

Shady business

Last week we had a lot of fun filming a TAFE documentary in Lismore, dancing in the street where there are large shady trees and open footpaths, allowing an expansion of people's energy into the surrounding space.

It is such a different reality to Nimbin, where our trees are constantly trimmed so that cameras are never without a view of every little social interaction, and we exist with tiny footpaths.

Where is our friendly streetscape? Nimbin very easily fills up with noxious car fumes and overwhelming heat. With the amount of development to be commenced between Lismore and Murwillumbah, there could be a time when our streets become unusable due to the amount of deadly car fumes.

Another Meet the Council meeting was on at the Town Hall and supposedly we have a chance for our message to get across, though many ideas in the past have collapsed into nothing. Our town is still being developed.

Will we be allowed to have shade trees, or are they too dangerous for us, only being allowed in a safe town like Lismore?

Lynne Oldfield
Nimbin

Unscrupulous Tradies

A elderly friend needed a minor repair to his shower. A few hours and a couple of hundred dollars was required. A so-called builder was recommended.

Five weeks and \$1200 later (at \$30 an hour) the shower was still un-repaired and unusable. A lovely slate floor was demolished and poorly

replaced with cheap tiles. A second hand vanity sink was supplied but not plumbed in, and a mountain of rubbish was left.

It took me 4 days to repair the damage done, clean up and finish the job.

When engaging a tradesman here are some point to remember:

- Ask for ID and qualifications.
- Get the quote in writing. Demand dockets and receipts.
- Don't pay a cent till the job you asked for is correctly finished.
- Keep an eye on what he is doing!!!
- Don't be afraid to ask questions.

Carter Bijou
Bilambil

No Inserts!

Your paper is a great effort, but nothing written is as good as finding no advertising inserts in it.

Every other paper is loaded with our reshaped trees – the *Byron Echo* is shameful. Please never start! Especially the bloody Norman Harvey endless consumer crap, no good even in the dunny, that slimy paper, and horrible to mulch.

Keep up the Good Times.
Rainbow Warrior

Imperfections

I'm writing to apologise to readers for two mistakes I have made in my articles published in the NGT (February and March 09).

In one, I referred to Earle Stanley Gardner when I should have said Erle Stanley Gardner; and the other is my reference to Sergeant Macdonald, in the last edition of NGT, when I should have

said Sergeant Tom Campbell.

I feel very lucky to be able to have my writing published in *The Nimbin GoodTimes*, which is such an attractive and well-edited newspaper. If anything, it's too good at depicting the beauties of our village's people and places.

We don't want everyone to know, let them stay home and grow their own Nimbins.

Kathy Stavrou
Nimbin

Tourism initiatives

I don't wish to state the bleedin' obvious, but there are tourism and development opportunities everywhere I look in the Rainbow Region.

I know for a fact that there are hordes of Japanese tourists leaving town week after week with bucketloads of cash unspent in their pockets. This is a criminal offence!

My vision is as follows: I propose an eco-friendly alteration to Mt Warning, which will hardly be noticed, for a cable car ride that can operate 24/7 from the carpark at the bottom to a viewing platform on the summit, allowing the tourist hordes fantastic photo opportunities, fast junk food outlets and a romp in the artificial snow, tastefully covering the mountain top.

We will remane it Mt Fuji-Warning. I believe it will work – look at the Gold Coast.

Another niche tourist dollar could be made by eliminating the thigh-busting, agonising, sweaty armpit trek from the carpark to the summit, which I am against on principle, as excercising in any way is un-Australian.

Why can't we allow in guest workers from the Mt Everest region of Nepal? The Sherpas! These tough, wiry, ever-smiling natives should be imported under contract and fitted with saddles that are hand stitched in Tibet, by the occupying Chinese craftsmen.

Every overweight Australian adventurer who doesn't have the stamina, through no fault of his or her own, would be leisurely carried up the treacherous path to the top. It's a win-win situation.

We will call this venture: Saddle-Up-A-Sherpa Eco-tours. All proceeds go to us.

I recommend starting these tourist opportunities immediately, before Lismore beats Nimbin to the punch and steals our rightful tourist dollars. What do you think?

Trevor Thomas
Clunes

Notices

Old Kombi Wanted

Do you have an old kombi sitting in a shed somewhere? I am looking to buy a complete bus or old camper that is in need of restoration. Please call Rusty 0416-045-007

Bush dance

Nimbin Red Cross fundraiser for the Victorian Bushfires at Tuntable Falls Community Hall on Saturday 4th April. Food from 6pm, music starts at 7pm. Enquiries, phone Phyllis on 6689-1558.

Tuntable Preschool AGM

Tuntable Falls early childhood centre is having its AGM on Tuesday 7th April, 1.30pm at the preschool.

Tidy Towns AGM

Kyogle Tidy Towns will hold its AGM at Kyogle Bowling Club on Tuesday 7th April at 5pm. Contact Mrs Anne Reardon on (02) 6632-1851 for more information.

Art and Craft Market

As from Easter Saturday 11th April, Kyogle Tidy Towns will host a monthly Art and Craft Market in the Kyogle Memorial Institute, replacing the monthly Sunday Market that operated at Kyogle Showground. Stallholders please phone Mr Rupert Esch 6632-6623 or Mrs Anne Reardon 6632-1851 prior to the day.

Friday Folk Cafe

Next Tuntable Falls Community café will be from 5 pm Friday 17th April, with great food by Delight and Donna and great music by some of the region's best folkies. The cafe will be happening again twice a month from May.

Plant of the Month

Brush Cherry – attractive and edible



by Richard Burer,
Project Officer for EnviTE

Syzygium austral is a small tree found in all types of warm rainforest. Commonly known as Brush Cherry, it is very common on the north coast, and particularly in the Nimbin area.

It is often found in damp gullies and by creeks. Purple/maroon fruits hang in abundance from winter to spring and are a favourite bush tucker for the kids.

