

By Philip O'Brien

"You're gonna hear it now
Blastin' out your radio
Listen to the music now
Turn Up Your Radio,"

The Masters Apprentices, 'Turn Up Your Radio' (1970)

It was the way we listened to music back then. Long before MP3 players and personalised playlists, there was simply radio. While the introduction of talkback in the late 1960s had brought some changes, radio remained mostly a three-way relationship between the listener, the disc jockey and the music. Video clips were few and, in truth, no match for listeners' imaginations. Most of all, the Top 40 charts reigned supreme. Except, that is, for a 5 month period in 1970 when many bands - including Australia's the Masters Apprentices - disappeared from the airwaves and charts altogether.

May 16 marks the 40th anniversary of the so-called Australian Record Ban of 1970, the result of a dispute between the major Australian record companies and commercial radio stations over royalties for the use of records for airplay. During the ban all British and Australian records, distributed by these major companies, were removed from commercial radio airplay in Australia.

Conventional wisdom is that the ban was a major boost to handful of independent Australian record labels which stepped in to fill the radio breach and, in turn, ushered in a golden era of Australia music. However, in talking to some of the players in the dispute, a somewhat different picture emerges.

What's more, although the ban ended after 5 months, the issue of payment for commercial radio airplay has been simmering ever since. That issue re-emerged earlier this year, when the Phonographic Performance Company of Australia (PPCA), the record industry peak body, launched a constitutional case in the High Court seeking to amend the 40 year old legislation which limits the remuneration that commercial radio pays.

Australia in early 1970. A resources boom prompted spectacular rises and falls in share prices. Anti-Vietnam War moratorium marches were held across the country. As the Captain Cook Bicentennial was celebrated, Australians began to reassess their national identity. And in Canberra, the Gorton Government's legislative program included changes to the *Copyright Act* which prompted the dispute between record companies and radio stations.

Rock music historian Glenn A Baker says the dispute highlighted an ideological divide between two interdependent sectors. "Record companies argued that they were entitled to a share of commercial radio revenue which had been earned with their records while radio stations argued that, without exposure on air, those records wouldn't have sold."

Des Foster, then federal director of the Federation of Australian Radio Broadcasters (FARB) recalls that there had been a previous, shorter, dispute in 1956 over the same issue. “But in 1970 when we said we weren’t going to play the records protected under the Act, the record companies thought we were bluffing”. They soon knew otherwise when the ban came into force just after midnight on May 16, 1970.

As Wayne Mac observes in *Don’t Touch That Dial: Hits ‘n’ Memories of Australian Radio* (2005), “[t]he record ban was like a bad dream for pop fans.” Overnight, releases by the major Australian and British record companies (including EMI, Polygram and Festival) disappeared from the commercial airwaves. That meant no Beatles, no Led Zeppelin and no Bee Gees. However records from America could still be played and ABC radio was unaffected by the ban.

The effect on Australian artists with the major labels was tough, Baker says. “It’s always been a hand-to-mouth existence for Australian musicians, having to compete with international artists. Australian music was so fragile at that time that, even for big acts, anything that caused them to lose airplay was a disaster.”

One such band was the Masters Apprentices. Singer-songwriter Jim Keays recalls that their single ‘Turn Up Your Radio’ bombed in Sydney and only succeeded in Melbourne because of the band’s local profile, its TV appearances and because leading disc jockey Stan Rofe played the single in spite of the ban.

Foster says that most Australian radio stations survived the ban without trouble: “The majority of our stations were regional and thus not troubled by ratings or competition.”

But the main reason radio survived was because a handful of Australian independent record labels continued to provide their records to commercial radio stations free of charge. In Melbourne, Ron Tudor’s Fable and, in Sydney, Martin Erdman’s Du Monde were two of these labels. They were able to record Australian cover-versions of banned British hit songs and, in doing so, launch the careers of a number of new Australian performers.

Some of the independent Australian releases which succeeded during this time were, for Fable, Liv Maessen’s ‘Knock Knock Who’s There’ (which reached no 2 on the national charts), Hans Poulsen’s ‘Boom Sha La La Lo’ (no 6), Autumn’s ‘Yellow River’ and the Mixtures’ ‘In the Summertime’ (both no 1) while, for Du Monde, Flake’s ‘Wheel’s on Fire’ reached no 4.

Yet it’s wrong to assume that these labels began in response to the ban, according to Erdman who’d begun Du Monde Records at his World of Sound studio in Ramsgate, Sydney, the year before. “The record ban was an inconvenient and expensive mess for us,” he recalls. Ron Tudor, of Fable Records, echoes these thoughts: “We’d just started and had invested so much money and effort that, as a small operation, we just couldn’t afford to go with the ban.”

