

**Repeated Request to the Arts Law Centre – 02 October 2015**

Dear Ms Ayres,

we note that, despite our request, there is still a number of documents published on the Arts Law website, with the same breach of our and our artists rights.

The failure to acknowledge our artists, as well as constant repetition of false accusations and hate-inciting statements cannot be "accidental" in so many instances; this continuous slander of us and our artists, with derogatory, defamatory, offensive, misleading and deceptive comments and false representation of our *Wanjina Watchers* opus of art will no longer be tolerated.

Even though the Australian Competition and Consumer Commission (ACCC) has clearly advised you that no one needs your clients' permission nor authorisation to create any art referenced to any image in the public domain, you keep the offensive material on your website, and we have no choice but to take our struggle further.

We are determined to restore our and our artists' reputation and to protect the rights of non-aboriginal artists - the task that your organisation is funded for, but fails to do.

We regret to see that you were successful in causing this permanent division between aboriginal and non-aboriginal artists, and keep encouraging aboriginal hostility and unreasonable demands, instead of teaching your clients the basics of the Australian law and a few home truths about non-aboriginal artists' rights in our society.

Regards,  
Vesna Tenodi

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**FINAL NOTICE to the Arts Law Centre – 01 October 2015: If this false attribution and offensive caption is not removed by the end of business hours today, Thursday 1 October 2015, we'll give instructions to our artists to start doing exactly the same thing. And to keep doing that until Arts Law removes all of their slandering comments made against ModroGorje gallery, its owners and its artists, and all the pictures showing our sculpture without its full title which is the *Wanjina Watchers in the Whispering Stone*, and proper attribution, with the name of its creator Benedikt Osváth.**

**In the same 2014 article there is another misleading and deceptive caption, failing to include the title and the sculptor's name, calling our sculpture "unauthorised Wandjina sculpture". Arts Law Yearly Reports of 2010 and 2011 also include offensive text and/or photo of our sculpture, without proper attribution, without its full title which is the *Wanjina Watchers in the Whispering Stone*, and the name of its creator Benedikt Osváth.**

**Arts Law was warned about their legal obligations a number of times. This is our last warning.**

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**Note to the Reader:** Our repeated complaints against the Arts Law Centre of Australia are focussed on their ongoing breach of our and our artists moral rights, which the Australian law defines as follows:

Moral rights entitle a creator to:

- the right of attribution (naming);
- the right against false attribution; and
- the right of integrity against derogatory treatment of the work in a way that prejudices the reputation or honour of the creator.

In the case of the *Wanjina Watchers* opus of artworks, the Arts Law Centre has been breaching all of those rights since 2010, as evidenced in Attachment 2, correspondence obtained under the Freedom of Information Act.

To: Prime Minister Malcolm Turnbull, Minister for the Arts Mitch Fifield, Premiers of State Governments, media representatives, public and private agencies and stakeholders

Sydney, 29/09/2015

**Re: False attribution by the Arts Law Centre of the *Wanjina Watchers in the Whispering Stone* sculpture by Benedikt Osváth**

**Also attached: Request to the Federal Government for an Inquiry into Aboriginal violence against non-Aboriginal artists and into Corruption in the Aboriginal Industry**

It has been brought to our attention that there is an article by the Arts Law Centre, currently published on their website:

<http://www.artslaw.com.au/case-studies/entry/some-of-the-people-we-have-helped/>

The article includes a photo of the *Wanjina Watchers in the Whispering Stone* sculpture and false attribution underneath, claiming that it is:

Collaborative painting by artists at Mowanjum Arts. Copyright Mowanjum Art and Culture Centre.

This is misleading and incorrect in a number of ways which again calls into question the competence of the Arts Law Centre, and the motivation behind these false claims.

The *Wanjina Watchers in the Whispering Stone* sculpture is an original artwork created by the Australian artist Benedikt Osváth for my DreamRaiser Project and our ModroGorje Gallery in Katoomba, in the Blue Mountains. The gallery was closed in 2011 due to Aboriginal violence and vandalism. Benedikt Osváth repaired the sculpture in 2012. In 2014 the *Wanjina Watchers in the Whispering Stone* sculpture was moved overseas, to prevent further vandalism.

The *Wanjina Watchers* artwork has nothing to do with any aboriginal tribe. The sculpture is our original artwork, our copyright, and our private property.

We request an apology from the Arts Law Centre for this offensive breach of our moral rights, and immediate removal of their offensive false attribution.

We also request for the Arts Law Centre to be defunded, and for taxpayer money to be allocated to a new organisation, willing to protect non-indigenous artists rights.

We attach our *Request for an Inquiry into Aboriginal violence against non-Aboriginal artists, and into Corruption in the Aboriginal Industry*, originally sent to the Australian authorities in February 2015.

Photo of the *Wanjina Watchers in the Whispering Stone* sculpture by Benedikt Osváth, and the offensive caption as found on the Arts Law Centre website:



Collaborative painting by artists at Mowanjum Arts. Copyright Mowanjum Art and Culture Centre.

