

## Chapter 6

### An 'Orwellian Vision'

#### Growth and Decline 1975 - 1997

In a tiny inner city pub  
The amps were getting stacked  
Leads were getting wound up  
It was full of pissed Anzacs  
'Got no more gigs for Tuesday nights' said the barman to the star,  
'We're putting pokies in the lounge and strippers in the bar'  
The star, he raised his fingers and said 'fuck this fucking hole'  
But to his roadie said 'it's the death of rock and roll'  
'There ain't no single place left to play amplified guitar  
Every place is servin' long blacks if they're not already tapas bars ... <sup>1</sup>

From the late 1970s the Australian music industry benefited from sustained media networks prepared to air local product on television and radio, and the willingness of venue owners to hire rock bands, to mutual profit. Independent scenes developed in Sydney (the Art Unit, Paris Theatre, the Grand Hotel, the Sussex Hotel) and Melbourne (the Tropicana Club, Crystal Ballroom, Clifton Hills Community Centre) and enabled experimental musics to exist and overlap within the commercial centres.<sup>2</sup> Fringe scenes produced bands of various influence and success: the Birthday Party, Laughing Clowns, X, the Models, Whirlywild, the Thought Criminals, Hunters and Collectors. As had been the case since 1957, Sydney and Melbourne attracted performers frustrated with minimal or non-existent local scenes elsewhere. The Go-Betweens and the Riptides escaped an authoritarian State Government attempting to eliminate rock performances, and a tepid Brisbane scene favouring heavy metal cover bands.<sup>3</sup> Similar lack of opportunities resulted in an influx of Perth bands on the east coast circuits: the Triffids, the Scientists and the Hoodoo Gurus. The dominant mythology of the period 1978-1988, however, remains in the local and international success of commercial rock. In 1983 Men At Work's *Business As Usual* album remained at number one on the North American charts for fifteen weeks, success barely

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<sup>1</sup> TISM (This Is Serious Mum), *The Last Australian Guitar Hero*, Shock Records, 1998.

<sup>2</sup> See: Walker, 1982, 1984. Riley, 1992. Bronius Zumeris, 'Popular Music: Places and Spaces', IASPM Australia-New Zealand conference paper, 24th June, Melbourne University, 1995.

imagined by Australian performers more accustomed to the spectacular oblivion which accompanied 1960s expeditions to Britain and the United States. Midnight Oil, AC/DC, INXS and the Divynyls achieved less spectacular, if more consistent results throughout the 1980s. While AC/DC and INXS aspired to a placeless internationalism within their musics — mastering twelve bar rock, and highly proficient funk-rock respectively — Men At Work's success remained tied to a particularly limiting sense of a national imaginary. Undoubtedly part of the band's success was founded upon the jingoistic uses found for their songs; *Down Under* promoted a simplistic nationalism at home, and served as a pseudo-tourist advertising tool internationally.<sup>4</sup>

The common theme underlying the international success of all the above performers, propagated by the bands, audiences and recording companies, was an intrinsic belief in the value of the Australian live scene in preparing performers for world dominance. Frith, Negus, Finnigan and Cohen have asserted the importance of live performance as the symbolic ritual of rock, and as the key marketing tool in reinforcing performers' authenticity to audiences.<sup>5</sup> The sense of place within the successful international careers of Australian bands is strong. The production of local sounds for a global market is tied to the pub rock circuit (and specific pubs) which nurtured local performers: "every Australian band comes from a different pub, and it's there they define what they're about. Every band remembers that pub, and it's more than sentimental value; it's something much stronger".<sup>6</sup> The value of the pub circuit, according to industry mythology, resided in the initial (sometimes desperate) attempts involved in securing audiences' approval, and in the basic conditions of performance, which supposedly created enhanced endurance and musicianship. Such mythologies continue to define the Australian rock performer:

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<sup>3</sup> See David Nichols, *The Go-Betweens*, Allen and Unwin, Sydney, 1997, pp.22-24.

<sup>4</sup> Never replicating their initial success, the band was aware of the constraints of their international image. Saxophone player Greg Ham has remarked that "there was a great load of assumptions trailing along behind the band ... Men At Work became an institution that seemed to conjure up visions of sport and yachts and a strange sort of nationalism. It was an unwieldy situation to work in" (Milsom and Thomas, 1986, p.72). *Down Under* was adopted as a temporary national anthem during Australia's America Cup win in 1983.

<sup>5</sup> Frith, 1983, 1992; Finnegan, 1989; Cohen, 1991; Negus, 1992.

<sup>6</sup> Peter Garrett cited in Fiske, Hodge and Turner, 1987, p.24.

The guy who plays bass with me, Bill McDonald ... in England they were amazed at his playing in the studio, they said they could never find an English player like him, because he could play all night. They were recording from ten at night until ten in the morning. They were amazed at his power; the English were saying 'it must be all that pub rock', and they liked it. I thought that was interesting.<sup>7</sup>

The 1980s pub rock scene has been presented as possessing discursive advantages in the growth of the live and recording music industries for much of the decade. While a recording company reflected a band's style or image, its initial pub birthrights defined its audiences and underlying performance practices. Within contradictory accounts of its development, most within the industry perceive 1978 to 1988 as a unique period of local and overseas success. It will be argued that a complex intersection between public/private leisure and profits, and global/local interests provided a symbolic locus of internal industry struggles throughout the period. The place(s) of Oz Rock — its pubs and to a lesser extent, its clubs — have provided a collective performance mythology of Australianness in an industry otherwise subject to the machinations of its globalised forms. This chapter explores the live music industry practices that exploited the growth in venues and audiences, and government measures designed to regulate and incorporate its behaviours and profits within standardised practices. The decline in the commercial spaces of rock performance — the loss of the pub rock experience deemed intrinsic to local sensibilities — is still being felt within the industry, which remains reluctant to acknowledge cultural and governmental shifts requiring new performance practices and sites.<sup>8</sup>

## **I. Local Practices, Global Interests**

The spectacular growth in the size and profits of the local recording and live music industries from the late 1970s was accompanied by an increasing interest in its methods by governments throughout the 1980s. While independent recording companies (Regular, Mushroom, Deluxe, Missing Link, Larrikin, RedEye, Waterfront, Alberts, Au-Go-Go) became profitable, the dominance of local subsidiaries of international companies (EMI, Polygram, CBS, and WEA) was further entrenched in securing popular bands for international exposure. The

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<sup>7</sup> Stephen Cummings, interview.

'local' recording industry, as Marcus Breen asserts, "is 'Australian' only in the sense that it exists within the territorial boundaries of the country".<sup>9</sup> The 1990 Prices Surveillance Authority (PSA) Inquiry into the Prices of Sound Recordings revealed the benefits of local inspection of transnational business practices. The Inquiry confirmed the multinational dominance of the local industry. In 1989 it was found that 75.5% of artist and licence royalties were paid to overseas parent companies and artists; that successful local bands often re-signed with the overseas parent company, depriving the 'local' industry of export income; and that the multinationals employed significant economies of scale in maintaining a market share of 85 to 90% of local recording sales.<sup>10</sup> Further, the multinationals were found not to re-invest their substantial profits in local artists.<sup>11</sup>

The PSA Inquiry highlighted a range of global capital practices detrimental to local interests, and the powerless state of local musicians in regard to publishing deals, radio airplay and copyright remuneration. Ostensibly a trade practices investigation into the prices of recording product, the Inquiry was an historic examination of an industry established on avoidance of public accountability. It was also conducted at a time of increased Federal Labor Government funding to the rock industry with the establishment of Ausmusic in 1988 as a contemporary music training body, and Export Music Australia, an Austrade venture in conjunction with the major recording companies and publishing societies. Sensing a responsive Federal Government keen to develop a viable music export sector, the local industry employed an impressive double standard in dealing with Federal Hawke and Keating Government initiatives. In lobbying for Federal

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<sup>8</sup> As evidenced in this chapter, this is partly due to those promoters, managers and agencies who profited from the 1970s-1980s remaining influential within the industry into the late 1990s.

<sup>9</sup> Breen, 1992, p.41.

<sup>10</sup> PSA, 1990, pp. 127, 75,51. For further analysis of the PSA findings, see Breen, *Copyright, Regulation and Power in the Australian Recorded Music Industry: A Model*, Occasional Paper for the Institute for Cultural Policy Studies, Griffith University, Brisbane, 1991. Also, Breen, 'The Entertainment Corporations and a Nation's Music: Inquiry into the Prices of Sound Recordings', *Media Information Australia*, no. 64, May, 1992, pp.31-64.

<sup>11</sup> The Inquiry stated that "for three of the majors local A&R spending in 1989 was less than that of 1985 as a percentage of turnover/sales" (PSA, 1990, p.133). Such statistics seriously questioned the multinationals' argument that their substantial profits gained from relatively higher album/CD prices in Australia were re-incorporated into funding local production. The PSA's major recommendation — to allow parallel importing of recording product to break the dominance of the multinationals — was initially adopted by the Keating Government, and later quietly dropped from consumer reforms. The current Liberal Communications and Arts Minister, Senator Richard Alston, has been successful in implementing parallel importation reform, with the Copyright Amendment Bill (No.2) passed into law in July 1998.



assistance regarding export and local production schemes, the industry also rejected any inspection of its local and multinational business practices.<sup>12</sup>

The local live music industry was in turn investigated by Ausmusic in 1994, with various recommendations to provide increased performance opportunities for musicians within a declining live scene. As its title suggests, the *Stayin' Alive: Creating Jobs and Culture* national report argued the benefits of live music within an explicitly economic rationale. The report emphasised the employment value of the live industry, and its ancillary employment effects (hiring of bar, lighting, sound production, cleaning staff). The report reiterated the collective mythology of the local live circuits in preparing performers for international success, as "a competitive advantage for Australian musicians in the international arena".<sup>13</sup> To counter the diminishing number of venues, the report recommended increased government subsidies (of recording and distribution, venue owner production costs, music training programs, export schemes); co-ordinated national marketing strategies promoting local bands; and an examination of venue regulations and their dealings with booking agencies.<sup>14</sup> The NSW report can be briefly examined as a precis of the National and State reports' methodological flaws. A poor response to questionnaires distributed to audiences, musicians, venue owners, promoters and managers did not provide a comprehensive survey of industry positions and attitudes. Indeed, prominent industry workers cited within the study also represented much of the live industry's problems. The NSW report conceded that in 1993 there were "a lot more [booking] agents now, an increase of approximately 30%", while also noting that "you have two agencies, one record company, one merchandising and one international company containing the same players".<sup>15</sup> The inability to further examine the implied monopoly enjoyed by the group of companies owned by Michael Gudinski (Harbour/Premier booking agencies, Mushroom Records, Frontier Touring company) is indicative of the reports' lack of investigative integrity.<sup>16</sup> Further, the NSW report recommended

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<sup>12</sup> The Australian Record Industry Association (ARIA), the Australian Music Publishers Association (AMPAL), and CBS Records challenged the validity of the Inquiry before the Federal Court (PSA, 1990, p.1).

<sup>13</sup> Ausmusic, *Stayin' Alive* national report, 1994, p.5.

<sup>14</sup> *ibid.*, pp.57-59.

<sup>15</sup> *Ibid.*, *Stayin' Alive* NSW report, September - December, 1993, pp.31, 33.

<sup>16</sup> It should be noted that the author of the NSW report, Kathy Howard, has worked for the Sydney Harbour agency, and with shareholder/CEO Michael Chugg at Frontier Touring.

that ARIA be subject to a trade practices review. A similar recommendation for the dominant Sydney booking agency, Harbour, was not forthcoming.

Few of the live music report recommendations were implemented. The legislative goodwill and Federal funding needed to implement various tax incentives and promotional/education programs departed with the election of the Howard Liberal Government in March 1996. As part of broader reductions in arts spending, the Government withdrew its \$1.2 million Federal Ausmusic grant, which represented 60% of the body's funding.<sup>17</sup> Dependent upon corporate sponsorship and State government funds, the organisation has removed much of its State operations and struggled to maintain a national presence in training schemes. The withdrawal of Federal funding ended opportunities to implement the *Stayin' Alive* recommendations, which were dependent upon industry tax incentives, promotional campaigns and touring support funds. Yet the reports' methodology and findings underlined an enduring reality: that the local music 'industry' consists of a number of competing interests and agendas. The national report's recommendation that "record companies, venues, agents, managers/bands all work more closely together"<sup>18</sup> to the benefit of all parties disguised the lack of any necessarily beneficial co-relation between the parties.

## **II. Beerhemia Inc**

Until 1974 the safety aspects of entertainment premises in NSW were governed under the Theatres and Public Halls Act 1908, or Ordinance 71 of the Local Government Act 1919 which defined fire standards according to use. The efficacy of entertainment building regulations was questioned with the death of fifteen people in a Brisbane nightclub in March 1973.<sup>19</sup> The Whisky Au Go-Go fire created local media concern that venue regulations were insufficient to prevent a similar occurrence in Sydney. Moves towards standardised national regulations however, had been in development since 1964. In July 1974 Ordinance 70 was incorporated

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<sup>17</sup> Tony Wright, 'Funding crisis for musical educator', *Sydney Morning Herald*, 17th May, 1996, p.6.

<sup>18</sup> *Stayin' Alive* national report, 1993, p.56.

<sup>19</sup> The club fire was purportedly the result of an unheeded extortion demand from organised crime figures attempting to control Brisbane's small inner city nightclub scene (Phil Stafford, 'Fire

within the NSW Local Government Act, based upon the Australian Model Uniform Building Code which had been adopted in most States. Ordinance 70 enforced the provision of hose reels, emergency lighting and exit signs, and required that a change in the classification (use) of a building to fully comply with the new standards.<sup>20</sup> Council powers to ensure venues' compliance with standards were also strengthened under s.317(D) of the Local Government Act. Sydney's own Whisky Au-Go-Go nightclub in Kings Cross, evacuated six hundred patrons in a fire in March 1975.<sup>21</sup> The Chairman of the Sydney City Council Works Committee warned of the shortcomings of Ordinance 70 where councils lacked the resources to conduct regular inspections of premises.<sup>22</sup> An historical flaw within various statutes remained their imprecise abilities in regulating entertainment premises of mixed use. The Theatres and Public Halls (Amendment) Act of October 1977, which became law from the 1st of January 1978, amended the definition of public entertainment to include theatre restaurants, discos and striptease clubs. The Amendment also increased penalties for failure to comply with safety standards, and required the use of non-inflammable materials (wall finishes, furnishings) in the design of venue interiors; proprietors were given three months to comply with the new regulations.<sup>23</sup>

An increasing governance of public entertainment did little to deter the larger, well known venues on the national rock circuit operating within a regulatory landscape of blatant licensing/building law ignorance, corruption and lax policing. The city scene experienced a growth in small and large pub venues catering to a spectrum of commercial and alternative tastes: the Stagedoor Tavern, the Southern Cross Hotel, the Bondi Lifesaver, the Civic Hotel, the Sydney Cove Tavern, the Sussex Hotel, the Grand Hotel, the Rock Garden (the former Whisky-Au Go-Go venue in Kings Cross), the Tivoli and a revamped Chequers. The extent to which "bands could walk into a pub and say 'we can double the amount of

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Regulations', *RAM*, 9th September, 1983, p.7; Brian Johns, 'Federal police warned QLD of club violence', *Sydney Morning Herald*, 10th March, 1973, p.1).

<sup>20</sup> J.J. Dorans, 'Building Regulations and Fire Precautions', *Seminar on Fire Conference Papers*, Australian Fire Protection Association, 1976, pp.3-5.

<sup>21</sup> 'Strict fire rules may close some nightclubs', *Sydney Morning Herald*, 26th December, 1975, p.1. The venue had previously received a council order to upgrade fire standards.

<sup>22</sup> 'Fire risks in Sydney', *ibid.*, 26th August, 1975, p.3.

<sup>23</sup> 'Stricter fire rules for theatres enforced', *ibid.*, 2nd January, 1978, p.3. Venues were inspected by the Department of Services, which incorporated the former Chief Secretary's Department.

people you've got in here now'"<sup>24</sup> is confirmed in the entwined histories of the Graphic Arts Club in Regent Street, Chippendale, and the Trade Union Club in Fouveaux Street, Surry Hills. Both premises resorted to entertainment policies at odds with the established interests of their clientele:

The Graphic Arts was run by the printers' union, and that was at the time that random breath testing really hit the inner city clubs and their business dropped off dramatically. The situation was, because of the [*Sydney Morning Herald* printery] being close by, the workers there would be doing twenty four hour shifts, they'd knock off and go straight to the club and get on the piss. Of course, when random breath testing came in, it was the end of that, and so their membership dropped off dramatically and they suddenly didn't mind the thought of having one thousand screaming punters in there every night to keep their bar sales up. The bands I started there were fairly low key, r&b stuff. It was only later on that there was more wild stuff like the Beasts of Bourbon; it was a quite a good working relationship. I ran it with a couple of other people for six to seven years. The printers would still drink downstairs, and we'd have upstairs ... There were no noise problems there at all, that was the beauty of that place; there would be nights when we'd fit fourteen hundred in there with no complaints. I eventually got sick of it, and the pressure to do something different every week, but it was a good place for all those inner city bands like Died Pretty and The Triffids; but a lot of that started to die off in the late 80s. And then they started letting other [promoters] in, before that I'd always had an exclusive arrangement with the club. They started letting it out to other people, and there were a few really out-of-control gigs upstairs — I think Radio Skid Row did one where the place got smashed up, and then they basically just pulled the plug. I think by then their trading had picked up.<sup>25</sup>

The Trade Union Club was appropriated by rock and roll in a similar fashion. Established by the Ironworkers, Waterside and Liquor Unions in 1981, licensee Dennis Stoneman agreed to a live rock policy to arrest declining blue collar memberships as the Surry Hills area changed with gentrified housing and retail developments. With three floors dedicated to entertainment, the Trade Union was a site designed to cater to a variety of tastes. The size of the venue and the sympathetic policy of promoter Chris Ruhle ensured a mixture of satire, cabaret, hard rock and inner city chic:

The Trade Union was one of the all time best. They had two, sometimes three floors going; it was excellent, a veritable circus. You would meet someone you knew on each floor. The Brazillian Cockroaches used to play on the first floor; a lot of people I know recall a lot of late nights with this crazy Brazillian band, who were a leftover from when the Trade Union was more of a club. It's hard to describe the fun that was had there, in the face of fairly strict management. The Vulcan [Hotel] was going at that time; the Southern Cross which became the Strawberry Hills [Hotel]. At one point you had the Hopetoun, the Trade Union Club, and the Strawberry Hills all operating, and it was quite common for roving groups to be wandering from one to the other; a real party atmosphere on the

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<sup>24</sup> Stuart Coupe, interview.

<sup>25</sup> Promoter Chris Ruhle, interview.

streets. The Strawberry Hills and the Hopetoun both closed at midnight, and those people would then go en masse to the Trade Union Club.<sup>26</sup>

Suburban venues exploited their larger lounges and auditoriums in purpose-built hotels: the Royal Antler Hotel at Narabeen, Selina's (the Coogee Bay Hotel), the Manly Vale Hotel, the Bexley North Hotel, the Caringbah Inn, the Dee Why Hotel, the Family Inn at Rydalmere, the Comb and Cutter Hotel in Blacktown. These venues, fondly remembered by older promoters, can all be connected to the formative experiences of successful bands: Midnight Oil's early audiences were to be found at the Royal Antler; Flowers (Icehouse) and Mental As Anything gained wider recognition at the Civic; Rose Tattoo found their early Sydney audiences at the Bondi Lifesaver, for example. As observed by the promoter of the Civic Hotel, Bob Yates, the circuit was founded upon the "necessary illegality"<sup>27</sup> of a black market economy:

By the end of the 1970s there was a fantastic circuit ... I think most people were [making payments to licensing squad police], because most venues were so obviously flouting the law ... we had guys turning up to inspect [the Civic] and turning a blind eye. The Stagedoor had a tavern licence, which meant they weren't supposed to open on Sundays, but I can show you a million posters where it was open with massive bands. I can remember one night with Mi-Sex at the Tavern, we must have had fifteen hundred people in there at \$4 a head, so it was considered big money. I was in the office with [owner] Pat Jay, and Pat had a safe full of dope and bags of money, tens of thousands of dollars. Two young cops came in, and we thought we were dead. Pat asked them what they wanted, and they said they'd come for 'Sargent Smith's' envelope. Pat said 'look, I'm busy, come back another time'. I don't know what he paid them, but it just looked humiliating for these two young cops, and obviously it was just part of the system. I think he used to pay them something like \$100 ... If they hadn't been so greedy — the bands, the management, everybody — everyone used to boast 'we played the Stagedoor with sixteen hundred people'. It was more than just greed, it was an ego thing on the part of the bands.<sup>28</sup>

John Woodruff, the manager of the Angels, also remembers a largely unregulated circuit:

The big thing that used to freak [the venue owners] out was the damage — the damage bills were enormous. We then started putting it in [the Angels'] contracts that they couldn't use glasses, because the kids would be walking knee deep in blood. The government got tough on venues because there were some sleazy operators around, selling drugs etc. But let's be serious here — the level of corruption in Sydney was just ridiculous, the level of payola, and police payments was chronic. I mean, the Stagedoor Tavern was licensed for two hundred and sixty eight people. I remember a door deal where I put eight hundred and thirteen

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<sup>26</sup> Darcy Condon, interview.

<sup>27</sup> Michel Foucault, 1979b, p.83.

<sup>28</sup> Interview. Yates also operated the Stagedoor Tavern for a short period, and later managed the successful band Mi-Sex.

people in there. There were two other fire exits [apart from the entrance], but because he was too cheap in terms of security, [Pat Jay] always padlocked them. And I remember sitting in his office, and [a police] officer would come in and ask whether he paid weekly or monthly".<sup>29</sup>

The Stagedoor Tavern was a venue that exemplified the prevailing industry ethic to disregard audience/performer comfort and safety, and adapt sites to the brutal repetition of rock performances. Initially a traditional tavern servicing clerical workers within the Central Square office block on the corner of Castlereagh and Campbell streets, the site was transformed under manager Pat Jay into a "renovated carpark with carpet and some pictures on the walls that you couldn't see anyway".<sup>30</sup> With the entrance also serving as the main exit, the possibility of a fire did not bear consideration. Tiring of the damage to the surrounding offices, the Tavern's leaseholders did not renew Pat Jay's lease. The Tavern's final performance, 'Midnight Oil Destroys the Stagedoor' in 1980, attracted seventeen hundred and fifty people, with five hundred people outside in confrontation with police.<sup>31</sup>

The Caringbah Inn in the southern suburbs of Sydney presents an example of the benefits to hoteliers in adapting their premises for pub rock. Upon Allan Reid acquiring the hotel in 1980, Sunday bar sales were approximately \$700.<sup>32</sup> After investing \$81 000 in upgrading carpets, bars and toilets, Reid presented bands from Wednesday to Sunday and advertised the hotel heavily within local media and Sydney radio stations; the hotel was part of the 'Rock Circuit' promotions representing a group of live venues on city radio. In 1984 Reid estimated his daily earnings to be \$16 000.<sup>33</sup> In the new era of mixed audiences and women performers, older public bar traditions remained. In the public bar Reid believed in giving "the ordinary drinker what he wants: an attractive bar attendant that can pull a good beer ... they're always smiling and the people don't have to wait".<sup>34</sup> The Caringbah Inn also assumed the practices of venues such as the Stagedoor; in 1991 an ICAC (Independent Commission Against Corruption) report found Reid

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<sup>29</sup> Interview.

<sup>30</sup> *Rolling Stone/Juice* editor Toby Creswell, interview.

<sup>31</sup> Rob Hirst, Midnight Oil drummer, cited in Hutchison, 1992, pp.3-5. Midnight Oil had made emergency plans to lock themselves in an industrial fridge in the instance of a fire.

<sup>32</sup> 'Promote Yourself', *AHA Review*, December, 1984, p.23.

<sup>33</sup> *ibid.* At the time the hotel headed the Liquor Administration Board's hotel rankings in terms of liquor sales within the State.

to be making payments to Sutherland Licensing Police to “secure a favourable regulatory climate in which the hotel might operate”.<sup>35</sup>

The Caringbah Inn was one of many venues to benefit from further licensing law deregulation. Favours the introduction of limited Sunday trading, the former Askin Liberal Government had put the notion to a referendum that became the focus of a bitter campaign between Temperance-Church alliances and the liquor industry; the notion was defeated.<sup>36</sup> The Wran Labor Government, elected in 1976, established a parliamentary Select Committee to determine the state of alcohol consumption. The Quinn Committee believed community attitudes to drinking had changed to the extent that an increase in trading hours and in the number of outlets would not affect consumption.<sup>37</sup> In December 1979 Liquor Act amendments introduced Sunday trading within hotels between noon and 10 pm, while weekday trading for hotels and wine bars were extended by an hour to 11 pm. The Act also enabled licensees to demand proof of age from patrons, with penalties increased for under-age drinking. For many venues, the new laws were confirmation of practices employed for several years without prosecution. While the Sunday Observance laws were replaced with the Sunday Entertainment Act in 1966, Sunday prohibition had previously remained within the Liquor Act. Sunday trading enabled the live circuit’s growth, with bands, promoters and venue owners also able to extend their earning capacities on Monday, Tuesday and Wednesday nights, periods formerly considered unviable. The hotels were now placed to challenge the registered clubs’ monopoly of Sunday entertainment:

[Hotel Sunday trading] was drastic for the club industry. Previously, some of the performers would work three shows in the one day. They might do a breakfast show, a 3 p.m. show and then a night - time show at its peak. And musicians suddenly decided to ask for double time [payments] on Sundays. Our whole life was based around the fact that our club industry works between Friday and Sunday as the major source of time and income, and if you could pick up a Monday -Thursday it was great. And then they decided to ask for double time on Sunday, the days when you get the majority of their work! Why would you do

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<sup>34</sup> *ibid.*

<sup>35</sup> ICAC *Report on Investigation into Sutherland Licensing Police*, February, 1991. The investigation found that weekly payments of \$250 were made for a period of eighteen months after the hotel was inspected as a result of resident complaints (pp.1-4). In an observation of understatement, the Commissioner believed such conduct to be “widespread, beyond the Sutherland region” (p.iv).

<sup>36</sup> Lewis, 1992, p.81. The notion was lost by 906 276 votes to 1 249 835.

<sup>37</sup> Report (Part 1) Select Committee of the Legislative Assembly upon Liquor Trading, Government Printer, Sydney, 1979, pp.13-14.

that? Sunday jobs just went ... I think it's still on the books, but nobody mentions it. A musician these days is just glad to be working on a Sunday.<sup>38</sup>

### III. From permissiveness to control

In adopting its recommendations to allow Sunday trading, the Wran Government also implemented the Select Committee's decision to abolish s.57A of the Liquor Act, which had allowed hotels to trade until midnight (an extra hour) with a de facto supper licence. This provided the first instance in which the various sectors within the NSW industry — musicians, venue managers, booking agents — united against reduced trading hours. The NSW Contemporary Musicians' Association was formed to submit to the Attorney-General that four thousand jobs and an annual income of \$12 million<sup>39</sup> could be lost:

That was under Wran, and as none of the pubs were set up under the [Theatres and Public Halls] regulations, we couldn't charge to let people in. It took us about four weeks to turn that one around. We got some trucks and blocked the Sydney Harbour Bridge. For the first time all the organisations came together, but then fell apart after the battle was won.<sup>40</sup>

The event that transformed the regulatory landscape in terms of fire standards for venues, however, was the fire that led to seven deaths at the amusement centre of Luna Park on Sydney's foreshore in June 1979. The Coronial inquiry established to investigate the deaths in the Park's Ghost Train ride found the most probable cause to be the igniting of flammable litter from a discarded cigarette or match within the Ghost Train tunnel.<sup>41</sup> Significantly, Coroner Anderson found the Park's proprietors had not implemented North Sydney Council orders to install emergency lighting and hose reel systems within the ride's tunnel, and concluded that such provisions may have enabled a safe escape route for those trapped. Upon examining the regulatory bodies authorising use of the Park, the Coroner noted the confusion in relation to governance of various functions within the site, and the need to include amusement centres within the meaning of the Theatres

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<sup>38</sup> Carol Jacobsen, interview.

<sup>39</sup> Christine Hogan, 'Late night hotel band circuit licences threatened', *Sydney Morning Herald*, 3rd July, 1979, p.11.

<sup>40</sup> Manager/promoter Michael Chugg, interview. At the time, only venues charging an admission fee for entertainment were obliged to obtain a licence under the Theatres and Public Halls Act.

<sup>41</sup> 'Ghost train fire was foreseeable, says coroner', *Sydney Morning Herald*, 4th September, 1979, p.4.



and Public Halls Act.<sup>42</sup> The Park was “under lease from three different government bodies” which illustrated “the need for State-wide police and control by the fire brigades, the Department of Services, or both”.<sup>43</sup> This was in keeping with a fire brigade report of the previous year which stated the problems of “divided authority” in regard to policing of venues.<sup>44</sup>

The Luna Park tragedy reflected councils’ unwillingness to use s.317D to close venues until upgradings had been completed. The immediate response to the Luna Park fire was the amendment of the Fire Brigades Act in December 1979, granting the Board of Fire Commissioners greater inspection powers and rights of entry.<sup>45</sup> The Luna Park deaths generated a climate in which all entertainment sites were brought under further scrutiny in regard to the suitability of fire safety regulations to the nature of conduct within premises. All places of assembly were reviewed, with an emphasis on venue capacities and site exits. Hotels were a primary focus of concern:

The Liquor Administration Board got a little worried about what was happening around certain hotels in 1980. They became concerned at overcrowding and other things. We were asked to have a look at some of the larger places in [suburban] Sydney — we went to Blacktown, Parramatta, some of the bigger pubs. Before that, there had been some concern about registered clubs and compliance with safety standards ... but the clubs convinced the Government that changes to their regulations didn’t have to be done.<sup>46</sup>

If not the sole determinant of regulatory change upon the State’s venues, the extent of non-observance of fire laws within leisure sites, evident in the Luna Park inquest, could no longer be ignored by the government following the minor panic constructed after the Luna Park deaths. The effects of fire safety governance upon music venues are discussed later in the chapter, in which the industry is forced to confront various measures of accountability.

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<sup>42</sup> *ibid.*

<sup>43</sup> *ibid.*

<sup>44</sup> Editorial, ‘Safety, first’, *Sydney Morning Herald*, 4th September, 1979, p.6.

<sup>45</sup> Legislation subsequent to the Luna Park fire embodied a tradition of government responses to tragedies. The Theatres and Public Halls Act 1908 and the Fire Brigade Act were both the result of the Anthony Hordern’s building fire in 1901 (Australian Institute of Valuers, *Ordinance 70: Refurbishment of Existing Buildings*, AIV, 1984).

#### IV. Resident Power

The compatibility of a heavier rock scene with greater technical capacities to increase PA levels within venues contrasted with developments regarding environmental concerns and subsequent legislation. Contestation between private and public uses and rights in regard to land and commercial industry became issues of greater concern. An increase in white collar jobs within the Central Business District and an emerging younger middle class from the late 1960s transformed working class inner city areas. Terraced housing inner suburbs — Paddington, Surry Hills, Glebe, Leichardt and Balmain — were gentrified as their attractions became evident to higher income city workers.<sup>47</sup> Between 1960 and 1965 house prices in Paddington rose by 207%.<sup>48</sup> Other areas experienced gradual middle class conversions and the removal of their traditional working class bases. Such shifts influenced what Donald Horne has broadly interpreted as an “institutionalisation of protest” which developed within Sydney suburbs from the late 1960s.<sup>49</sup>

A series of issues highlighted the increasing public nature of amenity politics: Paddington residents’ successful prevention of road expansion through the suburb in 1968; the formation in 1971 of the Coalition of Residents’ Action Group; the green bans instigated by the Builders Labourer’s Federation; and The Rocks Resident Action Group’s opposition to the Askin Government’s Sydney Cove Redevelopment Authority plans to remove waterfront housing in favour of high-rise office redevelopment.<sup>50</sup> Kendig has observed that policies designed to improve or maintain the amenity of areas usually followed a significant time after the changing class nature of the areas.<sup>51</sup> Indeed, much of the local and State government legislation regarding noise, building, traffic and other localised environment matters was not established until the late 1970s and early 1980s. The changing demographic structure of suburbs placed under increasing scrutiny the various conflicts between public and private use of property, particularly the often

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<sup>46</sup> Serge Fijac, Department of Local Government, interview.

<sup>47</sup> Kendig, 1979, pp.125-166.

<sup>48</sup> *ibid.*, p.128.

<sup>49</sup> Horne, 1980, p.63.

<sup>50</sup> See Jack Munday, *Green Bans & Beyond*, Angus and Robertson, Sydney, 1981. Andrew Parkin, *Governing The Cities: The Australian Experience*, Macmillan Sydney, 1982, pp.87-88.

incompatible industrial uses of sites undergoing residential development. The shift from production to sites of (mainly private) consumption increased the conflict between public interests and private rights. Such contestations of space within suburbs are mediated within local and State zoning law which, as urban researchers have reflected, relies heavily upon the application of various nuisance laws in the protection of private residences from objectionable commercial uses and development.<sup>52</sup>

As commercial sites often situated within or near residential areas, music venues — the local pub, restaurant or club — represent interesting applications of zoning law, particularly within the sphere of local council jurisdiction. As revealed in later case studies, the inflexible nature of zoning laws poses problems: hotels located on main streets and zoned as business sites often bisect residential streets. Where the incompatibility of land use becomes apparent, existing use (or non-conforming) rights can be claimed where “a new planning scheme creates a situation where in many cases existing uses and existing buildings do not conform with the zoning provisions of that scheme”.<sup>53</sup> In 1973 and 1977 the Local Government Association, frustrated with the inflexibility of existing use laws, requested (unsuccessfully) that councils be empowered to phase out non-conforming development within residential areas within ten years.<sup>54</sup> This suggests, in accordance with subsequent attempts to restore or maintain private amenity, a decreasing tolerance towards commercial uses within or near private housing.

The pause between an assertion of amenity rights and actual legislation notwithstanding, nuisance aspects within environmental law did change. The State Pollution Control Commission (SPCC) was established in NSW in 1970 and subsequently empowered to administer the Noise Control Act 1975, the first specific noise pollution legislation of its kind in Australia. Based upon the United Kingdom Noise Abatement Act of 1960, the legislation empowered police, councils and SPCC officers to issue noise abatement orders to scheduled premises

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<sup>51</sup> Kendig, 1979, p.129.

<sup>52</sup> J. Atteridge, J. Kell, S. Stewart and C. Vidor, *Non-Conforming Uses in Sydney*, Macquarie University, 1979, p.4.

<sup>53</sup> *ibid.*, p.3.

<sup>54</sup> *ibid.*, p.9.

