

NEOLIBERAL POWER POLITICS AND THE CONTROVERSIAL SITING OF THE AUSTRALIAN GRAND PRIX MOTORSPORT EVENT IN AN URBAN PARK

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Introduction

This paper presents a case study of the Victorian State Government's pursuit of a Formula One Grand Prix motorsport franchise and its controversial siting in Melbourne's Albert Park. In documenting the secret negotiations involved in securing the franchise and the subsequent process of transforming the park to accommodate the event, this case study provides valuable insight into the state government's autocratic approach to governance, public policy and, more specifically, urban planning and development throughout the 1990s.

During the 1990s Australian state governments adopted, in differing degrees, neoliberal urban development policies. As in other countries, these policies have quite dramatically increased social and economic inequalities and frequently produced what Amin calls "fractured local economies, disempowered regions and fragmented local cultures" (1994:27). Nowhere is this more clear than the experience of the State of Victoria under the Liberal government of Jeff Kennett, from 1992 to 1999.

For several years following its electoral victory in 1992, the Kennett government proved to be the most active, controversial and ideological administration in twentieth-century Victoria. In its energetic implementation of an ideologically

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charged program of downsizing, deregulation and privatization – the essential tenets of neoliberalism – the Kennett regime “changed the face of Victoria,” concluded a major study of the regime’s first several years in power (Costar and Economou, 1999).

Neoliberalism has become one of the most common frames for understanding and critiquing the experience of urban development over the past twenty years. As a political economic project, neoliberalism is associated with several factors: with the Reagan and Thatcher administrations of the 1980s; with the establishment of a “Washington Consensus” amongst multilateral institutions like the International Monetary Fund and World Trade Organization from the early 1990s;¹ with the ascendancy of individualistic and market-oriented political philosophies; with structural adjustment programs in developing countries; with policy programs organized around “deregulation” and “small government”; and with the emergence of globalization discourses. As McChesney (1999) characterizes it, neoliberalism is the defining political economic paradigm of our time – “it refers to the policies and processes whereby a relative handful of private interests are permitted to control, as much as possible, social life in order to maximize their personal profit.”

In brief, neoliberalism is a major framework by which political and corporate elites conceptualize the ideal relationship between the market and government. It promotes market-led economic and social restructuring which produces, among other things, a more general orientation of economic and social policy to the private sector’s “needs” (Jessop 2002, p. 461-462).

In this formulation, we can understand neoliberalism as a governance framework in which unregulated or “free” markets operated by entrepreneurial individuals – or urban “growth boosters” – are regarded as the optimal solution not only to economic but also to political and social problems related to urban development. Such discourses tell a deceptively simple story about the superiority of markets and of individualized and privatized economic relations more generally, coupling this with a concerted political program to defend and extend the spaces of market rule. But this simplicity is deceptive in that it is very often necessary for neoliberals to deploy state power in pursuit of these goals (a central point developed in the case study below). The reality of neoliberalism is therefore never as pure as its free-market rhetoric, while its characteristic disdain for all things governmental sits uneasily with its actual practices of statecraft. In this vein, Hughes and O’Neill (2000) point to the Kennett experience in Victoria as evidence of the limitations of this form of managerialism, describing it as an attempt to “depoliticise in a way by making government a matter of management and not about politics at all.”

Likewise, in a detailed study of the Kennett government’s term in power, Essaber (1999) shows how the structures and processes of governance which the regime had brought about are explicable in terms of the principles of neoliberal governance. From this, Essaber concludes – most significantly for the purposes

of this paper – that the Kennett regime was dependent upon neoliberal development strategies which seriously diminished the obligations of government to be transparent and accountable.

This state of affairs is exemplified by the Kennett regime's "major events growth" agenda and, specifically, its securing and implementation of the Australian Formula One Grand Prix motorsport event.

This paper applies a framework of political economy in its examination of the securing and implementation of the Australian Formula One Grand Prix motorsport event by a neoliberal Victorian State government. As the case demonstrates, neoliberalism structures ideas about and the objectives set for community development, definitions of the public good, and definitions of citizenship that create wider distinctions than ever before between the "citizen" and the "consumer" and which of these ought to be the focal point of urban public life. Put into the wider context of understanding Kennett's "major events growth" agenda, the case shows how neoliberalism supports a very narrow view of society, and how its adherents typically exhibit impatience with, and often outright contempt for, public participation in important matters of governance.

Securing the Grand Prix

On December 17, 1993, residents of Melbourne woke to the news that their city had snatched the Grand Prix franchise rights from Adelaide, capital of the neighbouring State of South Australia. The event had been run on a temporary street circuit in Adelaide since 1985. Over the years the event had enjoyed a measure of success, given reported annual attendance figures estimated at some 275,000 spectators, as well as significant economic activity in the area of some \$30 million Australian dollars. Consequently, Adelaide city officials had been fully expecting to renew their contract with London-based Formula One Constructors Association (FOCA) chief Bernie Ecclestone when the news came that the event had skipped town. Under the banner headline *It's Our Grand Prix*, the *Herald Sun* newspaper called the loss of the Grand Prix "a bitter blow to Adelaide and a coup for Melbourne" (December 17, 1993, p.1).

