

Rating

S. 94 is Gamble Park
Tentative - all maps for
public access -
Re - Brown School
The C to Blue Line
increased land value
on which Fort Camp will
pay more rates in
proportion!

Denis - letter
Would it not be equitable that those
~~caravan dwellers~~ who occupy
caravans as their ~~primary~~ ^{principal} place
of residence to pay rates?

flats or permanently
reside in caravans to pay rates?

Are flats rated separately?

~~is a larger number of people as~~
where a large family chooses to
live together as one family
should they not pay more?

why should say 10 people who choose
to live together as one family,
pay more rates than one couple?

~~why should a family~~

Family matter.
NB Fundamental flaw in NRO exemption is based on
one household. This is a

would it ~~not~~ be equitable

~~would it be~~

○ where a group of people choose to live together as one family, would it not be inequitable to penalise them for making this choice?

~~Does the NRA~~

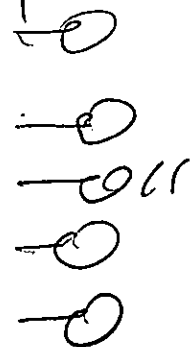
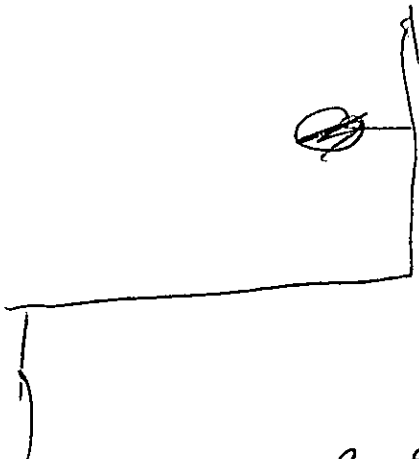
Is it ~~equal~~ reasonable that all citizens
conform to the NRA assumption that
all ~~for~~ ^{for} ~~rationally~~ ^{form} ~~builds~~ a family
for the purpose of voting consist of
a ~~nuclear~~ ^{for} couple plus children?

Is it not equitable that a group of
people who choose to ~~live together~~
as a family be penalised.

Is it equitable that a group of
people ~~who~~ ^{should} be penalised for
choosing to live together as one family?
~~would~~ Is it ~~equit~~ ^{equit} that a group of people who
choose to live together as one family
be penalised for making this choice?
discriminated against

P10

601



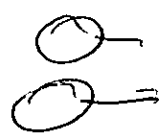
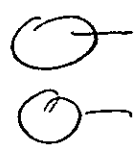
N.S. 9-7-94

Nal
Rathwell
Nin Rotepayens
in hillside.

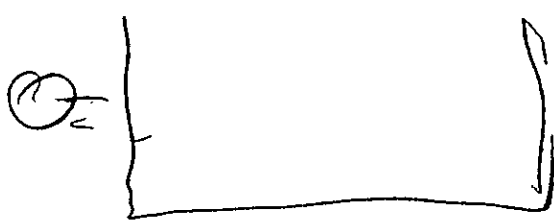
N. 9-7-94

(02)
FAX 3616395
Attn: Karen
Shellhear

Phone, 3616834
(work) newuse.



294



Summary of "Deserve Better" NS. 9. July 94 Letter
ex Mark Rothwell

Summary of (B) NDRA vs S. 94 ^{Case} Issues & Facts. The

1. Basis of 2.8 Tntable = 1.9!
 ↳ See §2. REC pop figures 1991 Census, but may be 2.8 of large families. This is a family issue not city isolate.
2. Rate notice for Nether 30 mo

$$\frac{120 \text{ Village}}{150} \boxed{\text{not } 250}$$

3. Assumes not increase rate notice. False assumption
 §94
 The calculation of 160/ Nether rate notice ~~correct~~ ^{has no basis}
 with S. 94 = Total misunderstanding

4. Ditto

MASTER
✓ Graham
(B)

NIMBIN & DISTRICT RATEPAYERS & PROGRESS ASSOCIATION INC.
P.O. Box 202; Nimbin, 2480.

17 May, 1994.

The General Manager,
Lismore City Council
43 Oliver Avenue,
Goonellabah, 2480.

Dear Sir,

Re : Draft Section 94 Plan,
Nimbin & District Community Services and Facilities Plan. (NCSFP)

We applaud Council's decision to allow 28 days for submissions to the Draft Section 94 Plan.