(large concerts, industrial complexes) and non-scheduled premises (hotels, clubs). It also replaced the contentious former s.289 definition of noise within the Local Government Act 1919 which proved “of no effect unless given teeth”.<sup>55</sup> The new “Offensive Noise” definition replaced the “objectionable” terms that had proved difficult to use in prosecutions. “Offensive Noise” was sound deemed likely to be “harmful” or “offensive” or “interfere unreasonably with the comfort or repose of persons” within or outside a public place or other premises.<sup>56</sup>

Government concerns with hotel entertainment were codified in 1981 Liquor Act amendments designed to “extend the power of the licensing court concerning the preservation of quiet and good order in the vicinity of licensed premises, including restaurants”.<sup>57</sup> This was related to the deregulated climate in which hotels (with or without entertainment) were willing to extend their trading hours. Midnight trading, the Liquor Administration Board argued, seemed less acceptable to residents than 11 p.m. closing.<sup>58</sup> In addition to the new s.47 provisions safeguarding the “quiet and good order of the neighbourhood” the Government inserted a new ground of objection to licensed premises within suburbs: “that the needs of the public in the neighbourhood of the premises be met by facilities for the supply of liquor existing in, and outside the neighbourhood”.<sup>59</sup> This placed responsibility upon licensee applicants to prove that existing sites were not meeting the demand for new licensed premises. The s.47 amendments also replaced previous requirements that twenty or more residents were needed in Licensing Court complaints; residents could now authorise one representative during the complaints process. According to the Minister for Justice Frank Walker:

Whilst appearing harsh measures, the restrictions reflect the Government’s present attitude that residents must be given the means to combat sudden changes to their environment which substantially affect their quality of life.<sup>60</sup>

The shift in empowering resident rights within the complaints process provoked a

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<sup>55</sup> J.H.H. Blackman, ‘The Present State of Noise Law’, *Noise Legislation and Regulation*, Australian Acoustical Society, S1A-2, 1972.

<sup>56</sup> State Pollution Control Commission, *Noise Control Seminar Notes*, 1976, p.1.

<sup>57</sup> Liquor Administration Board, *Annual Report*, 1981, p.9.

<sup>58</sup> *ibid.*, p.3. 70 applications in which trading hour extensions had been opposed were awaiting LAB hearing.

<sup>59</sup> S.29(1) of the Liquor Act, cited in Liquor Administration Board, *Annual Report*, 1982, p.1.

<sup>60</sup> ‘Changes to Liquor Act before House’, *AHA Review*, May, 1981, p.20.

re-assessment within the Australian Hotels Association (AHA), which had always exercised its significant influence upon State Labor governments gained from traditional (financial and moral) support. Hoteliers believed the AHA had lost its public relations war with registered clubs (see Figure Four), which required a campaign emphasising the community benefits of hotels: “the publicity [hotels] have got has been negative ... Instead of hearing about noise pollution in hotels, let us hear about how many hotels are providing good entertainment which is cheaper than in theatres”.<sup>61</sup>

Acting upon Environment Protection Authority advice, the Government established noise levels for entertainment premises in defining resident amenity within the new 1982 Liquor Act. A premise’s LA10 level could now not exceed the background noise level (ie surrounding noise within the area) by more than 5 db(A) up to midnight. Levels after midnight could not exceed the background level (measurement of noise levels were to be conducted at the boundary of the nearest residence). The ability of hotels or clubs to provide rock bands after midnight was made increasingly difficult, given the need to ensure band PA levels heard in the street did not exceed the ambient levels of the venue’s surroundings, a particularly difficult exercise as traffic and other noise recedes throughout the night.

The conflict between resident and commercial rights had been increasingly evident for several years. Venues within the Central Business District situated on main streets — for example the Civic, the Stagedoor, the Grand, Chequers, and the Tivoli — did not have to contemplate resident concerns. Others, like the Bondi Lifesaver, were situated in commercial centres some distance from suburban housing. The proliferation of resident action groups signalled cohesive strategies in enforcing residential quiet. This was particularly evident in the suburbs immediate to the Central Business District which were undergoing gentrification and an increase in commercial uses. The Rocks area, after the success of resident groups and the Builders Federation in preventing office redevelopment of the area, were confronted with an increasing number of restaurants and hotels as a

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<sup>61</sup> Hotelier cited in ‘Council call for action’, *AHA Review*, April, 1983, p.5.

# BLIND FREDDY COULD SEE THE INJUSTICE

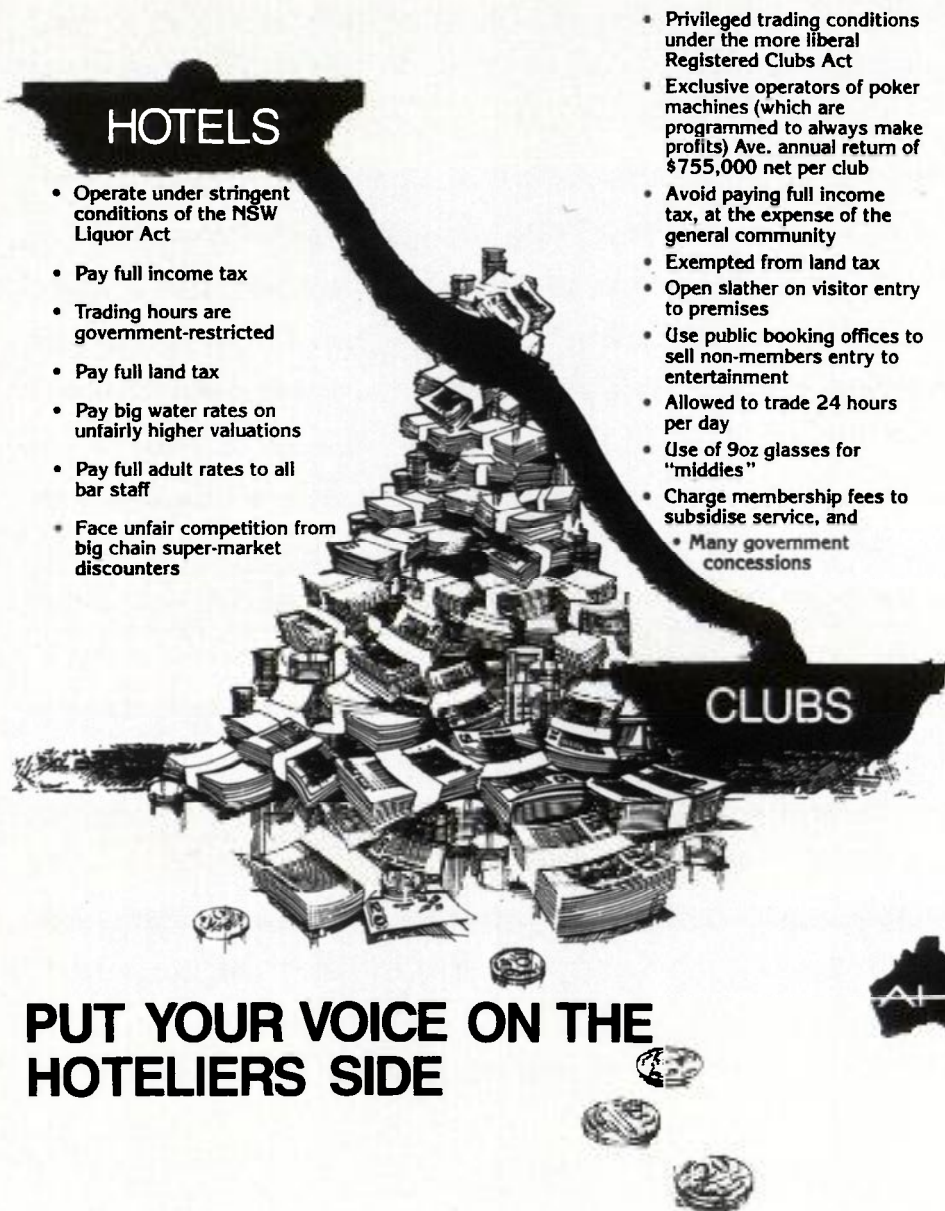


Figure 4. Australian Hotels Association advertisement. AHA Review, December 1983.

popular tourist area.<sup>62</sup> Venue owners within those areas in the process of gentrification — Paddington, Balmain, Woolloomooloo, Bondi, Randwick and the inner western suburbs — experienced resident complainants empowered by the Liquor Act changes.

The strength of resident powers in ensuring the ‘quiet and good order’ of the neighbourhood, and the ties between the gentrified areas and a concomitant defence of property rights were also tested in the use of the Sydney Cricket Ground and the Royal Agricultural Society (RAS) Showgrounds for concerts. Since 1983, inner city residents and councils have contested promoters’ rights to conduct large scale concerts at both venues. While the Showgrounds have been lost from ‘public’ management, their history reveals a discrete site of amenity politics, as a place of predominantly commercial uses. Rock promoters have consistently asserted their desire to claim the Showgrounds for private profit. Similarly, the coherent strategies of residents groups have sought to imbricate the site within private amenity concerns ‘in the public good’. The resultant tension derives from local promoters’ refusal to contemplate the designed preference to outdoor events (the Entertainment Centre) as an alternative site. This no doubt stems from the unique economic-logistical constraints incurred in meeting the fees of artists such as Prince and Madonna, who impose restrictions on consecutive concerts in smaller indoor venues. The scale of such multinational operations also provides international performers with sufficient economies of scale to over-ride local concerns. The mobilisation of councils, residents and State government interests in the form of environment court actions can be incorporated within operational costs. In questioning the nature of surrounding development, Paddington and Centennial Park resident battles regarding the Showgrounds represent the initial site of contestation between (high income and well informed) home owners and live rock practices.

Where outdoor events represented informed speculation on the profitability of both performer and venue, the city’s rock pubs and clubs had proven to be respectable investments of dubious methods. However, as observed below, local

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<sup>62</sup> Nita McRae, ‘Noise report from the rocks, or how to drive out the residents’, *Noise Problems in the City of Sydney: the Residents’ View*, Sydney City Council, 1977, p.19. The Rocks houses a number

hotel and club owners were more acutely subject to amenity considerations. I now wish to examine the means by which amenity battles affected the operations of established rock sites.

## **V. The Manly Vale Hotel**

Sydney's northern beach suburbs had established a profitable pub circuit from the late 1970s: the Time and Tide Hotel, the Royal Antler, the San Miguel Inn at Cammeray, the Mosman Hotel and the Dee Why Hotel. The largest northern Sydney venue, the Manly Vale Hotel, presents an interesting case study in the history of the Sydney rock pub. The hotel's engagement with local government, licensing authorities and local police from the mid-1980s indicates the disciplinary techniques applied to music venues. Intensive research of council documentation regarding the site's policing reveals the shifts in community and local authorities' attitudes towards its operation as rock venue. The Manly Vale presents an example of the conflicts in operating a venue of Oz Rock principles within the changing environmental climate of the 1980s.

Built in 1964, the Manly Vale was part of the Millers hotel chain of venues, and placed an emphasis on entertainment within their 'International Room', with a capacity of eight hundred people (see Figure Five). The Hotel's structure reflected Millers' attempts throughout the 1960s to replicate the size and ambience of registered club facilities and entertainment (it also operated as a motel). With the demise of the Millers chain in the mid-1970s, the pub became part of the Bryants chain, and from this period the venue began booking local and international bands. Conversion of the venue into a successful rock site required considerable effort:

We tried to get a circuit going from Monday to Sunday. We did the first 2JJJ live-to-air [programs] at the Manly Vale Hotel, we used to do that once a week. In my circuit we had the Comb & Cutter, the Sundowner, the Manly Vale, the Bexley North, the Sylvania [Hotels]. A lot of people had tried with the Manly Vale before I took it over. It was such a big room, and I couldn't believe why it didn't work. I lost everything I put in for six months straight. I tried everything — Split Enz ... but I was convinced I could break it. Then after six months I worked out the problems with the security, did a bit of marketing. Marketing's a very used word

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of the oldest public houses in Sydney, along with various Irish pubs. The area now enforces a 12.30 a.m. closure on all hotels in the area in consideration of residents' amenity.



now, but back in those days it wasn't considered. I finally cracked it, and we had everyone — the Romantics, the Dugites, the Stray Cats, the Cure ... it was so exciting.<sup>63</sup>

The venue was favoured by bands due to the enthusiastic response of local audiences. The Manly Vale, as one of the visible northern suburbs 'surf-rock' sites, exemplified the youth-alcohol nexus (a homologous connection between local subcultures and cultural forms) as performer Richard Clapton remembers:

My audiences, when I say rioting, it wasn't ugly violence. At the Manly Vale, it always used to amuse us — the whole audience used to go out into the carpark and there'd be hundreds of cars with a marijuana cloud over the whole area. It was sort of like this ritual. My punters would sit out there and get stoned out of their brains, and blatantly so too. Then they'd come in and start drinking on top of that. I didn't get the more ugly violence that some of the bands attracted. It wasn't violence, it was really people having a good time, more, 'fuck off and let us have a good time'. The Manly Vale probably ended up [being] my favourite gig.<sup>64</sup>

Bryants, through licensee Graham Francis, applied to the Licensing Court in 1980 to extend their closing time of midnight to 3 am, which was vigorously opposed by both State and Federal members of parliament, the local Warringah Council and the local press. Unsuccessful (trading hours were actually reduced to 11 pm), Francis applied in 1981 for a 12.30 or 1 a.m. closing time to enable "a more orderly dispersement of patrons" after band performances; this was also refused.<sup>65</sup> In May 1982 residents objected to the renewal of the publican's licence. After an independent acoustic report, the Council supported residents' complaints regarding the noise and behaviour within and outside the hotel.<sup>66</sup> The Licensing Court granted the licence renewal upon the conditions that the hotel undertook to limit the audience capacity in the International Room to 1058, effectively supervise all patrons, and ensure all doors remained closed during entertainment.<sup>67</sup> Until this period, the hotel had been known to have fifteen to seventeen hundred people on popular band nights.

Increased supervision of venues decreed that the Hotel would be subject to closer inspection, and the Council's report to the Licensing Court in October 1982

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<sup>63</sup> Promoter Harry Della, Rock Circuit Promotions, interview.

<sup>64</sup> Richard Clapton, interview.

<sup>65</sup> Manly Vale Hotel files, Warringah Council file 1075/240-252. It is interesting to note Harry Della's submission to the court that the hotel's entertainment patrons were "very well behaved" and constituted "a cleaner cut audience".

<sup>66</sup> *ibid.*, Council meeting, Town Planning Report, 27th September, 1982.

<sup>67</sup> *ibid.*, Council meeting, 20th December, 1982.



**Figure 5. Manly Vale Hotel c.1986**

provides the choices at authorities' disposal. The Council's Senior Health and Building Surveyor stated that under the Theatres and Public Halls Act, the capacity of the International Room was 1048 people. This was based upon the Act's calculations of entertainment premises requiring 0.45m squared per person.<sup>68</sup> The report also noted that under the provisions of Ordinance 70 within the Local Government Act, the venue had serious shortcomings regarding the number of exits and exit widths, and would be suitable for no more than four hundred people.

The Bryants chain was placed into receivership in 1983. Licensee Graham Francis continued with the lease and instigated court proceedings to assume financial control of the premises.<sup>69</sup> Authorisations regarding venue capacity were confused further: in April 1983 a police report on the venue calculated that seven hundred and thirty seven patrons could be allowed in the auditorium, with a further one hundred and ninety seven in the dining area.<sup>70</sup> Following further complaints, the District Court imposed conditions upon the venue, which ended the debate regarding capacity. The Hotel was to ensure the effective departure of all patrons from the carpark; sound levels were not to exceed 5 db above background noise levels of the surrounding neighbourhood; and the International Room could not exceed four hundred and eight patrons.<sup>71</sup>

The reality of the new regulatory landscape became clear in the Supreme Court Judgement in December 1984, which found the venue highly deficient in complying with Ordinance 70 provisions, based upon a Board of Fire Commissioners report. Previous legal battles with the Council paled beside the orders relating to fire upgrading required throughout the entire building (see Appendix A). There seemed few sections of the building that did not require structural amendment: the inflammability of decor interiors; upgrading of fire equipment (hose reels, fire blankets, alarms); the installation of fire-rated partitioning; increasing the width and number of exits. Any future increases in the venue's capacity required a further three exits from the auditorium. Much of the

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<sup>68</sup> *ibid.*, Council report, 18th October, 1982.

<sup>69</sup> Mike Cockerill, 'Legal battle over Manly Vale hotel', *Manly Daily*, 6th April, 1984, n.p.

<sup>70</sup> Council file 1075/240-252-G, 12th April, 1983. The police sergeant's report was calculated on Theatres and Public Halls Act capacities of 0.7m squared per person.

<sup>71</sup> Cited in Council report, 3rd April, 1984.

Hotel's problems in this area derived from the International Room being situated on the first floor; entertainment areas above ground level were required to observe more rigid compliance codes. Graham Francis clearly believed the four hundred and eight capacity limit to be unworkable in terms of rock bands.<sup>72</sup> Apart from the costs in installing a further three exit doors, he also faced the additional costs of adapting existing 1960s exits to the current 1980s standard; this required attaching panic bolt latches and ensuring all doors swung outwards. In September 1984 the Supreme Court had ruled against (the land owners) Bryants, who had objected to the Land and Environment Court regarding the venue owner's rights under s.317(D) orders from Council to undertake the necessary fire safety alterations.<sup>73</sup> The Court found Bryants had no grounds of objection.

With the owners in receivership, Francis obtained the pub's freehold title in November 1986. The publican's strategy changed dramatically in an attempt to appease residents. In June 1986 Francis sought Council approval for an upgrading of the venue's entertainment (at a cost of \$1.8 million), with the live band room to be replaced with a nightclub/disco; bottle shop trading would be expanded, while the site would dispense with its motel functions.<sup>74</sup> Francis also argued for later weekday trading hours to make the disco viable in catering to "a broad cross-section of the people in the area and [in creating] new employment opportunities".<sup>75</sup> A Special Meeting of Council in October rejected the plan as an inadequate solution to the 'quiet and good order' problems. The nightclub idea was subsequently dropped in favour of a functions centre proposal, also rejected by Council. Francis submitted another proposal in November emphasising no extension of trading hours or bottle shop trading, and the planned enclosure of the beer garden and balconies.<sup>76</sup> There was a discernible shift in marketing strategies, in which the Hotel had to be regarded as a responsible corporate citizen:

It is our hope and intention to operate a hotel that is welcome and of use to the community. We do not intend to again have rock bands in the premises and have

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<sup>72</sup> Cockerill, 1984, n.p.

<sup>73</sup> *Bryants Manly Vale Pty Ltd v Francis and others* (1985, 1986) *Local Government Reports of Australia*, vol. 59, pp.306-317. A s.317(D) notice under the Local Government Act requires the owner to complete the work required within ninety days; s.95 of the Liquor Act empowers the LAB to order compliance with council orders.

<sup>74</sup> Council file 1075/2040-252, Part 5.

<sup>75</sup> 'Residents' help sought in hotel redevelopment', *Manly Daily*, 25th July, 1986, n.p.

<sup>76</sup> Council file 1075/2040-252, Parts 5-8.

in fact designed away from the possibility by reducing the numbers allowed in the [proposed] function room to about 450 ...<sup>77</sup>

Subject to conditions, the Council granted consent to the functions centre development, and Francis undertook not to seek trading hour extensions in the future. In January 1989 further plans were submitted to convert the site into a mixed tavern/office/residential development. Yet in 1991 new owners of the site, the FAI Insurance group, and new licensee Steve Gearie returned live bands to the auditorium, upgrading the venue to Ordinance 70 standards and working with a room capacity of four hundred and eight.<sup>78</sup> Now known as the Peninsula Hotel, the Council's intentions were made clear in 1993 in a Housing report of the electorate:

In view of the many past complaints from neighbours about noise from entertainment at the hotel late at night, medium density housing development would appear to be a more appropriate land use for this neighbourhood.<sup>79</sup>

Despite substantial investment in fire and noise compliance standards (landscaping, acoustic fences etc), entertainment was moved to the lower level of the building. With an in-house PA, the Peninsula Basement became a small venue of opportunity for young and unknown bands. In 1996, even this limited activity ended with Council plans to implement its 1993 recommendations, with the site undergoing redevelopment as a housing project.<sup>80</sup>

Situated on a main thoroughfare (Condamine Street) and framed by Innes and Koorala Streets, the Manly Vale depicted the nature of many hotel sites adjacent to housing and commercial land uses. With houses immediately behind and in Innes Street, live band entertainment represented a challenge within a "man-made sound amphitheatre surrounded by three storey walk-up residential [and] commercial properties".<sup>81</sup> Yet even in its peak periods of operation as a site that incorporated the more offensive elements of the mythologised Oz Rock tradition to residents, PA levels were not excessive. A Council noise survey in September

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<sup>77</sup> *ibid*, Graham Francis letter to K.C. Marr, Licensing Supervisor, 18th February, 1987.

<sup>78</sup> *ibid*.

<sup>79</sup> *ibid.*, Part 14.

<sup>80</sup> Mark Fraser, 'Another One Bites The Dust', *Drum Media*, 20th February, 1996, p.9.

<sup>81</sup> Acoustic consultant Richard Priddle, Hotel site report, November, Council file 1075/2040-252, 1989.

1982 reported outside band levels to be between 47-54 db.<sup>82</sup> The background noise level (which places the levels within surrounding noise contexts) was one decibel above the permitted SPCC criteria.<sup>83</sup> The main problem resided in the nature of audience behaviour assembling *before* and *after* performances, with shouting and associated noises as patrons drove to and from the site. The requirement of carpark attendants became an increasingly important condition of the venue's entertainment licence, which was not always observed. To the local police, certain realities had to be faced:

In considering the long history of complaint by a very strong militant group of residents in the vicinity of the hotel, it must be accepted that it is almost impossible for this particular licence to be conducted, complaint free, except possibly under a tavern endorsement and where conditions are imposed in as far as trading hours.<sup>84</sup>

The residents' refusal to contemplate the site as a long-term rock venue was established in the number of petitions against the Hotel, particularly whenever an extension of trading hours was sought. Where restricted trading hours and increased out-of-doors security costs failed, Ordinance 70 compliance succeeded. The Manly Vale's history characterised the confusing labyrinth of authorisations that confronted venues from the late 1970s: Warringah Council, local police and the Liquor Administration Board often presented different compliance standards. Ensuring that a venue built in 1964 complied with 1980s uniform fire standards involved minimal adjustments at great cost. For example, a Liquor Administration Board assessment of the Hotel's lounge bar revealed the absurd realities of compliance:

The minimum aggregate width of exits required for the population you are seeking in the Lounge Bar under Schedule Two is 3570 mm. From the plans provided it appears the total aggregate width of exits from the Lounge Bar is 3350 mm.<sup>85</sup>

In this instance, a shortfall of two hundred and twenty *millimetres* in regard to door widths renders the Lounge Bar's current capacity inoperative, requiring a further exit to be installed, or existing exits renovated. The venue may have had

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<sup>82</sup> *ibid.*, Part 2.

<sup>83</sup> *ibid.* At other times, however, the venue ignored Council orders in leaving auditorium windows open and failing to employ carpark staff (Environmental Services and Town Planning Committee report, Council meeting, 5th April, 1988).

<sup>84</sup> Dee Why Licensing Police report, Environmental Services and Town Planning Committee, 7th April, 1987. Council file 1075/2040-252, Part 5.

“front stairs you could drive a herd of cattle up”<sup>86</sup>, yet its widths were also inadequate. As lease holders, the management had little incentive in upgrading to continue its rock format:

We’ve had plans drawn up, and it’ll cost \$550 000 to comply ... we’re only a leased business here — the owner’s gone bankrupt and we’re not about to spend half a million dollars off our own bat. Besides, under the terms of our lease, we’re not allowed to make structural changes or improvements without the consent of the owner. And we haven’t got an owner — he’s in receivership.<sup>87</sup>

## VI. LAByrinthine Legislation

The demand to rectify (often absurdly minimal) shortcomings in exit widths, and changing calculations in venue capacities derived from the introduction of the Liquor (Entertainment Areas) Regulation 1985 within the Liquor Act. The 1985 amendments constituted the eventual legislative response to the Luna Park fire and subsequent inquest, which promoted a broader desire to reform the safety of all entertainment premises. Administered by the new Liquor Administration Board (LAB) (formerly the Licenses Reduction Board), audience capacities were governed not from the Oz Rock principle of the greatest numbers a room could uncomfortably hold, but by the extent to which owners had implemented fire safety precautions. All hotel and restaurant entertainments were to be now authorised by the LAB, which prescribed three schedules of authorisation regarding venue capacity.<sup>88</sup> Under Schedules One and Two, local councils assessed compliance in a report to the LAB, which in consultation with the licensee assessed whether the premises could continue until safety alterations were made. Rather than the abrupt enforcement of the 1985 regulations, the varying resources of councils in implementing inspections, and the different state of buildings provided instances where negotiations continued for several years. It

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<sup>85</sup> *ibid.*, Liquor Administration Board, ‘Entertainment Authorisation’ letter to Manly Vale Hotel, 16th February, 1988.

<sup>86</sup> Phil Stafford, ‘Fire Regulations: The End of Sydney Rock As We Know It?’, *RAM*, 9th December, 1983, p.7.

<sup>87</sup> Manly Vale manager Clifford Wallis cited in *ibid.*

<sup>88</sup> Schedule One allows a maximum of eighty three persons per one hundred square metres; Schedule Two allows one hundred and sixty six persons per one hundred square metres; Schedule Three a maximum of two hundred and twenty two persons per one hundred square metres of net floor area (Liquor Administration Board, *Annual Report*, February, 1985, p.16).

is useful to note that in 1986, sixty nine entertainment licence applications were refused, with three hundred and twenty granted; in 1987 two hundred and seven applications were refused, with two hundred and thirty seven granted.<sup>89</sup> As a measure of the increased bureaucratisation of entertainment approvals, a further six hundred and fourteen applications awaited determination.<sup>90</sup>

The 1985 building regulation changes again briefly united the live industry, with the formation of the Liquor Act Reform Group to meet with Attorney-General Paul Landa. Well known musicians (Ignatius Jones from Jimmy and the Boys, Angry Anderson of Rose Tattoo) equipped with a blunt slogan — “Don’t let outdated liquor laws close us down” — were used in radio advertisements.<sup>91</sup> Those within the industry viewed the Liquor Act Amendments at the time as the end of a highly viable pub rock scene, and its associated cottage industries (management, rehearsal studios, recording studios, road crews, sound engineers). In hindsight, many promoters and musicians regard the period with a mixture of affection for the free market philosophies in which the industry operated, and amazement that serious injuries did not occur from overcrowding. The lengthy period between government concerns and remedial legislation provided a rich source of conspiracy theories within the industry:

The Orwellian vision of 1984 is set to manifest itself with a sad irony. Instead of the Thought Police, the Licensing Squad — wielding parallel power with similar voracity, albeit with public safety at heart. But as the whip comes down, it’s the timing that comes into question. Why wait till now, when the live entertainment spiral has wound to such heights over the last five years or so? And when the music scene in general has in that time asserted itself as one of the most labour-intensive growth industries of recent history?<sup>92</sup>

As observed in the Manly Vale case study, the 1985 amendments compelled venue owners to examine what had been conveniently overlooked throughout the extremely profitable Oz Rock scene: the specific numbers of people attending performances; their entrance and exit to the site; and the type of performers within the venue. Tightening of laws governing internal décor — paint fire ratings, fire-retardant furniture — further questioned the appropriateness of some sites as

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<sup>89</sup> Liquor Administration Board, *Report 1987-1988*, p.42.

<sup>90</sup> *ibid.* The Board also complained of inadequate council reports which delayed the approvals process.

<sup>91</sup> Timothy Cribb, ‘Just mad and angry on a rocky road’, *Sydney Morning Herald*, 15th September, 1984, p.3.

<sup>92</sup> Phil Stafford, *On The Street*, 1st January, 1984, p.4.



entertainment venues. Media concern in the quick demise of a healthy live music scene proved to be overstated; some venues were affected, to varying proportions, with some closures difficult to attribute solely to fire law enforcements. With an apparent \$7 million needed for renovations to comply with the new regulations, the Chevron Hotel ceased live music.<sup>93</sup> The amendments increased the inclination of the Sydney Cove Tavern to convert to a restaurant/disco, and were certainly a factor in the decision of the licensee of the Strawberry Hills Hotel to sell his business:

... work would've had to have been done on the place and we may have had to limit the number of people in the actual band room. We were going to make changes so that people from the bar could've seen the band. We were also going to dispense with the bottle shop, so that people could also watch the band from that side of the bar ...<sup>94</sup>

Further closures derived from a range of industry pressures and change. In August 1986 the infamous Manzil Room in Kings Cross closed its doors, and in June 1987 the Mosman Hotel manager cited the 1985 amendments in ceasing live rock performances: "Things just changed around us, new licensing police came into the area and wanted things done their own way. And the Council are just trying to do what they think is best ... fire laws are fire laws, that's the law."<sup>95</sup> The Hotel presents a further example of the extent of non-observance of Oz Rock practices; the introduction of new licensing police in the northern suburbs area established that the venue had operated without an entertainment licence; subsequent council inspections found the venue to be deficient in Ordinance 70 compliance.<sup>96</sup>

Other considerations were also forced upon venue owners. For many publicans, the choice to upgrade their premises to Ordinance 70 standards was not theirs to make as leaseholders of properties owned by the major breweries. The tied system of hotel ownership had been a source of distrust between brewers and leaseholders for decades. A Hotel Industry Report in 1978 found strong criticism of the breweries' unwillingness to recognise the goodwill established by hoteliers

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<sup>93</sup> Richard Kingsmill, 'End City', *On The Street*, 21st August, 1985, p.15.

<sup>94</sup> Licensee/owner Ron Audas cited in Richard Kingsmill, 'End of an Era', *ibid.*, 9th October, 1985, p.5.

<sup>95</sup> Hotel manager Eddie Lidell quoted in John O'Donnell, 'Wanted: Venue Northside', *ibid.*, 5th August, 1987, p.7.

<sup>96</sup> *ibid.*

faced with increasing rents. Breweries, it was argued, were “annually receiving rental payments and generally increasing them, [with a] policy of not being bound to recognise the value ascribed to goodwill in leasehold sales”.<sup>97</sup> The report believed potential hoteliers were being discouraged from entering the market by the breweries’ continual readjustments of rental, while existing leaseholders were less inclined to work to increase trade if higher rents eroded the business’s goodwill.<sup>98</sup> Since the 1920s Tooth’s and Tooheys had dominated NSW beer production, with both enjoying ownership of most of the State’s hotels. The merger in 1979 with Castlemaine-Perkins secured Tooheys 51% of the market in the early 1980s.<sup>99</sup> In 1983 Tooth’s was acquired by Carlton, which then accounted for 46% of market share. A significant new player, Bond Corporation, which had acquired the West Australian Swan brewery in 1981, also purchased Castlemaine-Tooheys in July 1985. By the late 1980s, Elders-IXL (which had purchased Carlton United breweries) and Bond Corporation controlled 90% of the Australian market.<sup>100</sup> The tied house system complemented the anxieties of leaseholders contemplating extensive renovations to accommodate live entertainment. In most instances the breweries failed to finance publicans willing to upgrade to Ordinance 70 standards (cf. Star Hotel case study, chapter five). The 1985 fire laws confirmed to the breweries in some cases of the eventual need to exact greater financial return on their land holdings. In 1987, the Rest Hotel in North Sydney, formerly a Tooheys site, was transferred to Bond Corporation ownership in 1987, which immediately served notice upon staff and musicians that the pub was to be demolished for a fourteen storey luxury hotel.<sup>101</sup> Venue owners were also beginning to examine the profit potential of shifting to discos, which the local music press did not fully acknowledge.<sup>102</sup> One of the more sophisticated rock venues the city has experienced, the Tivoli (George Street), instigated weekend dance clubs “just to make money” before being demolished in 1988 for the World

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<sup>97</sup> *The Hotel Industry in NSW: Past, Present and Future*, AHA NSW Branch report by Coopers and Lybrand Services, August, 1978, p.93. Noel Butlin Archives Centre, file Z223, ANU Canberra.

<sup>98</sup> *ibid.*, p.95.

<sup>99</sup> Lewis, 1992, p.39.

<sup>100</sup> *ibid.*, p.40.

<sup>101</sup> ‘Pat Drummond takes a Rest’, *On The Street*, 2nd September, 1987, p.10. The Bond Corporation takeover of Tooheys and subsequent sale of its hotels attracted strong criticism for the company’s refusal to acknowledge leaseholders’ rights to existing equity or goodwill in the value of the properties. See NSW Parliamentary Debates, 13th November, 1986, pp.6423-6424.

<sup>102</sup> For example, after surveying its clientele, the Manly Hotel introduced dance club and cover band nights to complement its original band policy (O’Donnell, 1987, p.7).

The problems of the 1985 entertainment amendments resided not in the codification of entertainment practices in a hitherto unregulated industry, but in the *observance* of such laws. In outlining the need for a “rule of perfect certainty” in the execution of laws, Foucault states that “nothing weakens the machinery of the law than the hope of going unpunished ... rather ... than be more severe, one must be more vigilant”.<sup>104</sup> The new fire regulations placed all venue owners on notice that inspections would eventually be made on their premises; the simple threat of observation was sufficient in an industry proud of its unregulated profits. While commendable in abolishing the more dangerous practices of venues (band equipment blocking exits, lack of fire fighting equipment, exit signs etc), the regulations had significant flaws. LAB Chairman Reg Bartley believed that the hotelier with the typical street corner pub “with 4 or 5 doors” need not worry about the new fire laws.<sup>105</sup> Yet as observed in the Manly Vale Hotel case study, *aggregate* widths of exits — not the total *number* of exits — was a prime concern in assessing egress of venues. Older street corner pubs, often constructed before the abolition of six o’clock closing, may have possessed several exits on different street fronts, yet still failed to comply with increased maximum aggregate widths, due to the thinness of doorways constructed in earlier times.<sup>106</sup>

The industry also had a reasonable complaint in regard to the specification of entertainment premises constituting the major source of concern regarding fire safety. As the IADL group (Individuals Against Discriminative Legislation) argued, the regulations only applied to sites with entertainment.<sup>107</sup> Other pubs with equally large assemblies of people which did not charge admission to enter the venue, were not subject to similar laws:

The reasoning behind this, as far as the Liquor Board is concerned, is that entertainment is viewed as attracting larger crowds than your average drinking hole. Apparently, the members of the Liquor [Administration] Board need to be

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<sup>103</sup> Todd Abbott, ‘Wanted! Two Homes for Old Venues’, *On The Street*, 15th June, 1988, p.11.

<sup>104</sup> Foucault, 1979b, p.96.

<sup>105</sup> Bartley cited in Paul Smith, *On The Street*, 14th December, 1983, p.16.

<sup>106</sup> While specific instances were not found in my discussions with publicans, the conversion to metric measurement may have provided further problems in redefining permissible door widths, as State departments reviewed the dimensions of assessment in the early 1970s.

<sup>107</sup> The group organised a protest rally at the Domain in September 1985: *On The Street*, 25th September, 1985.

taken on a guided tour of the Rocks on a Friday and Saturday night and some of the inner city and suburban pubs on a Saturday afternoon after the respective rugby matches. The new legislation is clearly inconsistent and is basically discriminating against musicians.<sup>108</sup>

The industry also suffered in the reversal of the non-observance of entertainment laws applying to restaurants. Restaurant licences entitled proprietors to serve liquor only with meals (a cabaret licence provided restricted provision for the service of alcohol without the need for patrons to be seated at dining tables). As observed in chapter four, venues allowing patrons to drink and observe entertainment without meals had existed without undue harassment by licensing police. The re-enforcement of the 'seated consumption' law regarding restaurants seemed ludicrous to a music industry experiencing growth and later trading hours. The lack of a general nightclub licence that permitted drinking without meals at disco-restaurants and smaller live band rooms was a common criticism of the Liquor Act after the 1985 changes. The restaurant licence debate adopted similar themes to debates preceding the introduction of 10 p.m. closing in 1955: that licensing laws should reflect a sophisticated city of diverse leisure choices and needs:

The most bizarre and ongoing example of the way the law works and is enforced is the situation of the small dance clubs. In the 15 years since the phenomenon of discos started it has apparently never occurred to legislators that changing public taste and fashion required a new category of licensed establishment: a place where you could drink and dance late *after* you had eaten somewhere else.<sup>109</sup>

Preventing the LAB from considering such a flexible licence, of course, was the intense lobbying of the AHA in ensuring hotels did not have to compete with such venues, which they argued, operated as *de facto* hotels.<sup>110</sup>

As evidenced in the histories of the Stagedoor and the Manly Vale, venue profits remained dependent upon overcrowding. It was feared that the 1985 changes would also incorporate observance of venue capacity calculations during the monitoring of structural changes. The Hopetoun Hotel had established a reputation for transcending the limitations of its small corner pub structure, with

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<sup>108</sup> Kingsmill, 1985, p.15.