This very attractive

evergreen tree is easy to grow and makes an excellent screen, garden or native planting for most situations.

For those interested, there is a very old tree on Calico Creek (on Blade Road, opposite the tip) that looks to have had many a camp and feast over the last couple of hundred years.

EnviTE is a not-for-profit organisation providing employment, training and professional environmental services.

About us

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Please limit contributions to 600 words or less, and include a photo if possible.

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Simon says...



by Councillor Simon Clough

I had one of the BIG life moments this month. You know, those moments where you realise your identity has changed in the eyes of the world.

I opened the *Nimbin GoodTimes* and there was my birthday party photo on the Seniors page! It's like the first time when someone offers you a seat on the bus (hasn't happened to me yet). I hadn't quite thought of myself in that way. So thanks Sue and Bob for the reality check – and don't think you'll be invited next time!

I love being on Council. I said this to Trish one morning, and she looked very puzzled and said "why?...". I realise I love the challenge of it. Some people like to reduce stress in their lives. I like working on a number of diverse issues at once, so Council works well for me. I also love (perhaps that's a bit strong) meetings.

I was elected to Council on the platform of "Our Sustainable Future", and I am passionate about supporting climate change initiatives.

At the last Council meeting I moved that the Council sign up to the Northern Rivers Climate Change Collaboration Agreement. Many other organisations and peak bodies, such as Richmond Valley Council, Southern Cross University, North Coast TAFE, North Coast Area Health Service and *The Northern Star*, have already signed. would involve a small allocation of resources in having the Council's Climate Change Officer attend a monthly three-hour forum.

Unfortunately the motion

went down 9 to 2 (Vanessa Ekins being the only other supporter). What was I saying about loving a challenge....! More work to be done here.

Better news on the koala front, however. I moved that the Council determine a time frame to review and implement the Comprehensive Koala Plan of Management, which was accepted. The only councillors opposing it were Peter Graham, John Chant, Graham Meineke and Neil Marks.

We are so fortunate here, to have a koala population in a large urban area. There are many threats to their survival and quality of life, and I believe a comprehensive plan of management is essential. I wore my little furry koala badge on my shirt, which amused some at the meeting but probably not everyone.

My other adventure this month was participating in the "Rising Tide" protest at Newcastle. We were accompanied by Cr. Jeff ("wake up") Johnson from Ballina Council, and our own icon Benny Zable with his flags and costume (though he did forget his mask), and half a dozen other supporters.

Those coal ships are bloody enormous. Undaunted we paddled out in our canoes and kayaks, but could not find a single coal ship, though there were plenty of police. Aware of the protest, the harbour authorities had closed the port.

So we had the best of all situations, a **victory** (it costs at least \$100,000 day to delay a coal carrier) and fun in the sun paddling around the harbour. (See story page 19.)

On the home front - thanks to the Chamber of Commerce and the Nimbin Community Centre for organising the evening on participation (Story page 5).

It was very well organised, well attended and I'm sure will give Council some excellent ideas about how to engage with the Nimbin Community.



by Jenny Dowell
Mayor of Lismore

Jenny.Dowell@lismore.nsw.gov.au

North Lismore industrial land

At last month's meeting, Council voted 10/1 (Vanessa Ekins against) to rezone 10 ha of land between the saleyards on Tweed St (Dunoon Rd) and Terania St for future industrial use. The rezoning is an amendment to Lismore's Local Environmental Plan (LEP) so it must go to the Minister for Planning for approval. Some residents have expressed concerns over traffic, noise, loss of amenity and the visual impact of an industrial estate so Council will also prepare a new Development Control Plan (DCP) to ensure their concerns are addressed. A DCP can include conditions for the site such as signage, lighting, landscaping, water efficiency and design alternatives to mitigate noise.

PAGs

New community members for Council's six Policy Advisory Groups were also elected at the March meeting. I'm delighted to see that Nimbin is represented by Jennifer Park (Community Services PAG), Diana Roberts (Economic Development PAG) and Colin Smith (Infrastructure Assets PAG)

Public transport

Council voted unanimously for Cr Ekins motion confirming support for commuter rail services on the Casino-Murwillumbah rail line and a link to the Gold Coast. Council will also urge local Federal and State politicians to secure

From the mayor's desk

funding for the service. At its most recent meeting, NOROC also considered the need to seek funding for an Integrated Regional Transport Plan.

Koalas

Cr Clough's motion for Council to prepare a Koala Plan of Management for the whole Local Government Area was also carried. The next budget is extremely limited so no-one should expect this Plan to be undertaken in the near future but at least it is now on the agenda. Long-time residents may recall that the previous KPOM only covered the south-east section of our LGA and then failed to gain support of the Council around late 2003.

Superannuation

For five years, the Local Government Superannuation Scheme has given Councils a 'holiday' from making contributions. Unfortunately, like other super funds it has lost a great deal in investments and is asking Councils to make large payments to cover long term employees in the now-defunct 'defined benefit' scheme. For LCC, the amount due is around \$900,000- a significant amount in the best of years but enormous this year. Lismore Council, like many others, is requesting that the repayments be spread over five years. We await the Board's decision. Whatever the outcome, I would not like to see Lismore City Council request a rate increase to cover the cost. Instead, Councillors and staff, in a manner familiar to many readers, will work to trim an already lean budget

Budget

Submissions from the community, Councillors and staff to the next LCC budget closed on March 20. Over the next two months, staff will collate and comment on each submission before Councillors consider them and draft a document for community feedback.

Preparing a works plan and associated budget is one of the most difficult tasks as we examine each proposal for its financial, community and environmental impacts and how it relates to our Strategic Plan.

Inevitably some wonderful ideas and well-supported initiatives will miss out but staff and Councillors will do the best we can with what we have.