But the major companies were determined to thwart the small independent labels, Tudor recalls. Before the ban he had signed a deal with EMI to press his records - this was cancelled almost immediately. And his attempts to have them pressed by EMI New Zealand were also foiled. This was before the secondary boycott provisions of the *Trade Practices Act*, he says. "So Bill Armstrong, who recorded all our records at his studio in South Melbourne and had a contract with a pressing plant in Singapore, cut the masters in Australia, sent them to Singapore where they were printed. The only thing was that, to meet the demand, we had to get them air-freighted back and that jacked up the cost."

The independents also had to do all their own distribution. "The big labels cut us out of their distribution networks," Erdman recalls "Ron and I distributed not only our own records but also each other's. That meant a lot of late nights packing and driving consignments to freight depots."

In mid-October 1970 the ban ended abruptly. As Bridget Griffen-Foley notes in *Changing Stations: The Story of Australian Commercial Radio* (2009), "... the PPCA, representing the record companies, caved in. Its members agreed to a new formula of spot advertisements each week."

Conventional wisdom is that the ban had a number of effects. One was that it gave the independent labels a lucrative start. However, as Tudor explains, the additional costs caused by the ban ate heavily into their revenues. And, as Des Foster adds, "When the dispute was over, the record companies still had all the cards: the pressing equipment, the know-how and the distribution networks."

Another accepted wisdom was that the ban secured the careers of some new Australian artists. But, as Baker observes, "It certainly established some artists – such as John Williamson - and gave a start to others who would otherwise not have made it. But there were some – such as Liv Maessen and Hans Poulsen – who quickly faded afterwards."

The 2001 ABC Television documentary *Long Way to the Top* suggested that "by putting more local musicians on air than ever before the ban opened the door to the underground", that is to bands performing in pubs and live venues. Jim Keays of the *Masters Apprentices* disagrees. "It was happening anyway. There was a cultural turnaround happening then. Rock'n'roll was changing; new bands such as Daddy Cool and Spectrum were already performing in pubs. The record ban didn't cause that."

Nor did the ban lead to formatting changes on commercial radio. The 'Hits and Memories' format which started to appear on some commercial stations in the early 1970s was a competitive response by radio rather than a reaction to the ban, according to Ray Bean, who was 2UW's program manager in 1970. "Besides, stations couldn't use their back catalogue during the ban if those records belonged to the major labels," he says.

What can be argued is that the record ban raised awareness of Australian artists and whetted consumer demand for Australian recordings. So, when radio formats tightened

and narrowed later in the 1970s – with high rotation of a small playlist of songs – many listeners turned, instead, to the ABC: to radio 2JJ or television's *Countdown* to satisfy their demand for Australian music that many commercial stations simply weren't providing.

The ban also led, indirectly, to a higher quota of Australian music being heard on air. This was through the efforts of Ron Tudor who, later in the 1970s, began the Australian Music Makers Association which lobbied government for an increase in the amount of Australian music on commercial radio. His efforts saw an increase from a quota of a mere 2.5% of daily output, in the early 1970s, to some 25% today.

40 years on, the Australian Record Ban of 1970 is more than just an historical vignette. The issue at the centre of the dispute has re-emerged this year, with the PPCA asking the High Court to examine the price cap, contained in section 152(8) of the *Copyright Act*, which limits the amount Australian commercial radio stations can be required to pay artists and labels to no more than 1 per cent of a broadcaster's gross income. According to PPCA Chief Executive Stephen Peach, the commercial radio sector now earns revenue of up to a billion dollars a year, but the price cap means that the sector in total pays only \$4 million dollars for all the recordings played each year on Australia's 261 commercial radio stations.

He says that the High Court case is not about the recording industry recouping revenue losses from illegal downloads. "It's about ensuring that labels and artists are fairly rewarded for their work."

Meanwhile, Joan Warner, CEO of Commercial Radio Australia (the successor to FARB) rejects the PPCA arguments. "Australian commercial radio stations pay close to \$25 million a year in copyright fees – not the \$4 million claimed". She also draws attention to the fact that the PPCA case also challenges the price that the ABC pays for the recordings it broadcasts.

All of which suggests that the ill-feeling between the two parties has not ebbed. But another record ban is unlikely. After all, technology has changed the recorded music landscape forever. Radio is no longer the sole arbiter of success. Today, it's not a case of just turning up your radio but your computer, MP3 player and smartphone as well.