbott,
president,
Metropolitan Municipal Association

While the residents of the City of Yarra are merely exercising their democratic rights by protesting at the commissioners' decision to close the Fitzroy Swimming Pool, the issue raises a number of concerns in relation to public policy, irrespective of the rights or wrongs of this particular issue, or its outcome.

The first relates to the pool losing money, and the need for it to be heavily subsidised by the City of Yarra.

commissioners have put such a structure in place.

The third point flows directly from the second, and in public policy terms is probably the most significant.

Commissioners have a wide mandate and considerable power. It is in the interests of the whole community that they exercise this power wisely.

One of the determinants of the success of the management of the change process will be the extent to which commissioners include the community in the decision-making process.

Nobody in local government is particularly happy about the processes utilised in the transition from the old

the pool, as was stated in the editorial. According to the City of Yarra paper dated 10 October (ref: 320/3/08) the operating deficit for the pool for the year ending 30 September 1993 was \$178,709.

In a letter from the chief commissioner to Demetri Dollis, MP, dated 21 October 1993, the deficit for 1993 was revised upwards to \$219,802. The change — an upward revision of some \$40,000 — was made without explanation. In a press release dated 24 October from the commissioners, the operating shortfall was revised again — this time to \$250,000. The press release was unclear as to whether this shortfall was for the 1993 or 1994 financial year. Again, the upward revision — this time of some \$30,000 — went unexplained. The figures provided to the Victorian Grants Commission by the City of Fitzroy under the Local Government Act suggest a deficit of \$212,000 for the pool in 1993.

It is understandable, however, that *The Age* might have drawn the conclusion that the pool's annual deficit was up to \$500,000 based on the unclear and inconsistent information on costs provided by the commissioners. It would be helpful to the public to clarify matters.

Peter Fitzgerald.

Chapman, 'Winds of Change, in the Grass-Rooted',
The Age., October 5, 1994, p. 16

Winds of change in the grass-rooted

*from Bruce Chapman,
national convenor,
Movement for Direct Democracy*

I am encouraged but not surprised at the vast numbers of ordinary Australians who are becoming, daily, more disenchanted with their governments at all levels.

So many tell me they are fed up with smaller and smaller numbers of powerbrokers making more and more decisions while listening less and less to the voters.

There seems to be no one particular common issue, but a whole range of concerns from the economy to social engineering, and ranges from local, through state and ultimately to federal governments.

It is very obvious that there is a growth industry in government by control, and the casualty is the genuine representation that probably used to exist in years gone by.

What happened to democracy, what happened to genuine representation on issues, what happened to freedom of speech within parliaments, and what happened to honesty in pre-election promises?

With their demise comes the growth of anger and frustration through the disempowerment of the people who are forced by law to vote and pay the wages of those who supposedly represent them.

Well, the system has only itself to blame for the rise of popular support for Direct Democracy (Citizen Initiated Referenda), and certainly, it is coming.

Bruce Chapman,
Canberra.

A park would be their grand prix

Appendix 9
Neales, S., 'A Park That Would Be Their Grand Prix', The Age, November 26, 1994: p. 20-21

"Do you hear the people sing, sing-
ing the song of angry men,
It is the music of a people who will
not be slaves again."
— Les Misérables



Despite the release of plans by the State Government and Grand Prix organisers this week for the construction of a car racing track at Albert Park, the Save Albert Park group is not giving up the fight. Sue Neales reports.

Grand Prix racing track at Albert Park.

For many of this group, it was the first time they had ever been involved with demonstrations. The first time they had been on the "other side" of the law from the police. The first time they had had to learn non-violent civil disobedience tactics, contemplate the possibility of arrest and the spectre of a black mark on their personal records.

Joanna Johnson of Port Melbourne, who describes herself as a "middle-aged, conservative, hard-working and law-abiding citizen, who even voted for Ilef (Kennett)", was one of the Save Albert Park group who faced the police on the morning of 7 November, as they proceeded to make 21 peaceful arrests.

Ms Johnson admitted, in a letter published in *The Age* this week, that she found the whole ordeal difficult and frightening.

"My story typifies many in the Save the Park movement," she wrote. "The vast majority have never been involved in acts of civil disobedience before. But we are quickly losing our innocence."

Many sceptics, including the government and the organisers of the Grand Prix event, Melbourne Grand Prix Promotions, admit to being surprised by the tenacity and strength of the Save Albert Park group.

Despite attempts to brand them alternatively as disaffected local residents whingeing solely for NIMBY (Not-in-my-back-

yard) reasons, or as a local group hijacked by political opponents of the State Government, neither brush has left much tarnish.

It is clear simply from the Letters to the Editor columns of *The Age*, and other newspapers, that their support is not confined to the bayside suburbs of Middle Park, South Melbourne and St Kilda. Members come from as far away as Ashburton, Beaumaris and Croydon.

And, while certainly the Albert Park protest has become a focal point for many Victorians worried about the style of the Kennett Government, especially its approach to the principles of democracy, there are no apparent signs that the movement is a front for the Labor Opposition.

Mr Stewart says it has been a deliberate tactic of the group to remain free of any political tags. He, despite some claims to the contrary, is not a member of the Labor Party, and believes there are probably equal numbers of Labor and Liberal voters in the group's ranks.

"We have been at pains since the beginning of the campaign in February to firstly establish and then to protect our integrity and independence," Mr Stewart said.

"Of course, the reality is that our focus — getting the Grand Prix moved from Albert Park to another location in Victoria — is by its nature opposing government policy, and we can't deny the decision to hold the Grand Prix at Albert Park occurs in a broader political context.

"It does mean there is a danger of us being used as a vehicle by others to push their own agendas, but I don't think there is any chance of that because organisationally we are so narrowly focused and strong."

Even this week, despite the release of plans to build the Grand Prix track around Albert Park on Tuesday and a pledge by the State Government that the race at Albert Park would go ahead, the SAP group says its resolve is strengthening.

Continued: PAGE 21

A PARK WOULD BE THEIR GRAND PRIX

From PAGE 20

The success and momentum of the Save Albert Park group relies on the dedication of its members, its organisational efficiency, the simplicity of its focus, and some luck, admits Iain Stewart.

Most of its inner circle of members are now part of a telephone tree network, a system of calling different "cells" of people urgently once a rapid demonstration needs to be organised. On one recent occasion, within 35 minutes of the telephone tree being activated, more than 100 protesters turned up at the children's playground.

Training is also central to the group's impact. All potential protesters have attended weekend and night meetings at special locations around the neighbourhood, to be taught the rights and wrongs of the peaceful, non-violent protest game.

Groups such as the Wilderness Society, the Fairlea Women's Prison vigil and the Fitzroy Legal Service have discussed their experiences with peaceful resistance and advised on the associated legal issues at the training workshops.

Officials have also been appointed within the group, wearing arm-bands clearly identifying themselves as police liaison officers, protest peace-keeping marshals, legal observers, medical officers or press liaison people.

At the first hint of any demonstrator getting out of hand, failing to be peaceful or refusing to obey instructions from the protest organisers, a peace-keeping warden will remove them from the demonstration.

"Most of the people in our group are middle class and middle aged Melburnians who have never been involved with anything like this before," said Save Albert Park campaign director, Ms Iain Chandler.

"These workshops were necessary to teach people about peaceful, non-violent demonstration and what their rights are after they become arrested."

The result is that none of the protesters are naive about the sort of light they have committed themselves to. All are prepared to stand in the rain, rotate on vigil rosters, be in front of bulldozers and, if necessary, be arrested in an effort to save their park.

But it has been made clear to everyone that the fight is a philosophical battle with rules. The argument is with the State Government, to get the Grand Prix moved from Albert Park, not a narrow anger to be taken out on a



"There is a danger of us being used as a vehicle by others to push their own agenda."

few unfortunate Melbourne Parks and Waterways employees trying to construct the Grand Prix track and associated infrastructure.

