

# The thrills of ... Legal practice in Nimbin ... after one year

by Dr Michael Kidd

The other night, near to my 55th birthday, I saw a shooting star and thought that life can't be that bad, after all I got through a year of practicing criminal and family law in Nimbin.

Most of this type of work is carried out by non-Nimbin lawyers, as I was recently in Lismore local court and was surprised at the quantity. I don't take that as a reflection on me, as it been hard to break into the market and I have tended to rely upon the client base of Nimbin Law and Legal Aid referrals. I try to practise very objectively, and some clients are still getting used to the idea: they have to convince me first. It's a loco parentis situation in giving legal advice: would you give a viper to a child, I counter?

One client issued a fatwa against me and then promptly paid the bill, another involved in making earth still hasn't, and the somewhat pretty mother of another put a curse on me, for what she perceived as my spreading of 'the good book'. I really try to be a bit more subtle than that!

Getting up in court, and saying you're from Nimbin has its interesting points, so I tend to give as good as I get - so no one has gone to jail who shouldn't have, and the one who did is pleased with the brevity, so to speak, compared to what he could have got. I tend not to smoke or drink, so maybe that limits opportunities to be an ambulance chaser, but it is better in my experience to let



clients chase you, as they are more likely to pay the bill!

I have been involved in six legal or mediated, family law cases under the new Family Law rules, and found they are likely to be fizzers, with only one having an outcome leading to court orders. Perhaps it's a good chance to talk, and my counselling skills have been fully utilised.

A note of frustration: I have two female clients associated with Nimbin, who have complained of police non-action in relation to assaults on them, and despite going through the various channels including the Nimbin PCCC, and receiving a polite letter from Supt. Lyons, no action has been forthcoming.

As I said recently in a PCCC meeting, I have come across this differential in policing in other countries and situations, and it is a cause of profound personal regret that some sections of the community are not treated equally.

Over the summer break, I completed a book on my personal experiences in human rights, entitled "Beyond the Breakwater"

and it will be published, either under Ohlah Publishing or through a publishing house. This is what Prof. Stephen Chan, from London University, says about the book:

"Old believers never die, they just grow older, perhaps wiser, but they still believe. This memoir by Michael Kidd is a testimony to belief in ideals, in search, and in action.... the theme of his book is always consistent. There are things to believe in, there are things to fight against, and there are always new ways by which belief can be refreshed.

This makes his book itself refreshing. For those of us growing older, perhaps remaining able to believe is in fact the act of growing wiser. This book was clearly torn off the word processor in a burst of recollection - but it's a wise little work, oh Grasshopper."

Unfortunately, "the Sacred Wound" didn't get short-listed for the recent Tasmanian literary prizes: ceding to, amongst others, a book on the history of apple branding in Tasmania since 1870. Well what can one say! We have sold 65% of the print run of 200, which I am told is a good result.

Finally, I have offered free legal help to any victims of the recent Fiji coup, including the deposed Fiji Prime Minister. Those who know me....

## Moral Rights Denied to Boardman and Bizet?

by Michael Hannan  
Professor of Music,  
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Several cases of potential moral rights infringements in Nimbin have recently come to my attention. For those who are unaware, moral rights legislation was introduced in Australia in 2000 to protect authors and performers of artistic works. Moral rights include the 'right of attribution' (that is, the right to get credit as the author), 'the right not to be falsely attributed', and the 'right of integrity'. It is the right of integrity that is of interest here.

Under the legislation, artists have a right not to have their works 'subjected to derogatory treatment'. Rolf Harris' arrangement of the rock classic "Stairway to Heaven" for wobble board and didgeridu is arguably an example of derogatory treatment (certainly the Led Zeppelin composers thought so), but more clear-cut cases can be found in the visual arts. For example, it is an infringement of the moral rights of an artist for someone to buy a painting and then cut it in half to create two paintings or, alternatively, write graffiti all over it, even if these treatments result in an improvement in the artistic and/or financial value of the original work.