<sup>109</sup> Phillip McCarthy, 'Taking the sparkle out of Sydney's night life', *The National Times*, 26th October - 3rd November, 1983, p.10.

<sup>110</sup> This was the stance adopted by the LAB, which argued that hotel licences cost \$60 000 in comparison to a restaurant licence cost of approximately \$250 (*On The Street*, 14th December, 1983,

an imaginative booking policy and audiences of one to two hundred people (see Figure Six).<sup>111</sup> Strict enforcement of the 1.2 square metres per person law would allow the Hopetoun a capacity of approximately fifty to sixty people, eliminating the site's rock ambience and profit levels needed to maintain its live music policy. Observance of venue capacities would render many of the city's venues unviable. In particular, the smaller rock pubs (the Hopetoun, the Strawberry Hills, the Sandringham, the Bat and Ball and the Harold Park Hotels) appeared vulnerable if licensing police and local councils chose to uphold the law. Yet councils more concerned with the more obvious signs of structural change — the proper number of exits, placement of exit signs, fire hoses — allowed the continuance of audience numbers disproportionate to venue size and structures.<sup>112</sup>

With councils struggling to implement the 1985 changes, the regulatory landscape again changed with the Local Government (Theatres and Public Halls) Amendment Act 1989.<sup>113</sup> The Act transferred Theatres and Public Halls and Liquor Act entertainment regulations into Ordinance 70 of the Local Government Act, transferring the entire supervision of entertainment sites to local councils. Venue capacity calculations again changed, as did access/egress provisions.<sup>114</sup> The Amendment was designed to simplify the approvals process that previously required local council and LAB authorisations, and reduce the time allocated to inspections and subsequent upgradings. It also signified the extent to which entertainment authorisations had come to reside in building regulations. Public entertainment licences had undertaken a gradual transition to public assembly/building licences. This was later reinforced with the introduction of a national uniform building standard, the Building Code of Australia (BCA) in

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p.16). This aspect and changes regarding the number and type of venues will be further discussed later in this chapter, and in my conclusion.

<sup>111</sup> The venue was also known for their 'Rock Against Work' sessions conducted on weekday afternoons in defiance of the nine-to-five work ethic.

<sup>112</sup> All venue owners interviewed were reluctant to discuss 'official' venue capacities, given that the contemporary industry remains committed to overcrowding in maximising profits.

<sup>113</sup> It is significant to note that the Department of Local Government's 1990 *Places of Public Entertainment Seminar Notes* pointed to the ways in which accounts of the Luna Park deaths were "still surfacing in the press. The community will not and can not accept that the places of entertainment could be unsafe".

<sup>114</sup> Bar areas were allowed a capacity of 1.2 square metres per person, along with areas other than auditoriums; auditoriums with no fixed seating allowed 0.5 square metres per person; the capacities of auditoriums with fixed seating were calculated by dividing the floor area by seating capacity. Class IXb buildings (entertainment sites) were required to have at least two exits per

January 1992. From 1990 to 1992, venues could choose to comply with the former Ordinance 70 provisions or the BCA. In the context of NSW regulations, much of the Ordinance 70 standards were incorporated within the new BCA.

By the late 1980s the existing Local Government Act 1919 was considered an unwieldy and imprecise document, reflecting the ad hoc manner in which the statutory powers of councils had formed. In particular, local governments' authority regarding a number of procedures was ambiguously negative, "with no common or coherent form, terminology, procedure or right of appeal ... this multiplicity of terminology meant that councils had ... to be extremely careful when issuing an order to ensure that the precise terms of the relevant statutory provision were followed".<sup>115</sup> In terms of building, noise and licensing laws, much of the 'control and regulate' powers remained vague in practice and enforcement. The Liberal Greiner Government implemented an earlier election promise to introduce new council statutory powers, with the Local Government Act 1993 repealing all former council powers under the 1919 Act. In keeping with the entrepreneurial ethic of the Greiner Government, the new Act also freed councils in terms of their service functions, and specified regulatory powers within a common system of orders and approvals.<sup>116</sup> The new Act dispensed with Ordinance 70 standards for Places of Public Entertainment (POPEs), requiring all venues to meet BCA standards.

Amendments to the Liquor Act in 1989 imposed in an indirect fashion further structural and operational changes to entertainment premises. It is worth briefly exploring the means by which noise law changes, modelled upon British experience, influenced entertainment venues into the 1990s. The United Kingdom Noise Abatement Act 1960 had been a profound influence upon the drafting of nuisance regulations in NSW. Eleven years after its introduction, the British Noise Advisory Council advocated the continuance of the model requiring three complainants before a complaint was heard:

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storey, minimum exit widths of 1000 mm, and an aggregate minimum width of 2000 mm, plus 250 mm for every twenty five people in excess of two hundred persons.

<sup>115</sup> Jeremy Bingham, 'The new regulatory system: orders', *The New Local Government Act*, papers presented for the College of Law, University of Sydney, 18th September, 1993, p.1-2.



**Figure 6. Interior of the Hopetoun Hotel. September 1998.**

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<sup>116</sup> Julie Walton, 'Local government reform', *ibid.*, p.35. See also Linda Pearson, *Local Government Law*, Federation Press, Sydney, 1994, pp.232-234.

We think that, as a general rule, if there is reasonable *prima facie* ground for complaint, an aggrieved person should have no difficulty in finding two more who are willing to associate themselves with him in making a complaint to the magistrates; and we consider that to change the law in this respect would tend to encourage frivolous or vexatious complaints.<sup>117</sup>

The Council did stipulate that there could exist “situations in which only one or two occupiers of premises were exposed to the alleged nuisance” and recommended that the courts have discretion to hear such complaints.<sup>118</sup> Five years before the introduction of the Noise Control Act, NSW parliamentarians had favoured the introduction of the three complainants law, which was subsequently adopted within s.104 of the Liquor Act.<sup>119</sup> The amendments to s.104 in 1989 enabled a single resident to bring a complaint before the LAB in regard to the noise levels of a venue. Venue managers regarded the change as further evidence of local and State governments’ determination to dampen trading rights and the long term profitability of hotels, restaurants and clubs. It was argued that the onus of proof in the complaints procedure lay with the venue, and not the complainant, which encouraged frivolous and unsubstantiated claims of noise disturbance. The AHA also pointed to the “hanging judge”<sup>120</sup> mentality of the LAB in the consultation process between councils, residents, venues and the Board. Hoteliers believed that the informal complaints process invariably resulted in conditions imposed upon a hotel’s trading and entertainment.<sup>121</sup> The conspicuous case which revealed to the AHA the absurdity of s.104 was the complaint brought against the Metropole Hotel in Lismore, on the far north coast of NSW in 1992. The LAB upheld a complaint regarding the hotel’s entertainment, ruling a reduction in decibel levels and observance of the EPA background levels between 7 a.m. and midnight.<sup>122</sup> The AHA viewed the Metropole case as proof that the persistence of a single resident could seriously impair a venue’s financial health. The rights of the resident were further questioned when it became apparent that the

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<sup>117</sup> Noise Advisory Council, *Neighbourhood Noise: Report by the working group on the Noise Abatement Act*, Her Majesty’s Stationery Office, London, 1971, p.43.

<sup>118</sup> *ibid.*

<sup>119</sup> In advocating similar legislation to the UK Act, the Liberal Member for Vaucluse noted that modern pop concerts “attack the eardrum with such ferocity that a sane person would call it noise” (NSW Parliamentary Debates, 27th October 1970, pp.6920-6943).

<sup>120</sup> Solicitor John Miller’s description of the Liquor Administration Board regarding s.104 procedures, cited in *Hotel News*, April, 1994, p.12.

<sup>121</sup> In the 1992-1993 Liquor Administration Board *Annual Report*, 92 complaints were heard by the Board. 88 were found to be established, 1 not established, 2 were dismissed, and 1 complaint was withdrawn (Chris Callen, *Hotel News*, June, 1994, p.5).



complainant lived within Lismore's commercial district, and in close proximity to other entertainment sites, as observed by the licensee:

For the last four years we have been harassed by a person who chooses to live in the heart of the central business district and complains to the police every night the hotel provides entertainment ... We find ourselves in the ridiculous situation of trying to compete in business while our hands are literally tied by the law ... This matter was finalised in the interests of one person against the wishes of hundreds of community members.<sup>123</sup>

The arguments of the licensee and the AHA revealed an implicit debate concerning public/private rights and their equitable balance within State legislation. In refusing to acknowledge that cases existed of trading hours and entertainment licence abuses, the AHA believed residential powers had been unfairly extended. It was clear that the public interest resided in hoteliers' interests, not the private amenity of residents:

The [Metropole] support[s] ten sporting clubs, twelve musicians per week, plus fifteen staff. In these difficult economic times, consideration should be given to change the law that gives one single person all the rights and the majority of people no rights at all ... The operators have invested large amounts in order to purchase the business but are now faced with decimation and emotional hardship in a totally iniquitous situation, where the complainant has the apparent support of the Minister and the Board.<sup>124</sup>

The AHA's case was on firmer legal ground regarding zoning inconsistencies, where a person residing within commercial areas could take action against ventures within suitably zoned areas, and this aspect will be examined in a wider consideration of the public/private interests debate later in the thesis. Hoteliers also believed councils to be discouraging entertainment by increasing the demand for acoustical reports to accompany any entertainment submission before councils.<sup>125</sup> Subsequent s.104 amendments required residents to provide a statutory declaration with their complaint.

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<sup>122</sup> 'North Coast Hotel Loses Noise Complaints Case', *Our Shout*, October, 1992, p.3.

<sup>123</sup> Licensee Diane Hellyar, *ibid.* The hotel had invested in acoustic renovations to reduce entertainment noise, and had foregone revenue in a temporary suspension of their entertainment licence prior to the LAB hearings.

<sup>124</sup> 'Hoteliers Face Fight For Business Rights', *Our Shout*, September, 1992, p.1.

<sup>125</sup> This was certainly the view of Sandra Nicholl, licensee of the Sandringham Hotel, Newtown (*Hotel News*, June, 1993, p.2).

## VII. The Harold Park Hotel

The history of the Harold Park Hotel, in the inner west suburb of Glebe, provides an illuminating study of the ambiguous rights of venues with regard to the conflicting nature of resident concerns discussed above. Situated on Wigram Road, across from the Harold Park Paceway, the Hotel's historical relations with the local council embody the contemporary difficulties in providing entertainment within (gentrified) residential areas. Constructed in 1888, the eastern section of the Hotel was rebuilt in 1957, in keeping with the spatial priorities of the public bar during the 'six o'clock swill' period. The site benefited from its proximity to the racecourse, and catered to a working class clientele drawn from itinerant racegoers and local trades workers. Live rock bands were provided from the late 1970s, with uneven success.

In 1985, Simon Morgan and his two brothers purchased the Hotel and adjacent land, which enabled extensions to the beer garden/courtyard and entertainment areas, completed in 1987 (see Figures Seven and Eight). The new owners were determined to establish the pub as a more viable live rock venue:

[When we took over] it was a very rough pub, and we were a bit naïve, because it was rougher than we thought. It was a really grungy venue ... INXS played here early on, the [previous] owners had little interest in choosing bands, other than ensuring a band was on Friday and Saturday night — it was just 'who can I get, chuck them in'. From the late 1970s, I went to a lot of pub rock, and pub venues were huge. When we went in here in 1985 there were two other venues of note — one was the Coogee Bay Hotel, and the Hopetoun Hotel, and there was us. For probably three years we had the inner city turf, and JJJ was very significant in pushing the local music bandwagon.<sup>126</sup>

In similar manner to the Sandringham Hotel in Newtown, the Lansdowne on Broadway and the Hopetoun in Surry Hills, the Harold Park adopted a popular policy of providing original bands with initial opportunities, along with established performers. The pub also shared with the aforementioned an ability to reconcile its daily clientele with its evening activities. Its viability as a popular live rock pub by night, and relaxed working class pub by day, was threatened in two forms. The Morgan brothers had underestimated the extent of drug operations occurring in the Hotel, compounded by a local police station unable (or unwilling) to provide solutions:

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<sup>126</sup> Simon Morgan, interview.

In the late 80s the drugs scene in Sydney was totally out of control. When we came here in 1985 several times a week we would have to go through the toilets fishing out syringes, and if people have the action in a certain pub they defend that very heavily. We had a lot of difficulty with the drug people of the day, and the police who sided with them. We'd get Annandale police down here, point to the resident dealer in the street, with a queue of people waiting to buy off him, and the coppers saying 'yeah, you've got a drug problem, we'll come back here and bust the place'. And they'd come back on the days when the dealer doesn't show up. And then three weeks later we read of Annandale cops being busted for dealings with the drug trade, and you think 'oh my god ...' I made a very conscious decision that we wouldn't [pay police], and I think we paid the price for that in a number of different ways.<sup>127</sup>

Of equal concern was the local council's administration of entertainment sites in the area. Adjacent to Balmain, Glebe's traditional working class population was the responsibility of Leichardt Council. Reflecting its core constituency, the Labor Party has enjoyed a Council majority for much of the century.<sup>128</sup> While it had engaged in battles with the LAB in regards to its entertainment licence in the early 1980s, the pub experienced changes after the 1989 transfer of entertainment to local government powers:

We found ourselves in direct conflict with council's planning laws. We felt they were penalising us for having live music. Bear in mind that the venue is soundproofed — you couldn't hear the music on the street, but the problems were with people leaving. One of my partners looked after the relationship with the locals in the late 80s, and perhaps we should have addressed some of the locals better.<sup>129</sup>

As observed with the Manly Vale Hotel, residential campaigns were proving to be increasingly successful in opposing rock pubs. The 1989 amendments consolidating licence approvals within local council authority sharpened the distinction between LAB and local councillors' responsibilities. The displacement of the suburb's working class population provided the Council with interesting choices regarding their natural constituencies:

A large number of people moved into the inner city, and they were quite happy to have a nice quiet, leafy suburban street. Needless to say, they were happy to go to the wine bar up the road and come home at two o'clock in the morning singing their heads off, but they weren't prepared to have one down the road from them. When we came here it was university students, unemployed people and the old Glebe blue collar worker. It's now almost universally double income, no kids, both couples working, who eat out a lot. And they move in

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<sup>127</sup> *ibid.*

<sup>128</sup> Bob Connolly's 1996 documentary *Rats In The Ranks* provided an insight into the Machiavellian nature of local politics, with the documentation of Leichardt Labor Councillor Larry Hand's (successful) attempts at re-election to Mayor.

<sup>129</sup> Simon Morgan, interview.



Figure 7. Comedy Hotel, Glebe. September 1998





expecting to change the neighbourhood. I find that annoying when you consider we're next to a racetrack which has thousands of people going through it, no security and no concerns with what happens beyond their front gate.<sup>130</sup>

The Harold Park's proximity to the Paceway, and the Council's governance of both, provide an administrative example of discursive judgements revealed in previous chapters. Throughout his negotiations with the Council, Morgan believes the Hotel was often blamed for noise attributed to the racecourse. He also believes the Paceway has not been forced to bear the costs and local antipathy involved in ensuring minimal disturbances after late night entertainment. Local concerns were reflected in the Council's decision in 1987 to establish a 10.30 p.m. finish for bands in the pub. This required pub entertainment to finish at a time when other venues' bands were yet to take the stage. Faced with what Morgan believed to be unreasonable increases in band fees, and inconsistent dealings with the major booking agencies, the Hotel's entertainment policy was broadened in the early 1990s to include other community and arts concerns. 'Writers in the Park', 'Politics in the Park' and 'Actors in the Park' became popular theme nights, along with comedy revues and book launches. Live rock was abandoned in 1996, with the pub changing its name to 'The Comedy Hotel'. Entertainment has since consisted of sketch and stand-up comedy, 'open' nights, and the revival of Theatre Sports, a team competition requiring comedy, mime and older 'variety' skills. The transfer to comedy has provided a seachange in profit and audience directions:

I run this place now like a theatre, where everybody sits down, and I could fit in easily another 50% of people standing. And I think you do have a better effect when there's a bit of a milling effect going on. It's a bit sterile [when everyone's seated]. The Harold Park has been described by people as an arts centre, not funded by the government. I've got a policy of whatever everyone else is doing, I try to look the other way, and I'm a bit concerned at the moment because so many people are doing comedy now.<sup>131</sup>

The transition from rock produced significant behavioural change. The shift to orderly seating arrangements, less abrasive stage performances and the different audiences attracted to comedy ensured budgetary compensations in reduced security, maintenance and drug control costs. The conversion to a theatre pub, with increasing acknowledgement internationally as a venue encouraging comedy

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<sup>130</sup> *ibid.*

<sup>131</sup> *ibid.*

performers,<sup>132</sup> however, has not been entirely successful. Internal changes within the site have not reduced local concerns with audience's street behaviour after performances. The desire to transform a suburban hotel into an internationally recognised comedy/restaurant venue confronted similar problems to its pub rock forms:

The situation is, I have an international venue in a residential area. It's impractical for me to bring in an international act who would normally go on at 10.30 -11 [p.m.] at night, and go till 1 - 1.30 in the morning, when I have to shut at 10.30 at night. There's three other rooms in the world similar [to the Comedy Hotel], and for international acts to put us in the category of those other rooms in London, New York etc is extraordinary. It's not just the room, it's the people who work here. The very hard thing for me is to replicate the ambience of the room, and that's a really tough call.<sup>133</sup>

With little prospect of changing Council or residents' attitudes, the Hotel's uses are planned to alter dramatically. Plans were approved by Council in June 1998 for the removal of live entertainment and the majority of the building converted to residential apartments, with the corner pub structure retained.<sup>134</sup> Profits from the Hotel's redevelopment will be reinvested by Morgan in a Central Business District site, with the intention of operating a comedy venue with a twenty fourhour liquor licence. A central site would also allow greater flexibility in the approval of entertainment licence conditions, with later performance times.

The tensions between venue and council exemplified in the Harold Park/Comedy Hotel's history have proved instructive regarding future uses of the traditional rock venue. Firstly, traditional alliances forged with councils and residents can no longer be presumed by the hotel and club industries. The incursion of higher income, well educated couples into Glebe (and Balmain) has shifted the political priorities for a Labor Council more familiar with representing lower income workers and families tied to an earlier manufacturing sector. Secondly, attempts in providing alternative revenue structures to poker machines (an emphasis upon comedy/theatre) remain within the limits prescribed by resident campaigns. The shift from the 'boisterous' rock pub to comedy did not

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<sup>132</sup> For example, U.S. comedian/actor Robin Williams has 'spontaneously' performed at the venue during Sydney visits in a seemingly exclusive arrangement with the management.

<sup>133</sup> Simon Morgan, interview.

<sup>134</sup> Prior to the development's approval, "about 900 leaflets" were distributed throughout the suburb requesting residents' views. Only "9 or 10" responses were received, with five supporting retention of the pub in its original form (Morgan cited in Paola Totaro, 'Nothing so morbid as a pub with no laughs', *Sydney Morning Herald*, 20th June, 1998, p.9).

ease residents' concerns; *any* late night entertainment was considered untenable within the site. This may have more to do with Council intentions to direct land use in keeping with the tourist revenue potential of suburbs surrounding the inner city. Indeed, the Leichardt Mayor believes "there is actually a need for short-stay, hotel-type accommodation" in the district.<sup>135</sup> Thirdly, the initial transition to comedy was provoked by the owner's belief that the Council "were penalising us for having live music". The owners of the Harold Park and Manly Vale Hotels shared a perception of calculated administrative obstruction in attempting to operate pub rock venues in competition with their city counterparts. The sense of a punitive agenda by local government is an important issue, which is explored further in this chapter, and chapter eight.

### VIII. On The Road

The changes to entertainment authorisations from the late 1970s were a significant shock to an industry more familiar with the corrupting practices of unregulated expansion. The live music sector (its performers and audiences) was historically reliant upon the car as both a symbolic and practical means of transport. From the beginnings of a national circuit created by Johnny O'Keefe, Col Joye et al in the late 1950s, the ability to travel long distances between performances has been part of performers' masochistic/machoistic tendencies; touring distances have been employed as part of a performer's mythological status.<sup>136</sup> The extraordinary distances involved in the comprehensive coverage of interstate venues is one of the factors prohibiting musicians' long term creative and physical health, evidenced in the recollections of the Sports' vocalist, Stephen Cummings:

There were so many good venues to play, but the downside of that was that groups got fucked up pretty quickly. They were playing too much and weren't as imaginative as they could be. We got really tired, worn down from playing long sets. We weren't like [Cold] Chisel, we were a bit offbeat, poppy and we probably seemed a bit stuck up in those places (the pub circuits). We wouldn't get as many people as Chisel or the Oils. We'd worked so hard, and it wasn't until we went overseas and had a chance to stop and reflect that ... 'this is fucked'. It wasn't fun

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<sup>135</sup> Mayor Kris Cruden, cited in *ibid*.

<sup>136</sup> The efforts in touring Australia's east coast in particular have exacted a heavy toll in the number of injuries and deaths of musicians and road crews. See Bryden-Brown, 1982, pp.86-89 regarding O'Keefe's near-fatal crash and its subsequent contribution to the O'Keefe mythology. Also, Creswell, 1993, p.106 on the deaths of two of Cold Chisel's crew while working for Swanee.



any more; we got worn to the ground. It was exploitative, because the agencies could make a lot of money if they just kept you working. The Sports didn't really have a manager ... in the end we were managed by [Mushroom Records and Harbour/Premier director Michael] Gudinski, but we became very cynical. It's hard to stop. If you've got a group that's successful, it's easy if it's all going okay. You just turn up with your worksheet. You didn't have to think at all.<sup>137</sup>

The growth in teen ownership of vehicles was an important factor in the viability of wider circuits. Larger suburban venues which consistently rated in the top ten license fee payments of the LAB in the early 1980s — the Caringbah Inn, Parramatta Leagues Club, Penrith Leagues Club (Panthers), the Comb and Cutter Hotel (Blacktown), Revesby Workers Club, the Dee Why Hotel, the Coogee Bay Hotel (Selinas) — relied upon a capacity to draw audiences from outside their immediate localities. In a climate of earlier performance and venue closing times, it was common practice to experience several venues and bands on the same night, provided by a drink-driving culture that enabled venue hopping. Poor public transport networks servicing the southern and western Sydney suburbs, particularly the lack of late night train services, encouraged audiences to drive long distances home after alcohol consumption.

Breathalyser testing had been in force in NSW since 1968, with the establishment of the Police Breath Analysis section. Victoria introduced random breath testing (RBT) in 1976, and the compulsory blood testing of all traffic accident injured persons in 1974.<sup>138</sup> A 1973 NSW survey found 43% favoured the introduction of RBT, with 50% against.<sup>139</sup> The Wran Government introduced RBT in December 1982, with 64% in favour.<sup>140</sup> A survey conducted just ten weeks after its introduction highlights the specific relevance of the new law to rock venue audiences who drove. The survey found “young, male, unskilled blue collar, heavy drinking licence holders” to experience the highest exposure to increased policing of drink driving behaviour.<sup>141</sup> This group represented the core audiences of those bands which can be placed within the Oz Rock tradition: Cold Chisel, Australian Crawl, Midnight Oil, Rose Tattoo, Hunters and Collectors et al. A significant part of the RBT strategy involved the visible presence of increased

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<sup>137</sup> Sports lead singer Stephen Cummings, interview.

<sup>138</sup> Lewis, 1992, p.177.

<sup>139</sup> *ibid.*

<sup>140</sup> *ibid.* The permitted consumption was, and remains, 0.05% blood alcohol level.

monitoring of behaviours; the extent of RBT patrols apparent to motorists was instrumental in effecting behavioural changes. In a society where drinking and driving was not stigmatised to the extent of other criminal offences, the notion of a blanket enforcement had great appeal to legislators. For young males, possession of a driver's licence represented a symbolic departure from the ties of home, and a greater choice in entertainment options with friends. RBT laws throughout the nation exerted a particular impact upon the nexus of youth rites of passage which driving and drinking constituted. For males especially, the right to obtain a Learner's driving licence in NSW at sixteen years and nine months was (and remains) the legislative precursor to the right to enter a hotel or club at eighteen.

Unsurprisingly, the hotel and club industries believed the new law to be the greatest threat since the introduction of six o'clock closing, representing a contemporary reversion to previous archaic temperance policies. The AHA and RCA sought an increase in the blood alcohol limit to 0.08, citing a 30% reduction in beer consumption<sup>142</sup> and two thousand hotel workers' jobs lost after one year of RBT operations.<sup>143</sup> Such economic considerations were subsequently labelled "barbaric" by the Chairman of the NSW parliamentary Road Safety Committee, George Paciullo, who restated the law's main aim: the reduction in road deaths.<sup>144</sup> Many registered clubs adapted by the provision of preventative strategies for their members and guests: bus services to public transport networks, increased taxi services, and breathalyser devices for patrons to judge the extent of alcoholic influence.<sup>145</sup> An important factor remained the law's effective surveillance system, where the "key to the law's success is not severe penalties but a real fear of being caught".<sup>146</sup> This was emphasised in media campaigns targeting males under

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<sup>141</sup> Ross Homel, *The Impact of Random Breath Testing*, NSW Drug and Alcohol Authority Research Grant Report Series, Sydney, 1983, p.9.

<sup>142</sup> Hamish Fraser, 'Breath tests sour our taste for beer', *Sydney Morning Herald*, 7th February, 1983, p.1.

<sup>143</sup> 'Breath tests blamed for lost jobs', *ibid.*, 11th February, 1983, p.4.

<sup>144</sup> Tom Ballantyne, 'Opposition to 0.05 on money grounds barbaric: Paciullo', *ibid.*, 22nd February, 1983, p.3.

<sup>145</sup> In 1983 Canterbury-Bankstown Leagues Club established a chauffeur service for drinkers. After being transported by mo-ped to their vehicle, patrons were driven home, with the chauffeur returning by mo-ped. The service operated from 5.30 p.m. to closing time, with a charge of \$1 per kilometre (*Bankstown Torch*, 2nd February, 1983, p.8).

<sup>146</sup> Ross Homel, 'The State where drivers don't drink', *Sydney Morning Herald*, 17th December, 1987, p.13.

twenty five.<sup>147</sup> The perceived probability of apprehension, as a motivational tactic, represented reality, particularly for young men intent on driving to rock venues. Ross Homel has argued that their high rate of apprehension reflected their tendency to drive more often at nights, especially weekend nights, when police enforcement was at its peak.<sup>148</sup> The law signified a distinct challenge to the Oz Rock ethic of unrestrained mobility and alcohol consumption, where nightly decisions regarding the patronage of bands and venues were not contingent upon drink driving fears. Those I have interviewed from the period agree that venues experienced a reduction in audience numbers:

There was a noticeable drop, definitely. But what could you say? You couldn't argue with RBT, it's a good thing for the community, but it hit venues hard. The times when twenty people would pile into one car and go from venue to venue are long gone. It's one of those things you can't argue with, but it has been a factor. I think [the reason for fewer venues] is general health awareness, combined with RBT.<sup>149</sup>

The NSW RBT law did not, with Victoria, create isolated instances of drink driving crackdowns. The Northern Territory introduced RBT in 1980; South Australia in 1981; Tasmania and Western Australia in 1983; and Queensland in 1986. The law complemented other policy shifts of the 1980s emphasising alternatives to beer consumption. The Federal Hawke Labor Government's tax reductions on low alcohol beer in 1988 and subsequent consumer awareness through increased advertising, promoted low alcohol beer as an important preventative strategy to RBT.<sup>150</sup> These legislative 'encouragements' prefigured more determined 1990s State government campaigns to place hotels, clubs and restaurants within a co-ordinated strategy of reduced consumption.

Further evidence of restrictions upon the ad-hoc nature of venue management was confirmed in the introduction of the Security (Protection) Act 1985, which ensured that all venue bouncers and security personnel undertake a Security Industry training course, and possess security licences under the Act.<sup>151</sup> This was

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<sup>147</sup> Paola Totaro, 'Youth target of new \$1m RBT campaign', *ibid.*, 11th December, 1984, p.2.

<sup>148</sup> Homel, 1983, p.10.

<sup>149</sup> Darcy Condon, interview.

<sup>150</sup> Market share of light beer increased from 12.7% to 16% in 1989. Carlton and United Breweries' Foster's Light beer, launched in mid-1988, accounted for 5.3% of the market alone by mid-1989 (Lewis, 1992, p.181). The Alcoholic Beverages Advertising Code Council was also reformed to discourage media advertising which did not promote responsible consumption.

<sup>151</sup> 'Security people need licences', *Our Shout*, April, 1990, p.11.

thought to remove the inherent thuggery associated with bouncers and door personnel, and end the more violent excesses of security personnel untrained in venue management. Legislation also sought to remove the presence of under age drinkers, with the establishment of a proof of age card in February 1991, increased penalties for presentation of false identification cards, and for hoteliers found to be serving minors. Changes in the role of police licensing duties further concentrated the policing of licensed premises upon nuisance abuses (principally violence, noise and under age drinking offences). Amendments to the Liquor and Registered Club Acts in September 1990 abolished the central Licensing Branch and Metropolitan Licensing Inspectors, which had existed in various forms since 1882. With entertainment authorisations and fire safety compliances now local council responsibilities, local patrols were empowered to monitor alcohol abuses, under age drinking, licensees trading after hours, noise complaints, and prosecutions of licensees through the Licensing Court.<sup>152</sup> The transfer to local council supervision brought criticism from the AHA and the RCA that councils were insufficiently equipped in the practicalities of the Liquor Act, and interpretations of entertainment provisions within the Liquor and Local Government Acts would differ between localities and councils.

### **VIII. Access All Eras<sup>153</sup>**

In this section I wish to examine the set of non-regulatory factors which have shaped the State's live music rock culture in the past fifteen years. While legislative change has been crucial to industry self-perceptions and economic viability, other industrial contexts have played significant roles. Indeed, much of the effects discussed are by-products of regulation, in some circumstances market responses to external agents.

While public radio had made a significant contribution in airing a diverse range of localised musics (see previous chapter), commercial radio has

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<sup>152</sup> The transfer of licensing responsibilities to local beat patrols was forcefully resisted by the AHA and the RCA, who believed that local police did not possess sufficient knowledge of the Liquor and Registered Club Acts (*Our Shout*, vol. 4, no. 5, June, 1990, p.1; *Club Life News Pictorial*, May, 1990, p.6).

commanded the bulk of youth listeners since the 1970s dominance of stations like 2SM and 2UW. 2JJ's transfer to the FM band in 1981 foreshadowed commercial station conversions. Rod Muir, the man responsible for 2SM's successful practice of repetitive playlists and top forty formatting, instigated similar policies at 2MMM, which was the highest rating FM station by 1987. It shared with its competitor, 2DAY FM, an audience of two million listeners.<sup>154</sup> It can be argued that 2MMM has refined its format to the extent that is the model for homogeneous 'classic' rock. In labelling the station's format as "heritage rock", John Potts has outlined an Australian lineage dating from the Easybeats, to Daddy Cool, John Farnham, AC/DC, to Cold Chisel and Daryl Braithwaite, INXS and Crowded House.<sup>155</sup> This white, male framework is interrupted by newer inclusions 'worthy' of potential 'classic' status, while Other musics (reggae, funk, disco, punk, techno, hip hop) may be represented by the occasional airing of familiar representatives of particular genres; the same can be said for female acts.<sup>156</sup> MIX FM, ONE FM, 2WS FM, 2DAY and a rejuvenated 2SM have formulated similar policies which emphasise a mixture of '60s, 70s, 80s' formats of a predominantly foreign nature.

Broadcasting content legislation has contributed to the current dearth of contemporary formatting. The 20% local content quota established in 1976 ended with the shift to deregulation of broadcasting codes for most media forms. The Broadcasting Services Act 1992 enabled the radio industry to adopt a self-defined Code of Practice, which altered local content standards significantly. Category A formats under the Code (pop/rock stations) were now required to increase local content to 25%, while Category B (Adult Contemporary/Classic) local quotas were reduced to 15%. Category C (Easy Listening/Country) formats only required 10% of airtime to be devoted to Australian material.<sup>157</sup>

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<sup>153</sup> The name of a Sydney band which performs an assortment of 1960s, 1970s and 1980s chart successes.

<sup>154</sup> Potts, 1992, p.55. 2-DAY FM has always employed a policy of airing 'softer' musics: AOR, ballad-oriented performers.

<sup>155</sup> *ibid.*, pp.55-56. International formats centre upon Dire Straits, Billy Joel, Sting, the Rolling Stones, Joe Cocker.

<sup>156</sup> *ibid.* As Potts points out, "reggae for example, is 'presented' by UB40". Written in 1992, Potts' analysis remains pertinent, as 2MMM continue to sponsor 'Oz rock' concerts featuring bands better known for their successes in the 1970s-80s.

<sup>157</sup> Submissions to the Report on the Contemporary Music Summit for the Minister for Communications and the Arts, May, 1995.

In allowing the industry to establish their own content formulas, the exclusion of new musics and performers has continued, with discernible effects upon local live scenes. Firstly, the historical nexus of youth radio and support of young, original bands has been broken. Performers in the late 1970s and early 1980s have emphasised the importance of radio play in ensuring viable interstate touring circuits. The conservatism of radio is shared by an increasing conservatism within youth audiences. While universities have provided an invaluable circuit for bands ignored by mainstream radio,<sup>158</sup> campus promoters are forced to contend with student populations 'discovering' the 1970s and 1980s:

The majority of kids here listen to 2MMM, MIX FM and 2DAY-FM, so we're talking Eagles, Elton John, Jimmy Barnes. I'm always asked 'why don't you get bands we know?' So I say, okay, who do you want? They say straight away 'Eagles, Violent Femmes ...' I tell them they haven't mentioned one Australian band; they say 'Barnesy' [Jimmy Barnes] and after that they're lost. They want covers and I won't do it, because I don't believe that's my brief. I try to get a variety of funk, rock, country and western, particularly on the library lawn.<sup>159</sup>

Self-defined broadcasting Codes of Practice encourage conservatism by other means. Current Australian content standards allow a de facto observance of local content quotas, without substantially changing station policies. The 25% standard for local material does not enforce a required minimum of new musics and bands to be aired; market leaders continue to fulfil quota requirements within their rock museum format. While 2MMM may successfully argue to be playing Australian music at well above the 25% standard, with the inclusion of new material, songs deemed worthy of being added to high rotation often ensure the maintenance of the Oz Rock canon. 'New' releases from Daryl Braithwaite, the Angels or Jimmy Barnes provide the station with a moral argument regarding airing of new material, while ensuring the "heritage rock" lineage remains intact. A shift in local content regulations, in emphasising *qualitative* standards — a specific quota enforcing airplay of contemporary material — would provide younger bands and audiences with viable commercial alternatives to the public broadcasting of 2JJJ. Many within the music industry believe that youth are increasingly focusing their leisure time upon other media technologies: computer games, the Internet and television. A 1996 Australian Broadcasting Authority survey found, however, that

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<sup>158</sup> For example, Frente, TISM, Trout Fishing in Quebec, Archie Roach all benefited from campus tours in the early stages of their careers. The campuses also operate national band competitions which have launched acts such as (the now defunct) Def-FX.

despite a 20% decline in the amount of time listening, 72% of youth surveyed continued to listen to music radio stations.<sup>160</sup> Radio continues to be a dominant leisure choice for teens; yet commercial stations (2WS, 2DAY and 2MMM), with programming targeting the twenty five to thirty nine years age group, are also the most popular with the ten to twenty four age groups.<sup>161</sup> Teens have become listeners of music which is not their own.