Local police have also been kept informed of the group's plans, in return for agreeing to remove any protestors from the demonstrations at the request of organisers.

Mr Stewart said this provision was necessary to prevent potential charges that the demonstrations have been taken over by "rent-a-crowd" protesters in the future, such as were made in the ugly Richmond Secondary College demonstrations earlier this year.

Another big help in the battle to sustain public and media interest in the debate, says Mr Stewart, is that the Grand Prix — and in particular the handling of the decision-making process by the Government — has become a major political issue.

Mr Stewart said that contrary to claims by the premier, Mr Kennett, the Save Albert Park group was not anti-Victorian or anti-State, but simply seeking to save part of the heritage of Melbourne for future generations.

Other key influences in the debate have been:

- the historical importance of Albert Park to Melbourne since the 1860s;

- it is regarded as a park for all of Melbourne, not just the local community;

- the relative affluence of people who want the Grand Prix moved means the campaign is well-resourced, and

- the large numbers of articulate and high-profile academics, artists and professionals living in the area.

"There is also the symbolism of this move — to many Melburnians the city is about parks, gardens, culture and traditionalism, not about glitz, fast life, advertising, and money that the Grand Prix has come to represent," Mr Stewart said.

While the public face of the Save Albert Park group is Iain Stewart and his passive protesters, bedecked in yellow ribbons, being arrested at the construction site, there is a much more sophisticated campaign going on behind the scenes.

On another level, the group is continuing to keep the pressure on the Government politically over the issue, using Freedom of Information and other legal avenues to question how the Grand Prix came to Albert Park.

At the same time, international Formula One racing chief, Mr Bernie Ecclestone, is being kept fully aware of the continuing resentment and discontent the

holding of the race at Albert Park is causing.

Save Albert Park representatives are also lobbying potential advertisers interested in marketing their goods via the Melbourne Grand Prix. They are asking these corporate sponsors if they really want their product's image to be coupled with an event that is, or may well become, a symbol for community discord.

The final plank of the campaign is to win support from other influential organisations in the community. Last Tuesday, for example, was the first time the national director of the Australian Conservation Foundation, Ms Tricia Caswell, had publicly put the weight of the mainstream environmental movement behind the Relocate the Grand Prix push.

And the support of the union movement, with its ability to stop work on construction sites, is crucial, if the building of the track is to be delayed. A meeting of the Victorian Trades Hall Council executive is expected to consider the issue on Monday night.

"The game certainly isn't up yet," Mr Stewart said. "Of course, from time to time I get despondent and wonder if the campaign is futile and we are all beating our heads against a brick wall."

"But what we are doing in this campaign is pulling out brick by brick from that wall."

Magazanik, M., '1997: When the Grand Prix Comes To Town'
 The Age, December 18, 1993, p.9

1997: when the Grand Prix comes to town

By MICHAEL MAGAZANIK

Melbourne will stage the Australian formula one Grand Prix around Albert Park Lake for at

least the Grand Prix was the "jewel in the crown".

"This will ensure that we will have an event here not only of

national events," he said.

The bid for the event was led by Mr Ron Walker, the chairman of the Melbourne Major Events Company and former lord mayor.

It was backed by the Premier, Mr Kennett, who held secret talks with Mr Ecclestone when he visited London in July, ostensibly to secure rights to the play 'Sunset Boulevard'.

The deal was signed in London in September but formalities were concluded only on Thursday.

The South Australian Premier was then advised of the result by Mr Ecclestone and Mr Walker. Mr Brown was understandably upset. Mr Walker said, "Mr Brown and I have been friends for a long time and I think the friendship has been damaged a bit but he is a very nice man and he took it very well," he said.

Mr Kennett said he had not made the news public after the signing in September because he did not want to influence the result of the South Australian election.

Mr Walker said the Grand Prix

body had been swayed by Melbourne's bigger population, and its position as the sporting capital of Australia. "We believe it will be the better of the two than the 1997

Adelaide is contracted to run the Grand Prix for the next three years but Mr Kennett said Victoria would begin staging the event sooner if for any reason Adelaide did not want to complete its contract. Mr Kennett said that Victoria might also choose to stage the event in March, if possible.

"If anyone ever doubted, Victoria was on the move. I think those doubts have been put to one side," he said.

Mr Walker said \$14 million would be spent upgrading the Albert Park area, and the track would be "the finest and safest in the world. Temporary seating could cater for up to 15,000 people at five vantage points.

Mr Kennett said the Major Events Company would stage the race, the cost of which would be covered by sponsorship. "Hopefully, the Government's involvement will be negligible," he said, but added that the Government had offered some financial guarantees and Government support had been crucial in securing the event.

The race, televised to 500 million people in 102 countries, is expected to create 1000 jobs, pump \$50 million into the Victorian economy every year and boost tourism.

The Grand Prix was snatched from Adelaide, which has hosted the race for nine years, through 12 months of secret negotiations with the president of the Formula One Constructors Association, Mr Bernie Ecclestone. The city has an option to host the race for a second five years.

Although the rights to the race were secured in September, the process was so secret that the new South Australia Premier, Mr Dean Brown, learnt only two days ago that his state had lost the race.

The Grand Prix will be the centre-piece of a five-day carnival that will include a power boat and yacht race on Albert Park Lake, a VIP car race and a re-enactment of the last Grand Prix at Albert Park. Up to 500,000 spectators are expected to attend the program.

The Premier, Mr Kennett, said

The timing

The Melbourne Grand Prix may not be held at the same time as the Adelaide event — the first weekend in November. Organisers are keen to stage the race in late March, in the hope of better weather, spinning out the city's sporting calendar, and to avoid detracting from the spring racing carnival. An earlier-in-the-year Grand Prix would

mean that the all-important formula one top-driver position would still be open. It is believed the Formula One Constructors Association is agreeable to the suggestion and believes it could be slotted into the formula one calendar by 1997. A second alternative, if late March proves too difficult, is to hold the Grand Prix in October.

The track

It is not yet decided which way the GP circuit will run around Albert Park Lake. While it was anti-clockwise before 1958, drivers may tackle the new track in the more conventional clockwise direction. Organisers said yesterday that the track would need to be virtually rebuilt, with several

bends and curves added. Many new buildings, including grandstands and vantage points, will be constructed and a large car park added, although none of the parks or ovals will be lost. The future of the old South Melbourne ground is not yet clear, although a massive overhaul appears certain.

The company

The Melbourne Major Events Company, which won the rights to the Australian Grand Prix, was

Ron Walker, receive no pay for their work. Fellow directors Elizabeth Proust, John Haddad and Pat

\$50m annual boost expected to state

By THOMAS TAYLOR

The Melbourne Grand Prix would pump at least \$50 million annually into the Victorian economy, create the equivalent of 1000 full-time jobs, and attract tens of thousands of tourists, according to the Premier, Mr Kennell, and the organisers of the bid.

About 100 million people will watch the race on television around the world, while another 100,000 will watch it at Albert Park Raceway.

Melbourne is the only city in the world to have hosted the Australian Open Tennis, the Melbourne Grand Prix and a range of cultural festivals —

which would significantly boost Melbourne's growing international standing as a prime tourist destination.

However, several economists who have studied the advantages and disadvantages of the Adelaide Grand Prix bid, which was announced yesterday that Melbourne would attract more interstate tourists than Adelaide, said the bid was largely based on the fact that interstate tourists would be attracted to the race.

The bid was based on the fact that interstate tourists would be attracted to the race, which would be a significant boost to the state's economy, particularly in the tourism and services sectors.

"A lot of beer gets drunk in Adelaide," said Dr Trevor Mules, the deputy director of the University of Adelaide's graduate school of management, who studied the advantages and disadvantages of the first Adelaide Grand Prix in 1985.

Dr Mules said the losers would be local residents and motorists battling congestion and a probable 25 per cent jump in motor accidents, such as Adelaide experienced during its first two races.