It was soon revealed that the deal securing the Grand Prix (GP) had been several months of secret negotiations in the making, with the final contract signed in September 1993. In early 1993, the state government of Victoria, led by premier Jeff Kennett, began negotiating with Ecclestone to relocate the event to Melbourne, following the expiry in 1996 of the Adelaide contract. Closing the deal hinged on Albert Park being the host site: No Albert Park, no deal. The chairman of Melbourne Grand Prix Promotions, Ron Walker, claimed there was no way Melbourne would have won the bid without offering Albert Park, given that Ecclestone wanted a downtown street circuit for the Australian event, just as in

Adelaide (Neales 1994, p.8). (I don't have the space in this paper to explore the argument raised by opponents that Albert Park is not a street circuit, but rather a circuit enclosed in an urban park.)

Of signal importance for this case study is the fact that this agreement had been kept secret from the Melbourne public and from the Adelaide city and state governments until its December 17 announcement. And at this writing, a decade later, the terms of the contract remain protected by confidentiality clauses in the Australian Grand Prix Act, 1994 and have not been made public. Details of the contracts that established the Melbourne event are not accessible to prying eyes. In this sense, the Grand Prix has been characterized as "Australia's most secretive sporting event" (Attwood, 2001).

At no time was there any public consultation in making the decision to secure the Formula One (F1) franchise for Melbourne. The decision to site the event in a major urban park was a unilateral one, orchestrated by the premier through the Melbourne Major Events Company (MMEC), a government body which had originally been set up by the Kirner Victorian State Government in late 1990 following the failed Olympic bid. Its mandate was to attract major events (conferences, sports events, cultural festivals and the like) to Melbourne. Its principal members, mostly business people and senior bureaucrats, had known of the decision for months leading up to the public announcement but had kept it a complete secret (Barnard and Keating, 1996: 190).

Sprawling over 555 acres (225 hectares), only two kilometers from downtown Melbourne, Albert Park was permanently reserved as a public park in 1876. Its proximity to the downtown core and the fact that it sits adjacent to densely populated inner-city residential suburbs has made Albert Park one of the most popular and well-known parks in the city. As an "important breathing space for a growing population" over the past century, Albert Park has been a haven for many amateur sports – rowing and sailing, soccer, Australian Rules football, rugby, cricket, golf, tennis – and also an indoor sports centre. (An aquatic centre has since been established.) The park also plays host to legions of recreationalists and naturalists who take advantage of its extensive cycling and jogging paths, playing fields, children's playgrounds, picnic areas, wide variety of birdlife including waterbirds, and shoreline fishing on Albert Park Lake.

The current managing authority, Parks Victoria, recognizes that Albert Park plays an important role in providing open recreational space for residents and tourists alike. In one of its 1991 promotional publications, Parks Victoria described Albert Park as one of Australia's "premier sporting parks," highlighting the "muted hum of traffic heard across the green playing fields, the ever changing colour of the city skyline over the serene water, and the constant motion of joggers, cyclists, yachts and rowers are part of the Albert Park scene." This effectively captures the essence of the park and its primary function: providing a much needed space for

the recreational and sporting needs of Australia's second largest city. Indeed, by 1993 Albert Park was recognizable as both a "haven from the pressures of the city" and "the home of amateur sport in the State" (Hassell Group & Melbourne Parks and Waterways, 1993, pp. 1, 5).

However, all this was turned on its head with the arrival at the park of the Grand Prix spectacle.

Privatizing Albert Park: The Entrepreneurial Agenda for Public Space in Melbourne

And here lies the controversy. Siting the Grand Prix at Albert Park runs counter to the integrity, purpose and core philosophy of this profoundly public space. Albert Park is meant to function as a high quality lakeside city park, both as a centre for sport and recreation, and as a haven from the pressures of life in the metropolis – a place for the public to escape from modernity. A major urban park is no place for a major international motorsport spectacle (see Harvey, 2002). Commenting at a public protest in Albert Park against the event being located in the park, Ben Haber, an American who led a successful campaign against a proposal for a motorsport track being constructed in a New York City park in the 1980s, said a high-speed car race in a park was "a perversion of legitimate park use" (Gurvitch, 1995:3).

With the Kennett regime's unilateral decision to site the GP at Albert Park, what you have in fact is the privatization of one of Melbourne's vital public spaces. The park is reduced to another public asset for the Kennett Government to privatize, as they had done with so many others in the state. "Privatization in Victoria was carried out as far as it could be pushed with almost every conceivable public enterprise...sold to the private sector" (Hughes and O'Neill, 2000).