<http://www.artslaw.com.au/case-studies/entry/some-of-the-people-we-have-helped/>

In view of the false attribution by the Arts Law Centre, of the *Wanjina Watchers in the Whispering Stone* sculpture by Benedikt Osváth, as is currently published on their website, we believe it is important that all Government Departments and agencies, especially those involved in arts and art-funding, be informed of the double standard, reverse racism and unacceptably biased conduct by the Arts Law Centre as well as other taxpayer-funded organisations.

This is just the last example of appalling actions by the Arts Law Centre. Their attacks and vilification of the ModroGorje artists has ensured that Gina Sinozich, Benedikt Osváth, Vesna Tenodi, as well as other Australian non-Aboriginal artists such as Cameron Hayes or Lucas Grogan, could never get any fair treatment in the current ideological climate.

**Warning:** this is a piece of art that the reader might find offensive



Most Australians would find it highly offensive. But since it was created by an Aboriginal artist, this offensive installation was displayed, with the artist Tony Albert receiving awards and public funding to further pursue this type of art. Where is the Arts Law now? Too busy censoring non-Aboriginal artists?

When a work of this nature is displayed by any Aboriginal artist, it is automatically praised, and nobody dares to say a word. When art by non-Aboriginal artists is displayed, no matter how true and beautiful and well-received by the public, if any Aborigine starts claiming to be offended the gallery gets bricks through the windows. And the artists get vilified by the Arts Law Centre.

When Aboriginal artists offend Australians, the Aboriginal industry applauds and rewards them. When non-Aboriginal artists such as Gina Sinozich and Benedikt Osváth create great works of art, the Aboriginal industry springs into action, to enforce censorship and to condone Aboriginal violence. All this despite the fact that the *Wanjina Watchers* artworks were praised by a number of art experts and curators, as well as hundreds of people who signed the petition in support of Gina and Ben.

In protest of this double standard, a group of Australian non-Aboriginal artists has decided to create an art installation with exactly the same text as in the picture above. It may be displayed in front of Aboriginal taxpayer-funded agencies, and in front of the Arts Law office, as a part of an initiative to restore non-Aboriginal artists rights and to prevent the injustice that was suffered by Gina and Ben from happening again, to any other Australian artist.

There are, however, some positive steps such as an objective assessment by Nicolas Rothwell published in the Australian in May this year. His article, *Wilful Blindness Will no one criticise indigenous art?*, we see as a step in the right direction:

<http://www.theaustralian.com.au/arts/review/aboriginal-art-in-decline-as-critics-and-judges-hold-back/story-fn9n8gph-1227328653938>

Regards,

Vesna Tenodi

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P.O.Box 256, Arncliffe, NSW, 2205

on behalf of ModroGorje artists

email: Vesna Tenodi <ves@theplanet.net.au>

all correspondence also to be sent to: Donald Richardson <donaldar@ozemail.com.au>

[www.modrogorje.com](http://www.modrogorje.com)

**REQUEST TO THE FEDERAL GOVERNMENT FOR AN INQUIRY INTO ABORIGINAL VIOLENCE  
AGAINST NON-ABORIGINAL ARTISTS  
AND INTO CORRUPTION IN THE ABORIGINAL INDUSTRY**

To: Prime Minister Malcolm Turnbull, Minister for the Arts Mitch Fifield, Premiers of State Governments, media representatives, public and private agencies and stakeholders

This Request was originally sent in February 2015 to: Prime Minister Tony Abbott, Premiers of State Governments, media representatives, public and private agencies and stakeholders.

From: *Donald Richardson*, OAM, B.A., Dip.Art, T.Dip.Art, RSASA, and *Vesna Tenodi*, MA Archaeology, artist and writer, on behalf of Australian and international non-Aboriginal artists terrorised by Aborigines and Aboriginal industry<sup>1</sup>

10 February 2015

**Request to the Federal Government for an Inquiry into Aboriginal violence against non-Aboriginal artists  
and into Corruption in the Aboriginal Industry**

Dear Mr Abbott,

we received the response to our Open Letter, assuring us that the Government under your leadership will implement a plan for a safe and secure Australia for all Australians, as well as the response from the Attorney-General the Hon George Brandis QC relating to the issue of Aboriginal violence against non-Aboriginal artists. We thank you.

We note your recently expressed passionate support for freedom of expression as a cornerstone of democracy. We look forward to seeing this verbal commitment put into action.

**Further to the Open Letter<sup>2</sup>, we hereby extend our request for the Federal Government:**

- **To establish an Inquiry into Corruption in the Aboriginal industry<sup>3</sup>, to investigate the conduct and practices of its organisations and individuals;**
- **To establish an independent agency dedicated to protecting freedom of expression as a core value of Australian democracy, namely our academic freedom, artistic freedom, and freedom of speech<sup>4</sup>;**
- **To extend the Terrorism Victims Support Scheme to include Australian non-Aboriginal artists and small business owners terrorised by Aborigines<sup>5</sup>**

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<sup>1</sup> The Aboriginal industry is used as an umbrella term encompassing Aboriginal organisations, some Government Departments and agencies, as well as mainstream taxpayer-funded organisations and individuals involved, currently costing the Australian taxpayer 30 Billion dollars a year; 2014 Indigenous Expenditure Report, 12 December 2014.