GSAC

The biggest self-funded project ever undertaken by LCC will be open by the time readers get this edition. The people of Goonellabah in particular have waited over ten years for this facility and I feel confident that they and those in the broader community will not be disappointed. Next time you are in town, please take the opportunity to visit. There are picnic and café facilities to make your visit an ideal school holiday experience too.

Women in Local Government

I was invited to speak at the Australian Local Government Women's Association conference in Queanbeyan late last month. Sadly women make up only 27% of Councillors in NSW and only 20% of the local government workforce. On the upside, it was wonderful to meet so many young women Councillors who were elected in September. 2009 has been declared the Year of Women in Local Government and is also a great time to start thinking about standing for election in 2012. Interested readers can always contact me for more information.

Workshops and meetings

Lismore Council's draft meeting schedule for the coming month is:

- Tuesday April 7 – Training evening for members of new Policy Advisory Groups
- Tuesday April 14 – Council Meeting

• Monday April 20 – City Contact Forum- Mayor and 5 Councillors present for residents' questions

• Tuesday April 28 – Workshops on Water Sensitive Design, Disability, Access and Inclusion Plan, Social Impact Assessments

• Tuesday May 5 – Public Submissions – those who made submissions to the Budget can book to address Council. If time permits, the Council will also commence the Budget workshop process

• Wednesday May 6 – Budget workshop continued

It is advisable to check this information in the *NR Echo* the week prior to attending. All workshops and meetings listed are at 6pm at Council's Chambers in Oliver Ave.

Halls

As I write this column, I have just heard that federal minister Anthony Albanese has approved Lismore's application for \$1.049 Million. As readers will recall, the money was offered to LCC subject to a complying submission. Part of our application was to request that \$5000 be available to each of our 28 rural halls. That money will be available as NGT hits the streets and I'm sure it will be well spent by hall committees throughout the Lismore LGA.

Blue Moon Cabaret

The March Blue Moon Cabaret continued the high standard of performances that we have come to expect from these fantastic evenings. Congratulations to all involved and we look forward to the next one.

There is always so much more I could include in this column so if readers would like to know or tell me about other things please contact me on Jenny.Dowell@lismore.nsw.gov.au or phone on 0402 651 394. Meanwhile have a Happy Easter.

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What happens in counselling?

Dr Elizabeth McCardell
Phone 0429 199021



In my practice I frequently see people who come with a sense of a specific issue which they want to be resolved, something that doesn't feel right; or they want to work on some part of themselves that jars with the expectations of others. This issue is felt to be separate from their relationships, their personal history, and isolated from the rest of their life.

The client comes with this idea that I will work with them solely on this specific issue. It comes as a bit of a surprise when I ask about their experiences (bodily, thoughts, and emotions) in the other dimensions of their lives. I want to know, for instance, the family dynamics of their past, their present, and how they imagine these relationships will pan out in, say, five, ten, thirty years.

What lies behind the specific issue gives understanding (for client and me) of patterns of responses, reactions and exceptions to a more prevailing mode of behaving towards other issues of that type. More than this, though, it shows how the previous modes of response shapes (exaggerating, irritating, softening) the present response. We are our past, present, and expectations for our future. Our behaviour is contemporaneous. The therapeutic work thus moves, in part, around the client's history, exploring it as the living history it is. Michael White, the co-founder of Narrative Therapy (with David Epstein), wrote about therapy as re-membering (re-putting together) the contexts and behaviours of a person's life, of exploring the 'absent but implicit'.

For example, a client comes to the first counselling session wanting to know how to control her anger and impatience with her child. Instead of teaching her ways of checking her anger (pressing on her finger to remind her to take a deep breath, or whatever), though I might suggest this as well, I would want to know in what other instances she feels this quick anger response. I would want to understand how she got on with her

mother and her father, with examples of good experiences and bad; how her mother and father interacted with their parents; how she played with her siblings, friends, what school was like, and so on. I would want to know how these interactions from the still living past feel to her in her body. Did, for instance, her mother frequently shout at her so that she felt tears welling up in her throat, but that, over time, she learnt to hold these tears back? How this feels now? Is tenseness there all the time? Where else in her body does she feel tense? How this tenseness "tells" her how to be with people who remind her of her mother, and so on. I might talk to and ask questions of this tenseness, to objectify it in order to see how it plays out in relation to anger and impatience. Is tenseness there when playfulness is present? And so on.

If we look only at the presenting problem we are really focusing upon one part of the whole of the client's experiential field. This one part examined without its place in the whole, has little effect on the healing of the whole person. The therapeutic approaches I use are thorough; bring rich awareness and a fresh understanding to being in the world. One of the approaches I employ is Narrative Therapy. This approach suggests that we all make stories about our lives from the position of trying to make sense of the multiplicity of experiences that occur in our lives. Sometimes these stories are "thin," non-adaptive and inflexible. When we are feeling well, happy and centred, our stories are flexible, rich, and full of variety, and we are open to new experiences. "Thin" stories are one-dimensional and they reinforce feelings of despair and distress. Such stories, being inflexible as they are, and conjuring a limited range of emotions, grossly neglect

instances in a person's life when they are not that way. If I am attuned to seeing my life as heavy and grey, it is hard for me to know that I also experience lightness of being. The task of therapy is to bring to the forefront these other narrative accounts.

Thus, for instance, when a client brings to her counselling sessions a life narrative consisting only of accounts of self blame and victimization my job is to explore instances when the client does not feel herself as a victim and also to examine what might be gained from experiencing herself as a victim. I would want to know what attracts the client to her friends and they to her. I might ask her to pretend she is her closest friend, husband, or lover, and describe the client from that perspective. Trying on other people's experiences of ourselves brings to the fore some awareness of what it is to be ourselves, and not just reacting to those other people.

