

Blue Mountains Gazette – Court rules controversial sculpture must go

by Michael Cleggett, 29 Jun, 2011 09:51 AM



Happy with ruling: Willingin and Ngarinyin Aboriginal Corporations director Gordon Smith, Ngarinyin Aboriginal Corporation public officer Heather Winter, traditional owner from Gundungurra Tribal Council (GTC) Kathleen Brown, Blue Mountains Aboriginal Culture and Resource Centre manager Jennifer Wilkins, GTC chairwoman Sharon Brown and GTC claimant officer Elsie Stockwell.

The NSW Land and Environment Court has ordered the removal of a Katoomba sculpture deemed offensive by Aboriginal communities in Western Australia and the Blue Mountains.

But ModroGorje Wellness and Art Centre owner Vesna Tenodi said the decision to have the Wanjina Watchers in the Whispering Stone sculpture removed from the front lawn of her gallery's grounds was akin to censorship.

In rejecting Ms Tenodi's appeal, the court upheld Blue Mountains City Council (BMCC's) decision in October 2010 that the 8.5-tonne sandstone work had caused offence to Aboriginal cultural beliefs and could not be tolerated in its highly visible Lurline Street location.

The sculpture's depiction of sacred Wanjina images has distressed the Ngarinyin, Worrorra and Wanumbal language groups in the north west Kimberley region.

Ngarinyin and Willinggin Aboriginal Corporations director Gordon Smith was in Sydney last week at the behest of tribal elders to witness the ruling.

"The decision made on the removal of the Wanjina was a big decision, it was a great decision, it was one that the people was wanting. Not just us but the [Blue Mountains] locals as well . . . So to hear the final words coming out of the court was really good news," said Mr Smith.

Federal Court native title rulings have recognised the Wanjina and strict guidelines govern the use of the images even within the three groups whose belief systems they represent. Mr Smith said the gallery owner had not taken the necessary steps for their use to be considered.

"She should never have brought up the idea of doing an artefact that had to do with Wanjinias because we are the rightful owners of it and she should have taken steps into coming over to our area and consulting with us," he said.

Mr Smith said nothing short of the sculpture's destruction would be satisfactory despite a summary of the court's ruling – provided by a BMCC spokeswoman – suggesting moving the work to a less visible location could "mitigate" the social impact.

Ms Tenodi argued any order to destroy the work by artist Benedikt Osvath was unacceptable.

“How would anyone even think that any authority . . . would have the power to destroy someone’s private property, someone’s art work?” said Ms Tenodi.

She described as “ludicrous” the idea that a council could determine what art was acceptable.

“This would give them right of censorship of private art work on private property,” said Ms Tenodi, who was awaiting the full written judgement before deciding whether to embark on any further appeals.

Far from being put off by the court’s finding, Ms Tenodi released a statement on Monday urging artists to paint Wanjina murals “to affirm their right to artistic self-expression”.

Local Aboriginal leaders joined the Western Australian communities in welcoming the decision, arguing the introduction of the Wanjina depictions to their land was offensive to local traditions and beliefs.

Gundungurra Tribal Council chairwoman Sharon Brown said if one positive had come out of the controversy it was the willingness of the Blue Mountains Aboriginal community and the Western Australian groups to work together to achieve a mutually beneficial outcome.

“We’ve indicated and advocated strongly that we didn’t want it on our land and it doesn’t belong to our heritage and culture and that we found it very offensive from all social aspects and also our cultural beliefs,” said Ms Brown.

The council spokeswoman said negotiations would now begin with the gallery owner to have the court’s ruling enforced.

COMMENTS

If the court ruled that the sculpture was a breach of someone's intellectual property rights, then it's acceptable.

If it ruled that the sculpture had to be moved because it was offensive, then the gallery owner is correct: this is censorship, and unacceptable. Aboriginals have no more right to be protected from being offended than the rest of us.

Posted by **Stephen**, 29/06/2011 5:23:12 PM, on Blue Mountains Gazette