<sup>2</sup> Attachment A is an offensive letter designed to intimidate, showing the extent of false claims made by the Aboriginal industry, which prompted our request for defunding of taxpayer-funded organisations that participate in such conduct.

<sup>3</sup> We are aware of the 2007 report of the Senate Standing Committee on Environment, Communications, Information Technology and the Arts and the government's response to it of August, 2008, but wish to point out that these documents do not address the current issue.

<sup>4</sup> According to Article 19 of the UN Universal Declaration of Human Rights, adopted in 1948, right to freedom of speech and expression is the right of every individual to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

<sup>5</sup> Terrorism is defined as the use of violence or the threat of violence, in the pursuit of political goals.

The definition includes acts carried out to instill anxiety and fear and thereby intimidate targeted individuals and wider groups. The unlawful use of violence or threats of violence in order to instill fear is also used to coerce governments or

- **To extend the Terrorism Insurance Scheme<sup>6</sup> to provide cover for small businesses vandalised or shut down due to Aboriginal violence<sup>7</sup> and redress the personal and economic damage suffered by small businesses and private persons<sup>8</sup>.**
- **To establish an independent agency to monitor and to sanction the Aboriginal industry and individuals who deliberately disseminate disinformation, for Aboriginal political and land-claim purposes<sup>9</sup>;**
- **To abolish the practice of attaching the label of “sacred” and/or “secret” to any Aboriginal material, while quoting some tribal lore<sup>10</sup>, as is often done to destroy archaeological material and terrorise Australian non-Aboriginal artists<sup>11</sup>;**
- **To stop deliberate destruction of Australian archaeological material, which “offends” Aboriginal tribes and to remove the barriers to scientific and genetic research, currently in place for the same reason<sup>12</sup>;**
- **To give the Australian Police, both State and Federal, the right to exercise their powers and act without political interference, when it comes to protecting non-Aboriginal Australians from Aboriginal violence;**
- **To investigate organisations and individuals within the Aboriginal industry who deliberately deceive the public, and ignore Australian law in attempts to enforce tribal lore.**
- **To reverse, in accordance with the Ministerial powers of intervention, the unlawful decision by the Blue Mountains City Council to enforce art censorship,<sup>13</sup>.**

### **Objectives:**

- to reduce harm to Australian people done by misdirected indigenous policy, under which Aborigines have become the “most pampered and most privileged people on earth”<sup>14</sup> at the cost of non-Aboriginal Australians;

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societies into compliance. These forms of terrorism by Aboriginal groups and the Aboriginal industry have been present in Australia for decades.

<sup>6</sup> Terrorism Insurance Act Review 2012

<sup>7</sup> An example of small businesses destroyed by Aboriginal violence: a Greek couple, Helen and Tony, used to run a business in the Sydney suburb of La Perouse and named their shop “Traditional Yeeros”. A group of violent Aborigines claimed that “traditional” is a term that belongs to them and no-one has the right to use it without their “permission”. In order to save their business, the couple complied and renamed the shop to “La Perouse Yeeros”. However, that did not pacify the “offended” group which kept harassing them, and in 2013 they lost their business.

<sup>8</sup> Currently, the property damage done by “outraged” Aboriginal groups is only covered under general building insurance and its vandalism and malicious damage clauses, which do not take into account the personal and commercial damage caused by Aboriginal acts of violence.

<sup>9</sup> Examples include: deliberate misinterpretation of Article 31 of the UN declaration regarding the rights of indigenous people, which is often misused to justify Aboriginal violence and vandalism; and deliberate false claims in “Aboriginal art protocols” and other Aboriginal-related protocols. Article 19 specifies Universal Human Rights, specifically freedom of speech and expression, which are upheld in any democratic country.

<sup>10</sup> Tribal lore, its violent customs and brutal retribution practices is contrary to Australian law.

<sup>11</sup> This practice is well demonstrated in speeches of the Blue Mountains councillors, showing the 3-step anatomy of evil: 1. Make a false claim; 2. Use it to attack a person’s character; and 3. Present it as “evidence” to support some political or financial goal. The same tactic applies in most cases of Aboriginal violence: first a group or individual claim that something is “sacred”, then start a campaign of hate with claims they are “offended”, and then use it as an excuse for violence and vandalism.

<sup>12</sup> An example: Australian geneticist, Dr Sheila Van Holst Pellekaan’s, had her DNA research obstructed for twenty years. Publishing of the results was forbidden, due to Aboriginal claims that it is “offensive”. Other genetic research, on ancient samples, is also forbidden in Australia. However, these efforts to hide the truth are now futile, because European and American institutions have conducted genetic research on Aboriginal samples and published the results over the last five years. However, the Aboriginal industry keeps up its attempts to intimidate overseas scientists as well.

