

TOWN HALL REDEVELOPMENT

# Row over tenure

THE City of Greater Dandenong has strongly denied claims by a Noble Park resident that the Dandenong Mechanics Institute has won exclusive trademark rights to images of the facade of Dandenong town hall.

It is also denying claims by the institute's president, Andrew Russell, that the institute has rights to occupy the first floor of the town hall - now undergoing a \$13.5 million redevelopment.

Last week IP Australia - the federal government's official agency to register trademarks and patents - confirmed that Mr Russell's application to use the image of the town hall's 19th century facade had been accepted on February 3.

The decision has been published in the *Trademark Journal* and on IP Australia's website. The council has three months to lodge an objection to the decision.

If Mr Russell is successful, the Mechanics Institute will have exclusive rights to the image of "the Grand Old Lady", Dandenong's most historic landmark.

The matter has angered Greater Dandenong CEO Carl Wulff who has crossed swords with Mr Russell since the Mechanics Institute was reformed last year. Mr Russell says he has documents that show in 1910 the state government granted the institute use of the upper level for 999 years. The same documents state the same period of tenure be given to law courts.

Mr Russell said last week the council did not own the town hall land. It was merely a committee of management and the land was owned by the crown.

### 'No legs'

Mr Wulff said legal advice showed Mr Russell's claims had "no legs" on five different points of law.

The hall belonged to the community, he said.

"This is getting to be pretty nasty stuff," he said.

Mr Wulff said the council had offered the institute use of part of the hall when redevelopment was completed next year, but would not be given permanent occupancy.

Mr Andrews, an unemployed aviation engineer, said the



THE old wooden Dandenong Mechanics Institute where now stands Dandenong town hall on the corner of Lonsdale and Walker Sts.

institute was not trying to "rape and pillage" the council and regretted the trademark story in a local paper had become a big issue. He said the institute was merely trying to ensure the town hall remained in public ownership and was not sold eventually to private interests, and wanted the institute to use it for the purpose of education, training, historical research and development.

He would not reveal how many members were in the reformed Dandenong Mechanics Institute.

• See "Mechanics vs councillors" below.

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## Mechanics vs town hall

By MIKE MORRIS

THE current brawl between the City of Greater Dandenong and the reformed Dandenong Mechanics Institute over the institute's attempt to have trademark rights of the images of the facade of the old town hall has rekindled a battle that started more than a century ago.

In 1863 the Dandenong Mechanics Institute set itself up in a humble wooden building on the corner of Lonsdale and Walker Sts when Dandenong was just starting as a town.

Mechanics Institutes were set up in the early 19th century in Scotland by George Birbeck who organised training classes for journeymen mechanics to further their careers. They expanded to become places where people, who had been thrown out of their jobs on the land during the Industrial Revolution, could learn about technology. It was similar to what happened in the 1960s with the arrival of computers.

Mechanic Institutes were very big throughout Australia (Schools of Arts in NSW) in the mid 1800s.

The Institute in Dandenong thrived. The newly-formed Dandenong Shire Council used to have its meetings at the institute's little hall.

By 1887 the council started scheming to take over the site for a town hall and move the Institute to another site.

According to Niall Brennan in "Chronicles of Dandenong" (1973), the institute was secure in its occupancy because of a government grant but it agreed to hand over the site to the council on condition it have one entire floor of the new shire building.

The next year the decision was made to build the town hall, a grandiose project as the gold rush boom was turning into a depression.

Two of the five trustees of the Institute opposed the cost - 24,000 pounds with a 9000 pounds state government grant - and so did some of the councillors. (Does this sound familiar?)

Henry Powis accused the council of going into debt "that is premature and uncalled for to build a town hall to gratify a little spleen". (Again, this sounds like some of the arguments against the town hall redevelopment three years ago. But this time the council is not going into hock for this project.)

John Keys, shire secretary and MP said Powis was "the universal grumbler and fault-finder of Dandenong".

Eventually the council had its way, as it does.

The plaque at the front of the building acknowledges Keys, not

Powis, who doesn't even have a laneway named after him in Dandenong, but there is a Powis Crt in Noble Park, a suburb where now lives Andrew Russell, president of the reformed Dandenong Mechanics Institute.

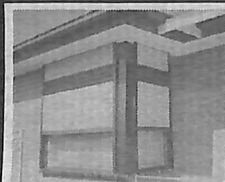
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# Battle over trademark heads to Federal Court

LEADER  
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A NOBLE Park man's fight to trademark an image of the Dandenong Town Hall is going to the Federal Court.

Dandenong Mechanics' Institute president Andrew Russell provisionally won the trademark on February 7 when trademark authority IP Australia dismissed the objections of Greater Dandenong Council.

On February 27, the council lodged an appeal with the Federal Court.

"Dandenong Town Hall is an iconic public building and not owned by any one group. This is likely to cause confusion in the community by linking Mr Russell's activities with council," community services director June Dugina said.

The image is a black-and-white drawing of the Town Hall with the top floor in relief and a question mark and exclamation mark superimposed on the clock tower.

The punctuation marks represented the Mechanics' Institute's goals of "questions answered, answers questioned", Mr Russell said.

The retired historian and avi-

ation engineer said century-old documents proved the top floor belonged to the institute and he wanted the council to hand it back.

"(The image) represents our origins and our continuation," he said.

Subject to the outcome of the appeal, IP Australia would grant the trademark for the purpose of "education, training, historical re-

search and development". He said he would represent himself at the March 16 directions hearing because as a disability pensioner he could not afford lawyers.

Law firm Maddocks will represent the council.

Mr Russell filed an application for the trademark in June 2004 and IP Australia provisionally approved it in February 2005.