This generational fracture of rock/pop radio consumption is reflected in a similar interplay between live performers and teen audiences. The extraordinarily long dominance of retro-radio represents a longing for the continuum of simplified rock/pop ideologies that have been shattered by the eclectic production techniques of the 1990s. Nostalgic reversions to a recycling of the rock/pop museum of the 1970s-80s, where 'authenticity' was simply defined within the fundamental notion of the organic rock band, parades a simpler realism (pub rock). Commercial radio's defiance of the plurality of musics, discourses and signs has been reflected in a number of areas of venue production. The most notable change within many venues in the past decade has been the growth of 'cover' or 'tribute' bands, which have proven popular with audiences and venue managers. As Graeme Turner has acknowledged, the fact that "pub owners like bands who are not well known to play songs that are" has been an historical point of contention between performers and venues.<sup>162</sup> Most rock musicians perform others' material in the early stages of their careers in highlighting influences, and as an invaluable process in the development of later individualised styles and content. From the early 1980s, however, a significant portion of bands have emerged which unashamedly imitate past and contemporary successes such as Head Injuries, Oils Ain't Oils (Midnight Oil), Swingshift, the Barnes-Chisel Show (Cold Chisel/Jimmy Barnes), Beatnix (Beatles) and No-Asis (Oasis) (see Figure Nine). Indeed, the more successful of the 'tribute' bands (the Beatnix, the Australian Doors Show, Bjorn Again) have established profitable touring circuits

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<sup>159</sup> University of New South Wales Activities Officer and [then] President of the Australian Activities Campus Association, Greg Stevens, interview.

<sup>160</sup> Margaret Cupitt, Gillian Ramsay and Linda Sheldon, *Music, new music and all that: teenage radio in the 90s*, Australian Broadcasting Authority, Sydney, June, 1996, p.viii. The survey was conducted with 13-17 year olds between 1991-1995.

<sup>161</sup> *ibid.*, p.74.



*Bideawinder Management Presents*

# HEAD INJURIES

## THE MIDNIGHT OIL TRIBUTE

**Appearing in May at the following venues:**

Saturday 1st	Termo Hotel - Albury
Saturday 9th	Castle Hill Tavern (with Last Stand - Chisel Barnes Show)
Saturday 23rd	Bull & Bush Hotel

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THE SPHERE ORAGNISATION PH: 02 9872 4144

Figure 9. Midnight Oil tribute band advertisement. *Drum Media*, 28th April , 1998.

<sup>162</sup> Turner in Philip Hayward (ed.), 1992, p.19.



in Asia and Europe.<sup>163</sup> The success of Australian tribute acts has ensured a continuation of 'museum Oz Rock' within live contexts, where younger audiences are able to witness a simulacrum of the local rock lineage.<sup>164</sup> This has established a closed circle of economic benefit between commercial radio audiences, venue audiences and venue managers. The increasing bureaucratisation and expense in establishing and maintaining live music venues has produced an innate conservatism in venue owners keen to recoup original building and infrastructure investments.<sup>165</sup> Few venues in the late 1990s exclusively book original bands; many have found a mixture of performers and 'themes' to be important to long term viability. The booker for one of the few remaining live venues in the western Suburbs, the General Bourke Hotel, reveals the current mindset of many venue managers:

On Fridays now we only do cover bands, but without them the room would be nowhere near as successful. because of the lack of major acts around, you can't ... original music is now only a one night a week situation. You can't make a room successful with four to five nights of contemporary acts; there aren't enough around to do that. I've tried to be creative with the venues; [at the General Bourke] on Wednesdays I have an over twenty fives night with 50s bands; Thursday it's Irish night with contemporary Irish music; Friday nights it's pop disco with covers; Saturday nights could be anything from the Radiations to the Saints [original bands]. Sundays is a party night with a couple of duos. Every night has got its theme and attractions. But if any night was too similar, I would have lost it ... People can relate to the [cover bands]. They can see a Jellybean Jam, or Chartbusters or Blues Bros, and know what they're going to come and hear. Where, if they went in and saw Mother Hubbard they might pick two or three songs they know, and the rest is lost.<sup>166</sup>

The observations cited above reflect an interesting shift in audience behaviours/expectations, and subsequent economic patterns. *Difference* — the availability of various genres, performance styles and audiences — has become

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<sup>163</sup> In 1991, the Registered Clubs Association magazine listed their top ten "concept shows" which provided "most value for money": The Australian Doors Show, Swingshift, Idolz [Elvis and Roy Orbison Show], The Australian Creedence Show [Creedence Clearwater Revival], Le Club Nerd, Pleasure and Pain [Divinyls], Dynisty [the Kiss Show], Beatrix, Elton Jack [Elton John Show], Cocker Magic [the Joe Cocker Show]. Band fees ranged from \$1250 to \$4000 (*Club Life News Pictorial*, October, 1991, p.38).

<sup>164</sup> Such bands also present problems for those deemed worthy of imitation: the example of former Australian Crawl lead singer James Reyne being outdrawn by an Australian Crawl cover band in a nearby venue has entered into local industry folklore. See Shuker (1994, p.108) for a similar instance with former Cold Chisel guitarist Ian Moss, and Swingshift.

<sup>165</sup> For the Saturday of the October long weekend in 1997, for instance, one hundred and seventeen venues were listed in the rock section of the *Sydney Morning Herald's* venue guide. Seventy eight venues had booked cover bands; twenty four venues had specific 'tribute' or 'concept' bands (including three Cold Chisel/Jimmy Barnes acts). This left fifteen venues presenting original rock performances (see Appendix B).

assessed by the degree to which variations of *imitation* remain economically viable.<sup>167</sup> This process has been in evidence since the mid-1980s as venue managers realised the popularity (and lesser expense) in providing cover bands. It is significant to note that the AHA 'Best Entertainment Venue' annual awards are not judged upon the ability of the venue to support original musics, but the ability of the venue to provide "local and/or overseas live entertainment on a regular basis"; lighting, sound and crowd control facilities are also assessed.<sup>168</sup> Recent award winners reveal the value placed upon cover bands: 1991 winner the Craig Brewery Bar, situated in Darling Harbour, stages a simulacra feast, "from sixteen piece bands such as the Enormous Horns to a one man band like Hemi, [where] *all groups and sectors of the community are catered for*" (my emphasis).<sup>169</sup> The 1996 winner, Parammatta's Collector Tavern in Sydney's western suburbs, complained of the lack of original recording acts playing within Sydney in justifying the number of cover bands booked.<sup>170</sup> This reveals the contrary nature of industrial 'apprenticeships', where venue managers expect bands to undertake their formative experiences elsewhere.

## IX. Casino Communities

The enduring battle between the registered club and hotel industries for favourable taxation and industry policies has centred upon the AHA's belief that club gambling (poker machine) revenue has provided clubs with the ability to subsidise alcohol, entertainment and meal costs at substantially cheaper rates than hotels (see Figure Four previously). Alternatively, the Registered Clubs Association (RCA) has consistently argued its substantial funding of local sports and charity networks (mandatory under the Registered Clubs Act) and clubs'

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<sup>166</sup> Eric Carlini, interview, cited in Homan, 'Simulacrum City', *Sounds Australian*, vol. 15, no. 50, 1997, p.21.

<sup>167</sup> In 1996 the Star Hotel in Newcastle (see chapter six) re-opened after a considerable absence. The new co-licensee Gary Clarke emphasised the venue's new compromised strategy: cover bands on Friday nights, original bands on Saturday nights, or the booking of a tribute band with two original supports.

<sup>168</sup> *NSW Hotel News*, July, 1995, p.11.

<sup>169</sup> 'Best Music Venue', *Our Shout*, October, 1991.

<sup>170</sup> 'Keys to the success of Collector Tavern', *NSW Hotel News*, September, 1996, p.11.

gambling contributions to State revenue.<sup>171</sup> AHA lobbying to provide pubs with a greater variety of revenue sources was rewarded in 1985 with the Greiner Liberal Government's decision to allow hotels to install up to five video poker machines (VPMs); in 1987 hotels were allowed a maximum of ten VPMs. This followed the introduction in 1983 of the government betting agency into hotels (PubTAB). By 1993 VPMs were viewed by publicans as "the salvation of the hotel industry"; 90% of hotels had video draw poker, with fifty hotels each exceeding \$5 million in gaming revenue annually.<sup>172</sup> The ability of hotels to compete with clubs for gaming revenue generated renewed interest in hotel investment, with the larger suburban sites maximising lounge and public bar space for VPM profits.<sup>173</sup>

The election of the Carr Labor Government in May 1995 introduced a Gaming and Racing Minister, Richard Face, sympathetic to extending hotel gaming. Despite vigorous lobbying from church groups, the RCA and the Musicians Union, the Liquor and Registered Clubs Legislation (Further Amendment) Act 1996 allowed hotels to install poker machines from April 1997.<sup>174</sup> The laws governing the installation of Approved Amusement Devices (AADs) preclude to some extent a mixture of uses within hotels. While ten gaming machines may be located within a general bar area, additional machines must be placed in a designated gaming area. Further, the gaming area must be separated from the general bar area and not be situated where bar patrons have to pass through it to enter or leave the premises.<sup>175</sup> The emphasis upon partitioning gaming from other uses has meant that the lounge bar — the alternative drinking space to the commodified public bar and associated PubTAB, free-to-air, pay television and televised racing diversions — has often been sacrificed as the specified gaming room or 'casino'. Many publicans have adopted a compromised solution to declining entertainment spaces. The introduction of poker machines to hotels and

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<sup>171</sup> An historical complaint of clubs is that poker machine revenue is taxed on the *turnover* of income generated, not a club's *profits*; this allows a poker machine to be taxed when it may be returning a net loss to the club.

<sup>172</sup> *Our Shout*, March, 1993, p.2.

<sup>173</sup> For example, the Crescent Tavern in (south-west) Fairfield generated an additional \$15 000 per week after the installation of gaming machines in 1991 (Jonathon Chancellor, 'Pokies, beer fads the key to boosting pubs' profits', *Sydney Morning Herald*, 2nd April, 1991, p.27).

<sup>174</sup> A hotel may operate up to thirty gaming machines, provided that poker machines do not exceed the number of other AADs. The legislation also allowed the inter-hotel linkage of gaming devices, and the taxation of machines based on profit (not turnover).

clubs in South Australia in 1994 was accompanied by a provision that venues provide entertainment if trading past midnight; yet many venue owners have hired solo performers or duos and dispensed with larger groups.<sup>176</sup> It is too early to assess the longer term effects of gaming upon live entertainment within NSW. Gaming revenue may provide some venues with the capital required to upgrade deteriorating structures, and perhaps contemplate live music policies.

Notwithstanding the revenue potential of the new gaming culture within hotels, the influx of poker machines was preferable to publicans in various respects. As discussed earlier, decreasing local council tolerance to live music sites has resulted in venue owners satisfying various licence conditions pertaining to live entertainment: extra security staff, venue sound absorption, reduced trading hours etc. The removal of live music, and the transformation of the lounge bar into the hotel casino requires perhaps minor internal alterations to accommodate the gaming room provisions of the amended Liquor Act, with ongoing costs regarding machine rental, supervision and administration. Hoteliers can realistically obtain twenty four-hour licences for their gaming rooms without the additional licence conditions required with live music. This has resulted in a strange division of hotel uses and trading, where the public bar can close at 11 pm, with the gaming room operating throughout the night. The behavioural patterns of gambling clientele — entering and leaving the premises in small groups at various times — are more favourable to councils and residents than the noise problems associated with the singularly noisy exits of live rock audiences. Gaming thus provides the potential for twenty four hour use of the site, in comparison to the shorter periods maximised by live music.<sup>177</sup> Music solicitor Warren Cross:

I financed the last Richard Clapton album through private investors. Some of them are hoteliers, and when I said to them 'you obviously love music, why don't you have live music?' They said 'what's the point? We just need one person to complain [about noise levels] and we can get shut down We'd rather have ten poker machines, put in strippers twice a week, and we're doing very well'.<sup>178</sup>

Where they had appropriated club and pub spaces for the subversive rock and roll

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<sup>175</sup> NSW Department of Racing and Gaming, *Liquor and Gaming Legislation Bulletin*, March, 1997, pp.4-5.

<sup>176</sup> An A.R.E Entertainment Company submission to the NSW Musicians' Union, 23rd May, 1996.

<sup>177</sup> Some hotels provide breakfast to gamblers at their machine to encourage early morning/late night patronage (Kelvin Bissett, 'Needy to lose hotel pokie cash', *Daily Telegraph*, 26th March, 1996, p.8).

and challenged the profitable vaudeville/variety circuits, 1950s and 1960s performers are increasingly hired not solely to perform to past fans, but to ensure burgeoning club audiences meet their gaming 'contractual obligations'.

In response to harm minimisation policies regarding alcohol consumption, there has also been a discernible shift in marketing the 1990s hotel. The most evident trend is the return of the 'family' hotel, which has not been seriously considered since the opportunities extended by beer garden and lounge facilities in the 1950s. In particular hotels have responded to criticisms of women drinkers regarding internal décor, entertainment, service and comfort. In 1992 the AHA established the Women in Industry sub-committee to investigate issues relating to women publicans and clientele.<sup>179</sup> Yet the AHA commitment in providing "a wide variety of food, accommodation, entertainment and beverages in a safe, friendly and relaxed environment"<sup>180</sup>, the core principles of a distinctive 'family' ambience, is certainly ambiguous within many sites which prioritise gaming over other hotel functions.

The most celebrated example of the increasing gaming culture was the decision by the Strawberry Hills Hotel in Surry Hills in December 1997 to replace its live jazz room with gaming devices (see Figure Ten). As observed earlier in the chapter, the venue had been a significant site of original live rock from 1978 as the former Southern Cross Hotel, converting to jazz in concert with the establishment of the Sydney Improvised Music Association (SIMA) in the late 1980s. The current licensee of the venue clearly believed the transformation to be a purely economic choice:

The days of rollicking live music hotels that cradled Australian music are over. Few hotels these days have the capacity to cover the costs of crowd pulling bands and subsidise the smaller, but no less musically significant smaller bands ... Many hoteliers will confide they would prefer to have a jolly crowd of people enjoying themselves rather than their customers isolated by, and victims of, the most unreliable muse "Lady Luck" in the guise of a VPM. Well, that is, the customers that haven't defected to the clubs which offer cheaper drinks,

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<sup>178</sup> Interview.

<sup>179</sup> The sub-committee was funded by a \$20 000 grant from the Chief Secretary's Department. The initial Chairperson, Sandra Spooner, was the licensee of the Sandringham Hotel in Newtown, an established live rock venue in the city's inner west (*Our Shout*, 120th Annual Report, 1992).

<sup>180</sup> Australian Hotels Association Code of Practice, 1992.



**Figure 10. Strawberry Hills Hotel, September 1998.**

meals, etc, subsidised by an unrestricted poker machine trade. But the tax spoils of poker machines are so high to the State government that hoteliers, whose profit margins have been squeezed dry, have little choice but to succumb to the poker machine epidemic.<sup>181</sup>

The loss of the Strawberry Hills is significant, given its historical contributions to both rock and jazz live mythologies. Its importance was also undoubtedly due to its endurance as an 'intimate' venue, where performers remained metres away from audiences.

## **X. Gentrification**

The number and style of drinking establishments within Sydney have undergone several significant changes within the last fifteen years. While remaining the preference of some venue owners, the presence of bands within pubs and clubs is dependent upon live music's merits in comparison to other revenue sources and entertainments. This section examines the wider influences of spatial economics of city development upon the city's live rock music communities. The dominance of Sydney as the financial capital of the nation has meant that spaces within the Central Business District have been increasingly privileged as sites of international capital. The gradual eradication of the city's primary leisure spaces, the corner pub, reflects how "the space of flows supersedes the meaning of the space of places".<sup>182</sup> Successive State governments' attempts to establish Sydney as the southern capital of multinational commerce have succeeded in spectacular fashion. From the late 1960s the city has experienced mainly steady growth in commercial development, with impressive rises in Central Business District land prices.<sup>183</sup> The constellation of pubs within Elizabeth, Sussex, King, Pitt, Castlereagh and George Streets were removed as their positions rendered them too valuable to remain workers' drinking sites. Between 1969 and 1989, thirty six pubs in this area were lost, many of them blue collar hotels.<sup>184</sup> The demand for

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<sup>181</sup> Elizabeth Hargreaves, 'Bands' demise', Letter to Editor, *Sydney Morning Herald*, 26th December, 1997, p.14.

<sup>182</sup> Manuel Castells, 'The Reconstruction of Social Meaning in the Space of Flows' in Richard T. LeGates and Fredric Stout (eds) *The City Reader*, Routledge, London and New York, 1996, p.494.

<sup>183</sup> From 1969 to 1975 offices and banks accounted for over half the \$1000 million spent on non-residential development in inner Sydney (Kendig, 1979, p.81).

<sup>184</sup> Daniel Williams and Catherine Lumby, 'Time, Gentlemen', *Sydney Morning Herald*, 11th July, Good Living section, 1989, p.1.

centralised office space throughout the 1970s and early 1980s deemed one and two storey hotel sites to be unreasonable or impractical commercial propositions of scarce land. Those that have survived have reshaped to accommodate the increasing number of office workers in the area (for example, the former journalists' pub, the Kings Head Hotel, was revamped as the Kings Head Tavern). Few of these establishments had been sites of live rock, or music entertainment of any sort. Yet the displacement of the older working class pubs through rising property values did (and continues to) affect the mix of entertainment. The Tivoli in George Street, and the Sydney Cove Tavern in Circular Quay were replaced by high rise development.<sup>185</sup> The larger metropolitan hotels, often situated in suburban centres, were also valued sites of transformation. The San Miguel Hotel in Cammeray, a popular venue from 1980 to 1985, was sold in 1990 to a hardware chain.<sup>186</sup> Contemporary (re)developments reveal that such processes are not confined to the Central Business District. The North Cronulla Hotel, a south beachside live rock venue of fifteen years standing, is to be demolished in favour of a fourteen storey residential/resort complex designed to advance the region's tourism opportunities (a tavern is to remain within the building).<sup>187</sup>

The acceptable alternative to redevelopment — the 'boutique beer' pub — is increasing in numbers to service the city's financial and managerial sectors and surrounding gentrified suburbs. The Brooklyn Hotel on George Street and the Forbes Hotel on York Street are examples of sites benefiting from renovations and extensive restaurant facilities to entice office workers; a video jukebox provides background music.<sup>188</sup> The preference for gentrification is also indicative of broader legislative encouragement to more refined drinking patterns. The Liberal State Government's 1993 Alcohol and Anti-Social Behaviour Strategic Plan emphasised to venue owners the need for 'responsible serving practices', with the warning that irresponsible managers would have to attend special liquor training

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<sup>185</sup> The Tivoli (658 George Street) was demolished for the construction of the World Square development; the Sydney Cove Tavern site became a restaurant.

<sup>186</sup> Andrea Dixon, 'Beer one day, hardware the next', *Sydney Morning Herald*, 23rd January, 1990, p.31.

<sup>187</sup> In Melbourne the Esplanade Hotel has survived three attempts to convert the site to luxury hotel development. The site's current owners plan to construct a residential/shopping tower directly behind the pub (Michael Bachelard, 'Noisy old rocker has no plans to budge for elevated company', *The Australian*, 19th February, 1998, p.5).

<sup>188</sup> The Brooklyn existed briefly as a punk venue in the late 1970s, with the PsychoSurgeons and the Lipstick Killers favoured bands at the venue. It also operated as a jazz venue in the late 1970s.



education courses. In particular, pubs advertising cheaper drink prices for women ('dollar a drink nights') were targeted by the Chief Secretary as demeaning to women in encouraging binge drinking.<sup>189</sup> A series of measures were designed to change the binge drinking culture of pubs and clubs: the establishment of a Code of Practice for the Responsible Promotion of Liquor products in 1994; introduction of Responsible Service of Alcohol TAFE (Technical and Further Education) courses in July 1995; and empowering the Licensing Court in 1995 to direct venue managers to undertake such courses.<sup>190</sup> In October 1996 both the Liquor and Registered Clubs Acts were amended to allow the Licensing Court and/or the LAB to impose conditions upon liquor licences to ensure that 'harm minimisation' practices were being adopted by licence holders.<sup>191</sup> The amendments strengthened the scope for complaints to be made against licensees charged with irresponsible serving practices, encouraging intoxication or indulging in binge drinking promotions. The amendments became explicit in the December 1996 'No More. It's the Law' campaign warning licensees and patrons that it was now illegal to serve intoxicated drinkers.<sup>192</sup>

The former Paddington Green Hotel, an original live rock site in the early 1980s, has since proved a better investment as the Greenwood Tree Hotel since its gentrification and subsequent emphasis on restaurant facilities.<sup>193</sup> The Clock Hotel in Crown Street provides a contemporary example of changes within the Surry Hills area. A former venue among Abe Saffron's empire, the Clock is undergoing transformation as a bistro/restaurant within retail and office developments.<sup>194</sup> The Coogee Bay Hotel (including its auditorium, Selinas) has experienced similar changes after new owners bought the site for \$14 million in 1994. While Selina's remains a profitable venue, other areas of the hotel have been gentrified to attract families.<sup>195</sup>

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<sup>189</sup> *NSW Hotel News*, March, 1994, pp.9, 11.

<sup>190</sup> Chief Secretary's Department, *Liquor and Gaming Bulletin*, September, 1994, pp.2-3; Department of Gaming and Racing, *Liquor and Gaming Bulletin*, July, 1995, p.8.

<sup>191</sup> Department of Gaming and Racing, *Liquor and Gaming Bulletin*, September, 1996, pp.2-4.

<sup>192</sup> *ibid.*, December, 1996, pp.12-13.

<sup>193</sup> The pub was auctioned in October 1992 with an asking price of \$1.7 million.

<sup>194</sup> The Dolphin Hotel in Crown Street, the Forresters Hotel in Riley Street, the Elephant's Foot Hotel in Crown Street and the Clarendon Hotel in Devonshire Street are further examples of renovated Surry Hills sites emphasising a café/bar/restaurant culture.

<sup>195</sup> New owner Christopher Cheung believed the hotel needed to remove its "unsavoury elements — the drugs ... what we've done is return it to the family and the family has returned ... we're not

The brief history of one particular site, the Lansdowne Hotel on Broadway (City Road), reveals the changing culture of pubs within the last decade. Along with the Phoenician Club and the Annandale Hotel, the Lansdowne was an important venue in the city's inner west, providing live original bands from the early 1980s. In the tradition of Chequers and the Saffron hotels of the 1960s, the hotel was a favoured meeting place for the city's underworld; its owner, Barry McCann was linked to the city's drug trade. A Supreme Court hearing in 1991 heard that McCann had hired 'hit man' Tom Domican and others to kill a man who owed the publican \$400 000.<sup>196</sup> McCann was also involved in the intricate gang wars of the city. In 1986 he was charged with harbouring a gunman who wounded Christopher Dale Flannery, with whom McCann had fallen out. Believed to be an informant to the National Crime Authority (NCA), McCann was found dead in a Marrickville park in December 1987, his killing assumed to be part of a systemic campaign to eradicate potential NCA witnesses.<sup>197</sup>

As one of the few remaining hotels to resist redevelopment or zoning changes in the Broadway area, the Lansdowne has recently transformed into a small scale dance venue, with lounge music from Thursday to Sunday nights. The hotel has also added a sixty-seat dining room and cocktail bar upstairs in a concerted effort to attract a different inner west clientele to its former live music heritage. The site's transformation means that no live original music exists in a two kilometre stretch between the Annandale Hotel to the west, and the Bar Broadway in Ultimo to the east, where the Central Business District's retail, business and university sectors meet outlying residential areas. The end of a live rock policy at the Phoenician Club (see following chapter) in particular reveals no venue to cater to the growing student residential populations in Ultimo and Glebe situated near Sydney University.

The gentrification process has also affected areas outside its traditional residential boundaries, and conversions of working class hotels into rarefied bistros. The city's town halls, traditional spaces of polite leisure (mayoral balls,

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just about serving alcohol" (Sally Macmillan, 'When life means a beach', *Sunday Telegraph*, 6th November, 1994, p.56).

<sup>196</sup> Janet Fife-Yeomans, 'Murder plot hatched in hotel: Crown', *Sydney Morning Herald*, 16th July, 1991, p.6.

<sup>197</sup> *ibid.*, 3rd January, 1988, p.9.

charity functions,) have also felt the increasing demands of commerce upon the cityscape. Often rented for a variety of suburban functions, town halls have retained a tenuous link with live music through the continuing popularity of their use for bush dances and line dancing. Diminished local council funding and the value of older town hall sites have seen many considered for conversion to office or retail developments. For example, the inner west Leichardt Council is considering the sale of its Balmain, Annandale and Glebe halls for corporate use. Despite classifications from the National Trust, the Mayor of Leichardt believes the halls will provide suitable conversions to commercial development.<sup>198</sup> Paddington Town Hall, the site of many punk performances in the late 1970s, has undergone its own style of gentrification, with a South Sydney Council renovation of \$3 million designed to accentuate more refined uses of the Hall in keeping with its costs of transformation.<sup>199</sup> Burland Hall, the council hall in King Street, Newtown, has also been rented for office and retail redevelopment by South Sydney Council, who believed the space to be under-utilised by the community, where its rental could provide funding for other community developments.<sup>200</sup>

## **XI. Public Interests, Private Rights**

... there is no such thing as the public interest. There are class interests, individual interests, fluctuating group interests. But to suppose that there is such a thing as the public interest is to suppose that there is a single 'public' with a unified set of interests which somehow override conflicting and varying individual, class and fractional interests.<sup>201</sup>

We just put the 'The Whitlams live in Newtown, Australia' on the back of all our albums. Except for our live album, which had 'The Whitlams can no longer afford to live in Newtown'.<sup>202</sup>

The range of legislative changes outlined in this chapter reinforces the historic

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<sup>198</sup> Geraldine O'Brien, 'Cash strapped council considers town hall sell-off', *Sydney Morning Herald*, 31st May, 1997, p.4.

<sup>199</sup> Entertainment manager/celebrity entrepreneur Harry M. Miller has pointed to a possible long-term use of the site as a cabaret venue (Jenny Tabakoff, 'Life's a drag', *ibid.*, 4th November, 1996, p.17).

<sup>200</sup> Jon Lane, 'Curtains for the Burland', *The Bridge*, March, 1997, p.11.

<sup>201</sup> Bill Bonney and Helen Wilson, *Australia's Commercial Media*, Macmillan, Melbourne, 1983, p.77.

<sup>202</sup> Tim Freedman, member of the band The Whitlams, cited in John Eagles, 'Good Goff [sic], it's a Whitlam', *The Bridge*, November, 1996, p.32. The Whitlams are synonymous with the development of the Sandringham Hotel in Newtown, where they have played since the mid-1980s in various guises.

complexity and importance of liquor laws in the broader governance of the State. It is important to consider the broader implications of nuisance (noise) laws codified in the Liquor and Local Government Acts in respect to the place of entertainment within societal norms. Specifically, the changing attitude to rock performance sites is intimately connected to the historic dialectic of public/private leisure, family/work responsibilities outlined earlier. The development of noise laws within State and local government ordinances represents an implied Benthamite ideal that emphasises the “greater common good than the sum of the individuals’ pain”.<sup>203</sup> In their ideal forms, zoning practices strive to achieve Utilitarian outcomes in framing homogeneous areas of interests and activities, and delineating Other land uses. As mentioned previously, the rock pub/club represents a site where residential, leisure and commercial zoning provisions collide. Residential amenity — the rights of private dwellers to an often undefined quality of life — has been central to zoning laws in the contestation of land uses. The concept of amenity, its legal definitions and applications, has a flexible and interesting local history in relation to noise laws. A 1956 explanation of the term was suitably vague:

Amenity is not confined to the negative factor of freedom from physical discomfort through the effects of noise, smell, and the other matters referred to in the ... County of Cumberland Planning Scheme Ordinance. It relates also to the preservation of such characteristics of a neighbourhood as make it pleasing in appearance as well to the passer-by as the resident, and as well to those across the road, who may be unaffected by noise, etc, as to the adjoining and other occupiers on the same side. ‘Amenity’ may be taken to express that element in the appearance or layout of town and country which makes for a comfortable and pleasant life rather than a mere existence.<sup>204</sup>

Further attempts revealed the difficulties in practice:

The wide ranging concept of amenity contains many aspects that are difficult to articulate. Some aspects are practical and tangible such as traffic generation, noise, nuisance, appearance and even the way of life of a neighbourhood. The creation of an institution within a neighbourhood is in my view capable of altering its character in a greater respect than can be measured by the additional noise, activity, traffic and physical effects that it is likely to produce ... Aesthetics may of

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<sup>203</sup> Margo Huxley, ‘Planning as a Framework of Power: Utilitarian reform, Enlightenment Logic and the Control of Urban Space’ in Sarah Ferber, Chris Healy and Chris McAuliffe (eds) *Beasts of Suburbia: Reinterpreting Cultures in Australian Suburbs*, Melbourne University Press, 1994, p.151.

<sup>204</sup> *Vacuum Oil Pty Ltd v Ashfield Municipal Council* (1956) Local Government Reports of Australia, vol. 8, p.11.

course be a relevant consideration in a town planning decision although the basis of the decision may be difficult to explain.<sup>205</sup>

Despite the difficulties in practice, the explanations above imply an emphasis upon residential amenity, the interests of private property owners to a quality of life, however defined. As Margo Huxley has shown, residential amenity laws are also exercised in the preservation and maintenance of the family, with 'recuperative leisure' central to quality of life.<sup>206</sup> One of the primary objectives underpinning the history of NSW liquor laws is the safeguarding of the family unit, and restricting the male breadwinner's capacity for pub/club life. Recent encouragements emphasising family life above drinking and associated entertainments have encompassed three areas. Firstly, hotels are undergoing a transformation similar in scope to the 1950s lounge bar and auditorium extensions. Recent investments in hotel renovations underline a return to the 'family' hotel emphasising restaurant/bistro facilities and 'respectable' consumption denoting improved surroundings. Secondly, the emergence of intoxication laws and associated responsibilities of hoteliers in regard to responsible consumption denote governments' determination to combat binge drinking behaviour.

Thirdly, noise laws have reinforced residential rights when in contestation with other land uses. The most explicit element of the public/private dialectic in this respect is evident in the insertion of 'public benefit' tests in the consideration of new venues and the operation of existing ones. The establishment of a Nightclub licence in March 1997 also applied a 'public benefit' test to potential licensees, in ensuring that the social benefits of a new nightclub would outweigh the costs to the community.<sup>207</sup> As Justice J S Cripps has noted, "all litigants in environmental proceedings have one feature in common — they all claim to represent the public interest".<sup>208</sup> Legislative trends however, indicate a concerted

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<sup>205</sup> *Broad v Brisbane City Council* (1986) Local Government Reports of Australia, vol. 59, pp.296-305.

<sup>206</sup> Huxley, 1994, p.159.

<sup>207</sup> The test assesses whether the area benefits from a new venue, or if it delivers an increased choice of entertainment within the area, the additional demand for public services, the adverse impact on existing businesses, and any social cost/disturbance of amenity to the area (Department of Gaming and Racing, *Liquor and Gaming Bulletin*, January, 1997, pp.2-3).

<sup>208</sup> J S Cripps, 'Administration of Social Justice in Public Interest Litigation' in R J Fowler (ed.) *Proceedings of the International Conference on Environmental Law*, National Environmental Law

effort to consolidate *private* amenity within public laws. The strengthening of s.104 within the Liquor Act, the establishment of public benefit tests, councils' increasing adoption of late night trading policies, more stringent noise measurement policies and reduced trading hours reveal the triumph of residential amenity over commercial concerns for the greater common good. As the smoke clears from the legislative and public relations battles within neighbourhoods, it is clear that residents have reclaimed their rights to influence the uses of public spaces.

New forms of cultural identity, capital accumulation and leisure consumption have emerged. As an "uncontrolled Other"<sup>209</sup> within utopian suburban peace and quiet, music venues have been increasingly subject to laws to regain suburban order. Within the multiple 'publics' considered by local councils, State governments and the Courts, the reinforcement of noise laws reveal the binding of property ownership to amenity debates. As observed in the chapter case studies, noise laws in regard to entertainment sites embody implicit values of suburban life: the stability of property values and perpetuation of compatible low density housing. In the contestation of public and private space in the gentrification processes evident since the late 1960s in Paddington, Randwick, Bondi and latterly Surry Hills, Newtown, Marrickville, Glebe, Balmain, Ultimo and Redfern, property owners have sought to maintain or 'improve' the ambience of their investments. Apart from the s.104 complaints process, hoteliers' other complaints lie in the ability of new residents to change the operations of local pubs upon moving to an area. In 1976 the Victorian Town Planning Appeals Tribunal held that "a person who buys a house beside or in the near vicinity of an existing hotel must be prepared to tolerate some noise".<sup>210</sup> High home prices within suburbs reclaimed by middle class families and professionals with high incomes have created determined campaigns to ensure neighbouring hotels and clubs adopt policies in keeping with the changing nature of residents. The disciplining of entertainment in this manner has brought with it a shift to affluent, controlled leisure which solves the former problems of the local, boisterous rock pub in two

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Association and the Environmental Law and Policy Unit, Department of Law, University of Adelaide, 1989, p.90.

<sup>209</sup> Huxley, 1994, p.160.

<sup>210</sup> *East Hadden Pty Ltd v City of Melbourne* (1977) Town Planning and Local Government Guide, vol. 26, October, p.188.

ways. The conversion of the older, tiled 'basic' pub to the restaurant/'boutique beer' pub, with entertainments removed, enables the switch to a more refined, quieter set of leisure practices; the grander design and ambience bespeak 'respectable' consumption. Further, such transformations actively discourage the mixed clientele of the traditional rock audiences those aged under twenty five, of limited disposable income, and predisposed to the use of pubs as inexpensive local meeting places.<sup>211</sup> Several venues have successfully lured young professionals of considerable incomes upon gentrified conversion (the Brooklyn Hotel, the Slip Inn, Hotel CBD). Hotels are part of the process identified by Rob White of an increased privileging of private consumption of public space, and discouragement of the less affluent consumer.<sup>212</sup> The prevalent discourse of gentrified leisure activities has hastened the taming of the traditional rock venue. The effects of this process are not, of course, confined to Australian leisure practices. As Sharon Zukin notes, the "transformation of local working class taprooms into 'ye olde' bars and 'French' bistros" have created similar symbolic transfers of leisure consumption in the United States and elsewhere.<sup>213</sup> It is therefore interesting that in seeking to live and benefit from the cultural capital associated with the increasingly expensive inner city suburbs, ratepayers have sought to decrease the variety of entertainments for which these areas have been traditionally renowned.

The political economy of social dislocation of former rock communities evident in the privileging of residential exchange relations over commercial interests brings into question the rights of those who move adjacent to pub/club premises and then seek to reduce its operations. While the duration of time as a resident may be considered by legal authorities in comparison to the behaviour and length of residence by venues, no legislation exists acknowledging those instances where residential composition of the neighbourhood has changed, while a venue's operations have not. It is interesting to note a 1996 Queensland Government draft policy recognising:

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<sup>211</sup> See Frank Robson, 'Pubs on Parade', *Sydney Morning Herald*, Good Weekend, 21st October, 1995, pp.52-56 regarding the removal of older working class drinkers from newly gentrified pubs.

<sup>212</sup> Rob White, 'No-Go in the Fortress City: Young People, Inequality and Space', *Urban Policy and Research Journal*, vol. 14, no. 1, March, 1996, p.37.