<sup>13</sup> The decision was unlawful because local councils have no jurisdiction over art, and started their censorship action based on lies by their worker Brad Moore that “Wanjina Watchers in the Whispering Stone” sculpture is a breach of Aboriginal copyright and infringement of the intellectual property law. The Australian Copyright Council makes it clear that his claims were blatant lies; Australian Copyright Council, May 2014.

<sup>14</sup> Kerryn Pholi, “Why I burned my ‘proof of Aboriginality’”, ABC 2012

- to restore freedom of expression in Australia;
- to protect non-Aboriginal Australians from all forms of Aboriginal violence, and from harassment by organisations and individuals who form part of the Aboriginal industry;
- to prevent further deliberate destruction of archaeological material that “offends” Aborigines and the Aboriginal industry<sup>15</sup>;
- to stop the rort, fraud and deception perpetrated by the Aboriginal industry<sup>16</sup>;
- to stop discrimination against non-indigenous Australians and prevent further attacks on our core values such as civil liberties and freedom of expression – the current double standard is offensive to any reasonable Australian;
- to stop the waste of public funds on indigenous programs that yield no positive outcomes, as has been recognised by the Prime Minister’s Indigenous Advisory Council.

#### **Rationale:**

- Aboriginal violence is no longer confined to the communities in the land given to Aborigines, but has spread into urban areas and now affects all Australians<sup>17</sup>;
- Violence against non-Aboriginal artists, galleries and small business owners, and the Aboriginal industry support for unlawful tactics are now common knowledge and should be fully addressed by the Australian Government;
- While the Federal Government's Australian Victim of Terrorism Overseas Scheme is in place, there is no redress for victims of terror in Australia<sup>18</sup>. Aboriginal acts of violence, vandalism and death threats, committed with intent to intimidate and instill fear, as well as burning the Australian flag and effigies of Aboriginal moderate leaders should be recognised as acts of terror;
- The Blue Mountains City Council, as demonstrated in the Councillors’ hate-inciting, malicious speeches, is a good example of how any beliefs allegedly based on Aboriginal lore are being used to justify abhorrent tactics. The term “sacred” is used to terrorise non-Aboriginal artists, for as little as using a “sacred” cross-hatching style (crisscross pattern), or “sacred” hand-stencils and repetitive geometric patterns<sup>19</sup>.
- A lot of important archaeological material, which forms part of world heritage, including skulls and skeletons, as well as ancient petroglyphs and original rock paintings, has been destroyed by both the tribes and Australian institutions<sup>20</sup>;
- While the Australian police cannot stop every madman with a hostile intent, it should be allowed to intervene when seeing acts of violence carried out. The Australian Police, both State and Federal, should be allowed to protect all Australians and their property<sup>21</sup>.

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<sup>15</sup> This phenomenon is explored in articles by Vesna Tenodi, published in the American webzine “Pleistocene Coalition News” ( [www.pleistocenecoalition.com](http://www.pleistocenecoalition.com) )

<sup>16</sup> Ibid

<sup>17</sup> Mick Gooda, “Social justice report”; “Racist graffiti from Brighton to Sans Souci” showing Aboriginal disrespect for the Australian people, St George Leader, 24 January 2014; G20 summit: Aborigines burn Australian flag and effigies of Aboriginal representatives Warren Mundine, Noel Pearson and Marcia Langton, 16 November 2014.

<sup>18</sup> This issue was addressed by the NSW Attorney-General Brad Hazzard, Geelong Advertiser, 13 January 2015

<sup>19</sup> Recent cases of harassment of Australian non-Aboriginal artists include attacks on Michael Parekowhai for his Government-commissioned sculpture of an elephant and a rat, in front of GOMA in Brisbane. Some Aboriginal artists started objecting that the rat is a “sacred” totem of their tribe and the rat motif cannot be used by anyone without the tribe’s “permission”. Another case involves Michael Galovich, an Australian artist, who painted his abstract interpretations of the Ayers Rock in his Sydney studio, and was harassed by Aborigines with demands for money for a “permission” to paint a landscape feature.

<sup>20</sup> Apart from deliberate destruction of most of the Australian prehistoric archaeological material, allowed under the official “repatriation” policy, other forms of destruction are now taking place. Some people have become frustrated with Aboriginal arrogance and overblown sense of entitlement. Sadly, in a tragic duplication of Aboriginal tactics, they now ruin some of the ancient petroglyphs, covering them with graffiti to send a message such as “Go to school and get a job!” or “Go and work for a living”, ABC 2014.



## **Taking a New Direction**

We are aware that a number of changes are being made. We welcome the Liberal Government dedication to revise and abolish the practices and programs which caused so much harm and grief to so many non-Aboriginal Australians over the last fifty years.

We congratulate the Federal, State and local governments on steps to rectify the imbalance between overprivileged Aboriginal groups – including the overfunded Aboriginal industry – and non-Aboriginal Australians. We also welcome the decision to revise the funding to Aboriginal-related organisations and programs which yield no positive outcomes, but maintain their funding for decades.

We are aware that there are positive steps, such as the establishment of the Indigenous Advisory Council led by Warren Mundine, initiative by the government of Western Australia to stop Aboriginal heritage rorts<sup>22</sup>, and the attempts by the Queensland Government to curb Aboriginal demands.