Also, anything in front gardens

of the Adelaide Grand Prix, who tends to be young, male, and irresponsible.

But an analysis of the 1992 Adelaide Grand Prix by Price Waterhouse's economic studies and strategies unit found the benefits outweighed the costs by almost four to one.

The author of the report, Mr Paul Baxter, a partner with Price Waterhouse, said the Grand Prix had benefited Adelaide from the obvious financial gains.

He said the race signalled the start of the Christmas holiday period when the South Australian economy began emerging from its winter slump and lent a sense of needed pride and confidence to the state.

But Mr Baxter said Victoria's tourism might not jump as high as expected. The state had already benefited from the Adelaide Grand Prix when many race visitors travelled to Adelaide after staying in Melbourne for the racing carnival.

The study also found:

- The Adelaide Grand Prix had led to Adelaide developing export markets for goods and services that otherwise would have been unavailable

hotels, restaurants and other entertainment complexes reported the race had a positive impact on business, not just during the Grand Prix but at other times of the year.

- Seventy per cent of businesses believed the race had a positive long-term effect on the South Australian economy.

- Fifty nine per cent of interstate visitors and 46 per cent of overseas visitors would not have come to Adelaide in a two-year period surrounding the Grand Prix if not for the race.

- Eighty three per cent of interstate visitors and 51 per cent of overseas visitors were likely to return to the race.

Unsourced, 'What a coup! Big Race is Ours',
The Age, December 18, 1993, p.9

What a coup! Big race is ours

Victoria has snatched the Australian formula one Grand Prix from Adelaide in a \$60 million deal kept secret until the last minute.

After 12 months of confidential negotiations, a triumphant Premier, Mr Kennett, yesterday announced that it was the most exciting thing that had happened in the 14 months since he was elected.

The race, which will be run around Albert Park Lake, will be held from 1997 for at least five years. Grand Prix week — probably in late March — will include a yacht race and a boat race on the lake, a classic-car re-enactment of the 1958 Melbourne Grand Prix and a VIP car race.

Organisers say it will bring big benefits, including 1000 jobs, a \$50 million-a-year boost to the economy and up to 500,000 tourists.

In a deal that has been kept secret since it was signed three months ago, Melbourne fought off challenges from China and Malaysia. Adelaide, which has hosted the race since 1985, learnt of its loss only yesterday. The new South Australian Premier, Mr Dean Brown, said he was "shattered", but Melbourne had a watertight contract.

By SUE NEALES.

Victorian affairs editor when the South Australian Labor Premier, Mr. Bannon, reluctantly resigned from his post on 1 September last year, he could not have known that he was handing Melbourne and the power-hungry Kennett Liberal Government a golden trophy.

But yesterday, when the Victorian Premier, Mr. Kennett, announced that Melbourne had won the right to hold the Australian formula one Grand Prix from 1997, it was Mr. Bannon his former political rival whom he should have been thanking.

Publicly, Mr. Kennett lauded the arrival of the annual international

motor race as a key to Melbourne's revitalisation.

Put behind the scenes, the addition of the first F1 race to Victoria's growing stable of sporting events is a fascinating saga of tangled commercial and political manoeuvres.

The way the deal was done precisely a year ago into the institutions now at the heart of Melbourne's power-broking circles — the Liberal Party, Melbourne's business community, and the company that won the "biggest game in town", Melbourne's Crown casino group.

The key players in the Grand Prix story are the new guard, grabbing

starting roles are the Premier, Mr. Kennett, the chairman of the Melbourne Major Events Company and former Lord Mayor, Mr. Bob Walker, the chief executive of Crown and United Breweries, Mr. Bill Stone, and Melbourne Major Events Company chief executive, former Liberal councillor, Mr. Don Walker.

Also holding down center seat are the managing director of the Federal Australia Bank, Mr. Ian Angus, the head of Federal Home, Mr. John Hood, and the City of Melbourne's chief executive, Mr. Elizabeth Fitch.

All of these people have known for just under a year that Melbourne

had a shot at the Grand Prix. The deal was struck in a series of meetings between the Melbourne Major Events Company and the Crown Casino Group, which was then a subsidiary of the Federal Australia Bank.

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THE GRAND PRIX EVENTS

- The formula one grand prix, possibly staged in March
- A formula one boat race on Albert Park Lake
- A classic car re-enactment of the 1958 Grand Prix
- A yacht race on Albert Park Lake
- A V.P. car race

THE BENEFITS

- 1992 net \$50m
- At least \$50 million a year to the state's economy
- Up to 500,000 visitors to Melbourne
- 500 million people to watch the race in 102 countries
- \$44 million to upgrade the Albert Park area, including seating for 100,000 at four vantage points

Continued PAGE 2

—was done—

FROM PAGE ONE

associates through Melbourne's Crown casino group, in which their companies are the main shareholders.

Mr. Walker's Loop partners were sworn to confidentiality once the first glimmer of winning the Grand Prix back from Adelaide was seen when Mr. Bannon stepped down.

Less than two weeks later, Mr. Kennett was on his way to London. He and Mr. Walker knew that Mr. Bannon's resignation was the chance they had been waiting nine years for.

The key to unlocking the Grand Prix prize was Bernie Ecclestone, the London-based head of the Formula One Constructors Association, which chooses where the Grand Prix events will be held.

With Mr. Bannon gone, the time was ripe to woo Mr. Ecclestone.

Two weeks later, when Mr. Kennett and his Liberals gained power, securing the deal was high on his list of Government priorities.

Almost immediately, Mr. Kennett turned the Melbourne Major Events Company from a broadly based and poorly focused committee into a company with Mr. Walker at its head.

Mr. Stone, now the head of CUB, which had always sponsored the Adelaide Grand Prix through its sister brand, was put on its board.

The first deal was signed early this year, giving Melbourne an initial discussion agreement, on the same footing as trials helping and Malaysia. In July, when Mr. Kennett visited London to win the crucial Soviet license for Melbourne, he and Mr. Ecclestone signed the next step of the process, winning Melbourne preference over other world cities. The final deal, putting Melbourne ahead of Adelaide from 1997, was signed by fax on 14 September.

With a crucial SA election in process, and the Liberals looking like losing power for the first time in 11 years, neither Mr. Kennett nor Mr. Walker wanted to harm their colleagues' chances with the news that Victoria's Liberal Government had seized Adelaide's pride.

The final straw for Adelaide came three weeks ago, when CUB dropped its \$2 million sponsorship of the Adelaide Grand Prix.

Yesterday, with a new Liberal Premier safely installed in Adelaide, Mr. Walker and Mr. Kennett felt safe to announce Melbourne's Grand Prix win. The new SA Premier, Mr. Dean Brown, first heard the bad news in person from his federal Liberal Party treasurer, Mr. Walker.

Appendix 13

Neales, S., 'How the Deal was Done'

The Age, December 18, 1993 p.1

Fear and anticipation over GP plan

By DARRIN FARRANT
and THOMAS TAYLOR

The South Melbourne Council yesterday attacked the plan to stage the Australian Grand Prix around Albert Park Lake, claiming it could cause long-term damage to surrounding parkland.

A leading land valuer also warned that nearby residential property prices would be adversely

affected if the Grand Prix substantially encroached on public parkland.

But many local residents and nearby St Kilda City Council gave a cautious welcome to yesterday's announcement that Albert Park would be home to the Australian Grand Prix from 1997.

The Mayor of South Melbourne,

Councillor Frank O'Connor, yesterday called for the race to be held in the Docklands area, describing the Albert Park Lake area and formula one motor racing as "incompatible". The proposed circuit falls entirely within South Melbourne's boundaries.

"Obviously (staging the race) won't just involve upgrading the streets to be used," he said. "The infrastructure (grandstands, bar-

bec necessary to run it will have to be built on the parklands."