During our research into this plan, and with frequent references to the Nimbin Community Services and Facilities Plan of 1993, (NCSFP) we have discovered a massive inequity in the financial contributions (rates and Section 94) paid by freehold residents and those from rural multiple occupancy developments.

In the NCSFP, page 9/10 Table 2 - Potential Growth in Multiple Occupancies, it becomes obvious that this is highly inaccurate and if believed, would severely handicap Council's ability to estimate present and future population, Section 94 contributions and rate revenues. Referring to the list, 225 Lodge Road 137.6ha, Blue Springs 109.5ha, Paradise Valley 85ha, and Websters Creek 63.3ha, a total of 395.4ha shows no dwellings whatsoever. These are long established and well populated rural Multiple Occupancy (MO) developments. Table 2 also shows :

	Population		
Total no. of dwellings possible	558	x 2.8	1560
Future building sites available	386	x 2.8	1080
No. of existing dwellings	172	x 2.8	480

The bottom line of this table represents 25% of the present population of 1890 (Section 94 Plan Table 1) living on over 2,000ha or 5000 acres. This is a gross underestimation of the MO population. This figure probably only represents those in legal dwellings. We believe the actual no. of illegal dwellings to be approximately 160; it is these people who use Nimbin's community services and facilities without making any contribution towards the infrastructure by way of Section 94 contributions, (and little through the rate system.) This estimated figure of 160 illegal dwellings is part of the "386 Future building sites"; and hence a significant proportion of future MO population already exists and inhabits those future dwellings.

By losing control of MO development, Council appears to have already foregone over half a million dollars in Section 94 contributions at to-day's contribution rates.

Example :

Section 94 contributions for Nimbin District in the draft Section 94 plan	=	\$3,618 per ET
(estimating the road levy at \$2,000.)		or dwelling site
Based on estimated 160 illegal dwellings,		
Section 94 contributions not collected	=	\$578,880

Further, if there are an additional 226 potential dwelling sites, (386-160), there is a potential \$817,668 in Section 94 contributions due from the existing MOs. However, if Council continues to fail to collect Section 94 contributions from dwellings on MOs, the amount of Section 94 contributions foregone from the Nimbin District alone will amount to over \$1,396,548 by the year 2001.

Council's inability to collect Section 94 contributions from MOs and to develop a rating structure that collects an appropriate proportion of rates from MO residents, makes the population proportions a real worry.

Example

By applying Council's population figure (from 1991 census) of 2.8 persons per dwelling, then it follows that :

Present legal dwellings (172 x 2.8)	= 480 residents
Estimated illegal dwellings (160 x 2.8)	= 448 residents
Total (332 x 2.8)	= 928 residents

Estimated population for the Nimbin District for 1994	= 1890 residents
Estimated population on Multiple Occupancies	= 928 residents
Estimated freehold residents	= 962 residents

Hence nearly 50% (49%) of the population in the Nimbin District are MO residents.

From the Nimbin Ratepayers point of view, we see ourselves bearing the main rate burden for the full population knowing that the other 50% pays comparatively minuscule rates while living in a rural residential development, and having full use and say in the future community services and facilities. It really makes the current Council catch-cry of "user-pays" look a bit sick

⑦ The number of rural rate notices for Nimbin District is estimated at 250, with 30 of those being Multiple Occupancies; and a further 120 rate notices in the village. Council has allowed the nexus between population and rateable property to be severely distorted in the Nimbin District, and is no longer able to equitably collect revenue from this district to cover costs and demands for services. As can be seen, when almost 50% of the Nimbin district population is covered by 8% of the rate notices, the rates system no longer is able to deliver adequate income to pay for services being demanded; and this is particularly applicable to the draft Section 94 plan.

③ The Total Cost for Nimbin's Community Services and Open Space outlined in the Section 94 Plan is \$812,970. The general rate base has to contribute \$512,170 of this figure. This averages out at about \$160 per Nimbin district rate notice per annum for 7 years. There are two points that we want to make about this. Firstly, existing rates collected in the district are insufficient to meet the costs of existing services let alone support an additional \$160 pa. for the proposed community services and open space works. If the works as proposed in the Section 94 plan are approved, then rates collected from the Nimbin District will fall far short of the amount required to cover the LCC contribution, or the level of services will have to be cut.