<sup>213</sup> Sharon Zukin, *Landscapes of Power: From Detroit to Disney World*, 1991, pp.188-203. See also Chevigny, 1991, chapter five, documenting the gentrification of venues in New York City.

... the potential cost impact on business and the transport sectors and proposes some unique concepts to assist these groups to meet the general environmental duty under the Act. The noise criteria that could be imposed for a complaint from a residence next to an existing business would not apply for a new residence built or established next to an existing commercial or industrial place or land zoned commercial or industrial ...<sup>214</sup>

The effects of such legislation, and other potential legislative remedies, will be further considered in the final chapter.

The gradual conversion of hotels incorporating a range of leisure practices other than live entertainment also indicates a response to broader societal shifts to conspicuous consumption. This is most evident in the popular return of coffee shops as local meeting points, where the act of consumption remains secondary to observing, and being observed. The Sydney Central Business District's "retail renaissance" has been aided by the growth in footpath cafes, and the popularity of visible, affluent leisure patterns.<sup>215</sup> Faced also with registered clubs' ability to subsidise their restaurant meals through poker machine profits, many hotels have preferred to establish more expensive bistros, leaving downmarket dining the domain of the clubs. Both types of venue have also emphasised other attractions in response to nation-wide harm minimisation policies. Where do such shifts leave youth audiences seeking live rock music in its undiluted forms and venues? The increasing removal of live music from commercial spaces has seen a return, albeit on a smaller scale, of the D-I-Y ethic prevalent in the punk and blues scenes of the mid-1970s. In this instance, where town halls are increasingly regarded as part of local councils' commercial land portfolios, the re-emergence of a town hall circuit cannot be contemplated. Local youth centres have become venues for all-age events as part of broader practical courses involving youth in the production of live music. Wollongong Youth Centre is one example of youth bodies responding to the need for unlicensed, non-commercialised venues; the Youthrock initiative of Canterbury Council, in operation from 1988, has provided similar opportunities, as have youth organisations in the beach suburbs (Manly, Cronulla).<sup>216</sup> In the outer western suburbs, the Cowshed at Wentworthville, Wastelands at Blacktown,

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<sup>214</sup> QLD Department of Environment, *Draft Environmental Protection (Noise) Policy*, Regulatory Impact Statement, 1996, p.4.

<sup>215</sup> Sydney City Council approvals for footpath café tables increased from none in 1989, to one hundred and eighty six in 1993 (*Living City: Sydney City Council's Blueprint for Sydney*, 1993, p.36).

<sup>216</sup> Karin Bishop, 'Songs of youth win award', *Sydney Morning Herald*, 29th December, 1990, p.6; 'Get ready to Youthrock', *Inner Western Suburbs Courier*, 10th July, 1995, p.17.



and the Axolotl Café in Werrington are further examples of performance sites supported by youth centre and local council funding, for audiences and performers unable (by licensing laws) or unwilling to participate within commercial circuits.<sup>217</sup> These sites have to some extent replaced the smaller hotel/club circuit in the development of new performers, and significantly, new audiences.

In directing venue practices to conform to broader discourses of public health and amenity, local and State governments increasingly tied formerly ignored commercial practices to private (property) and public (health) spheres of interest and societal norms. Within the period discussed above, liquor regulations emphasised venue management responsibilities, rather than limited trading hours, as a means to modifying consumption patterns. This shift to self-regulation replicated other strategies in harnessing live rock within acceptable commercial operations. The (Benthamite) panopticism ideal was an effective means of regulating audiences and venues within the guise of state welfare machinery. Toby Miller defines the process as

... formulating ... ethical completeness ... through the operation of technologies of governance, which are a means of managing the public by having it manage itself. This is achieved through the material inscription of discourse into policies and programs of the cultural-capitalist state.<sup>218</sup>

Such 'technologies of the self' embody the principles of random breath testing, in policing strategies employed to denote unpredictable and comprehensive state surveillance. The success in changing audience (and performer) drink-driving behaviours marked an important rupture in the intimate relationship between alcohol sales and live rock which had enabled the spectacular growth in venues from the late 1970s. Containment of excessive drinking cultures also began to be established within the venues themselves. The assembly of harm minimisation strategies codified in liquor laws from the mid-1980s firmly placed the responsibility on venues for their patrons' behaviour, in emphasising micro-management practices subject to punitive state measures. These regulatory shifts placed in question the seemingly innate practices of Oz Rock venues which

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<sup>217</sup> Hugh Worrall, 'Western Allies', *Drum Media*, 18th June, 1996, p.20. Youth centres are providing similar services for the burgeoning hip hop/rap performers and audiences in the western suburbs.

<sup>218</sup> Miller, 1993, p.xiii.

prefigured the hiring of Australian rock bands: the “Dionysic excess[es]”<sup>219</sup> brought about, and reliant upon, large bar sales.

The case studies reveal a belief in brick-and-mortar ordinances as a further means to modifying live rock behaviours. Rob Shields has noted that buildings impose their own discourses, as legitimising functions that influence norms of conduct.<sup>220</sup> Informed by the Luna Park panic, the fire law changes (principally Ordinance 70 amendments) instigated from the early 1980s provided an example of the reversal of non-observance policies; venues henceforth operated within a regime of increasing surveillance, particularly from local government. Building regulations as a means of ‘conducting conduct’, in imposing restrictions upon behaviours in and outside venues, also shaped the forms of entertainment choices made by venue owners. This is most evident in the shift in the public health assessment of venues, increasingly regarded merely as places of public assembly, rather than a variety of discrete sites with a mixture of entertainment uses. While a noisy boutique beer pub signals healthy consumption, a noisy rock pub correlates with unhealthy noise. More importantly, the rock pub, by virtue of providing live entertainment, becomes subject to the scope of public assembly (exit numbers, furniture fireproofing, door changes, exit widths) and noise (acoustic reports, soundproofing, PA limiters, double glazing) laws which are not applicable to other sites (which may entertain similar crowds with a jukebox/jukevideo).

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<sup>219</sup> Fiske, Hodge and Turner, 1987, p.18.

<sup>220</sup> Shields, 1992, p.3.

## Chapter 7

### The Phoenician Club, the Premier and the death of Anna Wood

Let us not, therefore, ask why certain people want to dominate, what they seek, what is their overall strategy. Let us ask, instead, how things work at the level of on-going subjugation, at the level of those continuous and un-interrupted processes which subject our bodies, govern our gestures, dictate our behaviours etc ... We must attempt to study the myriad of bodies which are constituted as peripheral subjects as a result of the effects of power.<sup>1</sup>

The future profitability of the club rests with the promotion of bands. The past results have always shown this. The directors must aim to maximise all available club time to such activities. Please ask yourself why did band income fall?<sup>2</sup>

This final chapter of a thesis documenting a regulatory history of rock and roll concerns itself with youth leisure practices fundamentally opposed to the Oz Rock tradition. The 1990s resurgence of dance musics (in different forms to the now much maligned disco aesthetic of the 60s and 70s) is examined in an attempt to explore the reasons behind an accompanying decline in rock venues. In the previous chapter, the range of administrative structures precluding performance opportunities was identified. The changed legislative culture ensured a reassessment by venue owners of the viability of live performance in regard to other revenue sources and popular practices (bistros, gaming devices, juke boxes, karaoke, trivial pursuit nights etc). This chapter provides evidence of a popular return of focus upon the audience, an important shift away from the Oz Rock obsession with stagecraft. It is argued that the growth in commercial and non-commercial dance parties ('raves')<sup>3</sup> required (requires) a reconfiguration of venue-governmental relations to address contemporary youth leisure preferences.

The death of schoolgirl Anna Wood after her attendance at a Sydney dance

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<sup>1</sup> Michel Foucault, 'Two Lectures' in Colin Gordon (ed.) 1980, pp.97-98.

<sup>2</sup> Phoenician Club accountant Mark Bonney, letter to Club Board of Directors, 4th July, 1995, p.2.

<sup>3</sup> Chris Gibson has defined raves as "the discrete scenes of informal and irregular underground dance parties" ('Subversive Sites: Rave Culture, Empowerment and the Internet', Australia-New

party in the inner city Phoenician Club on the 21st of October 1995, and subsequent media coverage and policy directives by the NSW Carr Labor Government, provide a recent construction of dance events as the new folk devils of youth subcultures. Anna Wood's death created media and government concern in familiar moral panic territory: drug use and youth dance practices. Specifically, the use of ecstasy by under age schoolgirls at a (legal) dance party prompted fears of innocent Australian youth 'lost' to an emergent rave drug subculture.<sup>4</sup> It provides an opportunity to re-examine the classic Cohen panic model within contemporary environments. In different contexts, the panic which followed Wood's death revisited many of the government/parental concerns of earlier rock venue practices: drug use, 'appropriate' youth leisure and youths' visibility within communities, and the 'corrupting' influences of foreign practices. Moreover, the extended study of dance venue governance after her death is undertaken as a final examination of continuing fears of the (unchaperoned) youthful body evidenced in this thesis since the 1950s, and contemporary State government solutions to such familiar concerns. The nature of law and order campaigns (cf. Hall et al 1978) as 'common sense' reactions to moral panics are also considered in the analysis of contemporary events, given their enduring appeal as control mechanisms.

In revisiting Cohen within a 1990s sociology of deviance, it will be argued that the classic panic model's pre-occupation with the '*why?*'—the logic of cause and effect—has diminished emphasis upon post-panic governance — that is, *how* regulatory strategies continue to influence those subject to moral entrepreneurship. This Foucauldian shift will be examined via Sarah Thornton's recent work on moral panics and British rave subcultures. Rather than asserting that moral panics have simply become "a routine way of marketing popular music

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Zealand IASPM paper, University of Technology, Sydney, 22nd July, 1997). As observed later, the term is also sometimes used to denote more formal, regulated dance events within club scenes.

<sup>4</sup> A debate also occurred regarding the specific nature of Wood's death, and the conflicting evidence in regard to causes. Deputy Coroner John Abernathy's autopsy report stated that Wood died from hyponatraemia, an excess of water and lowering of sodium levels which led to swelling of the brain as a result of ecstasy consumption. However, the post-mortem report of pathologist Dr Paul Botterill observed that "the precipitant event [of death] is not clearly established" (Hall Greenland, 'The Strange Death of Anna Wood', *City Hub*, 11th July, 1996, p.5). These discourses-of-pathology are peripheral to the central construction of the panic, apart from their enlistment in the moral rehabilitation of ecstasy as a central component of raves. It is important to note that the Deputy Coroner observed that the State Government "through the office of the Premier, is urging me to finalise the matter" (ibid).

to youth”<sup>5</sup>, it will be argued that panics need to be assessed as instances where processes of discrimination translate into continuing processes of prohibition. In examining the potent mixture of these events and discourses, I am chiefly concerned with the State’s desire to punish the Phoenician Club for the schoolgirl’s death. While juridical process did not achieve the Government’s desire to close the Club, it is argued that the episode continues to affect the viability of certain music practices within Sydney.

The end of ‘the golden age’ of live rock performance co-existed with the gradual influx of dance musics in the early 1980s. Sydney’s dance scene can be traced from the initial Sleaze Ball organised as part of the Gay and Lesbian Mardi Gras in 1978. The Ball built upon the increasing number of gay hotels and nightclubs along Oxford Street and Paddington in East Sydney. The repeal of the Summary Offences Act 1970 provided Mardi Gras’ organisers with opportunities, on face value, to proceed with reduced interference; the installation of the Public Assemblies Act made it difficult for police to prohibit street marches.<sup>6</sup> The legislative effort to reserve the Showground as Sydney’s commercial dance capital, as Andrew Murphie and Ed Scheer point out, reflected the site’s practical size advantages and twenty four hour liquor licence.<sup>7</sup> By 1992, local promoters and DJs had appropriated the core elements of the UK rave scene in providing an alternative to indoor dance cultures. Promoters adopted the strategies of European scenes in evading regulation (secret telephone numbers to ‘advertise’ events; hire of European DJs; use of UK event names). The Happy Valley, Ecology, Prodigy and Aztec events of 1992 represented the peak of the scene before media discovery of the subculture.

Media coverage of the introduction of ecstasy usage within the local dance culture began in the mid-1980s. In a predominantly positive report, a *Sydney Morning Herald* article speculated in 1986 that ecstasy had been established within Australia by touring rock bands from the United States, had maintained a low

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<sup>5</sup> Thornton, 1995, p.120.

<sup>6</sup> Under the new Act, police were obliged to satisfy a magistrate that a prima facie case of public nuisance and danger existed before refusing a march permit. As Carbery states, however, many of the former obstructive powers were transferred to the new Offences in Public Places Act (Graham Carbery, *A History of the Sydney Gay and Lesbian Mardi Gras*, Australian Lesbian and Gay Archives, Parkville, 1995, pp.16-17).

<sup>7</sup> Andrew Murphie and Ed Scheer in Hayward (ed.) 1992, p.172.

profile and was not the type of recreational drug to “catch fire among the club and disco crowd”.<sup>8</sup> Yet by 1989 the number of arrests in regard to importation of ecstasy increased in proportion to a burgeoning warehouse dance scene. An undercover State Drug Enforcement Agency (DEA) investigation in 1993 concluded that “there was no substantial evidence obtained to substantiate any organised system of drug supply ... in the main, the conduct was such that could be expected at other locations which members of the public frequented, for example, licensed pubs”.<sup>9</sup>

The DEA investigation was established after two deaths in car crashes from those leaving the Happy Valley II dance party near Wollongong in 1992.<sup>10</sup> On the 7th of May 1995, a man was shot in the chest at a Ravelands event within South Sydney Council’s jurisdiction.<sup>11</sup> The southern inner city industrial area has been a favoured rave zone, given the number of abandoned warehouse and other appropriate sites within the shire. Council attempts to prevent raves were met with mixed success. A Vibe Tribe rave in Alexandria on the 8th of April 1995 was shut down by police; court attempts to prevent the 7th of May event were unsuccessful. The policy among different councils was shared; upon requesting a meeting to discuss suitable venues, Vibe Tribe organisers were informed by adjacent Marrickville Council that “opportunities for the activities promoted by your organisation are severely limited”.<sup>12</sup>

The restrictive atmosphere was accompanied by disingenuous legal strategies designed to shape existing laws in regard to entertainment for wider purposes. Thus, an indoor sports complex in an industrial zone of South Sydney is co-opted for a New Year’s Eve event. Upon an injunction by Council to prevent the New Year’s Eve dance party proceeding, the dance party’s solicitor claimed that the event could be defined “within an existing development approval to use the premises for indoor sport”, suggesting “that this dance and ballroom function

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<sup>8</sup> Tony Horwitz, ‘High and Low on Ecstasy’ (sic), *Sydney Morning Herald*, 23rd August, 1986, pp. 15-17.

<sup>9</sup> Cited in Richard Guillatt and Shannon Kennedy, ‘Dancing all the way to the bank’, *Sydney Morning Herald*, 7th October, 1995, p.29.

<sup>10</sup> *ibid.* Participants blamed local police for forcing the audience to drive home in the early hours of the morning while still affected by drug usage.

<sup>11</sup> Richard Guillatt, ‘Shooting turns the vibes bad for raves’, *Sydney Morning Herald*, 9th May, 1995.

<sup>12</sup> Guillatt and Kennedy, 1995, p.29.

amounts to sport within the meaning of that approval".<sup>13</sup> Such dubious strategies reveal the extent to which spaces of the everyday were appropriated. As in Europe, success rested upon the site choices made; the swift and seemingly haphazard organisational methods used underlined its own subcultural viability of various spaces. It is the processes of transformation, the means in which sites are subverted, transformed and given their own brief rationale, that is crucial for success.

The rest of the chapter examines the implications for one inner city registered club in converting from live rock to dance music policies. Attempts by the State Government to close the Phoenician Club can be placed within three (related) media, legal and administrative contexts: the initial panic constructed concerning youth behaviour prior to the 1995 State election, the media debates which erupted immediately after Wood's death, and the struggles by the Club to retain its present site. These will be dealt with in turn.

## **I. Youth on the Streets**

The specific relations between the media, youth policy and youth music subcultures throughout the Wood/ecstasy panic should first be placed within the context of the Liberal and Labor party campaigns preceding the State election of March 1995. Law and order reform, community safety and perceptions of increasing youth crime were central campaign issues. A *Daily Telegraph Mirror* report in November<sup>14</sup> cited a police study indicating that 58% of those surveyed feared violence or being murdered. This provided Opposition Labor Leader Bob Carr with the context for constructing a minor panic regarding street safety in the weeks before the election. Despite surveys from the NSW Bureau of Crime Statistics which revealed that the instances of reported crime had remained stable or decreased,<sup>15</sup> Carr, with skilful responses to tabloid reportage, depicted NSW as

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<sup>13</sup> *South Sydney City Council v Sonia Jury and Faldan Pty Ltd* (1983) Record of Hearing, Land and Environment Court, 31st December. The event was allowed to proceed, given its advanced stages of organisation, despite the judgement that dancing could not be categorised as an indoor sport.

<sup>14</sup> 'City of Fear', 17th November, n.p.

<sup>15</sup> The Director of the NSW Bureau of Crime Statistics and Research, Don Weatherburn, confirmed that offences most commonly perceived to be committed by youth (car theft, assault, enter and steal, property damage) had all decreased in the period 1991-1993. Juveniles appearing in court for

a community subject to increasing 'home invasions' (break and enter robberies), youth gang attacks and 'soft' sentencing by magistrates of those convicted.<sup>16</sup> In 1994 Carr had defined gang members as youths who wore their baseball caps backwards.<sup>17</sup> This was a deliberate statement designed to align Labor Party youth policy with the Fahey Liberal Government's harsher pronouncements on law and order. An important precedent in terms of this case study was established by Carr in utilising tabloid 'research' (principally the *Daily Telegraph Mirror*) in formulating policy. Displaying a wilful ignorance of the statistical evidence, Liberal Premier John Fahey announced a dual legislative response to the 'problem' of youth on the streets. The Children (Parental Responsibility) Bill 1994 required parents to be more accountable for their child's actions in regard to their presence at court appearances and counselling sessions. More significantly, the Bill authorised police to take children back to their homes upon suspicion of criminal behaviour. In addition, the Summary Offences And Other Legislation (Graffiti) Amendment Bill 1994 made it an offence to carry an aerosol paint spray can 'with intent', designed to discourage graffiti practices on trains, homes and public buildings. The current Carr Labor Government is also contemplating the introduction of the Street Safety Bill, which would empower police to disperse groups of three or more youths if criminal intent is suspected.

As observed in previous chapters, the transitory sites of shopping centres, town hall dances, cafes, milk bars and the street corner, have always been contested as appropriate sites of youth leisure, where the time-honoured activity of just 'hanging around' could result in police harassment.<sup>18</sup> The shift in tolerance regarding youth's use of public space correlates with an increase in the number of

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offences against the person and property damage had fallen within the same period (Weatherburn, 'Truth the first election casualty', *Sydney Morning Herald*, 28th November, 1994, p.5).

<sup>16</sup> In their study of law and order campaigns, Hall et al (1978) noted the discursive uses of the term 'mugging' from the U.S. to denote the incidences of robbery with violence in Britain. In similar forms, the Australian media's adoption of the North American term 'home invasions' was a useful symbolic classification for Opposition politicians in increasing doubts upon the safety of the family home.

<sup>17</sup> The Opposition Leader quoted from a Labor State conference speech, cited in Nathan Vass and Julie Delvecchio, 'Gang laws: finding a just balance', *Sydney Morning Herald*, 7th September, 1996, p.32.

<sup>18</sup> Mark Finnane, 'Larrikins, Delinquents and Cops: Police and Youth in Australian History' in Rob White and Christine Alder (eds) *The Police and Young People in Australia*, Cambridge University Press, London and Melbourne, 1994.



commercialised/privatised public spaces removed from public management.<sup>19</sup> The shopping centre is one site where consumers are increasingly privileged over youth groups, who are actively discouraged by police and shop managers from using the centres as meeting points for leisure. The Parental Responsibility Bill, the Summary Offences Act changes and a potential Street Safety Bill reflect continuing efforts of governments to enact legislative change which mirrors the mobility of youth leisure practices, in enhancing police powers at the direct point of contact with youth. Such legislation also reveals the forms in which notions of mobility for youth are increasingly signified by images of criminality and chance.<sup>20</sup>

## **II. Phoenician Club History<sup>21</sup>**

The Phoenician Club site of 173-179 Broadway in (inner west) Ultimo had been used for various purposes within the last 50 years as a ballroom, cinema and television studio. It was well known from approximately 1968 to 1972 as a nightclub/restaurant with live bands under the management of John Spooner. The venue created initial employment opportunities for many bands in and travelling through Sydney; Sherbert, AC/DC and other Australian rock bands enjoyed residencies. In November 1980 the Maltese community's Phoenician Club was granted consent by Sydney City Council (SCC) to use the premises as a licensed club. Formed in 1963, the Club primarily serviced the cultural needs of the Maltese community in providing a meeting place for Maltese groups. As a licensed club, the site was resurrected as an important live rock venue within Sydney's Central Business District, and provided the Club with a reliable revenue source for its wider community activities (see Figure Eleven). In 1987 the SCC granted a further five year lease of the premises.<sup>22</sup> It was a successful site of dance parties throughout the 1980s and into the early 1990s. Simulations of the Manchester techno dance party scene ('Manchester Winter Parties') were held at the Club in

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<sup>19</sup> Rob White, 'Street Life: Police Practices and Youth Behaviour' in Rob White and Chris Alder (eds) 1994, pp.110-114.

<sup>20</sup> Lawrence Grossberg, 'The Political Status of Youth and Culture' in Jonathon S. Epstein (ed.) *Adolescents and Their Music: If It's Too Loud, You're Too Old*, Garland Publishing, New York and London, 1994.

<sup>21</sup> Much of the Club's recent history here is derived from South Sydney (SSC) and Sydney City (SCC) Council files obtained under Freedom of Information legislation throughout 1996/1997.

<sup>22</sup> SCC Minute, 23rd June, 1987. File Y05-06576.

The use of the Club for weekend youth entertainment was halted in September 1992 after police raided the premises during a dance party, where the Club was subsequently charged with admitting an estimated two hundred non-members. Entertainment areas of the Club were closed from the 13th of September with the withdrawal of its public entertainment permit by the SCC, citing failure to comply with fire safety standards.<sup>24</sup> The Club negotiated a reduced site rental with the SCC until their entertainment permit was restored in July 1994, with an entertainment capacity of seven hundred and eighty people.<sup>25</sup> The dance party prosecution may have triggered a corresponding increase among other regulatory powers in monitoring the Club's wider entertainment authorisations. As evidenced with other larger suburban venues in the previous chapter, subsequent reductions in auditorium capacity threatened the viability of the Club's weekend entertainment. Prior to implementation of the new fire safety measures, rock bands were attracting between one thousand and fifteen hundred people on Friday and Saturday nights. Council officers at the site throughout 1994 reported that audiences did not exceed six hundred.<sup>26</sup>

The reduction in audience numbers also did not allow the Club to recover <sup>from</sup> the absence of entertainment in the Club for eleven months and an accompanying loss of revenue. After operating at a loss of approximately \$100 000 throughout 1994, applications for extended trading hours were granted in May 1995, subject to independent acoustic reports of the impact of entertainment on residents and the nearby St Barnabas Church.<sup>27</sup> A chartered accountant's report noted that while poker machine revenue had increased, the Club's future viability rested with live bands, and advised directors to "maximise all available club time to such

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<sup>23</sup> Murphie and Scheer in Hayward (ed.) 1992, p.182.

<sup>24</sup> Town Clerk letter to Police Special Operations Group, 1st October, 1992, SSC File Q92-00745. The club was instructed to install an automatic sprinkler system, hose reels, emergency lighting and exit signs.

<sup>25</sup> This capacity comprised of six hundred and ninety six people permitted within the auditorium and other ground floor staff areas, and a further eighty four within the first floor's balcony (SCC Properties Sub-Committee Minute Paper, 30th May, 1995, File LO2-00041).

<sup>26</sup> *ibid.*

<sup>27</sup> SSC Minutes, 24th May, 1995, File U95-00046. The principal changes extended trading hours from Thursday to Saturday nights to 6 a.m.



**Figure 11. Phoenixian Club, Broadway, Ultimo. September 1998.**

activities”.<sup>28</sup>With its live band policy failing to reinstate finances to their previous position, on the 13th of July the Club hired promoter Rob Falconer to provide band and dance party functions on Friday and Saturday nights. The promoter’s estimates by staff of September and October attendances reveal mixed success: “the first two functions (bands) in October attracted 980 and 543 patrons respectively, whilst in September a dance party attracted 654 [patrons], three band nights 894, 908 and 388 [patrons] respectively”.<sup>29</sup>

### III. “From High School to Tragedy”<sup>30</sup>

On the 21st and 22nd of October Apache Dance Parties were held at the Club as a continuation of the new functions policy. On the 21st a group of girls from Forest High school, accompanied by an older nineteen year old male friend, bought ecstasy tablets outside the Club before seeking entry to the dance party. After consuming the tablets, the schoolgirls were accompanied into the Club by their older friend. At approximately 4 a.m. Anna Wood began vomiting and was escorted by her school friends outside the premises, driven to a friend’s house and put to bed.<sup>31</sup> At 10 a.m. her parents were notified of their daughter’s illness and an unconscious Wood was transferred to Royal North Shore Hospital. Wood died on the following Tuesday.<sup>32</sup>

Disciplinary response against the Phoenician Club was instigated in two forms. On Wednesday the 25th of October, Premier Carr advised State parliament that the schoolgirl’s death was

... a reminder that in our community there are people driven by greed who continue to peddle death to children ... at the Government’s instruction, two inspectors of the Department of Gaming and Racing were sent to the Phoenician Club in Ultimo to gather information ... We will be withdrawing the club’s functions licence to prevent it from holding any further dance parties. We will also

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<sup>28</sup> Fassmilo Bonney report to Phoenician Club, 4th July, 1995, SCC File Y05-04612, p.2.

<sup>29</sup> *Director of Liquor and Gaming v Phoenician Club of Australia Ltd*, Licensing Court of NSW, 7th May, 1997, p.33.

<sup>30</sup> *Daily Telegraph Mirror* headline, 25th October, 1995, p5.

<sup>31</sup> Bronwyn Donaghy, *Anna’s Story*, Angus and Robertson, Sydney, 1996, pp.141-163.

<sup>32</sup> *ibid.*, pp.164-179.

be taking action to cancel the Phoenician Club certificate of registration — that is, its liquor licence.<sup>33</sup>

South Sydney Council also notified the Club that it had breached council approval in regard to extended trading hours. The Apache dance parties operated until 6 a.m.; the current approval for Saturday night allowed functions to operate until 2 a.m. (6 a.m. closing was to be permitted after submission of an independent acoustical report).<sup>34</sup>

After the Premier's statements conducted under parliamentary privilege, the NSW Director of Liquor and Gaming's strategy to withdraw the Phoenician Club's certificate of registration rested upon two central complaints: that the Club had

Permitted "rave parties" or "dance parties" and live band performances to take place in the auditorium of the defendant club, and attendance was open to members of the public generally for said "rave parties" or "dance parties" and live band performances not being functions within the meaning of s23 of the Act

and that the Club had not

... exercised its certificate of registration in the public interest ... the defendant club permitted "rave parties" or "dance parties" and live band performances to take place, attendance at which was open to members of the public generally, including persons under the age of 18 years, being persons not otherwise entitled to use the accommodation, facilities or amenities of the defendant club.<sup>35</sup>

Registered clubs in NSW are permitted to hold functions which, under s.23(1)(a)(b) of the Registered Clubs Act 1976 (henceforth referred to as the Act) are defined as celebrations of Christmas, or functions of a "cultural, educational, religious, patriotic, professional, charitable, political, literary, sporting, athletic, industrial or community nature". A central component of the Director's prosecution defined the Apache dance parties (and band entertainment) as outside the purview of functions within the Act. While dance parties could be regarded as cultural (or indeed community) events, they could certainly not be viewed as core activities of the Club as a forum for the local Maltese community. As the Council records reveal, the youth entertainment provided was strictly viewed by the Board of Directors (along with poker machines) as a source of revenue essential to the Club's future.

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<sup>33</sup> NSW Parliamentary Debates, 25th October 1995, pp.2339-2340.

<sup>34</sup> Council letter to Club President, 25th October 1995, SSC File U95-00046.

<sup>35</sup> *Director of Liquor and Gaming v Phoenician Club of Australia Ltd*, Licensing Court of NSW, 7th May, 1997, p.1.

The other serious grounds of complaint involved a range of breaches of the Registered Clubs Act concerning the presence of those under eighteen within the Club (see Appendix C). After evidence from several who attended the dance parties, the Magistrate found liquor had been illegally served to minors, who also gained access to poker machine areas.<sup>36</sup> Formal records of entrance to the Club (registers of members, temporary members and guests) were also found to be insufficiently kept in breach of the Act, particularly in relation to dance party attendances.<sup>37</sup> The Magistrate also found Club deficiencies in poker machine records and their operation, and credit, jackpot and cash flow discrepancies.<sup>38</sup> In relation to the monitoring of functions, the Club was also found to have inadequate security and Club staff present at the Apache dance parties.<sup>39</sup> One of the most significant complaints in regard to potential withdrawal of the Club's certificate of registration concerned the use of ecstasy within the Apache functions; that ecstasy and other prohibited drugs were sold and consumed "on or in the immediate vicinity" of the Club. Several of Anna Wood's friends submitted evidence of the sale of ecstasy and LSD within and outside the club; the Magistrate found the complaints established and that "illegal drug use was widespread among the patronage".<sup>40</sup> With both complaints established, the Club was fined \$100 000 and its function authority suspended for six months. The former President, Victor Dougall and current President, Frank Merceica were declared ineligible from holding positions of office in any club for two years; Club Secretary Paul Trevithick was suspended from duties for two months. The Club was also ordered to implement the Licensing Court's standards of harm minimisation in regard to alcohol sales and consumption.<sup>41</sup>

Before considering the interplay of youth, media and political processes, it is worth examining briefly the "aesthetics of law"<sup>42</sup>, the determination of the case upon its own regulatory principles. As a central complaint against the Club, the

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<sup>36</sup> *ibid.*, pp.10, 18-19.

<sup>37</sup> *ibid.*, pp.11-14.

<sup>38</sup> *ibid.*, pp.14-15.

<sup>39</sup> *ibid.*, pp.23-27.

<sup>40</sup> *ibid.*, p.29.

<sup>41</sup> *Director of Liquor and Gaming v Phoenician Club of Australia Ltd*, 12th May, 1997, pp.5-6.

<sup>42</sup> Redhead, 1995, p.111.

definition of functions within the Registered Clubs Act 1976 is interesting within the context of their application to the Phoenician. The range of lax behaviour from Club officials concerning the operation of entertainment over several months was conclusively established in the presentation of court evidence and examination of (often missing or altered) Club records.<sup>43</sup> Yet in declaring that live bands and rave/dance parties were not functions “within the meaning of s.23 of the Act”, the Director of Racing and Gaming indirectly questioned the traditional practices of club entertainment. While the Club did not observe its technical duties in regard to the keeping of guest registers, security arrangements and Board authorisations, the provision of live band entertainment and dance parties did not differ from the practices of clubs throughout the State in admitting non-members to entertainment staged through promoters unconnected to the Club. As one of the initial solicitors defending the Club observed:

If a member signs in to a club under the five kilometre rule of the Registered Clubs Act, I ask you rhetorically, what’s wrong with that? If a club advertises, for instance a big club on the Central Coast, advertises Jimmy Barnes and they get two to three thousand people. And on the day they turn up to see Jimmy Barnes we find that 95% of the people in the auditorium are not members of the club, and are not guests, but are in fact temporary members, and we’ve all come from far and wide to watch Jimmy Barnes, what’s wrong with that?<sup>44</sup>

In this sense, the seemingly innocuous complaint that the Club “permitted” dance parties and live bands is co-opted within a wider debate of acceptable club entertainment “in the public interest”. In observing that Apache dance party tickets were pre-sold to the general public, Magistrate Harvey declared that the Falconer promotions were not “with very few exceptions functions under s.23, [and] it is also clear that they were not functions of the club”.<sup>45</sup> This decision begs the contextual manner in which functions are defined, and seen to operate, within the everyday practices of club entertainment. The reference to Jimmy Barnes above is intended to reveal the everyday practice of clubs in the use of third parties (the hiring of promoters) for club entertainment. In this instance the apparently immutable legislature of the Registered Club Act is subject to pragmatic shifts in practical observance. If the Apache functions were found to be

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<sup>43</sup> The prosecution labelled the Club’s functions register as a “sham document”, accusing Club staff of obtaining written Board of Director’s approval for all functions only after inquiries by Liquor and Administration Board investigators. The written approval of a club’s Directors for each function is required within the Registered Clubs Act.

<sup>44</sup> Interview with Mal Dickson, Phoenician Club solicitor in initial Licensing Court proceedings.

<sup>45</sup> *Director of Liquor and Gaming v Phoenician Club of Australia Ltd*, 12th May, 1997, pp.33-34.

against the public interest within the broader understanding of how clubs should be conducted, then all club functions with little or no apparent connection to the club's formative principles are, *de facto*, against the public interest.

In a subsequent hearing to determine the nature of disciplinary action taken against the Club, Magistrate Harvey stressed the impartial nature of the Court:

.... it goes without saying, but perhaps I should mention it because it was raised during submissions, although it was something that had certainly slipped my mind over the course of the last eighteen months, that it's no concern of this Court as to what the Premier wanted in relation to this club or any other club, and this Court of course will ignore the perhaps understandable public expressions of a Premier concerned about the death of a young person, and deal with the matter in a cool and calm way, having concerns only with the objective facts put before it and the other submissions that are put before it in the course of these legal proceedings.<sup>46</sup>

The perceived need to reassert the objective principles of the Licensing Court merely serves to underline the politicisation of Anna Wood's death exemplified in the Premier's parliamentary statement. Such reassurances need to be placed within the context of the packaging of complaints brought before the Court. The Magistrate can only act upon the breaches brought before him; the nature of complaints and their wording by the Director of Racing and Gaming in some instances allow other agendas to be re-inserted. The Premier's desire to close the Club, in lieu of a considered account of the events of the 21st of October, is reflected in the comprehensive examination of the Club's operations, and the range of complaints unrelated to its functions authority: incorrect book-keeping, poker machine operations and various financial "discrepancies". Indeed, the number of then alleged breaches became the initial discursive media weapon in the ensuing portrayal of the Club as folk devil.<sup>47</sup> The identification of the Apache functions as raves were central to prosecution attempts to establish the consumption of ecstasy outside and within the premises. In video evidence of the Apache dance parties submitted to the Court, the Magistrate observed a 'Metropolis'-like 'clubculture' in contrast to the tempered nature of registered club culture:

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<sup>46</sup> *ibid.*, 12th May, p.2.

<sup>47</sup> The Sydney Morning Herald reported the Club "faced more than 70 alleged breaches" (5th June, 1996). Television news on the same day also emphasised the large number of breaches, which were subsequently reduced to avoid repetition of offences.