Councillor O'Connor said the decision conflicted with the Government's recently stated master plan for Albert Park, which had designated the area as mainly for passive recreational purposes.

The Mayor of St Kilda, Council-

lor Tim Costello, said last night that the expected influx of Grand Prix spectators would provide an important boost to the local economy, particularly for hotels and restaurants.

Although Councillor Costello acknowledged that increased traffic and noise would annoy some residents, he said he was confident that proper consultation and planning by state and local govern-

ment would ensure the race would be a success. Mr Scott Keck, said the Grand Prix would affect residential property prices if it involved large buildings being erected on parkland.

"That would be extremely unfortunate," he said. "Albert Park is a strongly supported recre-

ational facility. It's one of the major factors — and a very positive factor — influencing values in that area."

"Major parkland in urban areas shouldn't be removed at any cost, and if it's only for one week a year, it would be a terrible cost for the other 51 weeks."

Mr Keck said the Grand Prix should lift the prices of commercial property in the area.

He added that he expected an increase in the number of hotels and centres offering entertainment in the area.

Even before a date for the race had been set, race fans were ringing the Radisson President Hotel in Queens Road and asking to

reserve big chunks of the hotel overlooking the planned race-track. The calls were few — only about 26 — but the orders were mammoth blocks of 25 rooms, 50 rooms and more.

Sitting on the outskirts of the city, the Radisson President has often lost the business of tourists who prefer central city hotels. But yesterday, after the announcement, the phone began ringing.

In the hotel, said the Radisson's director of sales and marketing, Mr Ed Davis, yesterday.

Melbourne's hotel industry, which earlier this year accommodated 20,000 Rotarians, will face a similar test when about 20,000 visitors expected from New South

Wales join smaller groups of tourists from the other states and overseas for the formula one race.

Many local residents said yesterday they were happy to put up with a week's inconvenience to their lives each year. Most said they had given little thought to the idea of renting out their homes for the Grand Prix weekend.

"I guess you've just got to take the good with the bad," said Mr Davis, who lives in the house next to the proposed circuit.

"I'd like to see it. I think it's great for Victoria, a real coup, as they say. It will maintain Melbourne's status as the country's sporting capital. It should give Victoria a real boost."

Mr Russell said his only concerns were that local residents would still be able to park in the streets outside their homes, and that local businesses could operate normally.

Mrs Edith Matheson, 58, said she was looking forward to the event's arrival. Mrs Matheson has lived in South Melbourne since the 1950s, when the Australian Grand Prix was last staged at Albert Park.

"It won't really hurt at all. I remember there being a lot of noise last time, but I don't think it will be too bad," Mrs Matheson said. Anyway, we're pretty used to activity around here at nights, what with the Sky Show and things like that."

Appendix 14

Farrant, D., and Taylor, T., 'Fear and Anticipation over G.P. Plan',
The Age, December 18, 1993, p.8



In the fast lane: Ron Walker takes his Jaguar convertible for a spin along the picturesque 2.4 km track Grand Prix circuit.

Picture: ALIAN PHOTOS

By Miles Pridgen and
Scott Thompson

THE man behind Melbourne's formula one Grand Prix coup yesterday predicted that the Australian Motorcycle Grand Prix would return to Victoria.

The chairman of the Melbourne Major Events Company, Mr Ron Walker, who spoke to 'The Sunday Age' at the Albert Park Lake site, revealed how the deal was secretly made in March — six months before the contract was formally approved. He said he made a handshake deal with the international formula one organiser, Mr Bernie Ecclestone, to bring the race to Melbourne at a meeting in London.

Also at the meeting were two Major Events Company lawyers and a Carlton and United Breweries solicitor and director, Mr Ken Carnie. Mr Carnie's presence indicates that CUB — which withdrew its sponsorship from the Adelaide race this year — played a key role in the move.

Sources said that CUB, Crown Casino and the tobacco company Phillip Morris were set to be the main sponsors of the Melbourne Grand Prix, which is estimated to cost \$60 million to run over the five years from 1997. Victoria's Sports Minister, Mr Tom Reynolds, confirmed yesterday that the Government had guaranteed to back tobacco advertising at the Grand Prix.

Although the Premier, Mr Jeff Kennett, said taxpayers would not

fund the race, the Government is believed to have underwritten a loan to the Major Events Company to enable the deal.

Private sponsorship would provide the funding, Mr Walker said, although the race would probably only just break even.

Mr Walker said that Mr Ecclestone — who also controls the motorcycle grand prix — had been impressed by Melbourne's passion for sport, its ability to stage big events and the enthusiasm with which it had pursued the formula one race.

"I can assure you the motorcycle Grand Prix will return to Phillip Island," Mr Walker said. "It's only a matter of time."

"The contract with Eastern Creek

(in Sydney) expires in a couple of years' time and it will be up for negotiation, we are pursuing that and I've told John Fahey that."

The South Australian Government has bitterly attacked the move after learning of the decision only on Thursday, despite the formal deal with the Major Events Company being signed on 18 September.

Mr Walker rejected criticism from senior South Australian Liberals for taking the event from Adelaide. They have threatened to move against Mr Walker's position as federal treasurer of the Liberal Party next year.

"If the South Australian Liberals can find a treasurer who can raise the money instead of sitting around

talking about it, I would step down tomorrow," Mr Walker said.

"I am absolutely confident that if Melbourne hadn't seized the opportunity it would have gone overseas."

"It will focus Melbourne, Australia, in 120 countries and 500 million people will actually see what Melbourne's all about. That's the great joy of this."

The mayor of South Melbourne, Councillor Frank O'Connor, said the Grand Prix would be a boost for Melbourne and Victoria, but he wanted the race run in the Docklands and Footscray Road area, rather than open parkland.

Mr Walker said the criticisms were premature until the council saw the plans for the precinct.

Appendix 15

Forbes, M., and Thompson, S.,
The Age, December 19, 1994, p.1

Appendix 18

Thorpe, D., 'No Threats Today Thanks' featured in Access Age of The Age, May 30, 1994, p. 12

PEX ARE VICTORIAN GOING TO BE... Grand Prix chief? Come off it, the Premier is behind this. Mr Ecclestone chose Melbourne for the money; location is not crucial to him. And we don't want tobacco advertising either.

John Dobinson,
North Balwyn.

No threats today, thanks

How dare Bernie Ecclestone hold a gun at our heads. As an ex-Londoner I know he would almost certainly be banished from the old Dart if he wanted a race track in Hyde Park, the peoples park. Albert Park is our peoples park. Not to give consideration to an alternative such as docklands is being pure bloody-minded.

Doreen Thorpe,
Mallacoota.

It all comes out in the lake

The Major Events Company hasn't yet determined how to best construct a Grand Prix track over the unstable ground at Albert Park. When they do, the cost estimates will skyrocket. Obviously cost is of little concern when you privatise the profits and socialise the losses.

Jackie Beckmann,
South Melbourne.

Small's service

Appendix 17

Venables, R., 'Government That We Surely Don't Deserve' featured in Letters to the Editor of The Age, November 17, 1994 p. 12

Government that we surely don't deserve

from Russell Venables

It is a basic principle of democracy that all citizens are equal under the law.

But not any longer. Not in Victoria. Not only has our Government brought down legislation denying Victorian citizens full access to the processes of law, but it has now introduced an amendment, excluding certain classes of citizens from this provision.

While the privileged upper crust (including, of course, Messrs R. Walker and B. Ecclestone) are to be exempt from the rigors of this law, the rest of us (sometimes known as non-cronies) will now have to accept our second-class status.

Another aphorism states that the people get the government they deserve.

But what, oh what have we done to deserve this mindless, gutless, shower of time-serving sycophants on the Government back benches, meekly rubber-stamping this draconian legislation, and making a mockery of any pretension to democratic Government.

Russell Venables,
Eltham.