My therapeutic conversations with the client would probably encompass remembering when other people reinforced more affirmative views of the client, when these precious others praised the client as being strong, self-determining, and self assertive. Or perhaps the client read something in a book or saw a movie that offered alternative ways of being. These alternative stories "thicken" and enrich the experiences a client has of herself giving greater versatility to how she can then make sense of her world and the way she can then relate to other people.

I hope that what I have described here gives the reader a sense of what to expect in counselling. Being a client is entering an extraordinary, confidential, and safe space where conversations take place quite unlike any other conversations had with anyone in the ordinary world. Sometimes these conversations go beyond words, carrying meaning on sound, drawings, and drama. Here there is a mutual journeying into awareness.

For consultations, please ring me on 0429-199-021 or 6624-3704. I am in Lismore on Mondays- Tuesdays, and Nimbin on Thursday-Fridays.

Are CCTV cameras worth the cost?

by Rob Graves, police liaison

The recent debacle, where we as a community of motorcycle gangsters were caught brawling and creating mayhem at Sydney airport, has sent a clear message to the community.

What is clear is that CCTV cameras do not protect us from organised and violent crime. The problem it seems is that no one was watching the cameras, when the violence broke out and policing which (seems to have been effective once it arrived) still needed to be called in by a citizen on the trusty 000. Now that everyone knows that Mr Nobody in Blue was watching the cameras many of us are wondering why so much police resource and blind faith has gone in this failed direction.

Word around the campfire is that the cops didn't even get any CCTV footage to help them tie up the loose ends of the big airport brawl. So much for Richmond Local Area commander Bruce Lyons' claim about CCTV surveillance that: "from the footage, investigating officers might be able to identify an offender or uncover a vital piece of evidence". (Northern Star - March 26, 2009)

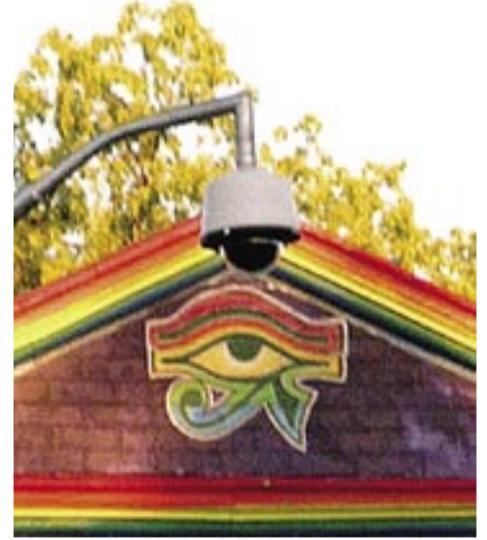
Clearly the cameras are a failure in protecting the community, and now we are told that all the cameras need to be all hooked up to help the police solve pretty crimes. Whilst on this topic I wonder why Commander Lyons is selling the community a dog that won't hunt? Is the focus on petty crime and minor drug offences a cover for his embarrassment for not really making a dent on the long list of unsolved major crimes, some of which haunt this region? This is a question that needs to be answered.

I would like to suggest a better way forward - boots on the ground community policing. It is not just that the cameras don't work. I think they have undermined policing that does work - that is sensitive responsive and intelligent community policing. We have actually seen - here in Nimbin how good community policing can get - but that is history.

The cameras do not help the victims of domestic violence, they do not help the children in abused homes, they do not help resolve long term and entrenched organised crime that pervades our whole State. And why is Commander Lyons still selling the cameras? Is he a spin-doctor or a cop? When did our public servants decide that is their role to be influencers of public opinion?

Beyond the ineffectiveness of the cameras as a policing tool, there is also the psychological harm they cause to the poorest of the poor. These are the targets of the technologically driven blitz on petty crime.

For homeless people surveillance cameras invade whatever little privacy they have. The all seeing eye is always watching them. These people are now being photographed twenty four hours a day, often while they are just struggling to survive a harsh world. It is just wrong in my opinion because everyone has a right to some privacy. My homeless friends feel it and don't like it. I know because



I talk to them. It's a pity that our guardians fail to do this.

For the poor who suffer from mental illness the cameras are an utter disaster. I observe this disaster day by day. In my experience as a community worker surveillance cameras tend throw sufferers of mental illness into paranoia, a most painful manifestation of madness. Madness and homelessness are hard enough to live through as it is, without having ones shame and struggle broadcast on reality CCTV to a select group of law enforcement officers.

The cultural implications of surveillance need to be considered and debated. Are we building a great society based on trust and people caring for reach other or a small minded society based on fear? Are we really doing ourselves a service by maintaining law and order through gadgets and technology? Are we building communities of trust and co-operation based on kindness or are we abdicating this responsibility in favour of the quick technological fix?

We could get back on the main game and get back to a style of policing where good coppers maintain the peace through wise communication, and a skilled and measured application of the law to each of the difficult situations into which they are called. This would be a genuinely preventative police strategy. The bikies proved it. CCTV is bogus - because the cameras were not being watched. This is the final sinister breach of trust. The cameras were not being watched. We were not protected.

Maybe the answer is not more and more technology (or even more robo-cops) but rather in the training of police to serve as citizens who can solve the crimes that really matter. Solving serious crime is an art and not something that can be bought off the shelf. A low resolution reality TV show watched by the boys and girls in blue cannot be a replacement for real people in police uniforms relating to real people in real life.

We all know what we want, and we are all in this together, so let's set policing up in a better way so we can all make progress together. I think this is the direction that community policing should be heading, and I know I am not alone in these thoughts.

Dr Elizabeth McCardell, M. Counselling, PhD

Counsellor/Psychotherapist

For those who want to bring mindfulness to, and some relief from, that which is creating depression, anxiety, drug and alcohol excess, relationship problems, prolonged grief, or a sense of meaninglessness in their lives.



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Our Media Factory's Birth, and Beyond

by Ian Smith
Bakada Rocks, Mountain Top

Further to the question, "When is a community building not a community building?" (NGT April 09, p15), the short answer is: when trustees for the community apparently become no longer trust-worthy.