The presence of the Australian GP at Albert Park violates the public character of the park. As the novelist Jonathan Franzen has observed, a genuine public space is "a place where every citizen is welcome to be present and where the purely private is excluded or restricted" (2002: 50). A city's public spaces are of symbolic importance because they are the primary sites of its public culture (Zukin, 1995; Lowes, 2002).

But what happens when these spaces are subjected to privatization, as they have increasingly been over the past two decades in almost every major city in the affluent world? The major consequence is that these spaces have come to function almost exclusively as promotional vehicles for the commercial interests which dominate them. The structuring and symbolizing of a city's parks, streets and waterfronts manifests the interests and sensibilities of the city's primary "place entrepreneurs," those powerful coalitions of developers and political and business elites who are the principal architects of urban public development (Lowes, 2002, p. 113; see also Duncan and Duncan, 1988; Ley, 1988, 1987).

This is especially noteworthy when the city's most significant public spaces are handed over to the motorsport industry and its key sponsorship interests: the automobile, tobacco and alcohol industries (Tranter and Lowes, 2003). What you get is the saturation of these spaces with the discourses of consumption and the relentless promotion of "the good life" that motorsport culture celebrates. This serves a distinctly ideological function by "naturalizing" these vested commercial interests as self-evident, as part of the general common sense of society and, therefore, as something to be taken for granted (Lowes, 2002, 113; see also Lowes, 1999, chp. 6). Promotional messages which celebrate "life in the fast lane" – fast cars, hyper-masculinity, smoking and drinking – are privileged. Conversely, those messages which might call attention to the negative aspects of privatizing public spaces are downplayed, marginalized or excluded altogether.

The cumulative effect of all this is the conferring of legitimacy on the harmful messages the motorsport industry promotes in the city's public spaces where its major events are held. The dominant activities in urban public spaces are read by citizens and tourists alike as indicators of the priorities of that city and its culture. Thus, when a city's public spaces are used to host major motorsport spectacles and their attendant commercial interests, this has the effect of elevating commercial interests above public health and social welfare issues. In effect, this represents the privileging of the consumer over the citizen as the focal point of urban public life (Lowes, 2002; Whitson and Macintosh, 1996: 293).

This push toward privatization and commodification of urban public spaces is one of the hallmarks of neoliberalism, and is characterized by the lack of public consultation by which such neoliberal growth agendas are implemented. And this is the context for understanding the nature of neoliberal policies and their impacts on local politics.

What you have here is the relentless pursuit of sports megaevents because boosters argue they put us on the map – that they are vital promotional vehicles in the global economy – and must therefore be secured at any cost (Lowes, 2002). Often this is more accurately translated as being at any *public cost*, since it is the taxpayer who typically pays the costs by being compelled to absorb the financial, social and environmental impacts these megaspectacles typically have on their host communities.

As I demonstrate below, the case of the Australian Formula One Grand Prix is an example of this, of the deleterious impacts of the neoliberal policies of the Kennett government.

Making Room for the Grand Prix at Albert Park

One of the ironies of this is that only a few days prior to the Premier's announcement that Victoria had secured the franchise, a major plan for restoration of Albert Park had been released. Over the years the park had been under-resourced and was

in a somewhat degraded state by the late 1980s when the Labor Government finally initiated a planning process aimed at rejuvenating it. Notable for its incorporation of extensive community consultation, this 1989-93 process produced the Draft Strategy Plan, in which a specific and detailed plan for the park restoration was set out.

In its essence, the Draft Strategy sought to enhance the quality of the park as active and passive open space to be used on both a local and regional level. In its foreword, the Chief Executive Officer of Melbourne Parks and Waterways (replaced by Parks Victoria) declared that “the challenge for the Strategy Plan is to provide for a variety of recreational experiences including sport, leisure and open space enjoyment *without destroying the fundamental nature of the Park*, [italics added] built up over many years” (Hassell Group & Melbourne Parks and Waterways, 1993). This builds on an earlier 1991 report on the park’s need for restoration, *Albert Park: The Vision*, which specifically warned against the dangers arising from hosting special events:

In the past, some of these large events have been planned without due consideration to the needs of other park users and the maintenance and management requirements of the Park ... major community recreational events such as the FOX-FM skyshow ... and speed boat racing can generate excessive noise, anti-social behaviour and disturb wildlife. The staging of these events in the future must be balanced against the impact on the Park, other users and the adjoining community (cited in Littlewood and Ward, 1998: 161).

Kennett’s announcement that his government had contracted to bring the Grand Prix to the park effectively overrode the Draft Strategy Plan and necessitated a radically revised and, in effect, compromised Albert Park restoration plan. It was therefore left to Melbourne Parks and Waterways staff and the Hassell Group consultancy to rework their draft strategy plan in concert with the Grand Prix planners to ensure the needs of the race would be met in a refurbished Albert Park. On the question as to whose needs took precedence in this process – those of the park or of the Grand Prix – Littlewood and Ward have observed that, since 1994, the redevelopment of Albert Park has been driven by the infrastructure and planning needs of the Grand Prix (1998: 162). A good indication of this is found in a letter from the manager of Melbourne Parks and Waterways to the *Age* in which he states that “Melbourne Parks and Waterways is committed to public consultation on the Draft Strategy Plan over early 1994 and will work closely with the Melbourne Major Events Company to ensure that this consultation adequately encompasses the Grand Prix Proposals” (Floyd, 1994).