Appendix 16

Neale, R., 'A Big Build Up For the Grand Prix' featured in Letters to the Editor of The Age, November 26, 1994, p.18

Edited by
JOHN MESSER

A big build-up for the Grand Prix

from Ralph Neale, OAM,
editor of Landscape Australia magazine

Prior to 1992, park filching and management practices that were incompatible with the role of a public park robbed Melbourne's residents, particularly those who lived nearby, of much enjoyment from Albert Park.

Ironically, no one is really to blame except successive Victorian Governments that pauperised the park although, in the past, the management committee has borne most of the criticism.

Looked at objectively, the management committee's problems all stemmed from lack of funds, forcing them to negotiate with commercial interests and organised sporting bodies to maintain the park in a semblance of order.

As an illustration of their difficulties, until quite recently, the State Government annual grant did not equal the state payroll tax paid by the park management committee each year. Put simply, Albert Park was financing the State Government, rather than the reverse.

Enter Melbourne Water and its successor Melbourne Parks and Waterways. They began with grand plans carefully drawn up after public consultation with the help of private consultants.

However, following Premier Kennett's announcement about the Grand Prix, in December 1993, the plans were all thrown out the window. Melbourne Parks and Waterways received their orders to produce a plan that could be "sold" to the public.

Obediently, they produced a glossy brochure that omitted the infrastructure that goes with car racing and only showed a thin black line to represent the race track. In this way they completely hoodwinked the general public into believing that the new plan would mean an improvement to the park.

Used to seeing the park in a run-down state dotted with many small shabby buildings, some on filched sites and having no legitimate place in a public park, the general view was, I believe, that it couldn't be much worse and it might well be much better.

Well, I have news for them.

What the public does not yet realise is that the tenants of many of those small park buildings are, through the Grand Prix organisation, now in contact with multinational companies and negotiating big deals.

In return for rebuilding their clubhouses, they are offering the sponsors free use of the buildings during the Grand Prix.

It seems sensible, you may think.

But don't think those buildings are going to be inconspicuous and hidden by trees. To provide a grand view of the racetrack, they are going to be big and very prominent.

Albert Park, in 1996, is going to be dotted with very large buildings quite out of place in a public park.

The perfect example is the proposed new building for Melbourne Parks and Waterways.

It will receive no nominations for the RALA awards next year, but you will notice it.

I am referring to the proposed cafe/restaurant, kiosk, boat-hire and park administration centre.

With all the park to choose from, they are siting it at the north end of the lake, where it will ruin the sailing course and be extremely prominent. Great work Melbourne Parks and Waterways!

Ralph Neale,
Mont Albert.

Appendix 19

Tute, P., 'Keeping in Touch' featured in Access Age of The Age, May 30, 1994, p. 12

Magazanik, M., 'Secretive GP Policy Risky, Tribunal Told'
The Age, August 2, 1994, p.4

Secretive GP policy risky, tribunal told

By MICHAEL MAGAZANIK

By refusing to release secret financial documents relating to the Grand Prix the State Government had adopted the "trust-us philosophy that proved so disastrous in the 1980s," the Administrative Appeals Tribunal was told yesterday.

The tribunal was hearing final submissions on an application by a Labor Party frontbencher, Mr Bruce Mildenhall, to force the Government to release about 40 documents relating to the Grand Prix under Freedom of Information laws.

The four-day hearing concluded yesterday when Judge Warren Fagan reserved his decision.

In a related development, the Government yesterday denied Mr Mildenhall access to a second group of documents relating to the Grand Prix he had also been pursuing under FOI laws.

In final submissions yesterday Mr Damian Murphy, for Mr Mildenhall, told Judge Fagan that the public's interest in knowing the extent of the Government's financial involvement in the Grand Prix required the release of the documents.

"What is happening here is that the community, the taxpayer, is being asked to give an open check to

support the Grand Prix," Mr Murphy said.

"It's a return to the trust-us philosophy that has proved so disastrous in the '80s. It's a case of political judgment without accountability ... the Treasurer is saying 'trust us. We will give you the information when we think it necessary'".

Last week the tribunal heard that the State Government agreed to back the Grand Prix without having a cost benefit analysis evaluated by Treasury.

Yesterday Mr Joseph Santamaria, counsel for the Melbourne Major Events Company, which negotiated for the Grand Prix, said Mr Mildenhall had "adduced no evidence" to support the public interest argument.

Release of the documents would damage the ability of MMEC to do business with overseas promoters, Mr Santamaria said. No one doing business with MMEC could be confident that sensitive information would be kept secret.

Mr Santamaria also said that MMEC competitive position in relation to competing major events companies interstate would be damaged if the documents were released.

Lawyers angry over race bill

By Mark Forbes
and Gervase Greene

LAW groups have attacked State Government legislation establishing the Grand Prix at Albert Park, which prevents challenges to the Supreme Court.

The Victorian Council for Civil Liberties and the Bar Council said the new law would stop people affected by the race from seeking redress in the courts.

Under the legislation introduced into Parliament last week, the Grand Prix will be exempt from planning and environment guidelines as well as from Freedom of Information access, and — most controversially — people detrimentally affected by the race will not be allowed to do anything about it.

The Supreme Court will be prevented from hearing compensation claims, effectively closing off any right of redress for the public.

Ms Susan Crennan, QC, who chairs the Bar Council, said clauses such as the one that deprived the public of this right were justified only to avoid

an overlapping of jurisdiction between the courts and tribunals. She said the council would not approve of the clause.

"We would say that cuts across the principle of general access to the Supreme Court," Ms Crennan said. "So we would be against it."

"We don't like those clauses if the only effect is to reduce the access of individuals to the courts."

The Bar Council would examine in detail the issue of such clauses this week, she said, and it might take its concerns to the Attorney-General, Mrs Jan Wade.

The president of the Victorian Council for Civil Liberties, Mr Alan Goldberg, QC, said the jurisdiction of the Supreme Court should not be reduced.

"The council's view is clear: access to the courts ought to be available to anyone for any dispute between citizen and citizen, or citizen and government," Mr Goldberg said.

He said the issue was highlighted by the previous Labor government's use of such a clause to forestall any challenge to the granting of land to Collingwood Football Club.

An expert on administrative law with Gerrard & Stuk, Mr Stephen Newman, who is also chairman of the administrative law section of the Law Institute, said the Grand Prix bill had curtailed ordinary citizens' rights.

"The Government has determined that we will have the Grand Prix at any price," Mr Newman said.

Mr Tony Cudmore, a spokesman for Mrs Wade, said the provision was not unusual and had been used by Labor.

"These provisions in the bill are not unusual in bills that deal with large developments and projects of major importance to the state," Mr Cudmore said.

The Opposition Leader, Mr John Brumby, criticised the exemptions as "draconian" and as amounting to a licence to let the Government do whatever it liked when running the race.

The Grand Prix legislation is the latest in a long series of Acts of Parliament that have employed this tactic. Many of the Government's most controversial reforms have featured sweeping clauses that either severely

limit or, in many cases, exempt altogether certain actions or events from Supreme Court consideration.

Several prevent the court from even "entertaining" an application to have a matter heard, meaning the court is not allowed to consider whether it should be involved.

This also makes it extremely difficult for the High Court to become involved, as it generally can only consider and possibly overturn points of law made by lower courts. It cannot directly override a state law, and the Supreme Court is a creature of State Government legislation.

Many leading members of the bar are furious at what they describe as the Government's distortion of the executive's role. One senior barrister told The Sunday Age that what appeared to be a short-sighted political tactic would cause long-term damage to the community.

"The judiciary is an arm of government: it is there to rule on the rights or wrongs of claims, and you can't just cut it off," he said.

"By our reckoning, up to a quarter of this Government's legislation is limited in this way, and it is nonsense to suggest the other side did it too.

This is far more restrictive, and citizens will have no one and nowhere to turn if they have a grievance. That is despotism."

Since 1991 any limitation on the Supreme Court's reach has had to be specifically written into legislation, and this has previously been used to limit relatively minor claims, often involving land compensation.