Can people who have, for the past 35 years, assured the Nimbin community that they acted only as trustees to keep the first community building acquired for the '73 Aquarius Festival in this community's hands in perpetuity, now assume rights to treat it as privatised real estate?

Did these 'shareholders' expect to turn their \$150 contribution into \$50,000 when they aged, a secret super fund? I don't think that was true – then. To put 1974 into perspective, a \$150 share was 2.1 times the basic wage of \$72 per week; in present terms, perhaps \$1200.

I missed the last of a series of meetings at Tuntable Co-op, but was reassured it guaranteed the building's beneficial ownership remaining in community hands, confirmed by a typewritten letter to Coordination Co-op, hand signed by a majority of trustees, and reproduced in *Nimbin News* #107.

After asking Tuntable to replace John Dobson as representative, quote: "Jan Oliver and Beth Freeman, as two current shareholders, have now transferred their shares to Richard Bingham and Peter van der Wyk at no cost – in recognition for their continuing participation and interest in the Media Factory as a community building."



"We are planning to form a Voluntary Association which will insure that the people who are shareholders are merely trustees for the community. For example, in the event of resale of the property, the trustees would waive any and all profit as individuals in favour of the community as represented by the Voluntary Association."

The letter, dated 10th March, 1980, was signed by Sri Richard C Bingham, P van der Wyk, Gael Knepper, Jan Oliver, Harry Freeman and Robyn E Freeman.

Does the fact that Jan Oliver's and Beth Freeman's publicly declared gifted shares to Richard and Peter were never recorded on the title, enabling later transfers to Toby Freeman, mark the start of a process of acquisition, or merely a negligence by which people now hope to profit?

That such association was never formalised – apart from the ongoing voluntary association of hundreds of people over 35 years who've made use of, shared, looked after, managed and maintained what we all believed to be a community building – may embolden

some, but I believe an Implied Trust exists here.

That a then very large government grant was obtained, on the very basis that this was a community building and not privately owned, speaks for itself.

And yes, weren't we foolish to trust these people and not yet formalise an association to continue managing our community building? Doing so now will be far simpler than raising vast sums to buy our own building back, while projects for our youth go begging.

Many people who've been concerned about this for the last six months and more, had confidence that Tuntable Co-op surely wouldn't turn a cost-free Trusteeship for the Nimbin community into a cash source. Not wishing to depreciate the efforts of many Tuntablians, but this is an issue for the whole community, not just Trustees now assuming ownership/sale rights.

It's time we either got together to sort this out, or just accepted that we've been truly had by the already wealthy, and that what we knew as 'community' back then doesn't exist any more. Many tend to the latter view, but if there remain as few as a dozen people here then and since who know what our sort of community meant and hopefully still means, I'll commit to arrange a meeting soon with the help of committed others.

A meeting in Aquarian style, not deftly facilitated but an old-fashioned circle of people sharing memories, experiences, understandings, evidence and strategies to turn around what's being presented as a private deal, really none of the Nimbin community's business.

A Legal Opinion:

Media Factory beneficial ownership rests in the Nimbin community

by Dr Michael Kidd,
Barrister and Solicitor
www.kiddlegal.com

There are plans afoot to privately sell a community complex in Nimbin, originally called the Media Factory and referred to as Birth and Beyond, by some of the original trustees for their own personal profit.

It seems the original intention back at the beginning of the Aquarius festival may have been a little vague, but there is little doubt that the document dated 10th March 1980 creates a trust in favour of the broader Nimbin Community, and the actions of various peoples and organizations since, in donating free material and labor plus at least one government grant reinforces the resulting trust.

Wikipedia says: "A resulting trust (from the Latin 'result are' meaning 'to jump back') is the creation of an implied trust by operation of law, as where property gets transferred to one who pays nothing for it; and then is implied to have held the property for benefit of another person."

It is quite clear, in fact and law, but the courts are expensive and slow, and if one side has access to better lawyers, the result may be unfortunate from the Nimbin Community's point of view. In this case, some of the settlors, ie the owners on title, are related transferees, so there is a presumption that could arise under the *Family Law Act 1975*, or under family protection legislation, that would need to be argued: Harry, Beth & Toby Freeman are related, and there may be another de facto of Harry's — so the *Family Law Act* could be of some relevance. But this is clearly not a family situation.

Wikipedia further says: "Those who receive substantial value without consideration are ordinarily presumed to hold the property in trust..."

It can not be argued that the Media Factory was an unlawful undertaking which could impose an equitable defense, and the court would also look at those who stand to claim a windfall under the equitable doctrine of unjust enrichment.

"...the presumption of resulting trust is rebutted by evidence of any intention inconsistent with such a trust, not only by evidence of an intention to make a gift." *Lord Browne-Wilkinson Westdeutsche Landesbank v Council of London Borough of Islington [1996] AC 669.*

Some have argued that this presumption arises as a result of a lack of intention to transfer any beneficial interest, but this view has not received judicial endorsement, so an automatic resulting trust can arise when the settlor tries to set up a trust for a third party, but there is an initial failure for want of objects or by naming beneficiaries which cannot be defined.

It could be argued that the original intention of the Media Factory can no longer be fulfilled, but that would be a hard one to argue, or to rebut for that matter, and the present populace of Nimbin might have something to say about that. Even if there are only a few original Aquarians around, the fact that the centre has been run for public purposes is widely accepted. But evidence of that would need to be put before the court.

Whilst it is difficult to prove intention it may be easier to prove the circumstances when a legal presumption will arise.

It would therefore be quite easy to rebut the claim of those who wish to sell after all this time, arguing that they were not beneficial owners but held the property on behalf of the community at large.

Perhaps this is an example that the spirit of Aquarius has died. I think not, it is more base intention: "If I can get away with it, why not..."