In November 1994, Melbourne Parks and Waterways released its document *Realising the Vision: Master Plan*, which detailed plans for the race circuit and a permanent two-storey pit building. It was clear the challenge of not destroying the fundamental nature of the park was going to be difficult, if not impossible, to meet.

In the spirit of fast-track development, work on the park began before the release of the final plans on November 15, 1994. What was so disturbing about the new *Master Plan* was not so much its total lack of community consultation, but rather that earlier assurances that race facilities would be “temporary” was blatantly flouted. The plan showed for the first time the footprint of a permanent pits building complex for the Grand Prix, described as “new indoor sports club and facilities buildings” (Barnard and Keating, 1996: 192-93). As architect Robert Miles commented on the park redesign plans, “As an architect, I am trained to read plans. The documents presented to the public by the GP Corporation appear to have been deliberately misleading in their lack of detail. Planning controls have been non-existent” (Miles, 1995: 2).

The problem with the Master Plan is that it contained only vague allusions to vehicular underpasses and service roads, and it made no mention of the necessity to cut down trees for the construction of the race track and to ignore the planning patterns of the previous report, to produce a clear view for patrons of the race (Barnard and Keating, 1996: 193). The master plan became, in fact, a penultimate plan as subsequent and significant alterations were made to it, guided by the needs of the event and not the park restoration. The decision by the Grand Prix Corporation to “build on general spectator improvements” by building more spectator mounds was a striking reminder for community activists that a clear transition in ownership and control of Albert Park had occurred: a transition from the park committee to corporate interests.

The Australian Prix Act and the Abrogation of Civil Liberties

According to the Australian political scientist John Waugh (1999), “You don’t need a constitutional revolution to have a political revolution in Victoria. The State constitution is so open and flexible that the government can turn public administration upside-down without changing the constitution, as long as it has one vital advantage: control of both houses of parliament.” In this sense, the state of Victoria has “a constitution for a permanent revolution,” since it puts so much power in the hands of whoever controls both houses. And it is precisely this state of political affairs which created the necessary conditions for the Kennett government to pass the Australian Grand Prix Act into law in October 1994 with only minor revisions. (The title of the act was later changed, by an amending act, to Australian Grands Prix Act in order to include the Australian Motorcycle Grand Prix.) The act created the state-owned Australian Grand Prix Corporation (AGPC) which would control the event, and also established the legal framework enabling the siting of the event and related construction activities at Albert Park.

This legislation essentially grants extraordinary powers to the Australian Grand Prix Corporation; limits the jurisdiction of the state Supreme Court;

prohibits certain common law actions; and excludes the operation of planning, environmental and other laws. It also serves to further protect the government and event promoter from public scrutiny.

When the act was first introduced as a bill, there was a major outcry, not just from the “usual suspects” – local residents and social activists – but also from the governing body of solicitors of the Law Institute of Victoria, the governing body of barristers of the Bar Council, the Council for Civil Liberties, and the Parliamentary Opposition. The objections focused on a number of extraordinary provisions which effectively removed the Grand Prix event from all the usual checks and balances which ordinarily protect the public by ensuring that no single arm of government is inordinately powerful or unaccountable. As Waugh(1999) observes, the Grand Prix Act was the Kennett government’s “most comprehensive use of legal immunities to support a controversial project.”

Widely condemned as a “dangerous” and “draconian” piece of legislation, the Act exempted the Grand Prix and its track construction from environmental impact studies, and pollution and planning controls. The Act also exempted all agreements with the international promoters of the event from the Freedom of Information Act. On this point it is worth quoting section 49 at length:

s. 49(1) Despite anything to the contrary in the Freedom of Information Act 1982, that Act does not apply to a document, whether created before, on or after the commencement of this section, to the extent that the document is, or discloses information about a contract between the Corporation or a company referred to in sub-section (2) and one or more of –

(a) the bodies, whether corporate or unincorporate, partnerships or trusts –

(i) granting the right to hold a round of the Fédération Internationale de l’Automobile Formula One World Championship; or

(ii) responsible for the organisation of, or granting the right to hold, an approved motor sport event;

(b) bodies, whether corporate or unincorporate, partnerships or trusts owned by, or associates of, a body, partnership or trust referred to in paragraph (a);

(c) a person not ordinarily resident in Australia in concert with whom a body, partnership or trust referred to in paragraph (a) or (b) is acting in relation to that contract.