Despite mounting anger among affected groups and the legal community, the Government remains unapologetic.

Mrs Wade defended the curbing of judicial review but cited the parliamentary procedures by which it was done as proof of the Government's commitment to the Supreme Court.

She told the Melbourne University law school that limiting the court's jurisdiction and power now had to be justified to Parliament and formally approved by an absolute majority of both houses.

"This commendable provision which is unique among the Constitutions of the Australian states, was forced upon the former Labor government by the Coalition parties when in Opposition," she said.

Save Albert Park

Fax: 690 3544

P O Box 1300 City Road, South Melbourne, Vic 3205

Phone: 690 3855

Issue 6

Newsletter

October 1994

SURVEILLANCE FOR ALBERT PARK

If you've been watching the television news the last couple of Sundays you'll have seen that the ParkWatch programme announced in a previous Newsletter is well and truly up and running. The launch, by the Park Action Working Group, on 18 September was a great success. (Thanks to the Slipstream Kite Team for the spectacular display.)

ParkWatch now has over 200 volunteers, organised into nine teams. Each team is responsible for keeping a constant watch on their area of Albert Park, and stays in touch through a 24-hour pager service.

Sources close to the Grand Prix organisers tell us that over 600 trees are destined for destruction (publicly they have said 138), and that they'll probably be felled in the middle of the night in the hope of avoiding protest. Not a chance! They won't evade ParkWatch that easily!

If you want to join the ParkWatch throng, and impress your friends with a stunning ParkWatch T-shirt (only \$20 to members) give the office a ring now.

Park Action Education Days will be held on Sundays 2 Oct. and 9 Oct., 10am-3pm, St Vincent's Boys' Home, 237 Cecil St, S. Melbourne. (The second day will be a repeat of the first.) These are to prepare Save Albert Park members for peaceful protest action and will cover environmental, legal and action issues and include a police briefing. Places are limited so bookings are essential - phone Save Albert Park Office 690 3855. Bring a lunch plate to share. Suggested donation to cover costs \$5.

[Save Albert Park has been informed that in connection with a

5 year tree planting scheme in the light rail reserve in Canterbury Road (between Albert Road and Fraser Street) a number of dead, diseased or weakened trees (which have been marked) will be removed or pruned soon. This is not in Albert Park Reserve and according to our information is independent of the Grand Prix proposal.]

The following quotations give an indication of the intensity of the reaction to this Bill:

"The Kennett Government is displaying disturbing authoritarian tendencies in its determination to protect the Albert Park Grand Prix from public scrutiny, legal challenge and statutory impediments."

"... the Government's effort to cocoon it (ie the Grand Prix), its sponsors and itself, from every possible contingency goes well beyond what is acceptable in a free and democratic society."

'The Age' Editorial, 17 Sept., 1994.

"With the introduction ... of the Australian Grand Prix Bill, the

Kennett Government may well have set a new standard of political arrogance. As we report today, the bill has quite properly been condemned by various legal groups including the Bar Council and the Victorian Council for Civil Liberties. It is a bad bill, even a dangerous one."

"Ill-restrained power is seductive and there are disturbing signs that the Kennett Government is succumbing to it. If it will not desist, Victorians must understand what is happening, and resist."

'The Sunday Age' Editorial, 18 Sept., 1994.

Stop Press

As we go to press our Convenor, Iain Stewart, will be appearing before the bi-partisan Scrutiny of Acts and Regulations Committee of the Victorian Parliament. The purpose of this public hearing of the Committee is to determine if a substantive loss of civil rights or human rights was likely to flow from the provisions of the Australian Grand Prix Bill.

"Ring of Protest"

5:30 - 7:30pm Sunday 9 October

An event to ring Albert Park Lake at dusk.

Gather at Ross Gregory Oval at St Kilda end of the Lake at 5:30pm for speakers and briefing. Then we'll ring the Lake with torches as a symbol of protest and protection.

Bring a torch (plus spare batteries) and a radio for simulcast broadcast.

Bring your friends and their friends.

Help re-locate the Grand Prix and Save the Park.

About 100 marshals are needed.

Please phone 690 3855.

Australian Grand Prix Bill

This Bill has resulted in widespread concerns over the extent of its powers. It seeks to:

- Exempt the race and track construction from environment and planning laws;
- Exempt race contracts from Freedom of Information laws;
- Restrict jurisdiction of the Supreme Court to award compensation;
- Enable the responsible Ministers to grant a licence for race works to the corporation even if the Albert Park committee of management refuses;
- Set up a new statutory authority to run the race.

Save Albert Park's convenor, Iain Stewart, said the proposed legislation was anti-democratic and a circumvention of normal statutory protections and common law rights, and that it also appeared to allow the Government to pass regulations to ban protests during the race.

Save Albert Park

Issue 3

Newsletter

July 1994

THE FIGHT GOES ON!

Since our June newsletter, the battle against the Grand Prix at Albert Park has been raging on many fronts.

Yes, it is a battle!

IT IS A BATTLE OF COMMERCIAL INTERESTS VERSUS COMMONSENSE, THE PRESERVATION OF THE ENVIRONMENT AND PUBLIC PARKLAND.

The main reason, it seems, that Premier Jeff Kennett and Ron Walker, Chairman of Melbourne Grand Prix Promotions, want the Albert Park venue is to have a backdrop of the city for millions of television viewers and to be close to the Crown Casino.

THEY BELIEVE IT WOULD FOCUS THE WORLD'S ATTENTION ON MELBOURNE, BRING IN TENS OF THOUSANDS OF TOURISTS AND GAMBLERS.

That's what Adelaide thought, too. Their Grand Prix turned out to be a real fizzer as far as overseas tourists were concerned.

ONLY 2,695 OVERSEAS TOURISTS CAME FOR THE 1992 EVENT. AND THEIR GRAND PRIX HAS LOST MILLIONS OF DOLLARS.

But Premier Kennett and Mr Walker still seem determined to risk PUBLIC MONEY & DESTROY PUBLIC PARKLAND all for the sake of drawing the world's attention to Melbourne.

IT DOESN'T MAKE SENSE!

WATCHING ANY GRAND PRIX EVENT ON TELEVISION, THE CAMERAS GENERALLY FOCUS THEIR ATTENTION ON THE RACE ITSELF, THE SPEEDING CARS AND THE SPECTACULAR CRASHES. THE VENUE SEEMS IMMATERIAL. THEN WHY NOT FIND A BACKDROP LESS DESTRUCTIVE, LESS DAMAGING THAN A CONVERTED ALBERT PARK?

WE REPEAT... WE ARE NOT AGAINST THE GRAND PRIX... MERELY THE VENUE!

Isn't it senseless to disrupt Albert Park, remove 138 mature trees, cause havoc, pollution, unbearable noise on hospitals, aged persons' hostels and residents in the area, when a more practical solution could be found?

Docklands Option

According to a report commissioned by the State Opposition, a Grand Prix held in Docklands could be a superior venue.

IT WOULD MEET THE CRITERIA OF BEING CLOSE TO THE CITY AND HAVE GOOD ACCESS TO PUBLIC TRANSPORT, HOTELS AND THE CROWN CASINO.

Other advantages, pointed out by Opposition Leader Mr Brumby:

- It would create minimal disruption.
- It would provide a television

backdrop of city and waterfront

- It would trigger a resurgence in the commercial redevelopment of the area.
- Cruise ship passengers could view the race from the dock, and Melbourne would gain more cruise ship visits.

A track could be built at a cost of \$25 to \$30 million. Annual running costs of the race would be \$12 to \$15 million, based on Queensland and South Australian experiences in running such events.

"Docklands is the site for the Grand Prix... it makes better sense for business, the community and the environment" said Mr Brumby

"It would take five minutes for Ron Walker or Jeff Kennett to pick up the phone, to ring Bernie Ecclestone (Formula One boss) and to say 'We have a better site.'"