IT'S ON AGAIN!

NIMBIN BOWLING CLUB SIBLEY ST
REGO TIME 10am-12.45 SHOW TIME 1pm ONWARDS DURING MARDIGRASS
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THE ONE & ONLY: **ANTIBODIES**

CANNABIS STIMULUS PACKAGE

Plans for the Hippie Theme Park - NIMBIN WORLD, have been given a shot in the arm this year by the crumbling of the capitalist system.

Years of training have enabled many locals with the skills needed to stay alive through the current depression. Enduring ridicule, denigration and persecution for their beliefs, the Hippies are now considered to be wise, insightful and very resourceful.

Clean water, fertile earth, organic food, solar power and the respect of the natural environment is standard practice for the average Hippie.

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Memories of Mardigras

by Max Stone

If I had to pick one highlight from the thirteen MG's that I have participated in, if I had to focus on the one MG that stands out above all the others in my memory, it would have to be 2005, the year the BigBongMobile.com came to town with cannabis growing in it. Metaphorically, it was the last stage of the cannabis equivalent of an around the world yacht race, a marathon many months in the undertaking and suddenly, there it was, like an unexploded bomb parked right outside the Nimbin H*E*M*P*Bar / H*E*M*P*Embassy in the main street of town, wrapped in a tarp with PotArt exhibit painted on it and then, as now, displaying cannabis plants in the main street of Nimbin is, as you would expect, an arrestable offense.

Of course, the police were only one force at MardiGrass who 'theoretically' threatened the sanctity of the final phase of the Big Bong PoT Art Demo, the crowd being the other. Most everyone's opinion was "those plants won't last 5 minutes" with equal odds for police or crowd as to who would be first to rip them out.

I have always believed that the amount of time, preparation and art that went into the 'Caged Cannabis Demonstration' was its best protection. The cannabis plants looked so innocent, the image so evocative of the "real situation of Cannabis", that everyone was enthralled by them, the MardiGrass crowd, the local youths and black market profiteers who usually get such a bad time in



the media for the havoc they create, the drunks in search of the never ending party and the NSW police. I am sure that the smiles on their faces each time they passed by were genuine. No one it seemed wanted to spoil the spectacle for everyone else. Erk, I'm getting ahead of my self....

4 and 20 hours is a long time to expect to have cannabis in a flimsy wire cage in the main street of Nimbin, indeed, it would be a major MardiGrass miracle if it were to happen, or so said the punters at the 4 hour 20 minute mark. At the 12 hour mark there was just me and the webcam viewers and I was certain that the next 12 hours were a done deal because I knew that when the sun came up and the smoke machine from the H*E*M*P*Bar was added, thousands and thousands of pictures would be taken of the BBM and there was no doubt in my

mind that neither the crowd nor the police wanted to harm the innocent plants in their flimsy cage, nor to stop the BigBong PoT Art Demonstration from going off as planned.

On Sunday, after the parade and speeches in Peace Park was over, in the 4 and 20th hour, at approximately 4 and 20 minutes until 4.20pm, the 4th attempt to phone Michael by the newly appointed Police Area Commander "about the plants in the yellow car out the front" was successful - Michael, of course, hadn't been avoiding the calls, he had been down in Peace Park speaking to the crowd - and the ultimatum delivered.

"If the plants are real cannabis, take them out now. If they are not, they can stay." We moved quickly, police officers had been dispatched from the station to make sure wishes of the Area Commander were obeyed. Of course, the plan had always been to 'symbolically and literally' rip the cage off whilst yelling FREE MARIJUANA, and then after a short photo opportunity, free the actual Marijuana from the mobile and since it was real cannabis and since the Police had been as wonderful and understanding as the crowd had been to the sanctity of the PoT Art Demonstration.

At 4.08:40pm, Michael and I FREED MARIJUANA in front of the live webcam and at least 420 stoners (and more flash bulbs) whilst Cannabis Dave took some video - which you can easily find on youtube, and the best part of all was that we made it back inside the H*E*M*P*Bar with plenty of time for 420!

MardiGrass Highlights

- **Cannabis Law Reform Rally** at 2.30 Sunday starting opposite the police station. This is the central event, not to be missed, and where the Best Floats are judged, Cannabis Cup Raffle drawn, and Cheech and Chong look a like comp decided, hopefully by Tommy Chong himself.

- **Showground Camping** will be open from Wednesday at \$10 per night. A weekend MardiGrass Armband, (which gives access to all events except the Cup), costs \$30, or \$50 with two nights camping. A Saturday only pass with no camping costs \$20, and Sunday only \$10.

- **Volunteers** are the heart and soul of MardiGrass. We love both locals and visitors alike, please consider putting in some time.

- **Jungle Patrol** is collecting names in a blue book at the Hemp Party Bar. Please register, Save-a-Mate Red Cross training on Wednesday 29th April at the Bowlo.

- **MardiGrass has music** happening everywhere, up to seven venues! It's big Saturday night in Peace Park, the "Dance for Drug Law Reform", has Japans most popular psychedelic band Dachambo coming out especially to play at this gig. Other performers confirmed for MardiGrass include Fyahwalk, Diana Anaid, Chocolate String, Zennith, AntiBodies, CC the Cat, our old favorite Captain Reefer and the Konescrapers, Saritah, Groove Foundation, Pagan Love Cult, IBM, Homeless Yellow, Bo Kaan and Essie Thomas.

- **RAID**, Random Armband I D checks by the local POLITE FORCE who will be wandering MardiGrass asking you to buy an armband if you don't have one to support the cannabis law reform rally. Please help them.
- **Marijuana Music Awards**, previous winners will play around sunset in Peace Park Sat evening when the 2009 winners are announced.

- **Medical Cannabis and Industrial Hemp Forums** will be in the Town Hall and at Peace Park on both Sat and Sunday. The killer cop and .