Initiatives at the local government level are also welcome, such as the decision by the Blacktown City Council to suspend recognition of Darug Aborigines as Blacktown “traditional owners”, stating that Darug members are committing an ethnic fraud, and have no legitimate claim to being descendants of Blacktown's Aborigines<sup>23</sup>.

Non-indigenous Australians, from 240 different ethnic backgrounds, who built this country, are no longer so willing to tolerate abuse by the Aboriginal industry and the “permanently offended” indigenous groups, including the hundreds of thousands of white *nouveau Aborigines*.

For all the land given to Aboriginal tribes (amounting to about a quarter of Australia so far<sup>24</sup>), based on claims that they “want to lead their traditional lifestyle”, and all the billions of taxpayer dollars allocated to Aborigines and the Aboriginal industry every year, we do not see any goodwill, appreciation or gratitude, but keep getting hate and threats in return. At the same time, life in these communities is continuing to deteriorate<sup>25</sup>.

## **Censorship of art inspired by Pre-Aboriginal Australian rock paintings**

We request an Inquiry into corruption in the Aboriginal industry in general, and investigation of the unlawful decision by the Blue Mountains City Council to censor the ModroGorje gallery art in particular.

The attack on ModroGorje artists was the most bizarre of all such cases in the long history of Aboriginal violence against non-Aboriginal artists. First, ModroGorje artists’ “Wanjina Watchers” opus of artworks is referenced to Pre-Aboriginal anthropomorphic rock paintings known as Wanjina and Bradshaw figures, which were not created by Aborigines in the first place<sup>26</sup>. Aboriginal art expert Margo Neale confirmed that “aboriginal people did not paint the Wanjina”<sup>27</sup>.

Second, there is no copyright on ancient cave art, or more recent art. Intellectual property law does not apply to ideas, patterns and styles. Those are all in the public domain, and every artist is free to use them as they see fit. The Aboriginal industry should not be allowed to disseminate false claims which are then used to condone Aboriginal violence.

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<sup>21</sup> As informed by the law enforcement representatives and confirmed by the police officers in the Blue Mountains, the police has often been under directives “not to touch Aborigines”.

<sup>22</sup> The West Australian newspaper, 27 November 2014

<sup>23</sup> Herald Sun, 9 October 2012

<sup>24</sup> There is about 40,000 tribal Aborigines, in contrast to hundreds of thousands of urban, *nouveau Aborigines*, mostly white people who decided to identify as “Aborigines” as soon as that became profitable; Kerryn Pholi, “Why I burned my ‘proof of Aboriginality’”, 2012

<sup>25</sup> The heavily funded Mowanjum Centre in the Kimberley, is in a Mowanjum community of about 300 people. Mowanjum is known as “epicentre of suicide” with desperation and hopelessness so prevailing that children as young as 8 years old are killing themselves [SMH “Death in the Kimberley” 2012]. At the same time, the “elders” who claim that they want to “protect their sacred culture”, ignore their children, and fail to teach them important spiritual values, such as how to let go of anger and hate, take responsibility, and do something positive with their lives. Instead, they like to fly around Australia to intimidate artists and give orders to local Aborigines to destroy art created by non-Aboriginal artists.

<sup>26</sup> Aboriginal misappropriation of Pre-Aboriginal anthropomorphic rock art for the purpose of land claims is discussed in the “Pleistocene Coalition News” articles in issues 17, 20, 22 and 33.

<sup>27</sup> Dr Margo Neale from National Museum of Australia at the Vatican Museum of Ethnology conference, 15 October 2010.

## From general to particular

We request the Inquiry into Corruption to investigate the organisations that fall under the umbrella of the Aboriginal industry, such as:

- Aboriginal Land Councils (119 in NSW alone, more than 800 around Australia), Aboriginal Art/Culture/Resource Centres, as well as Universities which have entire departments dedicated to falsification of Australian deep and recent past.
- Federal and/or State Departments and taxpayer-funded organisations that publish deceptive “protocols” and enforce policies which contradict Australian laws and call for the enforcement of tribal lore instead.
- The Human Rights Commission and the Anti-Discrimination Board, for failing to act in cases of breaches by Aborigines, of the rights of non-Aboriginal Australians, cases of reverse racism, and discrimination against non-Aboriginal artists.

We are passionate advocates of personal responsibility and individual accountability, rather than allowing the offending individuals to hide behind their organisations. Therefore, we request individual workers within some of the offending agencies to be investigated as well.

We request investigation of participants in the campaign of hate against the ModroGorje artists. The censorship of our art – inspired by Australian pre-Aboriginal rock paintings – was enforced in an orchestrated campaign which included:

- Aboriginal violence, intimidation, vandalism and death threats;
- unlawful manipulation of planning laws by the Blue Mountains City Council;
- legally unfounded threats, public humiliation and malicious false accusations by the organisations and individuals listed below.

These organisations and individuals participated in a legally unjustifiable and morally inexcusable campaign against the ModroGorje artists from 2009 to 2011, putting their lives in danger. Some still do that, such as the Arts Law Centre and the Blue Mountains City Council, with false claims and slanderous material still remaining on their websites.