Ron Walker has conceded that development of the Grand Prix proposal had been badly handled in not consulting local authorities and residents BEFORE signing the contract. Why can't Jeff Kennett do the same... admit that a mistake has been made... that a better site, that doesn't require changing the fundamental nature of a park, can be chosen.

THE SAVE ALBERT PARK GROUP WILL NOT GIVE UP THE FIGHT UNTIL COMMONSENSE PREVAILS!

Second Rally!

Sunday 10th July - 11:30am

Speakers ❖ Bicycle ride ❖ Concert ❖ Carnival

Meet at:

St Kilda Primary School, Fitzroy Street Ovals

Be there to give your support ❖ Bring your friends and their friends

Neales, S., 'Grand Prix Clash Sparks 21 Arrests',

The Age

November 8, 1994, p.3

Blow to share schemes tax plan

By DAVID MCKENZIE,
economics correspondent,
Canberra

The Federal Government's plan to impose fringe benefits tax on employee share ownership schemes looks doomed, with the coalition set to join the Australian Democrats in opposing the proposal.

A rejection of the initiative would be a setback for the Government, which was looking to wipe out tax evasion rorts by executives.

If the enabling legislation is rejected twice by the Senate, it could also form the basis for a double dissolution for the Government.

The coalition looks certain to vote to oppose the tax measure at a party meeting today. This would ensure the defeat in the Senate of the enabling legislation, which is due to be considered today in the House of Representatives.

The shadow treasurer, Mr Costello, has been critical of the

move, announced in May, but declined to commit the coalition to a course of action until the legislative details were presented to Parliament in late October.

Since then, the mood in the coalition appears to have hardened substantially against the proposal. The Democrats have been consistent opponents of the Government's plans, and several companies have warned that the new tax arrangements would threaten the viability of their existing share schemes.

Under the Government's proposal, fringe benefits tax on income paid in the form of shares through employee share acquisition schemes would replace income tax, effectively shifting the tax liability from workers to employers. Tax would be paid when share options were issued, not when they were exercised.

Exemptions would be available where shares were in the employee's own company and held for between five and 10 years, but in most cases the tax-free amount

would be a maximum of \$500 a year per employee.

The Government wanted to stamp out tax avoidance by high income earners, who it claimed had been able to divert large amounts of their salaries into share schemes.

It also wanted to open up such schemes to more employees and integrate the schemes with industrial relations reform.

But opposition to the move has centred on the additional cost to employers and the potential drain

on national savings if existing new schemes are threatened. Estimated 170,000 employee share schemes are in operation.

However, companies such as BHP, Pacific Dunlop, Tubemaster and Cadbury-Schweppes put plans for employee share schemes on hold pending the outcome of the Government legislation.

According to the Democrats this could cost the Government around \$100 million in lost revenue.

Grand Prix clash sparks 21 arrests

By SUE NEALES,
Victorian affairs editor

The row between organisers of the Grand Prix car race and protesters against the event being held at Albert Park intensified yesterday with a clash between police and demonstrators resulting in 21 arrests.

About 80 members of the Save Albert Park group gathered in rain and hail to try to prevent contractors for the Melbourne Parks and Waterways authority from erecting a fence around the children's adventure playground in the park.

Claiming the fence was linked to the start of earth-moving works and the construction of a new race circuit road adjacent to the playground, the demonstrators stood around pole sites to prevent their placement.

About 18 police warned them that further impediment would lead to arrests. Chanting and singing peacefully, the 21 demonstrators were arrested before the fence was built.

Among those arrested were the ABC broadcaster Mr Peter Couchman, the convenor of the Save Albert Park group, Mr Iain Stewart, and the actor Mr John Diehl.

Most were released on the spot

after their names had been taken, with a summons to be issued later. Dr Noel McLachlan, a retired academic, was arrested twice and taken to the South Melbourne police station, where he was later released.

Inspector Garry Schipper, who was in charge of yesterday's police operation, said the arrests were made under a section of the Lands Act that prevented people from impeding work on Crown land.

"I don't enjoy arresting people — but I'll expect we will be here almost every day now until the Grand Prix is run, so we had better get used to each other."

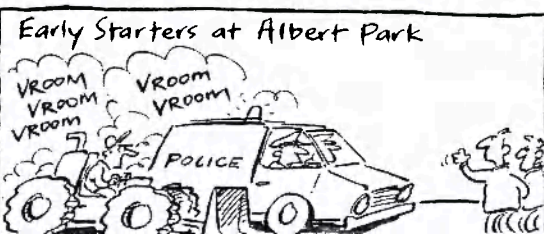
Further passive protests are expected today, when an estimated 200 trees around the former Hellas soccer ground are scheduled to be cut down.

A spokeswoman for the Minister for Police and Tourism, Mr McNamara, said the protesters were misguided demonstrating about the fence, since it had nothing to do with the Grand Prix.

"All this work is part of a strategy plan released by Melbourne Parks and Waterways last year to beautify the park; it would have happened irrespective of an event like the Grand Prix being announced," she said.



Picture: MICHAEL CLAYTON-J



rol tactics under fire, Victoria Police send 70 officers to a protest t it wrong' in gay club raid

Policing must remain open to public scrutiny

Comment

GERARD RYLE

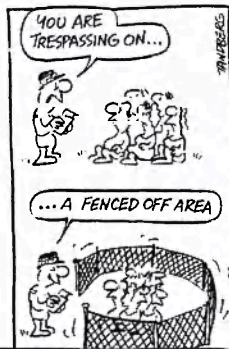
The principle that the Victoria

Picture: JOHN WOULDSTRA



Demonstrators try to stop a truck entering the Grand Prix construction site at Albert Park yesterday.

Police arrest 54 Grand Prix protesters in crackdown



By DUGALD JELLIE and ANNA KING MURDOCH

Police arrested 54 people at the Grand Prix construction site at Albert Park yesterday in a crackdown on protesters hindering the project.

Among those arrested were the convenor of the Save Albert Park group, Mr Iain Stewart, and Ms Julia Hamer, daughter of the former Victorian Premier Sir Rupert Hamer.

About 90 members of the group had gathered outside the construction area to prevent trucks from entering, after the Grand Prix Corporation erected

the western side of the lake yesterday morning.

The chief executive of the Melbourne Grand Prix Corporation, Ms Judith Griggs, said workmen had erected the fence yesterday in the interests of public safety to keep people away from the construction zone.

"I fully respect the right of any people to protest, whether about the Grand Prix or anything else, but if people break the law it is a matter for the police and the authorities," Ms Griggs said.

A representative of the Grand Prix Corporation, Mr Bill Peacock, told protesters that the

cy of the parkland and had revoked the protesters' right to be in the area.

About 70 police warned the protesters, most wearing yellow armbands, that further obstruction of the site around the former Hellas soccer club would lead to arrests. The protesters refused to move and arrests followed.

Each of the arrested protesters will be issued with a summons for being in a cordoned-off area of the Grand Prix circuit; 49 were also charged with trespass. None of the protesters resisted arrest.