THE HEMP OLYMPICS



- **Dr John Jiggins**, author of "The Sydney Connection" explains how Underbelly 2 got it wrong and explains who Donald Mackay's murderers were and why the NSW police covered up the murder.

- The "International Forum on Cannabis Reconciliation", probably Saturday evening in the Town Hall.

- **Hemp Olympix** (including the Michael Phelps Backpedal Award) on in Peace Park as usual, the Bong Throw, Growers Iron Person Event, Speed and Creative Joint Rolling, and for the first time, "Correct Weight", where competitors have to estimate an oz in a cliplock (28.3495231 grams!)
- **Cooking, Bubblebag, Varouriser, brick and papermaking, legal advice, gardening and many other classes** will be held throughout the weekend.

- **Comedy Cafe** on as usual in The Oasis Sat and Sunday nites with S and Alan Glover hosting again.

- **Ganja Faeries** are welcoming and having rehearsals on the market stage every Wednesday at 4pm.

- **Aquarius Markets** are on all weekend, speak to Cat on 0429-194-248

- **The Pickers Ball**, including the **Hemp Fashion Show**, is on Friday evening in the Town Hall after the opening Ceremony in Allsopp Park around sunset, with George Scott and Bundjalung Elders and dancers.

- **Best Float Awards** will be awarded when the Rally arrives in Peace Park on Sunday. \$1000 first prize, \$500 second, \$200 third.

- **Childrens entertainment**, we have a couple of shows in Peace Park Sat arvo, more welcome, please contact the Embassy.

- **Pot Art** is on in the Regional Gallery opposite the Oasis

and Elspeth and friends will be there taking entries for the week before MardiGrass.

- **Ageing Hippy Award**, the Hemp Masters Olympix to prove how fit long term potsmokers can be is still on the chopping board, but got great potential. Pension card entry only and all competitors will be thoroughly psychosis tested.

- **The Hemporium Tent Expo** in Peace Park is collecting as many hemp related stalls and ideas as possible to showcase the myriad uses of the plant we are celebrating. Dr Keith Bolton will be there to talk about the now legal NSW low the crop.

- **Hemp Fashion Shows** with Judy Who will be throughout the weekend after a big show on Friday night.

- **Pot Art Tattoo** is on in the Bowlo Sat arvo from 1pm like last year, registrations from 10 am.

- **Kombi Konvoy** leaves Byron Bay at midday on Sat and Lismore at 3pm to arrive in Nimbin about 4pm

- **Dutchies Cafe** will be Info Central in Peace Park next to the stage, also hosting the CWA, Cooking With Attitude.

- **420 World Wide Global Marijuana March** will take off from the Hemp Bar at 4.20 Sat arvo after we have attempted to rewrite the history books for the largest number of joints lit at once.

- **Survey** of long term cannabis users to be done from the Hemp Party Bar throughout the weekend, please take the time.

- **Fringe MardiGrass 'Red Pill Circus of Truth'** hosted by Mark Jago will be on at the old garage each afternoon, with movies every evening.

- **Hemp Party** political members sign-up all weekend, meeting in the Hemp Party Bar, 4.20 Sunday May 3.

- Lots more details on www.nimbinmardigrass.com

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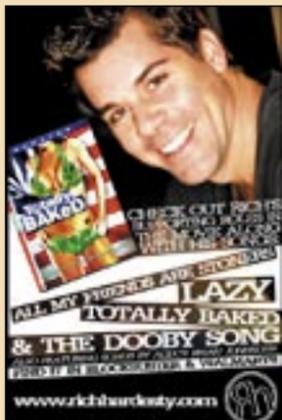
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Rich Hardesty confirmed

Rich Hardesty is confirmed as performing at Mardi Grass for the 6pm Global MMA slot on the Saturday night.

Hardesty had a huge hit with the song *All My Friends are Stoners*, featured in the movie *Totally Baked*, and headlined for John Mellencamp's 50th birthday bash.

Before the release of the latest record, Rich Hardesty has sold more than 50,000 CD's and has gained a worldwide fan base by playing over 2000 live shows across the U.S., including a 36 city tour in 2001, opening for bands including Cypress Hill, Kid Rock, and Eddie Money. He has played six consecutive spring breaks at beach bars and resorts in Jamaica, and he has also played in Florida and Southern California. The list goes on, building up to his credibility of being Indiana's #1 selling artist.



NIMBIN STREET SHUFFLE

by Unda Cuvva

TANKS FOR THE 'GRASS

What a month. Undacuvvas from across the state are being wound in for the Mardigrass. We've been meeting for months, much longer than the slack hippies from the so-called MOB. Ever had to watch one of their meetings? God only knows how they pull the show together. It truly is a mystical thing and I try to tell that to the bosses.

Strategy after strategy, plot after plot, horses, dogs, detectives, tanks. Can you believe one of the Undas suggested tanks? Two, she said, "one at each end of town! Just to scare 'em into behavin' good", she said.

SHOCKING BLUE

Never show weakness in front off the boss the others told me later, he refuses to admit the war is lost in any way at all. The next day he calls a press conference outside the station all about Mardigrass and how he as a dad personally opposes weed. "Like most parents," he says, and then he goes on again about clearing the streets of dealers for the mums and dads.

How can anyone get rid of the myriad masses on the footpath asking passersby if they wanna buy any weed? What hope do us cops have of stopping that, with the recession fallout growing like lantana around here?

POLITE FORCE LOSE GUMS

Tommy Chong's rumoured appearance at the MardiGrass has taken up hours at our meetings. What a prize! Five pairs of Unda's have been ordered to enter the Cheech and Chong look-a-like competition hoping to get close to the legend. We'll do our best, but I had to tell the boss I've been watching from the pub verandah the new uniformed Polite Force under Nonstupidintended and Sergeant Sarah Jane, training out the back of the Embassy for their RAIDS (Random Armband ID checks). Unlike us, they've been rushed with applicants.