(2) The companies referred to in this sub-section are the following companies incorporated under the Corporations Law of Victoria –

(a) Melbourne Grand Prix Promotions Pty Ltd ...;

(b) Melbourne Major Events Company Ltd

Furthermore, the Act makes it lawful for the Australian Grand Prix Corporation to occupy the park in order to stage the event, but it also exempts the event from a number of Acts of Parliament, among them the Crown Lands (Reserves) Act and Land Act (1958), Environment Protection Act (1970), Planning and Environment

Act (1987), the Conservation and Forests Act (1987) and Environment Effects Act (1978), the Albert Park Land Act (1972), the Health Act (1958), and – arguably most egregious – the Freedom of Information Act (1982). As the Opposition Leader, John Brumby, put it, “This is the sort of legislation you’d expect to accompany the siting of a nuclear reactor at Albert Park” (Green, 1994; Johnston, 1994).

One of the more concerning features of the Act was the removal of the jurisdiction of the state Supreme Court in order to prevent people with interests affected by the work for the race to apply to the Court for compensation. Essentially the act changed Victoria’s constitution to prevent the court from hearing compensation claims – effectively closing off any right of redress for the public. Consequently, no compensation is payable to anyone in respect of works undertaken by the Australian Grand Prix Corporation in Albert Park, the management of the park during the race period including any nuisance and the fencing and cordoning off of the park or the closure of any road. Therefore, owners of homes damaged as a result of compaction works cannot sue for compensation or prevent the damage occurring. Specifically, under s.50 of the Act, no claims for compensation or damages can be lodged as a result of the Grand Prix event being staged at Albert Park. It reads:

50. *Supreme Court – limitation of jurisdiction.* It is the intention of this section to alter or vary section 85 of the Constitution Act (1975) to the extent necessary to prevent the Supreme Court awarding compensation....

In practice, this means that the owners of homes damaged as a result of compaction work (in preparing the site for the race track) could not seek compensation, nor prevent the damage from occurring. However,² as it happens, two disputes tested the Australian Grand Prix Corporation’s powers under the act in the courts and found that the Corporation’s legal immunity was limited. First, trespass charges against protesters exposed legal flaws in the procedure used to close areas of the park for construction and the running of the race. A series of magistrate rulings on these arrests resulted in acquittals despite amendments that had been made to the Act in May 1995 that had been designed to patch up the Act and its associated regulations (Brady, 1995; Brown, 1995; Das and Naidoo, 1997; Farouque, 1997; Naidoo, 1998).

The second dispute concerning damages claims by householders near the track revealed the limits of the Corporation’s legal immunity. The Attorney-General said that the Grand Prix Act was not intended to stop negligence actions arising out of track construction work, and, when a nearby resident sued for damages after cracks appeared in her house, the Magistrates’ Court agreed (Wade, 1995; Hill, 1995; Button, 1997; Waugh, 1999). But the evidence did not satisfy the magistrate that the construction work was to blame, with the result that the action failed despite the Corporation’s lack of immunity.

As an ensemble, these provisions of the Act demonstrate a significant contempt for civil liberties on the part of the Kennett Government. And the upshot of this is that the Australian Grand Prix Act was (correctly in my view) characterized by various sources, in one fashion or another, as a “dangerous law.” For example, days after the Act was introduced into the state parliament as a bill, the *Age* newspaper published a scathing editorial which accused the Kennett Government of displaying “disturbing authoritarian tendencies” in its determination to protect the Albert Park Grand Prix event from “public scrutiny, legal challenge and statutory impediments.”

Its sweeping legislation to exempt the race and track construction from environmental and planning laws, to deny aggrieved citizens and organisations access to the courts to claim compensation, and to place the race contracts beyond the scope of the Freedom of Information Act is, at best, a nervous overreaction. At worst, it smacks of *an arrogant abuse of power* [italics added] (September 17, 1994).

As the Opposition Leader put it, “The legislation gives the government wide-ranging powers to do just about anything they want at Albert Park to support the running of the race” (Johnston, 1994). The *Age*’s editorial writers concurred, arguing the legislation was “another example of a government increasingly using its political dominance to secure its way, avoid scrutiny, disregard criticism, stifle protest and, worst of all, protect itself from legal challenge and redress” (September 18, 1994).

Some members of the government likewise expressed grave concern about the legislation and its scope. Three of the five government members of the parliamentary Scrutiny of Acts and Regulations Committee joined Opposition members in expressing reservations about key aspects of the legislation. Specifically the committee criticized the provisions to restrict the Supreme Court from awarding compensation to anyone adversely affected by the Grand Prix event as likely to “trespass unduly on rights and freedoms.” The committee also expressed concerns about waiving of planning and environmental laws, while recognizing that there were precedents for doing so for some other major projects and for the Grand Prix in South Australia (“Still a bad law,” 1994).

Kennett and his ministers made no apologies for their autocratic approach to implementing the government’s sports growth agenda and their striking contempt for public consultation and government transparency in doing so. An instance recorded in *Hansard* is particularly illuminating on this point. The Opposition Leader asked the Premier if he would “instigate a full, open and public inquiry into the suitability of Albert Park for the Grand Prix compared to other sites, such as Sandown and Phillip Island?” Kennett’s reply was unequivocal and worth quoting at length:

The Leader of the Opposition is absolutely predictable in everything he asks. That is such a stupid question; even Clyde Holding would not have asked it.