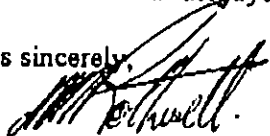
④ Secondly, as MO residents represent 50% of the population, but only 8% of the rate notices, then 92% of the \$512,170 will be paid by residents on freehold title. We consider this disproportionate collection of revenue by Council to be iniquitous. On a per dwelling basis, MO residents pay far less than this \$160 per annum in rates, let alone contribute that amount purely for community services and open space. As Nimbin ratepayers, we are concerned about both of these possible

outcomes. Particularly we are concerned that Council may impose a special rate on the Nimbin District to pay for these works, and if applied per rate notice, (as is the garbage rate) then once again the freehold ratepayers will pay disproportionately for these works.

If we look at the population projections to the year 2001; and extend the existing MO s to their full population potential, then there will be some 1560 residents on these MO s (558 x 2.8). Note that this assumes that there are no further MO s approved. As a proportion of the predicted Nimbin District population of 2990 by the year 2001, MO residents will represent 53% of the population but will have declined to 5.5 % of rate notices in the Nimbin District. The inequity of the present rate-based system of revenue raising is being compounded.

We feel Council has a duty to accurately account for all dwellings on Multiple Occupancies (as they do with all other development) and to ensure that the owners of illegal dwellings, whether on MO s or not, make good with Section 94 contributions due at to-day's rate. In addition, we feel that Council has a duty to restrain the seemingly unrestricted rural residential development under SEPP15. This Planning Policy, combined with Council differentially applying Section 94 requirements, has resulted in two separate rules for development, as well as placing an inordinate burden on freehold ratepayers in the district.

Yours sincerely,



Mal Rothwell.
President.

Summary of

(A) Dinosaur in our time

1. Does comply with REP

It is a holistic policy & hence applies to local planning planning unit.

3. In assessing if 'paying our way' consideration should be given to coordination of

Economic consideration -

Rate

3.9%

Welfare payment as econ. benefit to community
In order never to pay in Northern area

Rejuvenation of erstwhile stagnant village.

Environmental consideration -

Reforestation, waste management
self sewage, home centring (hospitals), home
burial (crematorium), self sup water & elec.

Social consideration -

* Cultural contribution - skills
raising educational attainment commensurate
with changing technological developments
& cultural expectations.

* improved literacy & health.

Cite

5. Provide evidence of claim 750 have not BA.

7. I forgone 1.94 control in landbank of several
#

10. How is 429,000/head determined.
+ 814,000?

11. Rates are based on land value not per head.

12. Council
Has not lost control - it may be alleged it has
been remiss & inefficient in not keeping
updated records.

It has, & always has had, control.

50% of Munster pop lives in illegal dwellings.

Source?

NB Approved old sites & illegal building

13. Rate ^{system} ~~base~~ is not based on population & never has
been.

16. Redress paid by Council if a breach occurs

dep-mo is for a model in which the law would
benefit if applied to farming properties

Why has Council not introduced a dep for ^{the whole} ~~all~~
of the rural area?

18. Evidence?

19. Dig for out mo. What about the whole society - is it selective
newer.

NIMBIN RATEPAYERS

File

Nimbin
Ratepayers File

Multiple Occupancy - A Dinosaur in our Time

(A)

In recent months, both the NSW Government and Lismore City Council have been focussing attention on Multiple Occupancy; the NSW Dept of Planning by way of a Review of SEPP 15; and Lismore City Council by undertaking the preparation of a DCP for Multiple Occupancy. Since its inception, the SEPP 15 or Multiple Occupancy on rural lands has been an anomaly in the planning process, because it complies with virtually none of the other regional and local planning instruments. The development of MOs on rural lands can occur on any rural land in the Lismore City Council area; hence we find residential development occurring in areas that would not normally be deemed appropriate, and often adjacent to agricultural or horticultural pursuits. Despite its name, SEPP 15 it is anything but planning.

① - by whom? *asports.* *So what?*
Although the Government review is still underway, Lismore City Council has determined its policy regarding Multiple Occupancy at the April 19 Council meeting by approving a DCP for Multiple Occupancy. It is appropriate to examine the "usefulness" of the Multiple Occupancy concept, particularly with regard to its impact on both the environment and existing social structures. Indeed Council notes in its comments at the beginning of the DCP that under Section 90, it has a "duty of care" and is committed to "ensuring that development, including multiple occupancy, demonstrates it is environmentally and socially responsible and sustainable."