That video shows large numbers of people dancing relentlessly in ranks and files to the mechanical techno music being provided and some of them have a somewhat glassy-eyed appearance and others are dancing in a rather frenetic manner ... Furthermore, the constant display of the large stylised 'E' on a banner immediately in front of the stage and the disc jockey provides, in the absence of any other explanation, support for the view that this was indeed a 'rave' party at which those attending would expect ecstasy to be used.<sup>48</sup>

As the Magistrate emphasised, juridical process is seemingly immune to a politics - of - law and media processes; the Phoenician hearing was determined within the technical confines of licensing law. Yet the above observations of the Apache functions provide an authoritative equivalent of cultural distaste of youth practices found elsewhere. Media coverage after the Apache functions cast rave cultures in a predictable light: "Dance girl coma"; 'Lethal Cocktail'; 'Police anger at rave party'; 'Rave parties drug hunting grounds'; 'Agony of Ecstasy (sic)'.<sup>49</sup> The more devious constructions of raves and ecstasy as the new dual youth folk devils were found in the distortion of health research. The complex ways in which drugs were used for specific purposes and sites did not conform to the mechanical visions already mapped out by media. Accompanying the beatific picture of Anna Wood in school uniform, the *Daily Telegraph Mirror* cited a NSW Australian Medical Association (AMA) in a report headed 'Teen drug use an epidemic'.<sup>50</sup> The survey, part of an AMA Anna Wood Drug and Alcohol Education Project to formulate education strategies among State schools, is notable for revealing the disproportionate media coverage of ecstasy usage. Alcohol was deemed responsible for the majority of all drug-related deaths in the fifteen to thirty four age group; 25% of those aged twelve to seventeen were cigarette smokers; 4% of fourteen to nineteen year olds used amphetamines. Only 3% had used ecstasy. In 1992, one hundred and twenty eight youths aged fifteen to twenty four died from illicit drug usage.<sup>51</sup>

The ecstasy-rave panic also became enmeshed within the policing crisis engendered by the NSW Royal Commission into Police Corruption and was duly supported by the media. The Commission heard that Police supplied ecstasy,

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<sup>48</sup> *Director of Liquor and Gaming v Phoenician Club of Australia Ltd*, 7th May, 1997, p.22.

<sup>49</sup> *Telegraph Mirror*, 24th October, p.1; *Sydney Morning Herald*, 26th October, p.13; *Sun- Herald*, 3rd December, p.1; *Sunday Telegraph*, 4th March, p.38; *Who Weekly*, 3rd June, pp.46-56.

<sup>50</sup> Peter Allport, 27th March, 1996, p.3.

<sup>51</sup> AMA, 'Live the future' campaign, March, 1996.

cannabis and LSD within various city clubs.<sup>52</sup> Before Wood's death, legislature empowering police with closure or prevention of raves extended across several statutes: s.29 of the Theatre and Public Halls Act 1908; s.79 of the Noise Control Act; the 1901 Inclosed Lands Protection Act; s.37(4) of the Drug Misuse and Trafficking Act; and the 1990 Police Service Act.<sup>53</sup> Under the 1993 Local Government Act (s.68), promoters are required to seek council approval; development approval under the Environmental Planning and Assessment Act is also often required. In March-April 1996 the State Government announced its wider policy response. A Memorandum of Understanding between police and local councils was signed on the 6th of March as an agreement outlining their separate and binding responsibilities in regard to an increasing rave governance. In the launch of Youth Week in April, the Premier announced amendments to allow minors access to hotels and clubs for alcohol-free entertainment, and junior membership of registered clubs.

In acknowledging the gap between the range of club/pub leisure practices and youth opportunities, the move to shift youth orientated activities to licensed premises was an attempt to incorporate youth 'waywardness' within sound commercial environments with greater conformity to policing strategies. Here I wish to briefly note the micro-political conflicts evident in licensed premises' attempts to implement youth entertainment within the immediate shadow of the Phoenician panic. In terms of the Cohen model, it became evident to dance promoters in the wake of Wood's death that the Phoenician Club dances had produced a heightened awareness of like activities, in what Cohen defined as "sensitisation", which "transforms an ambiguous situation into an absolutely potent generalised threat".<sup>54</sup> The original panic in effect became a referent for the re-interpretation of previously innocent behaviours within a continuum of potential deviancy. Several dance events planned for November 1995 were cancelled by venue managers.<sup>55</sup> A Central Coast group, the Youth On The Peninsula committee was formed to provide alcohol and drug free entertainment with the support of the local council (a councillor was on the committee).

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<sup>52</sup> Malcolm Brown, 'Nightclub paid licensing police \$40 000 bribe', *Sydney Morning Herald*, 31st January, 1996, p.2.

<sup>53</sup> David Mackay, 'Rave Dance Parties', *NSW Policing Issues & Practice Journal*, July, 1995, pp.23-25.

<sup>54</sup> Cohen, 1972/1980, p.77.

<sup>55</sup> *3-D World*, December, 1995, p.42.

We spent a year working on a dance party in the Ettalong Club, which is a magnificent two thousand capacity room, had the police involved, who fully supported it. One of the grounds mounted by the Government before the Court was that 'a gathering of young people would lead to illegal activities'. Presumably this means the Government is preparing to close all schools. What was ironic was that the dance party had been in planning for twelve months and had the support and backing of the Police, Gosford Council, Department of Health and local youth organisations. Despite the Government being represented by a team of four lawyers, we were successful in holding the dance party and it was a great success. Anna Wood's father subsequently commented on how well it was run. It was a great credit to the Ettalong Memorial Club that it proceeded with the event, as the club was threatened with the loss of its liquor licence if there were any problems with the dance party. Although it was our intention to hold a dance party every month, subsequent restrictions imposed by the liquor licensing authorities have resulted in our initiative not proceeding further at this time.<sup>56</sup>

Initially devised to operate dances fortnightly, the committee became entrapped within the technical obstructions of licensing laws derived from government directives (a six month trial was finally granted to commence from September 1996). An alcohol-free nightclub for youth in Sydney's Northern Beaches, Figure Five, was closed in January after resident complaints concerning noise and graffiti; a western suburbs under eighteen dance party which had been operating for four years, Fusion Australia, was also closed within this period.<sup>57</sup> These events, as organised alternatives to the Government's problematic relation (criminalisation) of unstructured leisure practices, in turn were inevitably viewed as part of the 'problem'. Successful sites of some continuity (the Fresh dance parties at Kinselas in inner city Darlinghurst, Equinox at the Marconi Soccer Social and Recreation Club, Pump Mania at Apia Soccer Club) straddle the fragile combination desired, approximating the ambience of raves within sites and practices of parental (and by extension government) approval.

#### IV. Representations of Difference

In this section I want to consider the conjunction of media constructions and their influence upon the seemingly fixed practices of legal process and youth activity within the site-specific context of the Phoenician Club hearings. The defining of subcultural practices (within the courts and the media) is important in allowing the original dramatic event to be perceived disproportionately to the actual

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<sup>56</sup> Chair of Youth on the Peninsula, solicitor Warren Cross, email to author, 17th August, 1996.

<sup>57</sup> Mark Goudkamp and Jackie Woods, 'The war on kids', *City Hub*, 15th February, 1996, p.7.

societal threat. Labelling produces discursive sites where the rift between meanings and application are incorporated in policing strategies.

This is evident in the examination of the dance scene by the media after Wood's death. The shift encompassed print and broadcast media, exemplified in the *Sydney Morning Herald* coverage before the Apache functions ('Dancing All The Way To The Bank') and after ('Lethal Cocktail'). Channel Nine's *60 Minutes* program<sup>58</sup> provided a familiar circuit of tabloidisation in the linkage of barely understood music forms to deviance. *60 Minutes* reporter Tracy Curro's comparisons of techno to rock reveal the ways in which the music was co-opted as part folk devil:

Curro: "Maybe I'm not listening to it properly, but it does seem very monotonous".

[DJ] Pee Wee Ferris: "A lot of people say that about classical [music] when they don't understand it".

Curro: "But how do you dance to it?"<sup>59</sup>

Footage of raves juxtaposed images of the Wood funeral, with *Daily Telegraph Mirror* headlines providing a montage of concern. In the absence of informed sources regarding the nature and frequency of youth drug consumption, Anna Wood's sister, Alice, was interviewed. The role of placing the Wood panic within the broader context of public health fell to dance promoter Tony Papworth: "what people fail to understand is that closing down dance parties is not going to solve the drug problem — the weekend that Anna Wood died, six teenagers died as a result of alcohol".<sup>60</sup>

Perhaps the most obvious linkage between the music, club activities and deviancy can be found in the book published subsequent to Wood's death by *Sydney Morning Herald* journalist Bronwyn Donaghy, with assistance from Anna's parents. The descriptions of the Apache functions are instructive in the aesthetic of redemption which pervades the book:

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<sup>58</sup> 'Rave On', 3rd March, 1996.

<sup>59</sup> *ibid.*

<sup>60</sup> *ibid.*

The beat filled their heads as soon as they entered the club. They were in a dimly lit room full of poker machines, but the pulse of the music from the dance floor reverberated around them. Techno music relies heavily on a repetitive thudding beat. It is raucous, continuous, monotonous and loud. Some numbers have limited lyrics and these, too are repeated over and over and over with no discernible change in key. YourhouseismyhouseYourhouseismyhouseYourhouseismyhouse ... Illuminated by green, red and purple strobes, crowds of people writhed and jerked to the grating techno beat ... Like high priests on a pagan altar, the disc jockeys sat beneath a red and green symbol on a raised stage. The dancers massed in front of them, gazing up, resembling worshippers as they jerked, gestured and ground their hips on the crowded dance floor; there wasn't much room to move but it didn't matter. This sort of dancing required no fancy foot movement, there were no steps to learn.<sup>61</sup>

In her study of dance scenes and associated panics in Britain, Sarah Thornton documents well the means with which media portrayals of the type discussed above serve to solidify subcultures as an integral part of their formation, to the extent that "mass media misunderstanding is often a goal, not just an effect, of youth's cultural pursuits".<sup>62</sup> Thornton's work posits a post-Birmingham model in which subcultural styles and meanings are diffused and invested in more fluid ways and circulate within a range of taste cultures. There is also a marked shift in terms of perceived media influence. Rather than the familiar agenda setting model proposed by Hall et al (1978) which focuses on commercial media, Thornton believes "niche media" (music magazines and newspapers) and "micro-media" (flyers, fanzines, telephone information lines, internet sites) to be equally valid framing mechanisms.<sup>63</sup> The media processes of moral panic, it is argued, "fails to acknowledge competing media, let alone their reception by diverse audiences".<sup>64</sup> The tabloid coverage of Wood's death certainly provoked a coalition of underground media and promoters in defence of fragmenting and increasingly commercialised rave scenes. The published letters and articles in dance magazine *3-D World* in the weeks after Wood's death reveal the ways in which panics can produce an immediacy of concern and defence of existing practices. Niche and micro-media, particularly street press such as *3-D World*, perform an important binding function in reasserting a subcultural sense of self. While panics set in train the mechanisms of defining activities for the purposes of prosecution and prohibition, equally the processes of labelling are reassessed within subcultures to assist in the maintenance of authenticity in reinforcing a 'unity' of difference. This

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<sup>61</sup> Donaghy, 1996, pp.151-152.

<sup>62</sup> Thornton, 1995, p.120.

<sup>63</sup> *ibid.*, pp.137-162.

can also occur through the commodification of taste cultures, in the instances where the mainstream attempt to simulate the illicit ambience of smaller scenes. The British experience of “chartpop” discos and hostility to a clubculture where “Sharon and Tracy dance around their handbags”<sup>65</sup> has been replicated in Sydney scenes:

Maybe in respect for the Old Ravers we should just change the whole scene, so there is [sic] no longer raves .... but what? Disco? So we can dance to some top 20 and ‘pick up’ some nice gal or guy ... NO! We want the positive vibes to reappear, come on everything has to be so bad at one stage for it to become sick!!! .... IT IS THE MUSIC, IT IS THE EMOTION, IT IS THE CLOTHES, IT IS THE TECHNICAL KNOWLEDGE AND SKILL, IT IS COMPETITION, AND IT IS EARNING YOUR STRIPES. IT IS THE FAMILY. IT IS THE IDENTITY.

Too many moronic people have turned up to raves to either look good, be cool or to cause trouble ... Pardon my French, but who gives a fuck about what you look like, go to fuckin’ nightclubs if you want to look cool. The rave scene needs to go under, under, underground. It may never return to the way it was (though I wish it would) but maybe it would improve the state it’s in now.<sup>66</sup>

The increasing appearances of clubbers within the rave scene could partially be attributed to the increased media attention of both scenes as a consequence of the Wood-Phoenician panic. The threat of raves being transformed to ‘overground’ status through the attendance of clubbers not prepared to “earn their stripes” was an immediate concern. Yet the commercialisation of scenes — a gradual shift from illegitimate raves to a sanitised club dance party culture — is not solely the product of media manipulation. Within her history of club and rave subcultures within Britain, Thornton does not document the various means by which commercialisation derives from regulation. Segregation of scenes is a fluid process that operates in both directions, despite the discourses of harmony and egalitarianism which rave scenes internationally espouse. The assembly of legislation within Britain — the Greater London Council Code of Practice, the Licensing Act 1988 amendments, the Entertainments (Increased Penalties) Act 1990, the Criminal Justice and Public Order Bill 1994 — directly or indirectly, produced censored dance cultures of a more static commercial character. The direct effects of regulation in producing a shift in clubculture are evidenced in the history of Manchester’s Hacienda Club, where compliance with police and the local council (after an ecstasy-related death and gang violence) amounted to its

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<sup>64</sup> *ibid.*, p.136.

<sup>65</sup> *ibid.*, p.99.

subcultural demise.<sup>67</sup> The Hacienda provides an important case study in which legitimacy is conferred through commercialisation.

The Wood-Phoenician panic revealed little evidence of dialogue between media of approaches taken, or of politicians heeding the efforts of niche media to place the death within wider contexts. The only evidence of differing agendas was to be found in the weekly street press, the independent *City Hub* and *3-D World*. The dearth of exchange of and between media limits the potential implied by Thornton for niche or micro-media to exert influence disproportionate to their size or readership. In this sense one is inevitably forced back to the restrictive processes of agenda setting (Hall et al 1978) where dialogue predominantly occurs *within*, not between constituencies. In the wake of the Apache function, tabloid portrayals remained the defining image for both sides of parliament in the construction of a consensual framework:

I am sure all members of the community and honourable members of this House experienced a chill when they read the article and saw the photograph of Anna Wood on the front page of today's *Daily Telegraph Mirror*. They made me realise just how close our homes and communities are to drug-related deaths ... I endorse the actions of the Premier, who is seeking to close down the Phoenician Club and other locations which encourage or assist young people to take drugs.<sup>68</sup>

Wood's background confounds prior assumptions of panics driven by middle class concern in working class youth. As a fifteen year old planning to enter the workforce the following year, Wood and her friends provide an example of those with sufficient time and economic capital to pursue a more elusive "subcultural capital".<sup>69</sup> The panic was partially constructed upon the media's emphasis (reflecting wider societal concern) that a *northern suburbs* schoolgirl had consumed illicit substances before illegally entering licensed premises.<sup>70</sup> Wood's familial circumstances were instrumental in the construction of public disquiet:

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<sup>66</sup> Letters to the Editor, *3-D World*, 1st April, 1996, p.62.

<sup>67</sup> See Redhead, 1993, pp.14-29.

<sup>68</sup> State Liberal member for Davidson, Andrew Humpherson cited in NSW Parliamentary Debates, 25th October, 1995, pp.2351-2532. Anna's school, Forest High, is situated within the Davidson electorate.

<sup>69</sup> Thornton's term derived from Bourdieu's 'cultural capital' describing the means with which youth acquire status and demarcate their values and experiences from the mainstream. See Thornton, 1996, p. 11.

<sup>70</sup> As evidenced in the constructions of stereotypical class identities in the surfies-rockers clashes detailed in chapter four, Sydney's northern suburbs constitute a predominantly affluent area of the city.

There's no doubt she came from a middle class environment and she was the quintessential fresh-faced Australian child that everybody could relate to ... That really did make her an emotional subject.<sup>71</sup>

The newspaper further asserted that "if she had died of a heroin overdose we wouldn't have covered it no matter who she was".<sup>72</sup> The hitherto incoherent nexus of illicit — and significantly, 'innocent' — schoolgirl leisure and middle class origins was significant in reinforcing a binary ethics of normalcy and evil. This was particularly evident in the Donaghy publication, which emphasised that

This was no rejected street kid who took drugs to escape from the reality of a homeless, hopeless future. Anna Wood wasn't an unemployed delinquent or runaway. She came from a comfortable home in a pleasant northern beaches suburb. She had just left school and secured an apprenticeship for the sort of job she'd always wanted.<sup>73</sup>

Within the simplified truths of tabloid construction, Wood's background and leisure patterns produced an idealised existence with which to mount the moral barricades. Within the context of the Labor Government's recent criminalisation of street youth behaviour, Wood clearly did not fulfil the vigilante baseball-caps-askew profile of problematic youth. This served to confirm the extent of the raves-drugs 'problem', in emphasising subcultural appeal which transcended age and class barriers. Wood (and her friends) were not representative of the entrenched rave or commercialised dance club culture. According to Donaghy, Wood had used ecstasy once at a rave prior to the Apache party, had occasionally used marijuana and had "probably experimented once with speed".<sup>74</sup> The decision, with her friends, to attend the Phoenician Club did not seem to befit a pattern of illicit evening leisure activities. Analyses of subcultural deviance from both academics and moral entrepreneurs often derive from similar desires to invest the subversive moment with subversive intent. The canon of Birmingham School scholars — Hebdige, Young, Frith, Cohen, Clarke, Hall — was informed by an ideological belief in the self-reflexivity of youth behaviour, that the "representational aspects of youth always symbolised something larger than themselves".<sup>75</sup> The dual illegality of ecstasy use at a rave on licensed premises can

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<sup>71</sup> *Daily Telegraph* Editor John Hartigan cited in Andrew Hunter, 'Making the myth of Anna Wood', *Reportage*, Australian Centre for Independent Journalism, no. 6, 1996, p.4.

<sup>72</sup> *ibid.*

<sup>73</sup> Donaghy, 1996, p.180.

<sup>74</sup> *ibid.*, pp.73, 96.

<sup>75</sup> Ken Gelder, 'Introduction to Part Two' in Ken Gelder and Sarah Thornton (eds) *The Subcultures Reader*, Routledge, London and New York, 1997, p.89.



be regarded as a tool with which to demarcate school and home responsibilities. The itinerant connection to a *commercialised* dance culture which symbolised their leisure activities of Wood and her friends seems in this respect more a study of apolitical pleasure, approximating Redhead's "hedonism in hard times" approach.<sup>76</sup>

It has been often observed that youth exist not only as a social category, but symbolise a "psychological category of people who are at a moment of change; [where] a gap exists between two discourses, that of irresponsible subservient childhood and initiative-taking adulthood".<sup>77</sup> This transitory zone of responsibility became a significant motif employed by the media and Government in the panic. The *Daily Telegraph Mirror* front page which galvanised parliament consisted of a photograph of Wood in school uniform (see Figure Twelve):

Her face was enchanting ... It wasn't just that she was pretty, it was that she had a very fresh innocent face and very lively eyes. If she had come from [the western suburbs of] Mt Druitt and looked like that, we would have gone with it just as big.<sup>78</sup>

The school uniform photograph, subsequently used in all media reportage, came to symbolise more than the tragedy it so obviously was. It served as a stark alternative in television news attempts to capture aging Phoenician Club directors in attendance at the Licensing Court in the dichotomy of lost youth and remaining offenders. As a permanent construct of innocence, the image was immediately adopted by the Anna Wood Drug and Alcohol Project organised by the AMA, with the accompanying theme of 'Just Say No' as a unifying pedagogical symbol.<sup>79</sup> The *Daily Telegraph Mirror's* October 26 heading stated 'How a teen's night out became every parent's nightmare'. Its sister paper the *Sunday Telegraph* continued with pictures of Wood and her friends at play, accompanied by the heading 'Portrait of a happy girl'.<sup>80</sup> The school uniform snapshot, supplemented by reminders of immediate family contexts, provided the defining focus of

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<sup>76</sup> Redhead, 1993, p.4.

<sup>77</sup> Hilegonda Rietveld, 'Living the dream' in Redhead (ed.) 1993, p.52.

<sup>78</sup> *Daily Telegraph Mirror* journalist Lucinda Duckett cited in Hunter, 1996, p.4. As one of the outer west suburbs associated with the 'westie' tradition identified in chapter five, Mt Druitt remains one of the most demonised low income areas of the city, frequently associated with violent and drug related crimes.

<sup>79</sup> The Project was co-sponsored by several tabloid media: the *Daily Telegraph Mirror*, Channel Nine's *A Current Affair* program, Sydney radio station 2UE and the weekly magazine *Woman's Day*.

<sup>80</sup> *Sunday Telegraph*, 29th October, 1995, p.9.

# Telegraph Mirror

1.3 MILLION READERS A DAY

SYDNEY, Wednesday, October 25, 1995

WEATHER: Fine and dry, 22 degrees

Phone: 288 3000

70 cents\*

## Teenager's tragic dance party



Victim of drugs ... Anna Wood, 15, in a recent school photograph

THE parents of Sydney teenager Anna Wood watched yesterday as her life support system was turned off — three days after she fell into a coma after taking the drug ecstasy.

It is believed she tried the drug after paying \$70 and taking it before she entered a city dance club on Saturday night.

Within hours she had suffered a violent reaction and was vomiting uncontrollably.

By Sunday morning she had slipped into a coma.

Yesterday afternoon she was dead.

A police spokesman said: "The life support machine was turned off shortly before 4pm."

A Royal North Shore Hospital spokeswoman would not comment on whether Anna had suffered an allergic reaction to the drug.

Friends spoke yesterday of how excited Anna had been about going to the party to celebrate her new job as an apprentice beautician, which she was due to start on Monday at Skin Vogue Beauty Salon in Belrose.

It would have been the 15-year-old's first job after leaving Forest High School two weeks ago.

By NIGEL VINCENT  
and LUCINDA DUCKETT

On Saturday, Anna joined friends and headed into the city for the Apache dance party at the Phoenix Club in Ultimo.

Yesterday, at about 3.55pm, with her family by her side, Anna died at Royal North Shore Hospital.

Police said they believed Anna fell ill after taking only one ecstasy tablet.

She was taken immediately to a friend's house in Belrose, where she spent the night.

Detective Senior Constable Stephen Page, from Frenchs Forest police, said Anna was looked after by her friend, but began to experience difficulties.

"She was monitored all night and when the difficulties began, an ambulance was called," he said.

A friend said yesterday: "I saw her about 5.30pm on Saturday and she said she was going to the rave with about three girls and maybe some guys."

"That was the last time I spoke to her."

Another friend said: "Anna bought the ecstasy tablet but must have had two weeks ago."

Continued Page 4

‘The life support machine was turned off shortly before 4pm’

## GUARD SHOT

### Gunman attacks train security officer

A TRAIN security guard was shot after being lured into bushes from a railway platform, police said today.

The guard, one of 66 newly contracted by the State Government to protect Sydney commuters, had left a train at Cronulla Station at 10 o'clock last night.

Police said the guard, 26, went to investigate a noise in bushes bordering the station when he was shot by a man.

A bullet blasted through the guard's left shoulder before

By STEVE GEE

ricocheting off a Tangara train stopped at the platform.

A police spokesman said the guard's partner ran to his aid after hearing the shot, but the gunman had fled.

The guard, from Ramsgate, was taken to St George Hospital, where he is in a stable condition today.

In a separate incident two hours earlier, two transit police were allegedly bitten and a

shot fired into the roof at Central station in front of 40 commuters.

Video footage of the shooting at Cronulla will be examined by detectives today.

A police spokesman said four cameras mounted on the platform had captured part of the incident.

"The footage shows the guard smoking a cigarette at the station's turnstiles before he disappears to investigate a noise from outside the premises," the spokesman said.

"Moments later the guard's partner runs from the platform to investigate."

By the time she arrived at the scene, the gunman had already fled into bushland.

A search of the area last night failed to find the man, who was believed to be armed with a .22 calibre firearm.

Police today made an appeal to the public to try to identify the gunman.

Cronulla detectives said a

Continued Page 2



Police officers at Cronulla station today

FINAL

Business: P30; Comics: P55; Crosswords: P52;  
Lottery (5717): P56; Television: P67; Weather: P68

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mainstream concern, or as Hebdige states in another context, the “threat to the family was made ‘real’ (that could be my child!) through the ideological framing of photographic evidence which is popularly regarded as unproblematic”.<sup>81</sup> The processes of panic were repeated in very similar circumstances in South London in November with the death of Leah Betts, a college student of middle class origins who had taken ecstasy at her eighteenth birthday party at home. As with Wood, a family photograph was used in subsequent billboard and school education programs. In such instances discerning between innocence and criminality remains problematic in the prosecution of an ‘innocent’ middle class of consumers. The Betts and Wood media panics were similar in attempts to mobilise consensus regarding correct policy procedures. British mainstream newspapers such as *The Independent* advocated harm minimisation strategies and decriminalisation of ecstasy, while some police also supported decriminalisation for consumers.<sup>82</sup> A similar debate regarding alternative strategies was not to be found within the Australian mainstream media; realistic appraisals of contemporary youth drug practices continued to exist only within the street media.

## V. Policy Responses

The material effects of Wood’s death upon existing youth entertainment have been briefly documented above. The most explicit response is embodied in the State Government’s Draft Code of Practice for Dance Parties. Its intention to legitimate commercial sites and outlaw illegal ventures is clear in its stated duty to assist “professionally organised, legal and hassle free dance parties in *suitable* locations” (my emphases).<sup>83</sup> This is reinforced in the ‘advice’ to use the term ‘dance party’ in preference to ‘rave’, which has a “negative and pro - drug reputation ... the image it reflects will not help in getting the needed approvals and consents”.<sup>84</sup> The Code embraces a clear emphasis on harm minimisation of youth dance practices: needle disposal instructions for staff, prohibiting venue re-entry to curb drug dealing, recommendations for a ‘chill-out’ area within venues, posters detailing correct

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<sup>81</sup> Hebdige, 1979, p.98.

<sup>82</sup> Collin and Godfrey, 1997, pp.296-298.

<sup>83</sup> NSW Ministry of Police, *Draft Code of Practice for Dance Parties*, 23rd April, 1997, p.3.

<sup>84</sup> *ibid.*, p.8.

responses to drug abuse and the provision of free tap water at all events.<sup>85</sup> This entailed an admirably progressive response from the more instinctive policy formulation, and at considerable distance from the Premier's parliamentary statements on the 25th of October 1995.

The Code is also designed to disrupt the inherent rave ethic of a politics of appropriation. The technical processes of compliance (council, police, Licensing court approval coupled with ambulance, insurance, health department and transport arrangements), envisaging sixty days' organising time, discourage smaller, ad-hoc guerilla events. The formalisation of dance events produces a circular economic rationale familiar to the rock music industry, where increased organisational costs to meet technical efficiencies are offset by an increase in the size of venues and audiences. In regard to the time and effort in conforming to a range of authorisations, smaller promoters and events are disadvantaged in an ascending hierarchy of legitimacy. An increasingly privileged use of space for exchange relations serves to dilute other uses and intentions. Standardisation to secure compliance and, importantly, safety, may also produce an enduring aesthetic of conformity:

As events cost more and more to hold because of the increased number of regulations to obey, promoters will turn to the more commercially accessible DJs and live acts in order to ensure that they draw enough crowd to meet their own costs ... It may come as a surprise to the Government and the economic rationalists that, within the close-knit 'underground' scenes promoters do not cut corners to make higher profits but simply to make their events affordable to crowds. With no commitment to encouraging councils to provide low-cost venues to small-budget amateur promoters there will be no more Vibe Tribe-style events, no more Bunker parties, no more Virtual Bass-style events, no more Levelhedz under these proposed regulations.<sup>86</sup>

The Government's Youth Entertainment Program, including the Draft Code of Practice for Dance Parties and minors entertainment legislation, also established a Youth Entertainment Pilot Project, designating \$35 000 to subsidise under eighteen functions, including hotels and clubs.<sup>87</sup> The Minister for Gaming and Racing also launched an alcohol-free entertainment promotional strategy during Youth Week

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<sup>85</sup> *ibid.*, pp.7-16. A National Drug and Alcohol Research Centre study of dance venues found venues adopting various dangerous strategies to discourage the drinking of tap water to increase the sales of bottled water over the bar. See Julie Delvecchio, 'Why clubs can be bad for your health', *Sydney Morning Herald*, 23rd September, 1997, n.p.

<sup>86</sup> Yellow Peril, 'The Death of Diversity?', *3-D World*, 23rd June, 1997, p.87.

with the 'I Can Be Me Alcohol Free' slogan. Significantly, the accompanying logo, designed by a sixteen year old schoolgirl, depicted a cartoon portrayal of two youths wearing caps back to front. The campaign (logo) was indicative of a more realistic acknowledgement of youth leisure needs and practices. It also represented a practical endorsement of how youth identified themselves. The outward appearances of distinction, previously used by the then Opposition Leader to signify deviancy, were now incorporated as an inclusive message of acceptable difference. The Youth-as-Other strategies employed throughout the 1995 election campaign, and the problematic delineation of criminalisation/victimisation after Wood's death, had been replaced with a pragmatic understanding of dance practices. This strategic shift reflected similar changes in Britain. Collin and Godfreys' assessment of current British governance are applicable to current NSW policy which similarly involves "a delicate political balancing act, introducing a liberal tone that emphasised the role of health and education at the same time as reassuring the public that law enforcement was still the priority".<sup>88</sup>

I have thus far contextualised a series of leisure practices and attempted to place in question the seemingly 'common sense' nature of events within a modified panic framework. The final exercise lies in the examination of what Cohen's "Exaggeration and Distortion" phase in regard to the nature and type of illegal activities found established within the Phoenician dance functions. Differing discourses of value were established between Phoenician Club behaviours and standardised registered club practices. The complaints established, by their nature and regularity, can be placed within the leisure practices (encompassing hotels, restaurants and clubs) in regard to the observance of the Liquor and Registered Club Acts. Many of the Phoenician breaches were 'charge and summons' offences commonly found in the Department of Gaming and Racing's register of offences for all NSW licensed premises in 1995.<sup>89</sup> It is interesting that a Northern Beaches police covert investigation ('Operation Alcohol Crime') conducted one month after Anna Wood's death observed fifty

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<sup>87</sup> \$20 000 was allocated for a consultant's report on the efficacy of the scheme; \$15 000 was allocated to subsidising sanctioned minors' entertainment.

<sup>88</sup> Collin and Godfrey, 1997, p.300.

<sup>89</sup> Statistics compiled by author from Department of Gaming and Racing, *Liquor and Gaming Legislative Bulletins*, January-December, 1995.

minors-related offences over a three day period.<sup>90</sup> Amendments to the Liquor Act and the Registered Clubs Act in December 1994 provided police with an extension of offences relating to minors. From the period of the 1st of December 1994 to the 3rd of November 1995, nine hundred and seventy six Penalty Notices were served.<sup>91</sup> The specific nature and number of drug offences within licensed premises are not available in a coherent form, yet the above statistics confirm, at the very least, to place the Phoenician Club (pre-1996) within an extensive commercial culture of negligence and impropriety consistent with the evening entertainment activities documented in the previous chapters.

## VI. Final (Re)Developments

And what of the Phoenician Club? In the absence of a 'smoking gun' linking Wood's death directly to the premises, the courtroom battle became a "hyperlegal"<sup>92</sup> contest of the excesses of black letter law. Explicit (and well founded) concerns regarding a variety of technical breaches belied an implicit agenda (cf. Chevigny, Clarke) of moral indignation. Indeed, a former Secretary of the Club, Ted Tame, has labelled the court action as a "lifestyle bust", describing the dance parties held at the Club in the early 1990s as "drug parties".<sup>93</sup> In convicting the Club in 1992 for admitting two hundred non-members, Tame believes the events were similar to the Apache functions in regards to overcrowding and the level of drug usage by patrons. As the Club's solicitors point out, the difference in disciplinary action between 1992 and 1995 derive from explicit State intervention:

The case so far as the Club is concerned is a very technical one. I suspect that the licensing authorities are trying to spread their net a bit wider. They're continuing to ask questions at the Club about other things, unrelated to other things. As you know, it all stems from the death of Anna Wood. They can't pin the death of Anna Wood on anything the Club's done, but they're trying to do the next best thing, and the problem arose because the Premier leapt into print saying that the Club was going to lose its licence. And the licensing authorities are saying 'easier said

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<sup>90</sup> *Liquor and Gaming Legislative Bulletin*, December, 1995.

<sup>91</sup> *ibid.* The five most common offences were supplying liquor to a minor; minor in restricted area of a hotel; minor using false evidence of age; persons obtaining liquor on behalf of a minor; minors providing false information.

<sup>92</sup> Redhead, 1995, p.111.

<sup>93</sup> Interview.

than done, but we'll do our best'. So I think it's driven from the need to prop up the Premier's statement.<sup>94</sup>

The Club's number and scope of breaches of the Registered Club Act 1976 embodied an accompanying strategy by the Government familiar to litigants. If unsuccessful in closing the club on the strength of observable breaches, the length and costs of due process may achieve similar results. As observed earlier, dance functions were viewed to be crucial in restoring the Club's economic stability and reversing an operating loss of \$100 000 for 1994. After the Apache functions, the Court noted that "perhaps under some pressure from the Director of Liquor and Gaming", the Club did not provide entertainment of a similar kind for eighteen or nineteen months.<sup>95</sup> This loss of entertainment revenue was compounded by the Court's decision to suspend its functions authority for six months, which amounted "in practice to a two year suspension"<sup>96</sup> of a vital income source. Noting that creditors would be left unpaid and the subsequent unemployment of casual staff, the Magistrate opted to impose fines of \$100 000 in place of cancellation of the Club's certificate of registration. He also stated that possible closure of the club would be "unfortunate" and was not the intention of the fines imposed.<sup>97</sup> After representations from the Club of the difficulties in paying the fine, the Magistrate allowed monthly instalments of \$10 000 from June 1997.<sup>98</sup> Appeals regarding the decision were lodged by both parties. The Club stated that the monetary penalties and suspension of Club President Mercieca were excessive. The prosecution urged the cancellation of the Club's certificate of registration, increased monetary penalties, a longer term of suspension for Secretary Trevithick, and a ten year suspension for President Mercieca. With new legal representatives, the Club accepted the original judgement, stating that it had used its cash reserves, and could not keep trading for much longer. The site required extensive alterations to change entry procedures, which the Club stated was not feasible, given that it was now on a monthly lease from South Sydney Council.<sup>99</sup> A reduction in fines, it was argued, would enable the Club's survival. The Club also stated that it was exploring the possibility of merging with the Melita Eagles

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<sup>94</sup> Phoenician Club solicitor John Ralston, interview.

<sup>95</sup> *Director of Liquor and Gaming v Phoenician Club of Australia Ltd*, 12th May, 1997, pp.4, 6.

<sup>96</sup> *ibid.*, p.6.

<sup>97</sup> *ibid.*, p.5.

<sup>98</sup> *ibid.*, p.10.

<sup>99</sup> Author's court notes, 18th September, 1997.

Soccer Club, in relocating in the western suburbs of Parramatta.

In its appeal decision, the Full Bench of the Licensing Court reduced the previous monetary penalties imposed upon the Club to \$15 000, and ended the suspension of the Club's functions authority.<sup>100</sup> In noting the precarious financial status of the Club, its relatively unblemished trading record and expression of contrition in respect of licensing breaches, the Licensing Magistrates believed the Club had suffered enough. The deterrence through exemplary sentencing sought by Premier Carr in the form of the Club's closure was not achieved. Here the rational legal processes seemingly prevailed over more emotive discourses derived from authoritarian populism. Yet the legal proceedings have imposed significant changes in Phoenician Club practices. The rock band and dance party policy has been replaced with Friday night swing bands and plans to establish discos for over-forty five year olds (see Figure Thirteen).<sup>101</sup> Continuing Licensing Squad surveillance regarding operation of entry registers and entertainment has influenced a permanent shift away from youth entertainment.