The organisations and individuals involved in the campaign against ModroGorje artists include (but are not limited to) the following:

Arts Law Centre of Australia, and their lawyers Delwyn Everard and Robyn Ayres, for a number of breaches specified in an official complaint to the Office of the Legal Services Commissioner (OLSC).

Mowanjum Corporation and the Kimberley tribesman Donny Woolagoodja, for making hate-inciting false claims and threats<sup>28</sup>.

Blue Mountains City Council (BMCC), for interfering in art and enforcing censorship of the privately owned work of art on private property at 71 Lurline Street in Katoomba<sup>29</sup>.

Local councils have no jurisdiction over art. BMCC took a legally unjustifiable step and engineered censorship by manipulating planning laws, prompted by lies told by their Aboriginal worker Brad Moore, who claimed that Aborigines hold copyright over pre-Aboriginal cave art

**Audio-record of the council meeting held on 12 October 2010 is a matter in public interest, and is available on request<sup>30</sup>. BMCC Councillors’ hate-inciting speeches, based on false claims, are a good example of the standard way in which the Aboriginal industry thinks and operates.**

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<sup>28</sup> Full details are included in “Malicious Intent – Aboriginal violence against artists” multimedia art project.

<sup>29</sup> In a similar case, in October 2010 a group of angry Aborigines demanded for the Wollongong City Council to shut down an exhibition at the Wollongong City Gallery, for being “deeply offensive” to Aborigines. Council refused, saying that art is out of their jurisdiction, and supported the artist’s rights; Illawarra Mercury October 2010.

<sup>30</sup> The censored gallery owners repeatedly requested a full transcript and the audio record of the council meeting held on 12 October 2012, under FOI and GIPA law. Requests were denied, contrary to the BMCC legal obligation to make the full records of its meetings available to any ratepayer who requests them. Some of the BMCC staff disagreed with the Council’s unlawful refusal to provide a record of the meeting, and decided to provide a full audio record themselves.

Brad Moore, BMCC's aboriginal worker, for a number of hate-inciting lies and false claims which encouraged violence and vandalism<sup>31</sup>.

Brian Crane, BMCC senior planning officer, who believed Moore's lies and added his own, unlawfully demanding a development application for the work of art<sup>32</sup>.

Councillor Mark Greenhill, for openly condoning and encouraging Aboriginal violence and making derogatory and hate-inciting statements.

Councillors Terri Hamilton, Fiona Creed, and Janet Mays, for hate-inciting insults and false accusations.

Former Mayor (now Councillor) Daniel Myles for making false claims on ABC radio, which triggered another wave of Aboriginal violence and vandalism.

Will Langevad, BMCC town planner, who assessed ModroGorje Gallery application, made the same "mistake" in assessing application by the Aboriginal elder Goomblar Wylo, ruining his business as well<sup>33</sup>.

Kylie Fomiatti, BMCC worker who observed Aboriginal vandalism of the ModroGorje art installation in August 2011, publicly stated it was all right, because "they are 'angry'", and threatened that the council will keep issuing fines to the ModroGorje owners, for all sorts of invented breaches, until they are "financially destroyed"<sup>34</sup>.

Park ranger Chris Tobin for spreading hate-inciting lies, repeatedly trespassing and vandalising the artwork, abusing the artists and gallery visitors<sup>35</sup>.

Park ranger Den Barber for spreading hate-inciting lies, openly calling for vandalism and demanding that the BMCC should destroy the privately owned sculpture<sup>36</sup>.

Department of Water and Climate Change, and its worker Alistair Henschman (the Director of Metro Region of DECC in 2010) responsible for issuing licences to park rangers. Henschman and his superiors chose to ignore the official complaints against Tobin and Barber<sup>37</sup>.

Land Court and its commissioner Tour, for supporting the unlawful decision made by BMCC to enforce art censorship based on Aboriginal false claims. The case was about a work of art, but the

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<sup>31</sup> Despite initial instructions by Council to its staff to ignore community attitudes to art, Brad Moore took it upon himself to send a template to Aboriginal organisations all over Australia, asking them to complain, and took a number of actions which fall under the ICAC's definition of corrupt conduct. Full details are included in the "Malicious Intent – Aboriginal violence against artists" multimedia art project.

<sup>32</sup> Initially, the council inspector Rodney Bles issued a document confirming a development application is not required, but Crane decided to overturn that decision in order to start a charade, with the lie that it was "purely a planning matter", "only about the size of the stone", because "the council would never interfere in art". Details of his corrupt conduct are included in the "Malicious Intent – Aboriginal violence against artists" multimedia art project.