② - The Nimbin District Ratepayers and Progress Association has, for some years now, actively questioned the appropriateness of continuing the MO type residential model, and has particularly questioned whether the MO model of development is able to demonstrate that it meets the criteria outlined above. So what is socially responsible and sustainable development? *meets aims of policy.*

Firstly, we believe that, in order to meet the criteria of being socially responsible and sustainable, there is a need to determine whether the development is contributing equitably or is a burden to the rest of the community. Is it "paying its own way", or being subsidised by the rest of the residential, farming and commercial community.

③ - *What if found is more than paying its own way*
In recent years, Lismore City Council has changed the point in the development process where MOs are required to pay Section 94 contributions. Previously, as for other forms of development, MOs were required to pay these contributions at the time of DA approval. This was changed and now the DCP requires that these contributions be paid at the time of the Building Application approval. The argument presented for this change relates to the cost burden imposed on the applicants at the early stage of development of the MO, as this impedes the espoused objective of providing opportunity for low cost housing. At first glance, this change appears reasonable; however, it needs to be looked at in the light of current experience regarding the submission of Building Applications by MO residents.

(5) —
(6) —
(7) —
Although the Council admits that their records in this area are poor, and they are unable to provide even reasonably accurate information, the commonly held view is that at least 50% of dwellings on MOs in the Lismore City Council area have never submitted a Building Application, and an even greater percentage have not paid any contributions. In fact, there may be only a handful of MOs that have complied with both their development conditions and paid contributions due. There is a need to question whether this is socially responsible. Presumably the Section 94 contributions are levied for a cogent reason, so why is one form of residential development allowed to consistently shirk its social responsibility to the rest of the community? We have estimated that the illegal dwellings in the Nimbin district alone account for, at today's prices, more than \$500,000 in foregone revenue for Lismore City Council.

(8) —
(9) —
The only point at which the Council can apply any sanctions is at the DA approval point, and at no time afterwards if MO residents, as experience highlights, have no concern for building approval of their dwellings. Given that Council planning staff are fully aware of these facts it was surprising to find no mention of them in any of the supporting documents that accompanied the DCP. The DCP was presented to Council with no social impact study of any kind and we believe this to be totally unacceptable.

(10) —
One other area where the general community is subsidising MOs is in the area of rates. In the Feb/March 1994 edition of the Nimbin News, Harry Neville, Co-ordinator of the Pan Community Council uses a creative accounting approach attempting to show that over a 40 year period, a 40 share MO pays nearly double the rates of a farmer on the same sized land. His major assumption is that the MO will pay \$80,000 in Section 94 contributions !! Being generous, and accepting this assumption, the farm household will pay \$29,000 per head over the period while the MO residents will pay \$1400 per head, a comparison that Mr Neville failed to point out.

(11) —
More realistically, if the MO is compared with a 40 lot rural residential lot subdivision, the Rural Residential will pay 4.5 times as much in rates as the MO, or \$6500 per head. With the rating scales being collapsed into only 3 categories, the latter comparison equates more closely with an urban situation, although with higher land valuation, urban could be expected to pay more. Hence, a single parent on social security benefits renting an urban dwelling will be contributing more to Council revenue through their rental payments than an employed professional living on an MO. This is hardly social equity. All sectors of the rural, urban and commercial community are significantly subsidising MOs through the current rating structure.

(12) —
We believe that Lismore City Council has lost control over Multiple Occupancy development and seems unconcerned that the nexus between population and rateable property is being distorted with each MO approved. Using figures released recently by Lismore City Council in their draft Section 94 Report, we were able to calculate the MO population in the Nimbin District. We have been surprised to find that nearly 50% (49%) of the population in the Nimbin District lives on MOs with about 160 illegal

13 dwellings in this area alone. As these dwellings have not paid Section 94 contributions, and the MO population pays little per capita in rates, the income derived by Lismore City Council from the MO population is demonstrably inadequate to cover the demands that are placed on Council services and facilities. This MO population while representing 50% of the total Nimbin District population, comes from a rate base which is only 8% of the rate notices in the area. Whether rates are determined on a property value basis, or derived from special rates (as is the garbage rate) the current rates system is unable to establish an equitable nexus between population and rate base regarding Multiple Occupancies.