The Phoenician Club site remains a unique cultural space within Sydney's cityscape. It stands as a signifier of the historical disjuncture between local live rock's glorious past and uncertain future, as one of the few larger venues to survive the regulatory and cultural shifts of the previous decade. As one of the few medium-size venues remaining in Sydney's Central Business District, it has played an important role for performers and promoters seeking a comfortable alternative to smaller pub venues or unprofitable larger spaces (like the Sydney Entertainment Centre or Cricket Ground). For a much diminished live rock community, the ecstasy panic correlated with the immediate viability of the live music industry. The following typified the industry's response to the threatened closure of a favoured venue:

In order to score cheap political points [Premier Carr] has decided to jump on a band wagon and not allow the Phoenician Club to hold any functions. Closing down the club will not stop drugs being sold in schools, clubs or on the street. Education about drugs is what is needed. The Government's actions reek of cynicism. On Monday an announcement was made that a \$500 000 scheme to revive Australia's live music scene, where the [Labor] Minister [of Communication

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<sup>100</sup> *Disciplinary Complaints Against The Phoenician Club of Australia Limited*, 16th December, 1997, Licensing Court of NSW.

<sup>101</sup> Interview with Board members, 27th March, 1998.



and the Arts] asked yesterday 'What can we do about the lack of venues?' Keeping them open would be a good start Mr Lee. [The] response to this tragedy has been a knee jerk and illogical one. There are only a handful of venues left in Sydney and we cannot afford to lose the Phoenician Club.<sup>102</sup>

Subcultural concern shifted to a pragmatic politics of survival for promoters and audiences within the new commodified regulatory landscape. On the 19th of July 1996, Australia's first purpose-built dance venue 'superclub', Sublime, opened for business. The crackdown on illegal ventures had other effects:

Parties are smaller and promoters find it extremely hard to find adequate venues ... The scene abounds with parties claiming to return you 'to the good old days' ... Raves are now considered by most figures in our dance culture as its embarrassing offshoot — dodgy parties with 'bad' music littered with drug-addled 16 year olds.<sup>103</sup>

Yet the effects of the panic also caution against portraying a uniformity of legislative response and its effects. At the precise moment of the NSW Premier questioning the livelihood of the Phoenician Club, Federal Labor Government initiatives were announced to aid live venues. Federal government funding represents one form in which the Australian live rock culture has been incorporated within broader cultural policy frameworks, and the extent to which it is now part of approved leisure practices, as an *industry* worthy of support. As a loose coalition of scenes, event strategies and promoters, the dance scene has adopted the contemporary mantle of unapproved folk devil. The Phoenician Club hearings signify the shift in the youth-government nexus of misperception; rock and roll has been dethroned as the 'uncontrolled Other' of Australian music practice. Or perhaps, as Catherine Lumby has suggested, in marking "a point of transition or becoming", panics provide a useful shifting point towards recognition.<sup>104</sup> Clarke has observed that "technical arguments about the feasibility of [rock] festivals in regard to siting ... constantly spill over into moral debates about drugs, sex, disorder and degeneracy".<sup>105</sup> As an inversion of this process, the social unease which erupted after Wood's death was channelled into legal challenges regarding the feasibility of the Phoenician site to continue as a registered club. In this particular instance, the impending threat which the tabloid

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<sup>102</sup> Band manager Mick Mazzone, letter to Editor, *Drum Media*, 7th November, 1995, p.8.

<sup>103</sup> Michael Park and Gareth Northwood, 'Australian Dance Culture', *Youth, Sound and Space* website, 1996, p.6.

<sup>104</sup> Catherine Lumby, 'Panic Attacks: old fears in a new media era', *Media International Australia*, no. 85, November, 1997, p.41.

<sup>105</sup> 1982, p.32.

media represented to youth dance subculture was not the release of 'knowledges' of implicitly forbidden practices into the mainstream, but the very real possibility that such practices may be explicitly forbidden. While "a tabloid front page, however distorted ... can turn the most ephemeral fad into a lasting development"<sup>106</sup>, it can also emerge as the defining moment of legislative retribution. The connective transfer of concern into action between the *Daily Telegraph Mirror's* front pages of the 24th - 25th of October and the Premier's parliamentary statement on the 25th of October 1995 cannot be understated. Anna Wood's death can be easily inserted within previous public references of indulgent/criminal youth established before the 1995 election. Indeed, her death seemingly confirmed the binary paternal/punitive election rhetoric employed by both parties. Further, this study exemplifies not only political control, but politicisation of control: an articulation of panic responses as electoral strategies. If (the elimination of) risk has become a "dominant motivation for [urban government] reform"<sup>107</sup>, the differences between the 1992 and 1995 disciplining of the Phoenixian Club behaviours reveals the discursive judgments of 'risk' according to external contingencies.

It has been asserted that the classic panic model is inadequate in explaining the conditions predetermining the patterns of behaviour which provide the focus for moral unrest.<sup>108</sup> It can equally be said that the Cohen model remains disinterested in the long term effects of state intervention. It is interesting in the context of this case study that reportage of the appeal decision of the 16th of December 1997 did not appear in any mainstream or music media. One can speculate upon the reasons: the media's reluctance to engage in lengthy (two year) court hearings, the tabloid obsession only with the initial dramatic event. A fundamental reason for such media silence, I believe, lies in the absence of a neat conclusion of juridical and political powers. The panic logic of cause and effect sought by the Premier instead revealed a more complex interplay of discourses. It is clear also that despite tabloid efforts, the panic transcended the usual reductive processes of singular demonisation. As the panic unfolded, the 'problem' appeared to be situated much closer to dominant binding familial frameworks. To assume

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<sup>106</sup> Thornton, 1995, p.17.

<sup>107</sup> Hannah Lewi and Gary Wickham, 'Modern Urban Government: A Foucaultian Perspective', *Urban Policy and Research*, vol. 14, no. 1, 1996, p.61.

Cohen's phrase, the wider issues originating from the panic, upon subsequent examination, could not be 'polarised'; middle class youth, sanctified as potential victims, also remained part of the 'problem'. The combination of legislation and incorporation (commercialisation) did not result in increasingly deviant behaviour, although it did serve to confirm the foundations of the panic.<sup>109</sup>

At a time of widening youth surveillance, when the spaces of youth leisure are increasingly monitored and/or commercialised, raves — even those within registered clubs — assume a resonance in challenging attempts to render youth leisure invisible beyond its commercial forms. Further, legal doctrine monopolised youth's own discourse in removing the essential binding sign (in this instance, 'raves') of private oppositional referents and images, and re-asserting a public, commercial equivalent ('dance parties'). The Code embodies a familiar strategy where policing failures lead to more policing as legal governance.<sup>110</sup>

The panic has other consequences for the policing of raves where, to cite Chevigny, the restrictions shape the music.<sup>111</sup> The costly moral and legal processes instigated against it has produced the removal of youth entertainment policies from the Phoenician Club. As also observed, court proceedings brought against the Club served a broader symbolic deterrent for those venues proposing similar dance events. In a similar manner, the Draft Code of Practice firmly favours dance music practices easily incorporated within the State's gaze. At the time of writing, the Phoenician remains listed as a registered club. As identified above, the Club had recently transformed its entertainment policies to be more in keeping with their traditional membership (Friday night swing bands, and eventual plans for a disco for over-forty five year olds). However, such plans have (at least temporarily) been abandoned. A padlocked front entrance indicates that the premises have not been in operation for several weeks, and the Club remains unlikely to resume trading activities.

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<sup>108</sup> For example, see Bessant, 1991.

<sup>109</sup> Reports did, however, surface of boasts by youth of taking 'the drug that killed Anna Wood'. For example, see Donaghy, 1995, p.216.

<sup>110</sup> See Hunt and Wickham, 1994.

<sup>111</sup> Chevigny, 1991, p.82.



**Figure 13. Phoenixian Club Entertainment board, September 1998.**

## Chapter 8

### Conclusion

#### A Fragile Legitimacy

... to be a wild child is to be still innocent amongst the machinery of commerce, with mouth open in a primal scream ...<sup>1</sup>

In the Introduction to this thesis, I proposed the social construction of the rock and roll performer and/or fan as unruly/unreasonable subject as one of the core elements of examination in this project. As such, the moral panic concept and corollary ideologies of subcultural difference have been significant in my mapping of live rock's place within broader social histories. Cohen's initial moral panic model has proven to be the most useful concept applied within cultural/popular music studies in conceptualising the 'irrational' rock subject's engagement with 'common sense' discourses of the everyday. In the first section of this Conclusion, I wish to re-examine the moral panic notion, in juxtaposing older models with contemporary panic processes. While aspects of moral entrepreneurship of popular musics are found to be shared between eras, I begin this Conclusion by arguing that the formative complexity of 1990s panics requires corresponding shifts in analysing legislative response.

The rest of the chapter explores the implications of traditional governance of the rock and roll subject and contemporary regulation. This involves incorporating the other central themes identified in the Introduction with regard to the development of a local live music industry within competing policy structures seeking the incompatible goals of the cultural and economic citizen. Policy directions are also explored in order to suggest a direction through which the historically schizoid tendencies of policy frameworks at local and State

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<sup>1</sup> Peter Garrett, opening speech, *Real Wild Child* exhibition reprinted in the Report on the Contemporary Ausmusic Summit for the Minister for Communications and Arts, 1994, n.p.

government level that continue to prohibit industry growth might be reconciled. This work has revealed that the industry's live workplaces have never been taken for granted by Australian musicians, or by those seeking to regulate their sites and practices. The chapter ends with a focus upon the intensely local mythologies and production-of-place discourses that remain vital to performance practice. This affirms the belief proposed throughout the thesis of the need to re-invest significant critical analysis in the seemingly mundane commercial and cultural infrastructures of live music.

## **I. Moral Spaces**

This thesis has examined a variety of moral fears concerning Australian rock and roll, incorporating both the nature of the music itself and its associated (drinking, dancing, drug taking) practices. Initial fears surrounding 1950s rock and roll performers were replicated in representations of 1960s surfer-rocker clashes, 1970s-1980s Oz Rock panics regarding audience behaviour and performer deviancy, and 1990s disquiet about the incursion of dance parties into rock and roll venues. Many of these panics were constructed upon public health fears (corruptible youth indulging in unhealthy and anti-social behaviours). Public and media concern about the number of venue fires, and particularly the Luna Park fire in the late 1970s, remains the best example of such concerns. Many of the earlier panics reflected the intrusion of commercial interests in moral concerns, where the reassertion of moral safeguards happily coincided with business interests. The popularity of 1950s rock and roll bands, and the subsequent decline in traditional dance halls, provided ballroom owners with sufficient cause to instigate localised panics about the drinking and dancing practices of youth. Similarly, Australian Hotel Association campaigns equating an increased number/type of venues with unacceptable increases in consumption have barely disguised publicans' desires to maintain their monopoly on alcohol sales at various times.

The panics examined parallel other accounts in Australia (Bissett, Sturma) and elsewhere (Cloonan, Clarke) in which media portrayals remain influential in panic construction. The thesis has provided evidence of the lack of progress made in

detaching youth/music practices from traditional iconographies of delinquency. The 1995 view of NSW Labor Premier Bob Carr equating youth who wear baseball caps back to front with criminal tendencies (chapter seven) provides a contemporary link with the 1960s assertion by NSW Labor Premier Heffernan, that youths dressed in tight jeans and leather jackets were likely to be gang members (chapter four). The Cohen panic model, and subsequent reworkings (Hall et al 1978) have placed media as central framing mechanisms in instigating and perpetuating panics, and in identifying victims and folk devils. In her history of British dance practices, Thornton correctly argues that panics are often secretly desired by youth subcultures as confirmation of difference. The histories of Australian rock performers and audiences confirm this: from the outset media fears marked out the work/leisure practices of performers and audiences as a counterpoint to the mainstream.

Yet Thornton further argues the importance of niche and micro-media in the construction of competing narratives, particularly “by diverse audiences”. Extending this argument to Australian experiences is problematic. No independent music press existed within Australia before the late 1970s; free music street press was not established in Sydney until 1980. More importantly, case studies within this thesis confirm the enduring ability of mainstream media to define government responses. As a panic which revealed that identifying the victims and the prosecuted are more complex than the Cohen model allows, Anna Wood’s death nonetheless revealed the continuing influence of mainstream media upon legislators in governing youth/music crises. Further, site-specific panics can produce enduring effects. The Luna Park fire and associated media panics about the fire safety of *all* local entertainment sites have shaped live music practices into the 1990s. Thornton’s assertion that panics have simply become “a routine way of marketing popular music to youth” remains true in many cases. However, panics can also mark the defining moment in legislative retribution and/or the demise of certain practices. The deaths of those at Luna Park and of Wood shared a common *effect* in the demarcation of the unruly and legitimate, as violent ruptures of previously ignored practices. Both panics also invoked familiar government attempts to bring to light subcultural practices through licensed commercialisation. This in many cases represents a more subtle form of censorship.

The notion of moral panic has proven to be one of the more effective cultural studies theories to pass into the everyday discourse of journalists, social commentators, politicians and panic 'victims'. The cynical comments of tabloid journalists, keenly aware of their roles after Anna Wood's death, reveal the heightened awareness of media and moral guardians in the formative stages.<sup>2</sup> While wilful manipulation of panic events may have existed during rock and roll's inception in the 1950s, the process has become more evident as its 'marginal' practices became apparent. Certainly, comparisons of the Wood/Phoenician Club events with earlier music/dance panics elicit shifts in the demonisation of the subject. In contrast to the 'purposeful' deviance of 1950s, 60s and 70s rockers, coverage of Wood's death evidenced the return of representations of 'innocent' youth in need of rescue through appropriate policy formations. Instead of being "unable to imagine the Other ... [as] a scandal which threatens his existence"<sup>3</sup>, moral entrepreneurship increasingly recognises that folk devils cannot be held at a metaphorical arm's length from societal processes.

This presents interesting discursive choices in new media landscapes approximating Adorno's concept of "seeing through and obeying"<sup>4</sup>. In his examination of youth moral crises, Geoffrey Pearson believed a continual strategy of factual, historical analysis to be the best means of exposing their cyclical rhetoric.<sup>5</sup> Projects such as this thesis serve useful purposes in this regard, in contextualising panic events within broader historical frameworks and specific contemporary debates. However, where wilful cynicism exists within such self-referential frameworks, this is not enough. A shift in emphasis upon political strategies, I believe, properly transfers the focus on the means by which the state exploits moral fears. This involves recognition that moral panic representations have shifted from determined efforts to 'sell' (label) source and victim, to battles of ownership of 'correct' authoritative response — the right to formulate (simulated) outrage and corrective measures.<sup>6</sup> The restoration of perceived fractures in the

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<sup>2</sup> Equally, the recent moral concern shown by radio commentators, the print media and politicians in the forthcoming Australian tour by Marilyn Manson, reveals that the cruder panic processes remain in circulation.

<sup>3</sup> Barthes, 1972, cited in Hebdidge, 1979, p.97.

<sup>4</sup> Adorno, *The Culture Industry*, Mackays of Chatham and Kent, 1991, p.11.

<sup>5</sup> Pearson, 1983, p.236.

<sup>6</sup> If his account is to be believed, speechwriter/screen writer Bob Ellis provides an illuminating insight into such processes, in recalling a lunch meeting with Bob Carr. "[Carr] was now being held



moral consensus remains a valuable political strategy; moral threats to the state within panic structures further serve to highlight the need for state jurisdiction. Particularly for non-conservative governments, they provide obvious opportunities to exhibit the required moral fibre perceived to be lacking within arts/cultural communities. My arguments here correlate with Redhead's belief that persistent examination of 'popular' and 'unpopular' discourses is unproductive, seeing the need to transfer emphasis to 'popular' and 'unpopular' policies.<sup>7</sup> However, residual notions of the 'deviant' and 'respectable' within older terms of debate remain, for an important reason. Within the more complex and 'knowing' constructions of panic strategies, labelling devices provide the most effective means of ensuring the continuation of subject-in-formation discourses essential to governance. Law and order campaigns remain predicated not only upon punitive strategies, but in the (continual) efforts of the subject to recognise his/her's moral shortfalls.

Thus the perception of the rock and roll fan or musician, "with mouth open in a primal scream" in Peter Garrett's apt phrase, has always presented itself in visible defiance of visions of the ethically complete subject, always threatening to render unmanageable the home/economy couplet identified by Miller. Identified in various ways in this thesis, the notion of the *selfish* consumer/citizen exemplifies the rock and roll subject daring to "find a space to express how they really feel, who they really are".<sup>8</sup>

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responsible, he complained, for the many stabbings and shootings of the past day and night ... and was aggravated that the only real response, *these things happen*, was rhetorically inadmissible" (Ellis, *Goodbye Jerusalem: Night Thoughts of a Labor Outsider*, Vintage, Sydney, 1997, p.228).

<sup>7</sup> Redhead, 1995, pp.100-101.

<sup>8</sup> Jon Savage cited in Redhead, 1995, p.102.

## II. Taming the Wild Child

The practical means by which live rock and roll has been disciplined revealed the historic concern with the public (and private) assembly of youth. Rock and roll provides one of the essential sites where the deep-seated fear of the crowd persists. Initial rock audiences represented to authorities the gathering of youth away from the structured environments of supervised leisure. Governments' belief in the youthful body's aptitude for trouble is magnified when large assemblies of young people are involved.

While rock audience/performer regulation has always implied public assembly fears, the Luna Park panic marks the point at which venue regulations were explicitly consolidated within public assembly laws. Public safety fears instigated government processes designed not to merely supervise behaviours within venues, but to structure venues to influence behaviours. 1980s changes (principally the 1985 Liquor Regulations (Amendment) Act, the Local Government (Amendment) Act 1989 and recent Building Code of Australia amendments) revealed the extent to which public entertainment licences had become *de facto* building licences. As the blunt instrument of reform, fire safety laws operated not from the numbers able to enter a venue, but the audience numbers able to *get out* (an inversion of past industry practices). While there were considerable delays in implementation, the consolidation of public entertainment licensing within building and liquor laws ended the spontaneous nature of many agreements between bands and venue owners. Rock performance now required planning and structural modifications in acknowledging discrete uses of sites. Venue owners henceforth had to be precise in designating dancing, bar and stage areas in assessing audience control and predicting behaviours. One of the original Department of Local Government staff involved in drafting the 1989 public entertainment amendments believes that "it is not entertainment that is the danger, but a crowd of people".<sup>9</sup> Yet current laws perpetuate the initial discriminatory basis upon which entertainment regulations are prescribed; the presence of music invokes a set of laws that take little account of individual entertainment forms and the buildings in which they are housed. In some contexts, it remains difficult for council authorities to discern the fundamental

cause of venue crowds, the times when music audiences, drinkers and bistro clientele overlap. Measuring these differences, literally the difference between the staged and the everyday<sup>10</sup>, produce real dilemmas in defining 'performance'.

Such problems represent the traditional difficulties experienced by authorities in viewing live performance as a set of practices unique to the industry. Institutional response has often embodied instances where "the law in a literal sense does not 'know' its subject".<sup>11</sup> In relating judgements of governance to cultural practices, discursive battles remain as important as practical ones and in fact, often define the nature of seemingly mundane practices (obtaining a gig, setting up equipment, getting paid, negotiating wages etc). It was no accident in 1958 that Johnny O'Keefe and his manager briefly abandoned 'rock and roll' as a definitive term once it became clear that such a description prescribed various prohibitive strategies. Musicians and audiences have problems in engaging authority in defining allowable practices, and defending sites and behaviours, since, to quote Frith, "music is not by its nature rational or analytic; it offers us not argument but experience".<sup>12</sup> Briefly abandoning 'rock and roll' as the banner encompassing a set of 'structures of feeling' was a tactic derived from the need for continued employment, while constituting an implicit breach in the defence of the innate worth of the rock and roll lifestyle. The latest example of discursive battles between terms and practices is the current State government's preference for 'dance party' over 'rave' (cf. O'Keefe's preference of 'teenage hops' to 'rock and roll') in contesting its associated meanings and constitutive functions. A noticeable feature exemplifying the above (particularly where legal definitions remain inadequate to experiences) is the historic reluctance by State governments, local councils and residents to acknowledge live rock music as music; noise as not the by-product of industrial contexts, but intrinsic to production and meanings. To older jazz musicians and audiences and local councils, amplification signified as much about the new rock and roll as the music itself. Equally, the performances of Billy Thorpe and the Aztecs, the Angels, Rose Tattoo, AC/DC et al continued the strategy of sonic attack as fundamental to the live experience, where the music was *felt* as well as heard. While the battle to remove the view of amplification as

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<sup>9</sup> Serge Fijac, interview.

<sup>10</sup> Frith, 1997, p.204.

<sup>11</sup> Redhead, 1993, p.20.

sacrilegious has been won, the act of electrified performance continues to resonate within a complex of political outcomes. Earlier connective moral aesthetics of the 'vulgar' and the popular are reconstituted, if harder to unravel, within definitional hierarchies of use and value.

The research I have undertaken in the period from the late 1970s reveals the various methods by which live rock performance has been muted or silenced within the city and suburban soundscapes. Music is now inescapable as an accompaniment to leisure and work contexts, (car radios, department store muzak, television advertisements, intermission entertainment at sports events etc). As Frith asserts, "music is now the everyday (and silence becomes the mark of the special moment)".<sup>12</sup> These substantially commercial applications of production have flourished as essentially aural background practices. At the same time, the staged live performance, a ritual foregrounding of another set of momentary pleasures and uses, has withered as part of the framework of socialisation. The live rock pub/club marks a particular physical and discursive space, of distinct territorial properties inscribed beyond its other commercial functions; the public assembly laws represent one inherent aspect of this. The decline in venues since the 1980s represents a silencing of an integral part of local music production. A flourishing rock venue now marks a moment of quiet celebration in the local music press, while signifying a noisy island of uses within an increasing sea of 'respectable' leisure operations to local authorities.

At this point the contemporary nature of Sydney scenes can be identified with regard to changing notions of Oz Rock performance; it should be emphasised that live rock has not been entirely removed from the cityscape. Rather, the cover band phenomenon represents a more recent phase in Australian rock music's development. 1950s performers refined imitation of their Anglo-American predecessors in the initial (incorrect) belief that overseas initiatives had to be more important than local creativity. The turning point away from slavish imitation occurred in the 1970s as performers found local concerns and inflections on imported forms. The benefits of cover bands to performers — providing a modicum of work and a form of pub apprenticeship before more substantial

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<sup>12</sup> Frith, 1997, p.157.

<sup>13</sup> *ibid*, p.37.

attempts to present original musics — pale beside the statistics outlined in chapter six, where on any given weekend only approximately 15% of the city's venues continue to hire original acts. This marks a shift from previous eras where the city supported a dual framework of national and city-specific careers; of times when livelihoods could be earned through the construction of loyal suburban audiences, with sufficient numbers of Sydney venues if national popularity was not forthcoming. The covers/tribute scene has diminished opportunities for modest earnings based upon original composition, while national circuits are now dependent upon all-age venues as substitutes for lost hotel networks.

The lack of local employment opportunities has hastened performers' desires for international touring experiences. The pub rock apprenticeship, never shared by those performers outside the masculine drinking contexts of stagecraft, is now redundant to an increasing number of local performers. The resurgence in festivals mirrors the loss of the pub venue as the defining experience of sociability in commercial terms. Performers interviewed for this thesis share a belief in the music's communal properties, of reciprocal audience-band loyalties, and affiliations with specific sites. Such bondings have been important in affirming the worth of misunderstood practices (1950s town hall rockers) and in connecting scenes to wider social contexts (1970s punk performances, the Star Hotel closure outlined in chapter five). The lamentation for lost scenes has reflected yearnings for the moments before commercial success, when 'everybody knew everyone else', of threshold communities.

It appears that the Australian live experience has suffered from the broader march towards *individualised* consumption<sup>14</sup>, where "the sound of a space" becomes more important than actual spatial contexts.<sup>15</sup> In this sense, the recording industry is currently undergoing a similar transitional phase that confronted vaudeville circuit proprietors with the introduction of 'talking' cinema. As part of global entertainment corporations, local recording companies are beginning to explore the shifting technological modes of cultural production offered by the Internet. In addition to the copyright and distribution problems the Internet poses

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<sup>14</sup> See Frith, 1997, pp.237-245.

<sup>15</sup> Philip Brophy cited in *ibid.*, p.239. This is clearly not the case in the popular rise in dance scenes as the current form of communal practice.

for traditional processes, the local industry must also confront new practices and traditions, embodied in techno groups' contentions that "ELECTRONIC ARTISTS WILL NEVER PLAY ROCK VENUES AGAIN" (capitals in original text).<sup>16</sup> This remains a particularly confronting ideological stance to those Australian entrepreneurs who established profitable empires upon the Oz Rock tradition: that technological change provides increasing opportunities to bypass the live pub apprenticeship.

Commercial imperatives have hastened such trends in other forms. The fervour which venues have adopted video card and poker machines reveals the extent to which individual pleasures have replaced communal activities. I have already noted the influence of public assembly fears/laws upon the live experience. The shift to poker machines is partly a 'common sense' commercial response to continuing problems accommodating the pub/club crowd; the individual poker machine player is more easily incorporated into building, noise and liquor codes than the plural music audience. The steady, relatively quiet flow of gaming clientele is much preferred by local councils to the before-and-after behaviour problems of rock crowds. Individual leisure practices remain preferable in technical surveillance methods: the singular focus of the gaming patron towards the machine (and not to anything or *anyone* else) represents a mutual collusion of commercial and regulatory objectives.

It is entirely appropriate in another sense that the nostalgia for past music referents has been accompanied by an even more forceful yearning for revived inner city housing areas. Of course these developments are not reciprocal; the recent inhabitants have fought to remove their noisy music neighbours, original or simulated. The predominant refusal of potential co-habitation between traditional pub and club practices and gentrified surrounds is the current representation of work/leisure tensions in regard to spatially utopian themes of family life. The attractions of renewed inner city areas — its cafes, restaurants, theatres, pubs, centrality to workplaces — have been adopted only when the traditional spatial attractions of suburban life — peace and quiet, a desire for aural space in place of

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<sup>16</sup> Slogan from a press release by British techno act The Future Sound of London, cited in Philip Hayward, 'Enterprise on the New Frontier: Music, Industry and the Internet', *Convergence*, vol. 1, no. 2, 1995, p.39.

physical distance — can also be achieved. An important subtext of this thesis reveals the various ways in which the industrial contexts of popular music are in constant negotiation with work/family/leisure discourses. A host of venue regulations have been enacted in ensuring the stability of family life: the remarkably long tenure of six o'clock closing, the 7.30-8.30 'tea break' in pubs, the refusal to contemplate Sunday trading until 1980, the unspoken prohibition on women entering the public bar, and recent trends towards strengthening intoxication laws. This points to an historic reluctance to entrust (men's) responsibilities to exercise proper judgement in the balance of leisure with work and family duties. As such, the state encompassed a function of non-functioning. The former Licences *Reduction* Board (my emphasis) symbolised the true purpose of liquor regulation, in eliminating the sources of consumption. Despite the change in nomenclature in the 1980s, the Liquor Administration Board has continued the reluctance to issue licences or increase the points of consumption. As revealed in chapter six, amenity laws (specifically noise codes) operate from an implied acknowledgement that 'recuperative leisure' is fundamental to the quality of (family) life. The strengthening of s.104 within the Liquor Act marked an increasing sensitivity of home owners to noise, and an increased willingness to apply noise directives to suburban surroundings. Further, it is clear, in relation to the noise-as-by-product discourses outlined earlier, that the rock venue is rarely portrayed as a place of 'recuperative leisure', but is seen to actively undermine the notion.

The past two decades of State regulations affecting music venues are shot through with examples of 'laws of responsibility', as more subtle attempts than the oppressive 'rational recreation' strategies employed in policing throughout the 1950s-60s. Building regulations, as previously noted, have increasingly delineated music practices from other forms of use in attempts to modify performer-audience behaviours. But it is liquor law changes that exemplify what Attali has similarly termed "autosurveillance".<sup>17</sup> Random breath testing campaigns, and the (relatively) recent introduction of intoxication laws have ruptured the communalities of rock behaviours towards an internal disciplining. Such policies, devised, as one local council officer reiterated to me, of enforcing venues to be

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<sup>17</sup> Attali, 1985, p.xiii.

“good corporate citizens”<sup>18</sup> has also removed the defining commercial logic of performance contexts (alcohol sales) for many venue owners. Technologies of the self (self-management of the subject in achieving the ethical citizen-subject) in producing moral outcomes of wider public currency are also an applicable description of the re-examination of licensed premises’ place within the cityscape. Liquor Administration Board and local council laws now demand entrepreneurs provide sound evidence of the need to establish new drinking sites. The ‘public benefit’ provisions within the Liquor Act represent a new, holistic approach to liquor consumption, where commercial logics must be complemented by social responsibilities. As a corollary to noise control laws, the ‘public benefit’ test presents a further consolidation of private interests, providing residents with an additional source of legislative redress to the troublesome (rock) pub.

### III. Policy Directions

This thesis has involved a broad analytical sweep of policy discourses and discussion of their effects upon the live music industry within specific contexts. I have outlined above several policy initiatives detrimental to recent live performance infrastructures. In this section I want to draw on my historical critique in order to examine the legislative means by which live music could again be accommodated within the commercial and aesthetic cityscape. This section employs a different emphasis from the rest of the thesis, which has documented the ways in which legal-political processes defined performance practices. Here I want to examine the possible forms in which regulatory frameworks may adapt to music industry practices.

Current assessments of live music spaces share earlier patterns of discourses of value placed upon (youthful) assembly and implied associated behaviours. As revealed in chapter six, initial concern with the new fire codes revealed the discriminatory nature of public assembly definitions. While a crowd of four hundred people listening to a rock band constituted a hazard in safety management, the same number of patrons watching a televised rugby match in a pub did not (and continues not to) warrant inspection. Such problems are still

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<sup>18</sup> Stephen Toohey, Marrickville Council Manager of Monitoring Services, interview.



experienced by local councils in enforcing a generalised public assembly law upon a range of entertainment sites and practices. In ensuring that public assembly laws remain adequate in the technical provisions of larger entertainment sites, smaller and varying entertainment practices have difficulty in compliance. For hotels and other compromised sites of a mixed number of leisure uses, such laws constitute a particularly obtuse instrument of regulation:

You might have a piano player or a one man band — is that entertainment? Technically I suppose it is, but it also creates lots of problems for councils ... Here we are at a theatre restaurant trying to impose the conditions you've got at Her Majesty's and the Capitol [theatres], and trying to impose those requirements on a pub. It just doesn't make sense. We should principally be concerned with fire safety upgrading. Or acknowledge that it's entertainment with two different levels of requirements. One level being for a theatre — picture theatres and the Capitol type, I have no qualms with that. But when I try to apply that to a pub, I have a lot of problems. The second level is entertainment, which may only need to do this and this. You have people there who are fairly active, standing up. You have other problems regarding drinking or drugs, but we can deal with those. We need better crowd control for instance, in a pub. We can put something in [the Liquor Act] which says that during times of entertainment you must provide one bouncer per fifty people or something along those lines ... Perhaps you need three tiers — one for 'minimal' places, one dealing with crowd control of licensed premises, and one looking after theatres.<sup>19</sup>

Apart from the obvious increased investment in resources and staff, such definitional problems remain the greatest difficulty for local councils since public entertainment regulation became their responsibility in 1989. While Places of Public Entertainment (POPE) laws incorporate the broader differences between classification and use, the subtle gradations according to entertainment are lost. The inflexibility of POPE legislation is imbricated in legal definitions: for example, 'auditorium' not only describes hall and theatre uses, but also encompasses seating areas in restaurants where entertainment is provided.<sup>20</sup> Technically (upon the discretion of independent council interpretations), a small restaurant with a piano player can become subject to auditorium requirements denoting fire separation from the rest of the building. Further, the 'auditorium' application requires the restaurant to provide at least two means of exit. The lack of precise terms to define various uses does not accommodate varying degrees of public

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<sup>19</sup> Fairfield Council venue inspector Colin Wood, interview.

<sup>20</sup> Colin Wood, 'Places of Public Entertainment' in *Building Regulation Short Course*, Centre for Local Government Education and Research, University of Technology, Sydney, 1994, p.12.

assembly risk.<sup>21</sup> It is interesting to note that where ‘public entertainment’ denotes the application of specific public assembly behaviours, poker machines are not considered ‘entertainment’ within liquor and local government laws.

The current POPE regulations, moreover, stand as an effective deterrent to venue owners in their decisions to provide public entertainment of any sort. The most ‘incidental’ of live performance contexts — a sole piano player, a guitarist or duo in a small pub or restaurant — invokes formalised regulation disproportionate to their social settings. This reduces the number of small venues within commercial circuits willing to hire ‘cover’ duos and the like. More importantly, it negates the opportunities for fringe scenes and sub-communities of original performers to develop within cafes, restaurants and pubs.

Other means exist “to create a situation where live music is expected”.<sup>22</sup> A further discouragement to restaurant owners was evidenced in the continued State preference for ‘seated consumption’ laws, which required liquor sales to be accompanied by a meal. This precluded the development of licensed cafes and restaurants, where live entertainment could be contemplated with increased patronage and a reduced dependency on dining clientele. Deregulation of licences in Victoria has provided a growth in wine bars and ‘bar cafes’ with the removal of hotel licences and the establishment of a general ‘on-licence’, based on 11% of annual liquor sales, incorporating all licensed premises. Since 1987, Victorian restaurants have been permitted to allocate 25% of their premises for drinking without dining. Similar policy shifts in NSW, in ending the duopolistic framework of hotel and club licences, were not envisaged by a Labor Government keenly aware of the electoral *realpolitik* involved. In some instances, consumer sovereignty also represents governance obstructing other consumer rights:

We have a different environment here than even, say, Victoria ... added to the hotels, we have 1,600 registered clubs, so we have not one player, we have two; and I think it would be a brave government that tried to pull on the 1,600 community clubs in this State ... our philosophy has always been we are not going to pull the carpet from under those people without some due and timely notice ...

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<sup>21</sup> *ibid.*, p.6. If the restaurant is a B-Y-O site, it also falls outside ‘licensed premises’ definitions regarding the provision of entertainment, with the option of inclusion within theatre/public hall regulations.

<sup>22</sup> Chevigny, 1991, p.17.

I've never had any difficulty, in my time as a consumer, with getting a drink in this State.<sup>23</sup>

However, recent legislative amendments have occurred, where it seems the Racing and Gaming Minister has found the means to provide the club and pub industries with "due and timely notice" of social change. On the 22nd of September 1998, Premier Carr announced that restaurants could gain a one-off \$15 000 licence enabling 30% of their floor space to be devoted to drinking without meals, with the Liquor Act (Restaurants and Nightclubs) Bill 1998.<sup>24</sup> The (limited) repeal of wining-and-dining prohibitions effectively marks the end of the Labor-AHA alliance evident since the 1880s. More significantly, it marks the end of the potent 'swill mentality' discourses preventing regulatory change, where legislative history has derived from anxiety to protect drinkers from themselves. Informed by the expected growth in tourism during the Sydney Olympics, recent pressure brought to bear by the print media and the Liberal Opposition Leader advocating change has sought to expose the sepia-tinted AHA beliefs that increased points of consumption would lead to dangerous increases in consumption overall. Despite the decreasing relevance of hoteliers' arguments to 1990s lifestyles, the restaurant amendments would not have been possible without previous legislation heeding publicans' demands to compete with clubs in regard to gaming revenue. The long standing complaint that clubs could subsidise meals and entertainment through the exploitation of their poker machine monopoly ended with the introduction of poker machines into hotels in April 1997.<sup>25</sup> In February 1998, the NSW Treasurer announced that hoteliers could extend their current limit of fifteen poker machines to thirty though bidding for an additional 2 300 poker machine permits. Clearly, the extent to which publicans achieved favourable gaming reform weakened the validity of arguments concerning their inability to compete with other venues and activities. For the reasons outlined above, the new restaurant laws may prove to be as important as the 1955 trading changes concerning Sydney nightlife. In terms of live music, while the licence costs may prove to be prohibitive, proprietors will be

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<sup>23</sup> Richard Face, Labor Minister for Racing and Gaming cited in Mathew Moore, 'Wine, dine or a fine', *Sydney Morning Herald*, 13th March, 1998, p.12. Liberal Opposition Leader Peter Collins supports deregulation of licences: 'Café society', *Sydney Morning Herald* editorial, 8th April 1998, p.16.

