

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”

To: Hon Simon Crean, Australian Council for the Arts Review Committee, National Cultural Policy, Australian Departments and Agencies responsible for Indigenous Affairs, Local Government, the Arts Law Centre of Australia funding bodies, media representatives and other stakeholders

From: Vesna Tenodi, on behalf of ModroGorje artists, and Donald Richardson, ModroGorje artists' consultant

Earlier submissions:

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 art-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

Sydney, 09 March 2012

To Whom It May Concern

Dear all,

In response to Hon Simon Crean ordering a review of the Australian Council for the Arts, and National Cultural Policy consultation process, we hereby request that the review committee and the National Cultural Policy committee consider the following:

1. The Australia Council for the Arts publication “Protocols for producing Indigenous Australian visual arts” should be scrapped, because it is misleading and is misunderstood and misused. It is not formulated in line with the current Australian law, or standard practice internationally followed when dealing with indigenous people. It implies that non-existent Aboriginal customs and lore are actual Australian law, and/or should be overriding the current law. As a consequence, it is used to bully and intimidate Australian artists.
2. The Arts Law Centre of Australia should be de-funded, for their role in censoring the *Wanjina Watchers in the Whispering Stone* sculpture. The Arts Law Centre is one of those organisations which are misusing that type of protocols, as published by the Australia Council for the Arts, and is presenting those un-legal recommendations as if those were the actual law, thus indirectly condoning/supporting Aboriginal violence against non-Aboriginal artists.
3. The Australia Council for the Arts and every other funding body should suspend any further funding to the Arts Law Centre of Australia, for the following reasons:
 - misuse of power, evidenced in the Arts Law Centre allegations, false claims and imputations in their submission letters and articles, which amounts to harassment of ModroGorje artists, and for the participation of the Arts Law Centre in the orchestrated campaign run by the corrupt Blue Mountains City Council staff and councillors, including Brian Crane, Rodney Bles, Brad Moore, Kylie Fomiatti, Terri Hamilton, Mark Greenhill, Janet Mays and Daniel Myles. By manipulating planning laws and using the heritage listing of ModroGorje house and “the size of the stone” as an excuse, the Arts Law Centre and Blue Mountains council enforced censorship of an artwork;
 - failure to act professionally and ethically, in an impartial and unbiased manner, as the Arts Law Centre acts with clear favouritism towards Aborigines, and presents their irrational,

false claims as if there were some logical basis to those, reinforcing the public perception that only Aborigines have rights, whereas everyone else must seek their “permission” to create art;

- breach of public trust, abuse of power, and misuse of public funds, as these funds – allocated to the Arts Law Centre – are meant to protect all artists in Australia, not to terrorise non-Aboriginal artists to please their Aboriginal clients;
 - The Australia Council for the Arts Review Committee And the National Cultural Policy Committee should look at the Arts Law Centre submissions and articles, and establish whether there is a serious and ongoing breach of guidelines for allocation of funds and the terms and conditions of the funding agreement. The funding allocated to the Arts Law Centre is meant to protect artists’ rights. In the case of ModroGorje artists, the Arts Law Centre attacked the renowned and well respected Australian painter Gina Sinozich, and Australian sculptor Benedikt Osváth, made unacceptable derogatory statements about the ModroGorje gallery owners, in order to indulge their Aboriginal clients, in an extreme example of abuse of power.
4. The Australia Council for the Arts should suspend the funding to the Mowanjum Aboriginal organisation in the Kimberley, Western Australia. The local thugs in Katoomba, Blue Mountains, who terrorised ModroGorje artists and owners for more than two years and repeatedly vandalised both the gallery and the *Wanjina Watchers* sculpture, claimed to be acting on orders from the Mowanjum centre, to have the full support of the Arts Law Centre and the local council’s Aboriginal officer Brad Moore, and know how to “push the buttons” and enforce censorship. People and organisations who directly or indirectly supported violence and vandalism against the ModroGorje gallery throughout 2010 & 2011 should be investigated and defunded, not rewarded with further funding which would serve as an encouragement to these uncivilised practices;
 5. National Cultural Policy should be drafted to reflect and assert the equality of and fairness for all art forms and artists in Australia. The privileges and special treatment of Aboriginal artists should be abolished, as it has become irrelevant. The enormous goodwill and generous assistance of Australian taxpayer is continuously and increasingly being used to terrorise non-Aboriginal artists, destroy small businesses and ruin people’s lives.
 6. National Cultural Policy should be carefully formulated and developed to recognise that instead of “protecting” Aboriginal heritage at the cost of the other 98 % of Australian society, Western-values based heritage should be protected too. The current imbalance has resulted in one over-compensated and over-privileged minority getting drunk on power, and dictating on art, not through legal means – since there are no legal grounds to justify their irrational demands – but through violence, vandalism, bullying and intimidation, helped by the Arts Law Centre.
 7. Australian society should have a choice whether to follow or accept a stone-age custom or to reject it and follow the values of our Western civilisation. The Arts Law Centre seems to believe that stone-age customs, or Aboriginal lore, which they call “Aboriginal customary law”, should override Australian law and be enforced on society. We disagree with this practice of intimidation and bullying, and propose that Aboriginal lore with their “payback law” and other “customs” and unacceptable violent practices be strictly confined to the tribes living in those areas that were given to Aborigines, not allowed in mainstream society and metropolitan areas.
 8. The current practice of lawyers and bureaucrats terrorising people with accusations of “social impact” – as was used to censor *Wanjina Watchers in the Whispering Stone* artwork – is no different than abhorrent practices in the communist and other dictatorial regimes which routinely terrorised artists and writers on the basis of what in the law of those regimes was defined as a “verbal delict”, under which any person who says anything misinterpreted

or understood as being “against the regime” or “insult to the beloved leader” was persecuted.

In our opinion, the current situation in Australia is a consequence of ill-conceived policies which were formulated and implemented with good intentions to help Aboriginal people integrate and participate, but have backfired and encouraged the worst possible behaviour, as we all saw on Australia Day.

It is escalating because the authorities who have the power to change it seem to be paralysed. While the bureaucrats are scratching their heads, this social divide and violence will be allowed to widen and escalate beyond repair. To prevent that, some urgent radical measures are required, such as:

- defunding the organisations who misuse their power and allocating the funds to more reasonable and balanced bodies, to run educational events explaining to Aborigines that other people have rights too.
- if the Arts Law Centre were to receive further funding, there should be guidelines attached, such as a requirement for the Arts Law Centre to formulate clear statements to the effect that there is no copyright on either prehistoric or recent imagery, patterns and designs, that Aborigines do not own them, and that every artist is free to use any image that is in the public domain.

We have succeeded in raising public awareness of artistic freedom and freedom of expression, but lost our gallery in the process. We cannot run a physical gallery, as the Aboriginal thugs in the Blue Mountains have made it clear that they will keep up their campaign of violence and vandalism. This is unjust.

We have moved our gallery to the Internet instead. Any physical place would attract some thug to plant themselves in front of our business and keep screaming vulgar abuse at every person trying to enter the gallery, as they were doing at our ModroGorje gallery in Katoomba. This is an abuse of our freedom.

We are now running international events in protest against Aboriginal violence and the abuse of power by the Arts Law Centre, and will continue to do so until the *Wanjina Watchers in the Whispering Stone* sculpture by Benedikt Osváth and *Wanjina Watchers* paintings by Gina Sinozich can be displayed in Australia without fear of violence and vandalism.

For more information please visit:

www.modrogorje.com



Wanjina Watchers in the Whispering Stone before and after the vandalism

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