14 The argument that MOs require less infrastructure is also questionable. Billen Cliffs has recently requested that NRE reticulate power through the community, the question here will be who pays? Whilst it may once have been true that MOs put less pressure on roads and other infrastructure, the present day incidence of MO car ownership and demand for community services refute this. MO residents are very vocal in the identification of community "needs" but are not as quick to support rate reform so that they can contribute their fair share of the costs. Given the significant discrepancy in rate contribution per person from MOs when compared with all other forms of development, Lismore City Council will need to prepare thorough forward financial plans taking into account this rate subsidy before they conclude whether Council can afford more MOs in the future.

15 In view of the large number of "illegal dwellings" that Council has tacitly permitted to exist on MOs, and their poor track record in the area of compliance, the Council is failing in its "duty of care" to both existing and future residents of MOs as well as the ratepayers of the Council area. As society becomes increasingly litigious, the likelihood of a major case being lodged against Council on the basis of dereliction of duty also increases; and with the size of compensation being awarded by the courts, all ratepayers should be concerned that Council meets its obligations in this area. A few years ago, a resident from a Nimbin MO successfully sued Council when a mudslide came down the hill and damaged their house. Even though the house had not been approved by Council, compensation was still awarded. Ignorance has never been a legal defence, particularly in areas of duty of care, and due diligence.

16 Secondly, the question of environmentally responsible and sustainable development needs to be addressed. At present, MOs appear to be able to be established on virtually any rural land in the Council area, irrespective of the surrounding agricultural industries.. It can hardly be claimed to be responsible, nor in keeping with planning principles, when long standing agricultural enterprises find themselves with a hostile residential development on their boundaries. Farmers have had to contend with concerted campaigns to cause them difficulties; anything from complaints about farm machinery, and spraying practices to damage to irrigation systems and vandalised gates and fences. Hardly responsible planning.

Until quite recent times Council has had a very poor track record in addressing the environmental conditions placed on Mos in the DA. Mostly, the attention paid to drainage, ground water pollution, effluent disposal, land slippage and bushfire management is well below the standard required of more conventional developments. Policing of the conditions imposed has an even poorer track record. Many breaches are ignored and MOs take on the status of sacred cows; with cries of victimisation whenever scrutiny is suggested.

(17) There are far more social implications regarding MOs than space permits me to discuss; many of these will only become apparent with the passing of time and the aging of MO residents. Some which have recently come to light are "eviction" with no compensation, enforced poverty due to the non-transferability of shares in many instances and the lack of a ready market for the dwelling. A ready market requires both a buyer to pay fair market price as well as a source of finance to meet the price. These conditions rarely exist for established Mos. One outcome of this situation has been that the owner moves away and the property is simply rented out and there are now a number of Mos which are almost entirely occupied by tenants who have an unknown commitment to the original objectives of the MO. Either of these situations are clearly outside the objectives of SEPP 15. The long term social consequences of MO development highlight their lack of sustainability.

Policies
Comp
was paid

(18)

Nimbin and District Ratepayers and Progress Association believe that Council should apply for an interim exemption from SEPP 15 until they have

- (19)
- undertaken a full audit of the current status of all MOs in LCC area regarding compliance with DA conditions, BA Approvals and payment of Section 94 contributions; and
 - assessed the future financial implications of current rate inequities before they are prepared to support continued MO development.

Multiple Occupancy - A Dinosaur in our Time

In recent months, both the NSW Government and Lismore City Council have been focussing attention on Multiple Occupancy, the NSW Dept of Planning by way of a Review of SEPP 15; and Lismore City Council by undertaking the preparation of a DCP for Multiple Occupancy. Since its inception, the SEPP 15 or Multiple Occupancy on rural lands has been an anomaly in the planning process, because it complies with virtually none of the other regional and local planning instruments. The development of MOs on rural lands can occur on any rural land in the Lismore City Council area; hence we find residential development occurring in areas that would not normally be deemed appropriate, and often adjacent to agricultural or horticultural pursuits. Despite its name, SEPP 15 it is anything but planning.

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DH

DEVELOPING NEWS

VOLUME 1

MAY 1994

NEWSLETTER OF THE DEVELOPERS' ASSOCIATION OF LISMORE INCORPORATED

Chamber slams rates decision

The Lismore and District Chamber of Commerce yesterday reacted with fury to what it called a Lismore City Council 'backdown' on rating.

Councillors voted 9-2 on Tuesday night to amend a controversial rating structure introduced in March, which would have meant rate increases of 50 per cent for rural ratepayers.

The new structure forecasts average increases of 15 per cent for farmland ratepayers and 20 per cent for rural residential ratepayers.