<sup>24</sup> Paola Totaro, 'A drink with no meal for \$15 000', *ibid.*, 23rd September, 1998, p.1.

<sup>25</sup> In foreshadowing complaints concerning the end of their poker machine monopoly, the State government granted registered clubs the rights to Keno, a game similar to bingo, as an additional revenue source.

encouraged to provide entertainment as additional revenue sources to meals. Larger 'bar cafes' in the long term may prove better able to sustain live rock practices, given the dramatic increases in hotel gaming.<sup>26</sup>

Council attempts through zoning to delineate home/work and leisure/business distinctions remain a central point of tension in the operation of live rock sites. Entertainment sites exemplify the mixed success in maintaining separatist uses, although noise laws can be employed as de facto zoning instruments in modifying or curtailing uses. Since the 1970s, models have been proposed designating areas of the city to be free from state regulation in sanctioning 'entertainment zones' immune from noise and other policing considerations.<sup>27</sup> It may be tempting to channel venues in a similar manner to factory areas designated 'light or heavy industrial'; indeed, rave promoters consistently acknowledge the (illegal) advantages of such zoning distinctions in the appropriation of warehouse sites. Yet it is difficult to envisage areas which remain free of other uses which would be attractive commercial propositions. Live rock venues (and most music sites generally) increasingly rely upon other facilities to subsidise entertainment costs. The corner pub or club remains dependent on its proximity to other (transport, work, cultural) facilities, with passing trade vital to survival. The observation in the 1960s from Melbourne's planning authorities that music venues are "always in a dark dirty street, and [at] the murky end of the city"<sup>28</sup> revealed the double bind of (unwanted) popular music sites: an unwillingness to include such sites in cultural planning ensured their continued existence on city fringes.

The above statement also exemplifies zoning practices which readily identify effects, but not the possible causes or linkages between location and behaviours. A recent venture within the industrial suburb of Alexandria, the Iron Duke Hotel,

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<sup>26</sup> Within the financial year June 1996 to June 1997, gaming revenue in NSW was approximately \$2.5 billion. This accounted for 50% of the nation's total gaming machine revenue in the same period (NSW Government, *Sale of Poker Machine Permits — Information Memorandum*, 1998, pp.4-5)

<sup>27</sup> Author Frank Moorhouse proposed "Noisy Nights" and "free zones" within Australian cities to provide places and times "for letting off steam" ('Wild Side of Entertainment' in Geoff Caldwell (ed.) *Entertainment and Society: Report of the Unesco Seminar*, Canberra, AGPS, Canberra, 1977, p.84). Music solicitor Warren Cross has more recently proposed entertainment precincts within council areas, believing it "ironic that the NSW government has created precincts for prostitution, yet cannot seem to do the same thing for contemporary music" (Cross, 1993, p.4).

<sup>28</sup> Zion, 1989, p.270.

has shown that peripheral locations can be used to advantage; the venue's punk/heavy metal policy could not be entertained within residential areas. However, the Iron Duke has encountered problems in attracting clientele; a courtesy bus operating from Newtown and Central train stations to the venue is one of the strategies employed in countering its marginalised location. Apart from the additional costs in attracting clientele, music sites in industrial areas represent the continuing notion of live music as Other to residential agendas within local council policies. The removal of live music to designated entertainment areas would further decimate a Central Business District currently providing few original sites. Rather, strategies need to be devised which emphasise night time economies: Sydney City Council's enthusiasm for rejuvenated shopping, bistro and café districts reveals an absence of similar policies in ensuring evening pedestrian traffic. More significantly, entertainment zones would symbolise a triumph for the notion of 'clean' zoning practice in attaining controlled environments. Such zones, as the antithesis of mixed development, would further delineate leisure forms from other uses within city and suburban areas.

The decline in venues has produced demands for State assistance in various forms. The *Stayin' Alive* recommendations made in 1994 — tax incentives to subsidise recording and distribution costs, and to assist venue owners in installing in-house PA systems, the establishment of training courses, export funding, closer ties between venues, performers and booking agencies, and a greater role for the Musicians' Union — have not been implemented. Such initiatives have been met with conflicting attitudes within the industry. The need for effective Musicians' Union policies has been evident since the inception of live rock and roll in 1957. In an industry where enterprise bargaining between bands and venue owners has always been the norm, the Union faces difficulties in enforcing collective outcomes and standardised minimum incomes. Faced with the choice between playing for next to nothing or not playing at all, bands historically have entered into agreements reflecting their status with venues, with "the rock 'n' roll performer fortunate enough if he's allowed to come into some grotty little dive and get his \$100 for it".<sup>29</sup>

Since the initial contracts negotiated between town hall entrepreneurs and

1950s performers, faith in collective bargaining has faltered for several reasons. Union outcomes have rarely matched the incomes negotiated by the performers themselves; little has changed since the early rockers realised their capacity to earn three times the standard wages of unionised big band leaders. In this respect, rock musicians have always perceived standardised wages to be an ineffectual method in recognising individual talents and market pressures. The local industry remains convinced of the ability of market forces to provide effective (self-regulating) strategies in rewarding talent. Past Union practices (for example the one-for-one rule in regard to local support acts for foreign performers touring Australia), perceived as inadvertently harmful, continue to colour present attitudes. This leads to the persistent problem confronting the Union: with the continued refusal of rock performers to acknowledge their role, collective bargaining lacks the critical mass of membership required for effective negotiation. Individual musician's lack of power contrasts with that of venue owners and agents in an environment of declining performance spaces and opportunities. The initial harsh choices confronting bands represent one of the intractable problems within the live music scene:

It seems that bands headlining or supporting at one of those little pubs, you don't get much more than \$200, and that's basically what we were getting fifteen years ago. It hasn't kept pace with the standard of living. If you were playing those sorts of venues when we started out, you were making a reasonable living, whereas now you'd be lucky to pay for the hire of your gear or petrol.<sup>30</sup>

#### **IV. Competing Policy**

Many of the policy dilemmas outlined above remain dependent upon dynamic relations between industry and state within a cultural industry historically resistant to regulatory intervention. It is clear that 1950s venue practices established a D-I-Y ethic as an important part of performer mythologies, where the bare minimum of interference between band and audience is tolerated. Moral stances, embodied in the stereotyped image of the rocker, have certainly contributed to initial reluctance of governments to support an industry forged from powerful evocations of delinquency and bohemianism. The initial media

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<sup>29</sup> Peter Garrett cited in Milsom and Thomas, 1986, p.26.

concern with the high wages earned by O’Keefe, Dale, Joye et al betrayed a refusal by legislators and the media (cf. town hall bans) to acknowledge the formative practices of an *industry*.

Since the early 1970s (when local content radio quotas were deemed inadequate in airing Australian musics), the industry has attempted to implement an inconsistent structure of governmental relations. While seeking assistance in areas where local production is disadvantaged within global market forces, it has forcefully resisted intervention in those sites and practices where the laissez-faire market is believed to operate effectively. Turner’s observation of industries in general remains particularly accurate within music practices: “when business fails, it asks for government assistance. When it succeeds, it pockets the profits”.<sup>31</sup> This is evident in various periods of expansion and decline. At the height of live venue growth in the early 1980s, safety regulation was perceived to be tampering with a vital culture providing employment and a sense of national identity. Perhaps the best example remains the fierce resistance to the Prices Surveillance Authority inquiry (see chapter six) as an unprecedented investigation of concealed industry practices. Such interventions become a site of tension in power-knowledge relations. Industry calls for assistance are often accompanied by public assertions that governance is derived from ignorance: that legislators do not know or recognise the unique nature of cultural production, or the different lifestyles of performers and composers. Yet the industry has shown its awareness that increased knowledge of local practices leads to an increased exercise of power by the state. As the contemporary music industry is further institutionalised within policy directives, it also has to acknowledge that funding and infrastructure support will be accompanied by an increased ‘passion for inspection’. This makes previous stances of selective support at arm’s length particularly problematic.

This schizophrenic tendency is further reflected in the differences between micro-physical changes and macro-political shifts in interventionist state policies. The history of music industry regulation provides a significant study in the

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<sup>30</sup> Reg Mombassa, guitarist with Mental As Anything, interview.

<sup>31</sup> Graeme Turner, *Making It National: Nationalism and Australian Popular Culture*, Allen and Unwin, Sydney, 1994, p.13.

overlapping domains of the local and the national, the double “state of mind[s]”<sup>32</sup> of Federal and State legislators. A chronological study has been useful in examining competing developments and overlapping sites of importance; for example, live performance and recording practices or scenes in Melbourne or Brisbane have often influenced Sydney venues in competition for a cosmopolitan ‘edge’ in styles. The introduction of influential regulation — for example, the establishment of ten o’clock closing in hotels — can possess obvious and direct effects. However, it is more often the case that legislation has produced a combination of intended and unforeseen impacts. Hotel and club policies exemplify such mixed directives; the current obsession with intoxication laws has coincided with an increase in trading hours and sites of consumption. State governments have encountered problems in reconciling economic benefits with periodic panics concerning drinking practices, particularly youth drinking patterns. In a similar manner, State and local council attempts in standardising venue regulations and surveillance, branded as intrusively Orwellian by the live industry, occurred during a period of Federal recognition and funding initiatives for the live sector.

The most potent representation of paradoxical legislation remains the policies forged within the intense panic surrounding the death of Anna Wood as outlined in chapter seven. In a gesture of acknowledgement of the lack of youth music spaces, the legal obstacles cleared for all-age entertainment within licensed premises was an important shift in the State’s attitude to unsanctioned youth leisure. Yet any encouragement to hoteliers and club managers to provide youth dances remained within the shadow of the Phoenician Club prosecution, the symbolic punitive measure designed to ensure appropriate club behaviours where youth leisure was concerned. The widespread reluctance by venues to enact the Premier’s new youth and licensed premises policy derived from the powerful combination of media panics and State attempts (through the courts) to render *any* youth music gathering as the locus of subversive intent. Faced with moral and legal crackdowns, it is hardly surprising that venue managers opted for safer commercial options. The study of the Phoenician Club was included not merely as a reflection of the ongoing shift to dance cultures by Sydney youth. As a discrete

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<sup>32</sup> Robert E. Park, ‘The City: Suggestions for the Investigation of Human Behaviour’ in Gelder and Thornton (eds), 1997, p.16.



panic, governance of dance cultures is revealed to be doubly problematic, constituting the traditional problems of youth leisure, while the usual benefits to State revenue cannot be contemplated from under-age activities (nor from illegal warehouse parties).

These tensions can be reconstructed in other forms in returning to the notion of governmentality and the central, competing discourses of home and economy. Live music sites remain at the intersection of these policy dynamics, where the state attempts to resolve private realms with public economies. Here public enterprise and private moralities of individual (and family) rights struggle to be reconciled. What Miller has described as “the consumer-citizen couplet”<sup>33</sup> provides underlying tensions in a variety of interconnected policy initiatives. The difficulties in simultaneously producing ‘good’ citizens and manageable night time economies are reflected in broader policy discourses which nonetheless must make binary distinctions: audiences against residents, publicans against homeowners, local against State governance etc.

One means of examining these differences <sup>the</sup> is through discrete forms in which the notion of ‘public benefit’ circulates within the local and national levels. Federal governance has mainly consisted of populist intervention (increased funding, local content laws, export assistance) in policies broadly advertised in the public good. Such policies have usually maintained an explicitly economic undercurrent in outlining the worth of the live and recording industries to Gross National Product. At the local level, however, ‘public benefit’ assumes more complex meanings. New licensed premises within NSW must display their business to be for the public good of its immediate constituency within an explicit ‘public benefit test’. For local councils, the public interest becomes acutely specific in intent. The broader value of the local live music pub in providing employment, a sense of community and a training ground for global success remains obscured by its place within the intensely localised concerns of residents, other local businesses and amenity politics.<sup>34</sup> Even at the State level, governments can afford the relative luxury of emphasising the traditional benefits of club and pub subsidies without

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<sup>33</sup> Toby Miller, *Cultural Citizenship and the Popular Media*, Minneapolis and London, University of Minnesota Press, Minneapolis and London, 1998, p.17.

<sup>34</sup> The current concept of ‘diversity’ employed by many venue owners is related here, in the belief that simulacra provides environments where “all groups are catered for” (see chapter 6).

becoming enmeshed in localised tensions. The ritualistic divide between economic, cultural and amenity discourses replicates macro-micro policy splits: in effect Federal policy can be constructed without the “guilt of enjoyment”<sup>35</sup> accompanying local forms. National policies can remain ignorant of unpleasant micro-effects and grassroots governance (noise, zoning, trading hours, policing, violence), concentrating solely as providers of infrastructure support for national outcomes. While such schizophrenic structures remain, a more productive convergence of policy hierarchies will elude the industry, providing further counter-productive regulation (for example, localised panics exploited by State governments obliterating national policies; national funding structures avoiding local infrastructures in favour of global market outcomes). This remains an industry-specific example of the unhinging of the nation-state within a series of contestations of nation *versus* state.<sup>36</sup>

The historic desire for citizen- and nation- building modes of consumption are further evidenced in the recent emphasis on the fiscal benefits which local rock can deliver to the nation. The “moment of the numeric figure”<sup>37</sup> arrived for the local industry in the 1980s as it scrambled to assume its place within those cultural industries of identifiable economic worth. This reflected an Adornian shift in popular music, from ‘culture’ to ‘useful’ culture, “directed towards profit”.<sup>38</sup> An economic profile prepared for the Federal government in 1993 stated that the contemporary music industry contributed \$697.6 million to Gross Domestic Product in 1991-1992, with live performance comprising \$212 million of this total.<sup>39</sup> Statistics of this nature feature prominently in periodic (multinational recording companies’) appeals for increased state funding, as confirmation that rock has finally secured its place within the economic landscape. The display of local capital and employment generated within local scenes — impressive for a comparatively small industry — also signifies the end process in rock’s transition to respectability.

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<sup>35</sup> Mercer in Bennett, Mercer and Woollacott (eds), 1986, p.54.

<sup>36</sup> Appadurai, 1990, p.304.

<sup>37</sup> Miller, 1998, p.16.

<sup>38</sup> Adorno in Crow (ed.), 1990, p. 34.

Economic studies of this kind, however, share a recurring emphasis on recorded product, the industry's exceptional ability to export local sound recordings. Such findings ignore the initial locus of performers' careers: the live venue as the formative site of learning and recognition. Here the live industry mythology regarding the local pub as breeding ground has substantial foundation in experiences; most successful Australian bands have shared lengthy apprenticeships within local circuits. A 1997 Australian Bureau of Statistics (ABS) *Business of Music* report failed to include the live performance sector in its consideration of the scope and wealth of the industry. A 1996 ABS survey of *Clubs, Pubs, Taverns and Bars* similarly excluded live entertainment from venue income sources and employment (although poker machines were listed). While the compilation of such statistics remains difficult, they reveal a view of the messy, lived nature of live performance as part of the everyday, rather than a set of industrial contexts, managed and rationalised economies.

It is the place of live performance within the everyday, increasingly competing, as I have revealed, with a series of other leisure practices, that perversely remains the problem for contemporary performers. Firstly, funding policies directed to increasing export opportunities (for example, the Liberal Howard government's current Contemporary Music Export Marketing Advances scheme) reflect the willingness of the state to engage in the simpler modes of largesse at the expense of more difficult assistance to local infrastructures (recording studios, liquor laws, council policies). The shift in the 1980s to supportive structures, on the assumption of economic return, was a significant victory for an industry founded in the 1950s upon state attempts to betray its fundamental meanings. Yet the *cultural* worth of individual scenes and venues is not recognised in the broader demand for macro-economic outcomes. Within the context of jazz funding policies, Johnson has suggested that live musics' refusal to be easily incorporated into broader political-economic discourses remains the cause for such policy blind spots.<sup>40</sup> Stating the likely benefits of an export scheme ensures the state's ear in a time when every funding dollar must be seen to extract its commercial 'pound of flesh'.

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<sup>39</sup> Price Waterhouse Economic Studies and Strategies Unit, *The Australian Music Industry: An Economic Profile* prepared for the Music Industry Advisory Council, April/May, Canberra, 1993, p.65.

<sup>40</sup> Bruce Johnson, 'Jazz and the cultural politics of Australian music', *Context*, no. 10, University of Melbourne, Parkville, Summer, 1995/96, p.16.

However, this replicates previous discourses which denied rock and roll inherent cultural value. A recurring theme expressed by the musicians interviewed for this thesis was the belief that particular venues or localities engendered a sense of community between fellow musicians and audiences. The Manly Vale, the Civic, the Stagedoor and the Comb and Cutter hotels did not possess sufficient qualities to be remembered by performers for their aesthetic charm; nor can the fondness for such basic sites simply be due to the often substantial incomes made. The town halls, pubs and clubs represent the locations of unexpected pleasures and experiences gained from the social meeting of like-minded participants. As one of the few hotels to allow punk performances, the Sussex Hotel is fondly remembered for its part in the formative stages of Sydney punk (and later mod) communities. The Trade Union Club elicits similar status among musicians and fans in encouraging fringe musics and scenes. It is these indeterminate activities that remain disengaged from policy considerations, as processes outside (and often in contestation with) state agendas. Further problems lie in the expression of state support built upon evidence of economic prosperity: what does the industry then propose in periods of decline? The longer term viability of the original live music sector becomes obscured by the current relative health of its simulated forms (cover bands). Further, gaining funding support or other infrastructure initiatives for declining scenes becomes increasingly difficult.

## V. See You At The Local

[In Sydney in 1992] We have the best pub and club scene in the world. Go to New York and you can't see as many bands playing here as you can in Sydney. Good bands here can go out and work any day of the week. That's why we have such intense and unique bands.<sup>41</sup>

In keeping with the focus developed throughout the thesis, it is appropriate to conclude with an analysis of the forms in which locality continue to circulate within wider discourses and networks. In this final section I wish to examine the role of Oz Rock venues in constructing an "evolutionary narrative of historical continuity"<sup>42</sup> (to assume Homi Bhabha's description of nationalist story-telling)

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<sup>41</sup> Singer Jimmy Barnes cited in Glen A. Baker, 'The Wizards of Oz', *ARIA Yearbook*, Studio Press, Sydney, 1992, p.13.

<sup>42</sup> Homi Bhabha (ed.) *Nation and Narration*, Routledge, London, 1990, p.307.

with contemporary legislative/marketplace realities. Refracted within such narratives of tradition, the notion of the production of locality is also useful in bringing such constructions into sharp relief, as the “material reproduction of actual neighbourhoods invariably [end] up against the corrosion of contexts”.<sup>43</sup> This is a suitable means of understanding how the formative mythology of Oz Rock continues to be (positively) juxtaposed with contemporary landscapes. As outlined in this thesis, this is not merely unrealistic, given the extent of regulatory change. It suggests the fragile conditions framing the maintenance of local environments, and the manner in which lived experience is locked in a (losing) battle with former narratives of nostalgia. Rather than posit the theoretically fashionable notion of the local as erased within an inevitable slide into the translocal (and transnational), I prefer to uphold the production of local performance sites as an essential continuing link between production and consumption (between bedroom rehearsals and the recording studio). As I have shown, commercial and policy decisions continue to exercise influence outside and beyond (and in relative ignorance of) national/global operations. In relation to this, calls for national policy directives in preserving localised production cultures<sup>44</sup> are redundant for the reasons outlined above. Put simply, live music scenes remain the domain of intensely local, site-specific, political-economic structures.

Similarly, those who may perceive the loss of the live rock venue as the end process of shifts to other, more innovative production forms and sites of reception (with its mourners propping up outmoded notions of wilful nostalgia) ignore local industry beliefs that stagecraft remains an essential marketing device (to audiences and recording companies) and rite of passage. In an industry where few local musicians derive meaningful livelihoods from recording sales (approximately 5% of artists recoup their recording costs in order to receive royalties<sup>45</sup>), live performance continues to define musicians’ and audience views of success and failure. Indeed, the large number of Australian bands who have included stage performances within their recording output — in the form of ‘live’ albums — is indicative of the status of live performance as the ‘pure’

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<sup>43</sup> Appadurai, 1996, p.198.

<sup>44</sup> For example, see Cunningham, 1992.

representation of a band's bona fides.<sup>46</sup> The poor nature of local recording facilities may have further entrenched musicians' belief in the venue as the 'proper' recording site.<sup>47</sup> Frith has pointed to the ironies of live performance as a pure document, given the concert setting "awash with small noises, small movements, of the people, of the building".<sup>48</sup> The contaminated nature of live settings (from the technical view of recording), however, remains part of the attraction as faithful reminders of interaction between stage and dance floor. Live recordings have often proved useful public records of attachments between bands and venues.

The live rock venue and performances (the Oz Rock tradition) have been central in the construction of national identity within an industry dominated by multinational recording companies. The spatial ritual and process of live performance has constructed the industry's sense of its own growth and traditions, its 'historic self'. Johnny O'Keefe's town hall performances, Little Pattie's surf stomps, AC/DC's Bondi Lifesaver performances, Midnight Oil's Royal Antler gigs and Richard Clapton's Manly Vale concerts provide the locus of intersection between nation and cultural practice. It makes sense then, to envisage how the venue, as the site of construction of local communities and scenes, has also functioned as the locus of "imagined [national] communities".<sup>49</sup>

The rich history of drinking laws and practices provides a social memory, a collective bedrock of sorts, for the eventual location of the pub/club as source of national forms and identities. The Oz Rock category of practices and attitudes has proven to be an effective apparatus for various audiences, venues, bands and business structures in the construction of a shared framework of references. The description of successful local practices under the Oz Rock mantle has been an effective construct of nation within a history of local imitation and inflections of

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<sup>45</sup> Warren Cross, 'An end to ARIA's position of power in the music industry', *Video & Music Business*, 16th September, 1991, pp.5-7.

<sup>46</sup> The authenticity of such recordings is a contentious point, given the often extensive studio re-mixing devoted to such projects after the staged event.

<sup>47</sup> From the 1950s into the mid-1980s, local recording companies believed international studios and producers, if affordable, to be preferable to local facilities. As such, bands as diverse as Skyhooks and Do-Re-Mi have recorded albums in North America and England.

<sup>48</sup> Frith, 1996, p.241.

<sup>49</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Verso, London, 1983.

global forms. As such, the pub/club performance has proven to be the 'natural' site in attempts for inclusion within the national tradition. Yet as Philip Hayward argues, Benedict Anderson's notion in respect to Australian popular music presents difficulties "in terms of both *who* is doing the imagining and *what* it is they imagine. For dominant power groups, the imagined community they seek reference to, need not necessarily coincide with that 'imagined' by society".<sup>50</sup>

The Oz Rock tradition presents deeper structural problems as a predicate of imagined communities. Firstly, appeals to distinctive characteristics have been employed in masking the nature of local industries dependent upon transnational capital, exemplified in former ARIA chairman (and Polygram CEO) Michael Smellie's assertion that "our greatest advantage ... is our isolation ... our sound is one of freshness and originality mixed with a pioneering spirit."<sup>51</sup> Secondly, Oz Rock has entailed a particularly narrow sense of belonging. As Appadurai notes, "one man's imagined community is another man's [cultural] prison".<sup>52</sup> Australian rock was founded, and perpetuated upon a specific set of performers as the repositories of power and wider meaning: white, male and (sub)urban. This has been evident since the town hall scene of 1957, where women realised their limited place within formative subcultures; the death-to-disco agendas of the late 1970s; and the international successes of explicitly masculine acts such as Midnight Oil and AC/DC throughout the 1980s. Oz Rock's final resting place within the pub and club represents a further form of distinction: alcohol as the nexus of communities and commerce. Cunningham has argued that the "aim of cultural nationalists is ... the moral regeneration of the historic community".<sup>53</sup> The cover band serves admirably in such broader discursive projects, as an assertion of cultural nationalism. The call to recapture the Oz Rock project sees the tendency to continue to circulate notions of the historic self, no matter how displaced from original contexts of authenticity.

Thirdly, and most significantly, Oz Rock as a unifying discourse becomes acutely problematic when the essential sites of its national imaginary begin to

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<sup>50</sup> Hayward, 1992, p.3.

<sup>51</sup> Cited in *ARIA Yearbook*, Studio Press, Sydney, 1992, p.13.

<sup>52</sup> Appadurai, 1990, p.295.

<sup>53</sup> Cunningham, 1992, p.47.

dissolve. The decline of the town hall, hotel and club as the primary sites of collective identity have presented difficulties for an industry familiar with the notion of such sites as the 'natural' locus of local praxis. Understandably, the live industry has devoted much of its policy energies engaged in attempts to restore the industry's older historic self. This has produced an unwillingness to engage in alternative sites of performance and market strategies. Commercial radio formats are replicated within venues, with strict divisions between audiences, genres and performance practices. The limited future of pub/club performance, given current regulatory settings, has revealed a need to move beyond the youth-alcohol nexus of relations between the industry and the state. The ongoing expansion of all-age, alcohol-free circuits is one obvious area to be explored where reconciling touring costs and potential audiences remain viable. The past success of The Big Day Out — a touring collection of international and local rock bands, hip-hop and dance performers — revealed further possibilities of hybrid strategies. The Big Day Out represented a decisive rupture in the cruder cultural nationalism of Oz Rock, as a determined example of inclusion. Where Oz Rock venues have always exemplified sites of shared beliefs and performance techniques, the popularity of The Big Day Out was partly constructed upon a celebration of the local industry's differences and multiple points of stage practices. It also revealed the practical means by which Oz Rock's historic self may re-invent its heritage within a more diverse base of continuity. The recording industry has belatedly acknowledged the diasporic nature of local practices, with the recent inclusion of dance and indigenous music awards within its annual ARIA award presentations.

The continuing mythologies of Sydney's live rock venues as sites binding a set of distinctive local audience and performer practices is understandable given the historic ambivalence of the state to their survival. The discursive investment in the live rock venue by the musicians interviewed in this work represents a means where locality is invested as a series of survival mechanisms. Rather than viewing it as "dead space"<sup>54</sup>, musicians regard the local as the site of engagement where they retain some degree of influence within policy and industry disjunctures. Yet the historical focus of this thesis reveals the various forms by which musicians have been disconnected from the industry's broader commercial imperatives. The

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<sup>54</sup> Scott Kirsch, 'The incredible shrinking world? Technology and the production of space', *Society and Space*, no. 13, 1995, pp.529-555.



live music industry became overtly politicised from the early 1980s with State intervention to tame and regulate venue behaviours and profits. However, from the industry's beginnings in 1957, rock has been political in the struggle for 'appropriate' sites of performance. Local rock histories have produced no comfortable fit of performers and venues. Rather, I have attempted to show the inventive means by which performers have adopted and adapted sites to their own ends: the conversion of ballrooms and town halls to rock and roll; the incursion into licensed clubs reluctant to embrace youth subcultures; and the discursive and spatial hurdles overcome in placing popular music within hotels.

Even within its period of greatest commercial success, within the seemingly 'typical' home of the 1980s rock pub, a series of governmental strategies revealed the fragile contract upon which live rock was constructed. The industry has continually reconstructed economies of transgression in contestation with wider societal networks. State policies, primarily local government and State government amenity and liquor laws, have shared an historic purpose in making strange the place of rock within the cityscape. In this sense, taking the stage in any period has been implicitly political in attempts to 'naturalise' performance settings. In the grand tradition, local rockers have employed such dichotomies within performance mythologies and marketing strategies. Yet the *contexts* of performance — the rock and roll concert in the police boys' club, in the city ballroom or crowded pub — often remain more critical than the performance itself, within a regulatory landscape of tolerated existence. As such, any further effort in attributing the particularities of Australian rock and roll to its 'appropriate' sites in a homologous sense is problematic. This is more so when 'classic' Oz Rock performers (bands readily identified with the pub rock tradition) are reproduced in other contexts. The recent successes of Men At Work, GANGgajang, James Reyne and the Hoodoo Gurus with Brazillian youth (predominantly surf rockers)<sup>55</sup> are instructive exemplars of local forms functioning quite well outside their formative codes of meaning. In this manner, the Apparaduraian notion of constructed spatialities is more appropriate where "the transformation of spaces into places requires a conscious moment, which may

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<sup>55</sup> Since the early 1990s, these Australian acts (and others) have performed regularly at summer concerts in Rio de Janeiro, with accompanying interest in the bands' back recording catalogues with Brazillian youth.

be subsequently remembered as relatively routine”.<sup>56</sup> The conversion of city and suburban spaces to local places of performance fed into nationalist mythologies, which in turn masked the tortured processes involved upon transformation. Moreover, the Oz Rock mantle has proven so effective a mode of cultural nationalism as to indeed obliterate the legislative and commercial fissures within these ‘natural’ sites. While the title of chapter three remains an appropriate description of initial developmental strategies, the following chapters reveal the extent to which subsequent eras engaged in (re)constructions of local practices within global change.

The notion of constructed transformations remains vital in avoiding sentimentalist cultural histories of organic flourishes and subsequent fragmented structures. Gareth Stedman-Jones in particular warns against histories of traditional leisure documenting “a prior functioning, a period of breakdown, and a renewed state of functioning”.<sup>57</sup> This thesis has not attempted a nostalgic yearning for lost rock and roll communities and sites, but rather to explore what has replaced them, and subsequent discursive shifts of regulatory practices. The romanticisation of the 1950s town hall concert, or the 1970s pub performance, continues to be conducted by those included within its commercial and societal meanings. For those outside, periodic “breakdowns” constitute opportunities to forge new collective identities:

People still say, ‘oh, I remember the [Royal] Antler in the good old days’, but it was only ever packed when the Dead Kennedys, Midnight Oil or Cold Chisel played there. The other twenty nine days of the month it was deserted, or with only one hundred people there. The golden [pub rock] era was bullshit, it was full of crap bands. If your idea of a good night out was being jammed in with thirteen hundred other people to see Dragon or God forbid, the Radiators at the Bexley North [Hotel], buying over-priced drinks, being treated like shit, having to hide from the bouncers ...I think what people are confusing is the spirit of what was going on, people getting into something new and great. There was very little about it in the papers; now you pick up the *Drum Media* gig guide and there’s more people involved in putting together the *Drum Media* than any crowd that used to see Radio Birdman at the Funhouse. Radio Birdman at Paddington Town Hall was an event, but in a shithouse venue, you had to bribe the council people. Now, I don’t think people appreciate the difference because they go along to purpose built venues like the Metro with a PA in it.<sup>58</sup>

The above reflections stand as a reminder of the beneficial aspects of regulatory

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<sup>56</sup> Appadurai, 1996, p.183.

<sup>57</sup> Stedman-Jones, 1983, p.42.

<sup>58</sup> Roger Grierson, interview.

crackdowns in enhancing audience comforts, and the spaces and times when mythologies conceal more mundane actualities. An underlying theme of this work reveals it has always been so. Any mourning of a lost 'organic' cultural practice is redundant in an industry which, since the initial battles between O'Keefe, Dale, Lee et al for audiences and sites in 1957-58, has revealed its propensity for the brutalities of the market. Yet, as hinted at previously, the powerful mythologies of Oz Rock sites continue to resonate in the efforts required to transform leisure spaces into social performance places. There is thus a need to discern between productions of locality as productive modes of difference, and more negative localities based upon local rock's older historic self. As a series of survival mechanisms within an industry of transnational practices, the production of local performance scenes have been shattered by regulatory measures designed to consolidate individual fragmentations within standardised regimes. The taming of local practices into manageable sites of stable commerce has removed the intensely local scenes of production and reception. Instead of sites of the "resiliently particular"<sup>59</sup>, city and suburban scenes abound in theme bars and theme bands within prosthetic cultural environments. Paradoxically, as Sydney (the Olympic City) prepares to reveal the extent to which it has incorporated global forms of entertainment and 'sophistication', the nuances of performance spaces, particularly as local *places*, are obliterated in preference to a vacuous cosmopolitanism.

Finally, I have encountered a recurring proposal from those within the industry in reversing the current fragile state of live (original) performance contexts. Many within the industry believe in the need in a renewed desire in young musicians to instigate their own infrastructures and opportunities, in establishing self-managed performance sites and audiences. There exists within a significant sector of the industry an image of a listless contemporary youth culture lacking in the necessary desire to survive within the essentially laissez-faire brutalities of the market.<sup>60</sup> Yet the Sydney-based local council initiatives of all age gigs, and the Victorian youth venue networks established by The Push, reveal a

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<sup>59</sup> Appadurai, 1990, p.308.

<sup>60</sup> Such attitudes are closely related to another widespread industry belief: that the institutionalisation of many industry practices has bred dependence upon state infrastructures. This is particularly thought to be the case in training courses in areas formerly believed to be learned through practical experience.

willing number of young performers keen to connect with alternative networks. Calls for the revival of D-I-Y strategies contain an attractive predilection, given the mythically powerful and highly effective self-actualising methods employed by 1950s rockers in dance halls, 1970s punk bands in selected pubs and blues town hall circuits derived from mainstream ignorance. Such beliefs, however, resist desires to acknowledge the in-built hostility to performers in current regulatory landscapes. This thesis has revealed the range of commercial and legislative factors ranging against the ability of musicians to take matters into their own hands. For most bands throughout the State, previous tactics — for example, asking the local publican for a Friday night gig — remain firmly embedded within local rock's romanticised past. While a cover or tribute band may be able to persuade a hotelier that the economic return will be sufficient in justifying the range of legislative conditions incorporated in presenting live performance, the increasing chances are that a fledgling original band will not. This remains a paradoxical moment within the local culture's rich histories: that performance opportunities have declined during a period of increased training structures for aspiring talent. Within the relative abundance of small business, sound and marketing courses clothed in current Federal government emphases upon individual enterprise, local sites in which to exploit such skills wither. Clearly, structural limits circumscribe youthful agencies and ambitions.

As such, this thesis has adopted an explicit micro-consciousness at odds with the march towards globalisation studies. Policy in regard to Sydney's popular music sites has repeatedly been constructed in ignorance of broader global flows and influences, where localised regulation often fractures broader policy discourses of the nation-state. Since 1957, problems of local popular music production have been usefully resolved through nationalist outcomes: for example, radio support achieved through local content laws. I have similarly outlined the benefits of Oz Rock as a project of unificatory symbolism. However, with the fracturing of Oz Rock's historical certainties, as Australian popular music comes to embody a range of experiences and perspectives, an enduring problem remains in managing the construction of performance within diversified settings. I have attempted to reveal the various forms in which local practices assume a significance and resonance in tandem with overarching national and global concerns. Further, distinctive local histories of related importance — for example

the mythic tapestry of NSW drinking laws and cultures — are only revealed upon examining the micro-physical.

In adopting the twin (and intimately connected) Foucauldian observations that power is micro-managed and invested in individual behaviours, this work has nonetheless revealed the ongoing residual power of the state in formulating cultural settings, repressive or constitutive. This provides a continual need to engage in the minutiae of cultural and commercial infrastructures often overlooked in the broader discourses of cultural practice and relations of power. The effects of a liquor law reform, a local council's late night trading policy, or building code amendment inform live practices and opportunities in equal measure to more strategically visible cultural shifts of performance and reception. To this end, this thesis stands not only as a specific history of cultural politics, but as a document of potential change.