Clyde Holding, a former Opposition leader, did not once ask such a stupid question, and he went on to higher office! [...] *There will be no further review. The only people who ever ask for committees or reviews are those who cannot make decisions* [italics added]. That is exemplified by the stupid question that the Leader of the Opposition asked today (Hansard, May 6, 1994).

Furthermore, the Act protected the Australian Grand Prix Corporation from paying a reasonable rent for valuable public land (s.41).

The consequences of this “arrogant abuse of power” and flagrant contempt for the basic tenets of a liberal democratic society register in several domains, as detailed below. This will show that the coincidental suspension of local government democracy was an extension of the Kennett style which further limited any local community response to the siting of the Australian Grand Prix event at Albert Park.

Protest Restrictions

The Grand Prix Act and its associated regulations have been used to hinder protests against the use of public property – Albert Park – for a commercial purpose. The Kennett government made this very clear in a news release from the office of the Deputy Premier and Minister responsible for the Grand Prix, Pat McNamara, which stated, “The Grand Prix Act has been principally designed to ensure that the over 400,000 spectators who attend this event over four days won’t have their fun spoiled by political protest groups” (October 26, 1995).

Specifically, the Act allows the Australian Grand Prix Corporation (AGPC) to fence or cordon off and “declare” any area of the park. Consequently the AGPC would be deemed to be in lawful occupation of that area. In November 1994, interim regulations pursuant to the Act made it an offence to enter or remain in a fenced off area without the authority of the AGPC or to interfere with or hinder activity undertaken on behalf of the Corporation. In effect, once an area has been “declared,” it is deemed to be an offense for the public to be in the area. As Stewart and Noone (1995: 6) observe, public space becomes private retrospectively under the legislation. For example, they recount that on November 4, 1994, the first fence was erected around a children’s adventure playground within Albert Park, on the grounds that this was to protect children from wandering into a construction area. “However,” they write, “the cynic may suggest it was merely an attempt to block out the demolition works taking place behind the green hessian hung along the fence.” This proposition was borne out many months later when members of the protest group Save Albert Park (SAP) were met by a massive police presence dedicated to keeping them out, to protect them and the workers on site, while the gate into the construction site was “usually open in the absence of SAP members” (Stewart and Noone, 1995: 6).

In real terms, this meant that protesters could have a temporary “fence” built around them and be considered in breach of the Act and therefore subject to arrest and prosecution for trespassing. This did in fact happen on November 30, 1994, when SAP members picketing the entrance to the former South Melbourne Hellas soccer ground stood in amazement as workers built a fence through parkland which surrounded them. Grand Prix Corporation representatives then placed laminated notices on the fence declaring it a prohibited area. A representative later advised the protesters that their permission to be in the park – a public park – had been revoked, and they would be arrested if they remained in the declared area (Stewart and Noone 1995: 6-7).

In the several months following the commencement of track development in the park in November 1994, protests led by the Save Albert Park group resulted in nearly 700 arrests (Littlewood and Ward, 1998: 160). Most of these charges were laid for merely being in the park – an offense under the act. However, no conviction has been recorded against a protester to date. For example, on May 24, 1995, charges of trespassing and other offences against 97 persons were dismissed on the grounds of an “invalid exercise of powers” by the relevant minister of the Victorian government. The Government responded by passing retroactive legislation to legitimize the invalid exercise of powers and granted an “amnesty” to those arrested before May 25, 1995. The minister had the power to “declare” areas of Albert Park for a period of one year, but he had attempted to “declare” it for two years and had failed to state the date of commencement. Therefore, the protesters were entitled to be in the Park at the time of their arrest.

With this retroactive amendment to the act, the Government rectified the deficiencies noted by the magistrate. The amended act “vindicated” all works that had been undertaken in Albert Park since October 1994, and granted an “amnesty” to all those protesters who had been arrested since then (even though the magistrate had already held that they had not been guilty of any offence).

Environmental Impact

Fencing erected around and in Albert Park also meant that the park was off-limits to anybody not approved by the Australian Grand Prix Corporation (declared the lawful occupiers of the land), contrary to the existence of the park as a public domain. The AGPC was free to order any tree to be cut down, buildings demolished, playgrounds or ovals removed, and roads closed. It was also granted the power to regulate access to the park, including for sporting activities and business operations.

The original Draft Strategy Plan for Albert Park contained provision for the care and maintenance of existing trees, the creation of new avenues of exotic trees and direction as to the desired tree planting density. The Grand Prix proposal not only superseded these plans, but was contrary to them. The result was the removal

of over 1,000 trees (most of them mature) from Albert Park, despite the efforts of SAP members and supporters. The extensive tree removal has also had an adverse effect on the park's birdlife. As noted by a member of the Victorian Ornithological Research Group, "I have recorded generations of families [of birds] in there [Albert Park]...but now all their shelter and food is gone, and the birds are gone too" (Whiffin, 1995: 8).