The move was labelled a 'disgrace' and 'a serious indictment on the council' by Lismore Chamber of Commerce executive officer Les Blanksby.

"Some councillors basically said they did not know what they were voting for in March



MR BLANKSBY

when they passed the original, and most equitable, rates structure," he said.

"This council is out of control.

"In March they had five options, they chose the best option, and now some of them say they didn't realise what they were voting for.

"They had the figures before them and if they didn't understand it they should not have voted."

Mr Blanksby said the Chamber of Commerce continued to live in hope of an equitable rates structure for Lismore, something the council had 'talked about for so long, but never had the backbone to do'.

"We are not worried so much about getting decreases, we are more worried about the lack of equity," he said.

"Once again the commercial and residential sectors of Lismore are being forced to carry the rural population.

"The good thing about this is that the majority of the people who voted in support of the mayoral minute will not be around after the elections next year."

Council wants rules redefined

The Lismore City Council has not closed the book on the issue of rates.

On Tuesday night, after deciding on a rates structure which means average rate increases of 15 per cent for farmland ratepayers and 20 per cent for rural residential ratepayers, councillors added three follow-up motions on the issue.

The council will seek an immediate redefinition of the rural residential and farmland rating categories from the State Government.

Cr Ros Irwin said a redefinition was necessary to ensure that all farmers were able to be classed in the farmland category.

The motion will be taken to the 1994 Local Government Association conference to seek support from other councils.

The council will also pursue a special rate for multiple occupancy developments.

It will write to the Minister for Local Government and the Local Government Association to 'raise the vexed issue of multiple occupancies', in terms of applying a special rate to them 'to ensure a fair and equitable rating structure is applied across City boundaries'.

Another motion that the council develop a five-year plan for each rate category to signal its 'long term intentions' also gained support.

Chamber holds talks on council HQ site

The siting of the proposed new Byron Council chambers in Mullumbimby is the burning issue at present for the Brunswick Valley Chamber of Commerce.

The next meeting of the chamber — to be devoted almost entirely to the topic — has been moved forward to Monday, June 20, so decisions can be conveyed to Byron Council in time for the June 28 council meeting.

At a special meeting of the chamber last Friday, a sub-committee was formed to investigate two proposed council chambers sites in Mullumbimby — the civic centre in Dalley Street and a parcel of State Rail Authority land in Station Street.

The sub-committee is to li-

By DIANE GIDDINS

aise with groups which use the Pioneer Hall and CWA rooms on the civic centre site, and the State Rail Authority and Mullumbimby Community Pre-school at Station Street.

It will report to the meeting on June 20, which is expected to have a large attendance.

Byron Council resolved in December 1992 to build new council chambers at the civic centre site in Dalley Street, Mullumbimby.

But, under the new Local Government Act, the council has to reclassify the site from community land to operational land before it can be used in that way.

The council commissioned Manidis Roberts consultants to hold a public hearing into

reclassification of the four civic centre lots.

The consultants' report to the council, following the hearing on April 18, said that only one lot, on which the old Mullumbimby council chambers stand, was appropriate to reclassify as operational land.

All four lots are needed if the chambers are to be built on the civic centre site.

The chamber has called on the council to confirm its decision to build the council chambers in Mullumbimby, in accordance with the demonstrated wishes of the majority of shire residents.

The chamber has asked the council, if it chooses to adopt the consultant's recommendations, to immediately investigate the Station Street site.

Nimbin drug law reformers head for Sydney

A delegation from Nimbin's HEMP (Help End Marijuana Prohibition) Embassy this week joined a Sydney push for drug law reform to be on the agenda at the next State election.

The embassy's ambassador, Bob Hopkins, together with its 'Mabo attache, advisor and rent collector', Alan Barker, are heading the delegation.

Mr Hopkins said sundry musicians, hippies, children and other 'riff raff' also would visit Sydney until June 18.

"A public meeting has been called by a group co-ordinated by

NSW Law Society president, John Marsden, and Andrew Kirk at the Glebe Town Hall on June 18," he said.

"Speakers will include Mr Justice Michael Kirby of the NSW Court of Appeal; Michael Moore, the ACT independent politician responsible for that State's decriminalisation policy and St Vincent's Hospital drug researcher Dr Alex Wodak.

"This is the first time for many years that such a meeting has been held in NSW and we are determined to help promote it and ensure its success."



BOB HOPKINS