<sup>33</sup> A real Aboriginal elder and artist Goomblar Wylo, who decided to tell the truth in the "Dreamtime Set in Stone" book by Vesna Tenodi, was attacked by white Aborigines and consequently also run out of Katoomba by the same group which ruined ModroGorje Gallery. In the same manner, BMCC manipulated planning laws and refused his application, thus destroying his livelihood. In his case, BMCC admitted they "made a mistake". Rob Thompson was involved with Goomblar during the BMCC application process. Once BMCC admitted that they had made a mistake in refusing Goomblar's application Thompson set up an online petition for a formal apology to Goomblar by the Mayor. No apology has been made, and Thompson is still fighting for BMCC to apologise to Goomblar. The public response was that "The council acted in a manner that is deviant, corrupt and lacking in decency". In protest to the BMCC conduct, newly elected councillors Robert Stock and Gordie Williamson resigned in 2014, one month after being elected. They said that they could not work with such a self-serving overstaffed council that is not working in the community's interest. BMCC has 498 staff to service the needs of about 76,000 residents, almost double of that of the Hawkesbury Council, with 271 staff servicing a similar number of residents, Blue Mountains Gazette, August 2014.

<sup>34</sup> Details are included in the "Malicious Intent – Aboriginal violence against artists" multimedia art project.

<sup>35</sup> Other white Aborigines also made death threats, claiming to act on orders from Kimberley tribesmen. One of them said: "We'll kill you, we can kill you any time we want, in the middle of the street, in front of all these witnesses, and we'll get away with it, I assure you! No-one will dare to say anything! We have everyone in our pocket!". When cautioned by the police, these Aborigines started threatening with violence to any of those locals who witnessed their crimes.

<sup>36</sup> Audio-record of the BMCC meeting held on 12 October 2010.

<sup>37</sup> At first, Henschman claimed their behaviour is "nothing new", "that's what they always do". In his initial reaction Henschman exclaimed: "But they are *all* like that!". In our opinion, even if he were right and they are indeed "all like that" that should not be used as an excuse to tolerate criminal behaviour.

only art expert, Donald Richardson, was not allowed to speak. The hearing was turned into a farce, with political statements by the Aboriginal industry representatives, not addressing any relevant issue, but glorifying an “invented culture that does not exist”<sup>38</sup>. Some of the people present at an on-site hearing in 2011 defined it as a “parody of the legal process”<sup>39</sup>.

Aboriginal art curators in the National Gallery in Canberra, Casula Powerhouse, Maritime Museum, and the Art Gallery of NSW, who were all informed about violence against ModroGorje artists, but chose to do nothing<sup>40</sup>.

KALACC, MASWAC and TLALC land councils for false claims and threats.

Kathy Bowrey, an “intellectual property expert”, Terry Janke, Aboriginal lawyer, and Heather Winter, for hate-inciting comments, unsubstantiated accusation and/or false claims.

Wayne Brennan, one of the contract archaeologists who keep making false claims.

Anthony Redmond, one of those contract anthropologist who keep making false claims.

Australian Archaeological Association (AAA), for making false and deceptive claims.

Australian Association of Consulting Archaeologists (AACAI), for breaches that are now being investigated by the State government of Western Australia<sup>41</sup>.

Australian Anthropological Society, for breaches as are now being investigated by the state government of Western Australia<sup>42</sup>.

Australian Rock Art Research Association (AURA), and the International Federation of Rock Art Organisations (IFRAO), both run by Robert Bednarik, for misleading and deceiving the public with false and legally unfounded claims that Aborigines hold copyright over stone-age Australian rock art<sup>43</sup>, and that anyone interested in the Australian deep past must “obtain legal permission” from its “traditional owners”.

### **Restoring the reputation of Australians attacked by the Aboriginal industry**

One of our objectives is to support Australians who suffered attacks on their credibility and character. The damage to their careers and reputations was deliberately caused by the Aboriginal industry.

Some have been vindicated already. We note the courage showed by Michael Danby, Labor MP for Victoria, who said that the judge who condemned Andrew Bolt in 2011 “made a mistake and overinterpreted the law”<sup>44</sup>. ModroGorje gallery owners and their artists Gina Sinozich, Benedikt Osváth, and Aboriginal elder Goomblar Wylo, have not been vindicated as yet, and their struggle continues.

We wish to acknowledge the act of courage by the Australian Competition and Consumer Commission (ACCC) in making a fair and impartial decision when processing the Aboriginal industry complaints against ModroGorje gallery<sup>45</sup>.

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<sup>38</sup> As defined by the Emeritus Professor John Mulvaney, 2012.

<sup>39</sup> The official record of the on-site hearing, published on the Land Court website, was altered, with some of the false claims left out; the full unaltered record is included in the “Malicious Intent – Aboriginal violence against artists” multimedia art project.

<sup>40</sup> In an interesting turn of events, the Australian curators sent an exhibition to London in 2013, with Aboriginal art as its main feature. The exhibition was a complete fiasco, with the British critics asking the Australians never again to send such Aboriginal kitsch to Europe: [“Aboriginal art is crap, repetitive patterns suitable for decorative rugs, discussed in dramatically hallowed terms, spectacular fraud playing on the corporate guilt, the stale rejiggings of a half-remembered heritage, corrupted art with all energy, purpose and authenticity lost...”](#) – Britain’s leading art critics say it as it is, and give their honest, objective assessment of contemporary Aboriginal art displayed at the Royal Academy in London, September-December 2013.

