

## Media release

# Blue Mountains police caught a man in the act of vandalising and desecrating the *Wanjina Watchers in the Whispering Stone* sculpture by Benedikt Osváth



The *Wanjina Watchers in the Whispering Stone*, 8.5 ton sandstone sculpture by Benedikt Osváth, in front of ModroGorje Gallery at 71 Lurline street in Katoomba, was again vandalised last Sunday 7 August 2011 about 5pm.

People from the RSL club across the road saw the perpetrator throwing paint over the artwork and called the police. The police caught him and took him away. The eyewitnesses have seen the same man repeatedly raving and ranting in front of the gallery and abusing the owners last year.

The owners Vesna and Damir Tenodi have been terrorised since December 2009, with a number of incidents of harassment, threats, malicious damage and vandalism reported to the local police. But this was the first time the police was able to catch one of the perpetrators in the act, covered in paint and with his fingerprints all over the sculpture.

Vesna said:

“We are now looking into the Arts Law Centre of Australia’s role in this shameful protracted saga.

“It was reported that on 24 November 2010, the Arts Law Centre representatives conducted a workshop in Katoomba. The workshop was to advise Aboriginal artists of their rights, but it seems it failed to clarify that non-indigenous artists have rights too.

“The Arts Law Centre of Australia is a highly respected Government funded organisation. Its role is to advocate for rights of **all** Australian artists. In the *Wanjina Watchers in the Whispering Stone* case, their duty would logically be to offer support to the artist Benedikt Osváth and protect his right to artistic freedom. But they chose to side with the Blue Mountains Council and support the Council’s intention to enforce censorship.

“We are now looking into the Arts Law Centre submissions to the council, and oral evidence provided by their representative at our onsite Land and Environment Court hearing on 20 June 2011. In our view, what was said represented an overly emotional personal opinion, rather than a legal argument or legal justification for their condemnation of our art.

“Our artists now expect a public clarification of the role played by the Arts Law Centre in our case. They need to hear why the Arts Law Centre has failed in its duty to protect their rights. They also need a clear statement that the Arts Law Centre does not, directly or indirectly, or simply by doing nothing, condone or encourage violence and vandalism against non-indigenous artists.

“In the eyes of some non-indigenous artists, support for the removal of the Wanjina Watchers sculpture has made the Arts Law Centre a joke, and their over-reaction to our art might appear as encouragement to reverse discrimination.

“Another major concern is the practice of encouraging threats of legal action against any artist who upsets Aborigines. Australia is still a democracy and we should be free to express our opinion and paint and sculpt without fear. We should not have to consult a defamation lawyer every time we open our mouth. We should not have to consult an expert lawyer every time we create a piece of art.

“Our art is not a legal matter. It is an artistic matter, and a spiritual matter, but the Arts Law Centre seems eager to make a case where a case cannot be made. It seems silly to keep pushing for the “protection” of ethnographic material and prehistoric imagery to be incorporated into Australian law. It is not a matter of Australian law being inadequate, it is a matter of common sense. There is no such “protection” or “ownership” of ancient imagery, or even recent imagery, in any other country on earth.

“The absurdity of some demands can be illustrated with examples that were brought to our attention – such as when an artist in his studio in Sydney, painting semi-abstract interpretations of Uluru, was requested to pay an annual fee of \$250 for a “permit” to do so. This is a preposterous demand, for “permission” and a fee to paint a landscape feature. Do we have to pay a fee to the Egyptians for painting a pyramid? Or to the Greeks to paint the Parthenon? To the Chinese to paint the Great Wall or terracotta warriors? Or to the French to paint the Eiffel Tower?

“To any objective person, it is clear that our DreamRaiser project is a tribute to ancient spirituality – our spiritual art clearly shows that. But the lawyers, so keen to be seen as “protectors”, keep fuelling the fire and encourage anti-social behaviour, that ends up in confrontation instead of co-operation.

“We hope the Arts Law Centre will act promptly. We and our artists Benedikt Osváth and Gina Sinozich have suffered enormous damage to our reputation, constant slanderous attacks, ongoing distress, as well as considerable losses in terms of money, time and effort, with our plans for having a peaceful, harassment-free and creative life in the Blue Mountains ruined.”