Well I can tell you the Big Blue, an Unda himself for a quarter of a century you must remember, was ready to take Chong on in what the MOB wanted to call the Great Unda Mardigrass Showdown, GUMS. We had to pull the plug.

RUDD FAILS BONG TEST

Undacuvva can tell you our Ruddy boy caused a storm at the White House this week. After the press conference Obama invited Kevin out back to meet his team and our boy spied a bong in the corner. One of the staffers offered Kev a cone and it became apparent he had no idea what it was about and had to admit he'd never been stoned. Obama laughed and our PM got teased relentlessly about his meetings in Amsterdam the following week. Apparently Rudd said he would consider having a toke there, because it was legal.

ARMY RECRUITERS

With unemployment galloping the tourist people called them in - concerned Nimbin visitors will soon have to run the gauntlet of Army recruiters walking our one street town. Especially now the damned youth are being driven out of their cubby holes behind the shops. The unemployed love weed more than anyone we know, and we would know. With Kev's bonus money they've been banding together and buying quantity, though it never seems to last long. It's funny though, the Army recruiters tempting would-be recruits with stories of Kandahar Hash!

CAMERAS v UNDACUVVAS

So long as weed is illegal, I've got a job here forever, it seems. Our major competitor, the CCTV Empire, took a serious dive this week when

Sydney airport cameras failed to deliver any pictures of the bikie bash. This means Unda's are back in business big time. How dare they replace us with cameras! The Big Blue Boss is getting a network on the North Coast of all the private camera systems, hoping to get us back in uniform. So I can tell you we will be here in numbers for Mardigrass this year. Every NSW Unda has to have a thousand points by June 30 to keep their jobs. Most of us are languishing at 2 or 300, so the big weekend will be a free-for-all. Every caution, every bust, no matter how small, gets one point. There is a problem, they deduct points if it later turns out not to be cannabis. Last year one Unda organised 32 of the total of 80 arrests. We all thought he was a hero until the results came back and 27 of the joints contained lavender. I see him on the street often, looking totally lost. You all know him.

REDNECK RALLY RUSTED

Several Unda's stationed along Williams Road lately have reported major parties in the middle of the road at night. "Lit up like an airport, loud music and all," one report said. "They dug through the night, burying God only knows what." Fortunately the petrol heads have diverted their rally plan which has secretly pissed off a lot of the meat-eating hippies out that way who were looking forward to it, I believe. Talking of rallies, I know a lot of you thought that was me dressed in black at all the MOB meetings, but tell me why would I set fire to my own HQ, and make such a mess of the job? And go back three times to make sure I got discovered and arrested?

Maybe I can see the end is nigh and I want a pension like all you bludging hippies. Am I making sense?? Did I light up the wrong grass?

THE RIVER COURT

It's been action plus at the WKTA (Well Known Tourist Attraction) this month. The Mingle Park camp is an ancient meeting place I heard this week, a refugee camp indeed. You hippies can paint up what you like, but not in our backyard, mate. Mike has now been joined by Bill (not their real names) on search and destroy missions. They have been trying to outdo each other with points this month and the popular Koori camp and meeting place is full of easy targets, same as they have been for over 200 years.

Sorry - don't mention the word around here, if we go soft the all important court river starts to dry up, jail numbers drop, and our necks are on the line. "Whatever happens, the river must flow", they taught us that at Undaschool. "Remember who ya' workin for".

As a young well-meaning cop I was terrified to even consider any other option for years until you freaks in Nimbin got to me, big time now. Mingle Park may be a seam of gold to the eager beavers, but somehow my conscience has fluttered back to life while hanging out there. They promised me I wouldn't feel it, but I am. Endless coffees from the unsinkable Museum, and the patience, the kindness, the endless forgiveness, and the mad people staring at me saying, "Thou shalt not lead our kids into temptation". My resistance is falling apart.

For those who came in late...

The Jungle Patrol is a local volunteer organisation that patrols the streets, encouraging people to keep the peace, and bear witness when they do not. The Jungle Patrol cannot enter an affray, but will encourage a peaceful resolution to any disturbance. If there is an incident, it is witnessed, and aid is rendered after the event if necessary. Jungle Patrol members will be able to contact the Police if the situation warrants it. The Jungle Patrol grew from the volunteer groups of early MardiGrass celebrations. Jungle Patrol operates

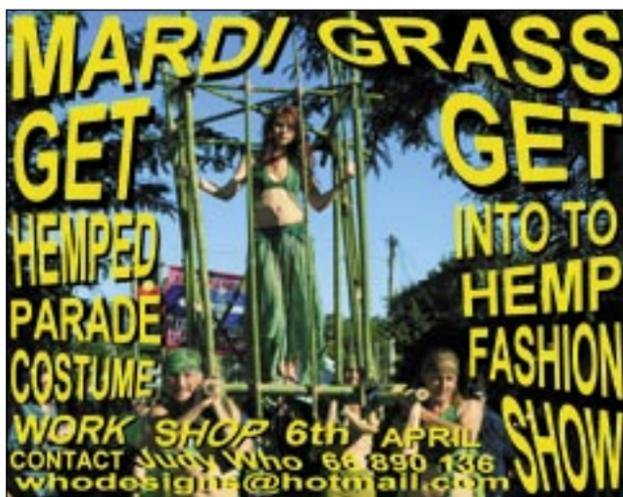


throughout MardiGrass from Friday 8am through to early Monday morning, and people are urged to sign up for two four-hour shifts.

The Jungle Patrol will be providing visitor information, crowd safety, primary first aid, event communications and security/police liaison. If you need help during the event don't hesitate to ask. Contact Heidi Glover, phone 6689-7589.

Save-a-Mate Course

Wednesday 29th April, at the Nimbin Bowlo, 10am: 90-minute presentation. 6pm: Jungle Patrol meeting.



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