The track straight, grand stands, garage and pit access requirements dictated that an area of approximately 64,000 square metres must remain treeless. For the safety of drivers, three gravel and eight grassed run-off areas were constructed on the bends of the track, consisting of approximately 110,000 square metres. These areas had to remain treeless.

Impact on Local Sport

Holding the Grand Prix at Albert Park has had a severe impact on local sport, and the ability of park users to access sporting facilities. This has occurred despite the recognition in the Draft Strategy Plan that it is "vitaly important" that "the sporting character of Albert Park be conserved, and that disruption to both existing facilities and the activities of the clubs be minimized as far as possible." At least seven sports ovals have been permanently lost to accommodate the track (including the historic Harry Trott oval), and others incurred a significant size reduction (SAP Newsletter, July 1998). A 1996 paper on land use in the park prepared by the Albert Park Strategic Advisory Committee acknowledged that the reduction in sports fields from approximately thirty-seven pre-park upgrade to twenty-four post-park upgrade (a loss of roughly nine hectares over the period) has made it extremely difficult to accommodate the needs of all past amateur sports users.

Furthermore, the annual set-up and dismantling of race equipment and infrastructure – which takes over four months, and covers approximately twenty sporting fields and the golf course – must be taken into account in analyzing the impact of the event on local sports and their park facilities. For the first Grand Prix event, held in 1996, the Grand Prix Corporation took six weeks to remove the race structures and a further eight weeks to do preliminary rehabilitation work on the grounds (Bossence, 1997: 4). The majority of sports fields were not officially reusable until mid-June. (This same pattern persists for all subsequent Grand Prix events.)

An article published in *Turfcraft International*, an industry journal, notes that Victorian turf authorities described Albert Park as "the biggest turf disaster you could possibly see" (Agnew, 1996 as cited in Nicholson, 1999). The article argues that the advice of leading turf consultancy firms had been ignored and that rehabilitation to sports field surfaces had been done cheaply. The result was a number of injuries, including one footballer who received deep lacerations to the face after falling on broken glass. Following the inaugural Grand Prix event in 1996,

Littlewood and Ward (1998: 162) detail a number of impacts the event had on the park's sporting facilities. Winter sports could not effectively start until mid-June and one sports oval was lost for the whole season because of extensive damage. In 1997, nine clubs were affected by ground damage, while sixteen of the twenty-one ovals were not ready by the scheduled date in April. In fact, most were not ready until mid to late May, and in three cases not until June. In 1998, despite excellent weather, more than ten fields were still unavailable at the end of April, almost two months after the event. Ground surfaces were often badly damaged, and some require extensive restoration. In addition, the golf was closed for a period of six weeks, a substantial part of the year in the summer and autumn months.

On this issue of facilities for major sports entertainment events, Whitson and Macintosh (1996) have observed that facilities for major international sport events are specifically built to meet the elaborate competitive requirements of international sport federations and to accommodate the enormous numbers of spectators such events draw. And in addition to being expensive for municipalities to operate afterward, such facilities are typically ill-suited for subsequent use by most community sport and recreation participants. "In practice," they write, "most feature facilities such as the main stadium or arena come to serve primarily as venues for professional sport" (1996: 282).

The case of the Australian Formula One Grand Prix at Albert Park exemplifies this state of affairs. The pit buildings are largely impractical for regular sport usage. The bottom floor is unsuitable, partly because of design, and partly because concrete flooring is inappropriate for most sports other than Formula One racing. The second floor is used for netball and indoor soccer competitions, although the enforced eight-week break over February and March means that the netball competition is only a social one, as the season does not conform to that of the local netball associations.

Conclusion

This paper set out to show how the Victorian State Government's approach to securing and promoting the Australian Formula One Grand Prix event at Albert Park is an example of the neoliberal governance which dominated much of Australian state politics during the 1990s. Such an approach to governance is typified by policies informed by entrepreneurial rather than social welfare goals.

The controversy surrounding the siting of the Grand Prix in Albert Park has come to represent the Kennett Government's neoliberal approach to planning and public policy in the State of Victoria during the 1990s. This approach relied on a growth agenda premised on fast-tracking urban development and a cynical abuse of legislative power — not to mention clear violation of due process, for the express purpose of essentially privatizing Albert Park in order to implement this international motorsport spectacle.

The secret negotiations to secure the event and the subsequent transformation of Albert Park to accommodate the Grand Prix are important keys to understanding the Kennett Government's approach to government, to public policy formation and to planning and development.

What has happened with the siting of the Australian Grand Prix at Albert Park is a disturbing example of authoritarian and autocratic rule in action. Central to this is the ability of an elected government to deprive citizens of civil rights by the abolition of those rights altogether with the peremptory exclusion of access to the Supreme Court which would ordinarily have the power to review executive statutory action affecting the rights and liberties of citizens.