Acting Superintendent Bob Snell, who was in charge of yesterday's police operation, said

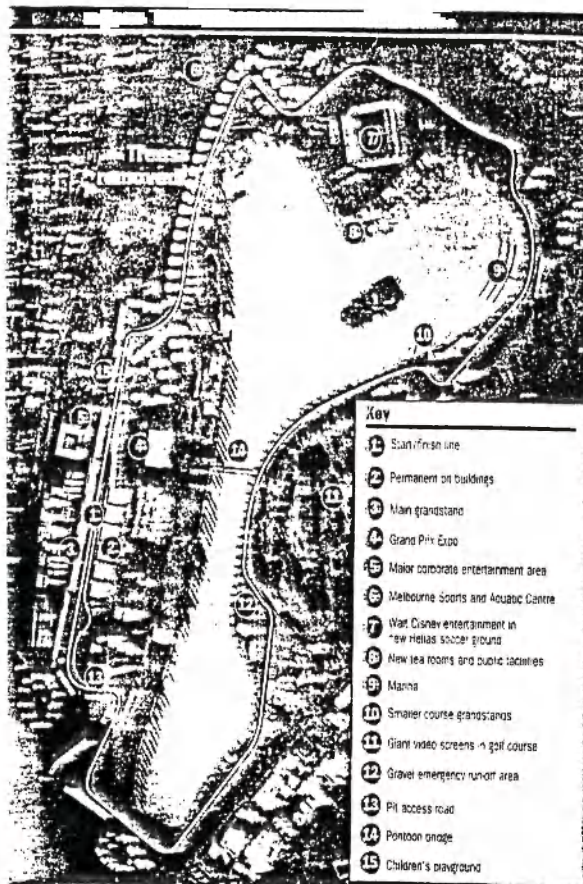
the large number of police attending the blockade was not a deliberate ploy to adopt strong-arm tactics on demonstrators.

A protest organiser, Ms Ienni Chandler, said the large number of arrests would only strengthen the resolve of the demonstrators to stop construction of the racing circuit.

One of the arrested demonstrators, Mr John Scheffer, from Elsternwick, said he was objecting to the State Government's turning public land to private use. "It stinks. The Government said this park would only be used for a few weeks each year, but already we are not allowed to enter this area," he said.

Neales, S., 'Kennett Unveils Melbourne's Grand Prix Masterplan, and 'Launch Drives Home Point About the Great Grand Prix Debate', The Age, November 16, 1994, p.5

Kennett unveils Melbourne's Grand Prix masterplan



By SUE NEALES,
Victorian affairs editor

The Government's masterplans for Albert Park and the Melbourne Grand Prix circuit were unveiled yesterday and continuing uncertainty about the extent of its economic benefits to Victoria.

Opponents of the formula one Grand Prix car race being held at Albert Park also vowed to continue their campaign in political lobbying and peaceful disruption, while the Premier, Mr Kennett, admitted some "rough days" of confrontation lay ahead.

Mr Kennett described the Grand Prix as a unique and unparalleled stream event for the state, which would focus international attention on Melbourne and benefit all Victorians.

The Melbourne Grand Prix is set to be a carnival of car racing, combined with Moomba, boat racing, family entertainment and concerts, extending over a week rather than four days, as in Adelaide.

Mr Kennett said the Grand Prix should break even or make a small profit, attracting a crowd of more than 150,000. But he declined to give details of any cost-benefit studies conducted by the Government to justify its \$104 million outlay.

Mr Kennett said there would be an economic benefit, but the public would have to wait until the first race had been run to see the "economic outcome for the state."

Mr Kennett dismissed the presence of about 100 protesters outside the Hyatt Hotel yesterday morning, where the plans for the Grand Prix were unveiled, as a "local minority."

The Grand Prix is part of the repositioning of Melbourne. It will add energy to our society, build confidence among the people, create jobs, add to our economic wealth and position this city internationally in a way



Praying for a change of heart. Protesters wait outside the Hyatt, where plans for the Grand Prix were unveiled.

no other event could," Mr Kennett said.

"We understand there are some who would still have this event in another location, but the park is not a possession of a few, it is for the enjoyment of many — and ultimately Albert Park will be a park worth having and a park worth celebrating."

The Government announced last December that it had secured a 10-year contract for the Australian Grand Prix to be held in Melbourne, snatching the race from Adelaide.

Features of the new Albert Park Grand Prix track will include: a 5.3-kilometre circuit running clockwise around the lake.

- Grandstand seating for 45,000.
- Six new indoor sports buildings, converting to race pit facilities.
- The \$52 million Melbourne sports and aquatic centre.
- An extension of the new Hellas soccer ground to seat 20,000.
- A car Expo and historic race to run during Grand Prix week.
- A reduction in the number of sports grounds.

The Government also announced that Walt Disney family entertainment would be staged at the Hellas soccer ground during the race. A big video screen would be set up for picnicking families in the golf course.

Significant numbers of large

trees in the park will be cut down, according to the masterplan, particularly along Avenue Drive.

But Mr Jeff Floto, the head of the Melbourne Parks and Waterways, which manages Albert Park, said more than 5000 new trees would be planted.

He denied there would be any loss of public space in the park.

Mr Kennett said the Grand Prix track would be finished in time for the March 1996 event, with the first construction phase including the closure and realignment of Avenue Drive within weeks.

"We will have a few rough days, but you can't let a few hundred people stand in the way of progress or in the way of the commu-

nity," Mr Kennett said.

The chief executive of Melbourne Grand Prix Promotions, Ms Judith Griggs, said there was no doubt the Grand Prix would come to Melbourne in 1996.

A spokesman for the Save Albert Park group, Mr John Dietrich, yesterday accused the Government of compromising everything to build a race track in the park.

"There is nothing in these plans to allay our fears for Albert Park or to suggest that we can't get the race relocated, so we will continue our campaign for as long as it takes," Mr Dietrich said.

PAGE 19: Editorial.

Launch drives home a point about the great Grand Prix debate

cars, noise, pyrotechnics, size and hype were all there at yesterday's razzmatazz launch at the Hyatt Hotel of the Government's plans for Albert Park and the Grand Prix track.

There were the demonstrations, between 400 and 500 outside the hotel shouting in support of putting a formula one race in one of Melbourne's oaks.

The Premier, Mr Kennett, the chief executive of the Grand Prix Promo-

Comment

SUE NEALES
VICTORIAN AFFAIRS EDITOR

ions. Ms Judith Griggs, were expounding on the benefits of the Grand Prix to all Victorians. Outside, the banners read "Keep Albert Park for the People", "Relocate the Grand Prix" and "Kennett Treats Democracy with Contempt". A passing bus driver added his own slogan: "Shoot the bloody lot of them."

It was probably not far from a true reflection of the Melbourne public's diverse views.

Polls show that between 25 per cent and 40 per cent of Victorians remain opposed to the Grand Prix at Albert Park.

At yesterday's lavish launch, the minister with responsibility for the Grand Prix, Mr McNamara, declared that nothing would prove more symbolic of the "rebirth of Victoria" than bringing the Grand Prix to Melbourne.

The irony is that he is probably right. But more because a debate between keeping the park, with all the feelings of calm, peace and cultural Melbourne it engenders, and hosting an international motor race, with its associations of money, noise, advertising and action, is quite essential to so many of the choices now confronting this city.

Little attempt was made to pretend yesterday, as feared, that the big announcement was

all about making Albert Park a better park and, incidentally, adding a Grand Prix race.

Instead Mr Kennett and Ms Griggs were more straightforward, and ultimately politically smart.

They made it plain that the "unveiling" was a celebration of Melbourne's "dream" — the winning of the Grand Prix — and of all the associated economic benefits and international recognition.

Accordingly, their first task had been to design and perfect at Albert Park the best Grand Prix circuit in the world.

It's not an approach the Save Albert Park protesters are likely to applaud.

But for the vast majority of Victorians just the ability to find out more about both sides of the argument will be appreciated — especially if Grand Prix organisers now keep their doors open to continuing public input.

Formula one driver gives the thumbs up to circuit plans

Although the real test will come when he drives it for the first time under race conditions, formula one driver David Brabham took an early liking to the final plans for the new Albert Park Grand Prix circuit yesterday.

"It has a combination of slow and fast corners and quick straights which formula one cars need," Brabham said at yesterday's unveiling of the circuit plans.

At 5.26 kilometres, the track is much longer than many of the street circuits used in formula one. Adelaide is 3.78 kilometres while Monaco is 3.32 kilometres.

Track designers predict a lap time of 1 minute and 30 seconds with an average speed of 205 kmh.

Brabham said the circuit would be a big test of brakes because of the combination of long sweeping sections and tight corners.

— Colin Young.