So what should we make of the recent case of the world premiere of Sue Boardman's performance work, *Mars Bar*, at the St Patrick's Day Blue Moon Cabaret, an event promoted by the Nimbin School of Arts? Ms. Boardman was less than half way through her dance-mime creation (the *Mars Bar* had not even been revealed at this point) when the stage manager took it upon himself to end the performance by closing the curtains. On the



Cut. Sue Boardman in a previous performance.

face of it, this act is surely more a case of 'derogatory treatment' than cutting a painting in half, because at least with the painting you can still see the second half.

What was behind this inexplicable act? Apparently the stage manager genuinely thought that the piece was over because the accompanying music seemed to have ended. However the roar of mirth from the crowd had drowned out one of the quieter moments of the recording.

For future reference, the School of Arts stage crew should take note that a reliable guide for when a performance has ended is when the performer takes a bow.

Having spent hundreds of hours developing and rehearsing her work, Ms Boardman was quite naturally irate about being cut short. In a conversation following the debacle she expressed both personal indignation and artistic frustration. Fair enough you might say! But there is another side to this story.

The second possible moral rights charge I've identified

could arguably be levelled against Ms Boardman by the French composer, Georges Bizet (1838-1875). *Mars Bar*, a piece about a forgetful old woman and her intermittent fixation on a *Mars Bar* is accompanied by Bizet's grand opera aria, "Au fond du temple". It is a heart-felt song where two men express their undying love (mateship is probably a kinder word-choice) for each other, while remembering an incident in their youth when they were rivals for the attention of a beautiful priestess.

Certainly one could imagine Bizet rolling in his grave at the sight of Ms. Boardman's decidedly low-brow staging of his romantic masterpiece. And does Ms. Boardman vainly think of herself as the beautiful priestess of the song? Don't forget that as she is performing her mime the men are singing lines of praise like "C'est la Déesse" ("It is the Goddess") and "Ô vision! Ô rêve!" ("what a vision! what a dream!"). Of course this irony would escape the attention of all but those with an intimate knowledge of the operatic canon or with a good ear for the French language as sung by antipodean singers.

The jury is still out on both these moral rights cases. The good news is that there will be another chance for Ms. Boardman's fans to judge the second case for themselves at the opening of a new exhibition at the Blue Knob Artspace on Thursday April 12 from 6.30 pm. As a supporter of the arts (including the low arts), I urge those who wish to take advantage of this unique opportunity of seeing the full-version world premiere of *Mars Bar* to make an appropriate donation to the Blue Knob Artspace on the night.

## New website gives new businesses information at fingertips

The Northern Rivers Business Advisory Service (NORBAS) has created an online presence to ensure businesses in the Northern Rivers have instant access to information to assist with business start-ups and growth.

The new website, designed for all small business clients in the area from Tweed Heads to Grafton, can be found at <www.norbas.com.au> The site provides free downloads of information to assist in financial and business planning, marketing and e-commerce, and business training.

NORBAS Regional Manager, Gillian Jones said the site is a handy reference tool for anyone in business. "Business operators can download advice relating to commercial leases, marketing,

intellectual property, and access various fact sheets covering many business issues from start-up procedures, insurance, debt recovery, partnerships and franchises."

The easy to navigate site also provides linkages to various government sites such as wage awards, taxation and work-cover to name a few. In addition, each regional area profiles various networking activities as well as other courses and programs running in the local town.

The Northern Rivers Business Advisory Service (NORBAS) was born out of the Northern Rivers Business Enterprise Centre network auspiced by Lismore BEC following its successful tender in 2004 to run the Business Advisory Service throughout the whole

of the Northern Rivers Region. Funded by the Department of State and Regional Development, NORBAS is a not-for-profit community based incorporated organisation providing free and confidential business advisory services.

In this capacity, the BEC and more recently NORBAS have responded to over 50,000 business-related inquiries and some 14,000 clients/businesses have been assisted on a one-to-one basis, thus providing considerable employment and business investment outcomes.

NORBAS holds regular business workshops from the Tweed down to Grafton and out to Kyogle. For more information or to organise a free business facilitation contact 1300-650058

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