<sup>41</sup> Aboriginal Heritage Rorts, the West Australian, 27 November 2014

<sup>42</sup> Ibid

<sup>43</sup> Both AAA and Bednarik were notified that those claims are incorrect, deceptive and contrary to Australian law. However, they still remain on the IFRAO website.

<sup>44</sup> Michael Danby also said that in his opinion, if Andrew Bolt and the Herald Sun had challenged the decision in a higher court, it would have been struck down, 2GB radio interview with Michael McLaren, January 2015.

<sup>45</sup> Documents obtained under the Freedom of Information Act show that in May 2010 the Arts Law Centre with their lawyer Delwyn Everard, Donny Woolagoodja with his taxpayer-funded Mowanjum corporation, and Chris Tobin, a park

With all that in mind, we see it as a matter of urgency and in the public interest for the Federal Government to conduct an independent Inquiry into Corruption in the Aboriginal Industry and prevent further escalation of Aboriginal violence.

We also see it as a matter of urgency to allow the Australian police, both State and Federal, to protect Australian people and to ensure the safety of non-Aboriginal artists.

We see it as our duty to keep people informed, both in Australia and the world community, about these tragic conditions in Australia.

By raising awareness of endemic Aboriginal violence and by criticising the corrupt conduct within the Aboriginal industry we hope to prevent such violation of Australian artists' rights from happening again, to any other Australian or international artist.

Kind regards,

Donald Richardson, Email: [donaldar@ozemail.com.au](mailto:donaldar@ozemail.com.au)

Vesna Tenodi, Email: [ves@theplanet.net.au](mailto:ves@theplanet.net.au)

[www.modrogorje.com](http://www.modrogorje.com)

**Some of the earlier submissions sent to Mr. Abbott's office and also published on [www.modrogorje.com](http://www.modrogorje.com) include:**

1. Request for enquiry into the conduct of the Arts Law Centre of Australia and Blue Mountains City Council, in relation to censorship of the *Wanjina Watchers in the Whispering Stone* sculpture by artist Benedikt Osváth and attacks on the "Dreamtime Set in Stone" book by Vesna Tenodi and "Wanjina Watchers" paintings by Gina Sinozich, November 2011
2. Complaint against discrimination, harassment and vilification of non-indigenous artists and other ModroGorje DreamRaiser Project participants and supporters in Australia, with a request for the Australian Government to enquire into the conduct of the Arts Law Centre of Australia and Blue Mountains City Council, January 2012
3. Request for de-funding the Arts Law Centre of Australia and Mowanjum Aboriginal centre, and for scrapping of the Australia Council for the Arts "Protocols for producing Indigenous Australian visual arts", March 2012
4. Letter of Support to Blacktown Council, for discontinuing the welcome-to-country ceremony and excluding the Darug tribe, having established that the Darug members are committing an "ethnic fraud", October 2012
5. Submission to the National Cultural Policy committee, 2012
6. Part 1 of the "Forbidden Art, Politicised Archaeology and Orwellian Politics in Australia", October 2012
7. Article by Donald Richardson and Vesna Tenodi: Aboriginal Violence against Australian contemporary artists, March 2013
8. Article by Donald Richardson and Vesna Tenodi: Aboriginal harassment of international artists and attacks on Polish designer Ewa Smuga, April 2013
9. Open Letter/Notice of concern sent to: 1. International Organisation of Rock Art Organisations (IFRAO) & Australian Rock Art Research Association (AURA) and 2. The Australian Archaeological Association (AAA), Re: Unethical proposals and false claims by both IFRAO and AAA, resulting in extreme Aboriginal violence and harassment of non-Aboriginal artists and independent archaeologists, June 2013
10. Complaint to the Office of the Legal Services Commissioner (OLSC) re: Professional misconduct – Complaint against the following legal practitioners: 1. Delwyn Everard, of the Arts Law Centre of Australia; 2. Robyn Ayres, of the Arts Law Centre of Australia; 3. Simon D Williams, of Spruson and Ferguson Lawyers; 4. Victoria Chylek, of Simpson Solicitors, 26 June 2013
11. Open Letter to the incoming Liberal Government, 27 August 2013
12. Open Letter to Australian and Polish Authorities, 12 December 2013

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ranger, started their attacks because of the book "Dreamtime Set in Stone". They were enraged by the truth as told by Aboriginal elder Goomblar Wylo about Aborigines today. They lodged three complaints with the ACCC urging it to take the owners to court for all kinds of imaginary breaches. To their credit, the ACCC unequivocally rejected their allegations and informed them that Vesna Tenodi is not doing anything inappropriate, that there is nothing wrong with the "Dreamtime Set in Stone" book or artworks, and that no-one needs Aboriginal permission nor authorisation to create, display and sell their own art referenced to prehistoric cave art. The ACCC gave Everard, Woolagoodja and Tobin a clear response that the ModroGorje owners are free to carry on their business and that their artists are not in breach of any current law. However, that only prompted the Arts Law Centre to continue their harassment through "other means", and Aborigines to keep up their violence and vandalism.