Whatever one thinks of the decision to hold the event at Albert Park, the problem for democracy has been a matter of the process used to first secure and then implement the event. Citizen's rights were suspended the name of a boosterist agenda that has benefited entrepreneurial interests (both local and international) much more than it has benefited anyone else (and has seriously affected many local residents, either by damaging their homes or pre-empting formerly public spaces where they used to be able to pursue non-commercial leisure pursuits in the park).³

At the end of the day, "the people of Victoria were not consulted; the legislation was rushed through without the possibility of real debate; the rights of those most affected were not considered; public accountability has been crippled by the ouster of the Freedom of Information Act as well as a number of regulatory mechanisms; the appeal to an independent umpire [in the form of the Supreme Court] has been removed" (Richter, 1995).

NOTES

1. As William Ferguson explains, the term Washington Consensus was coined in 1989 by John Williamson, of the Institute for International Economics, to describe the conventional wisdom at the U.S. Treasury Department, the World Bank, and the International Monetary Fund on policy reforms that would aid development in Latin America (William Finnegan, "The Economics of Empire," *Harper's*, May 2003, p. 41.)
 2. In the dynamic compaction case in the Melbourne Magistrates Court, part of the AGPC's defence was that the Act exempted it from liability. The magistrate found that this defence was not valid and that the Corporation could be held liable for any damage it caused. The magistrate found, however, that the plaintiff had failed to prove that the AGPC had in fact caused the damage
 3. I am indebted to the anonymous reviewer of an earlier draft of this paper for making this observation.
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Mark LOWES

*Néolibéralisme, la politique de la force et la sélection controversée
d'un parc urbain comme site du Grand Prix australien*

RÉSUMÉ

Les événements de sport motorisé évoquent les discours et l'imaginaire de l'internationalisme tout en servant de prétexte pour promouvoir la ville-hôte en tant que lieu de « renommée internationale ». Du point de vue de la promotion agressive, ces spectacles sont perçus comme des indicateurs du progrès urbain et de la victoire des villes contre l'adversité à l'époque postindustrielle. Dans cet article, nous étudions certaines des tensions qui en découlent, à l'aide d'une étude de cas portant sur la sélection controversée de l'Albert Park, près du centre-ville de Melbourne, en Australie, comme site du Grand Prix Formule Un. Ce cas soulève un certain nombre de questions portant sur l'obtention et la tenue d'événements sportifs internationaux dans des places publiques urbaines importantes. Depuis le moment où le gouvernement de Nouvelle-Galles du Sud a obtenu les droits de franchise, en 1993, les résidents de la localité, les contestataires, les clubs de sport, les usagers du parc et la collectivité en général ont vu leurs droits abrogés par les activités, les lois et règlements et le travail de maintien de l'ordre que nécessitait la tenue du Grand Prix à l'intérieur de l'Albert Park.

Mark LOWES

*Neoliberal Power Politics and the Controversial Siting
of the Australian Grand Prix Motorsport Event in an Urban Park*

ABSTRACT

International motorsport events evoke the discourses and imagery of internationalism, while serving as occasions for the promotion of the host city as a “world-class” place. From a boosterist perspective, these spectacles are seen as markers of civic progress and triumph over adversity in the postindustrial era. This paper explores some of the tensions that follow from this, through a case study of the controversial siting of the Australian Formula One Grand Prix event at Albert Park near the downtown core of Melbourne, Australia. This case raises a number of issues about the process of securing and hosting international sporting events in major urban public places. Since the state government first secured the rights to the franchise

in 1993, local residents, protesters, sporting clubs, park users and the broader community have had their legal rights abrogated by activity, legislation and policing associated with the Grand Prix at Albert Park.

Mark LOWES

Neoliberalismo, la política de la fuerza y la selección en controversia de un parque urbano como sitio del Grand Prix australiano

RESUMEN

Los eventos del deporte motorizado evocan los discursos y lo imaginario del internacionalismo mientras sirve de pretexto para promover la ciudad anfitriona como sitio de «renombre internacional». Del punto de vista de la promoción agresiva, estos espectáculos se perciben como indicadores del progreso urbano y de la victoria de las ciudades contra la adversidad en la era postindustrial. En este artículo, estudiamos algunas de las tensiones que se desprenden, ayudándose de un estudio de caso que trata sobre la selección controvertida del parque Albert Park, cerca del centro de la ciudad de Melbourne, en Australia, como sitio del Grand Prix de Formula 1. Este caso plantea cierto número de interrogantes relacionadas a la obtención y la realización de eventos deportivos internacionales en importantes sitios públicos urbanos. Desde el momento en que el gobierno de Nueva Gales del Sur obtuvo los derechos de franquicia, en 1993, los residentes de la localidad, los opositores, los clubes de deporte, los usuarios del parque y la colectividad en general vieron sus derechos abolidos por las actividades, las leyes y los reglamentos y el trabajo de mantenimiento del orden que son necesarios para que se realice el evento del Grand Prix al interior de Albert Park.
