



From: Delwyn Everard [mailto:DEverard@artslaw.com.au]
Sent: Wednesday, 12 May 2010 3:42 PM
To: Thorpe, Jacqueline
Cc: Robyn Ayres
Subject: Cultural Appropriation of Wandjina

Dear Ms Thorpe

Thank you for your time this afternoon. I confirm that we are assisting Mowanjum Arts and the three Kimberley language groups which are the custodians of the Wandjina law and sites. I attach a copy of their recent letter to the ACCC sent to your Perth office.

I also attach an image of the offensive sculpture and an image of a genuine Wandjina artwork painted under the authority of traditional law by well known Aboriginal artist Donny Woolagoodja (photos by Reinier van de Ruit).

The images from the Wanjina (sic) exhibition shown by Ms Tenodi at her Modrogorje Wellness Centre are reproduced on her website at <http://www.modrogorje.com/hall.html>

We would be grateful for any assistance to prevent the further misuse and appropriation of Aboriginal cultural heritage which is taking place.

Please do not hesitate to let me know if we can provide any further assistance.

Yours sincerely

Delwyn J Everard
Senior Solicitor

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Please note that I work part-time and may not access this email for several days. If your message is urgent or you haven't heard from me please email artslaw@artslaw.com.au <<mailto:artslaw@artslaw.com.au>&20> and someone will either contact me at home or deal with your enquiry.

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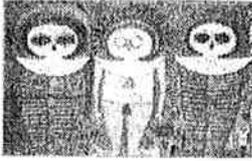
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MOWANJUM ARTISTS SPIRIT OF THE WANDJINA ABORIGINAL CORPORATION

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10th May 2010

Dear Sir/Madam

Re: Modrogorje Wellness and Art Centre (Vesna Tenodi) – Inappropriate and Offensive Use of Wandjina

We are writing to you to seek your assistance on behalf of the Worrora, Wunumbal and Ngarinyin Aboriginal people, who are together the custodians of the Wandjina law and sites of the Western Kimberley.

The above Aboriginal people have been painting the Wandjina images for many thousands of years, at sacred rock sites and in caves, on dance totems and bark, and now on canvas and paper.

To those people, the Wandjina is a supreme creator, the maker of the earth and all upon it. Wandjina brought the law, the rules for living properly, govern marriage, relationship rules, how to look after people and land the right way, and also aspects of spiritual light. Accordingly, the Wandjina is of utmost importance to those people and the Wandjina imagery is sacred – it cannot be used even by us for unapproved purposes.

In traditional Aboriginal belief, we three language groups are the only Aboriginal people entitled to depict the Wandjina. This right is respected by all other Aboriginal people and groups – they do not transgress the law of another group.

The above (and, in particular, the distinctive visual representations of the Wandjina,) is well known, as indicated, not only amongst our own language groups but also amongst many other Aboriginal people together with many others (including non-Aboriginal

people interested in our culture and who have acquired genuine Wandjina artworks created for many years by members of our group).

It is in light of the above that the Worrora, Wunumbal and Ngarinyin people recently identified and were extremely concerned by the unauthorised use and reproduction at the Modrogorje Wellness and Art Centre located at 71 Lurline Street, Katoomba, New South Wales by Ms Vesna Tenodi of unauthorised use of Wandjina imagery in respect of both paintings and sculptures. We three Aboriginal groups find that unauthorised use offensive for the following reasons:

- Ms Tenodi is not from our language or cultural groups;
- Ms Tenodi did not obtain permission from us to use the imagery;
- Ms Tenodi's depiction of the Wandjina imagery incorporates mouths. The Wandjina is **never** depicted in this way. This depiction is particularly offensive to us. The Wandjina are too powerful to be depicted with mouths – their power descends to Earth through the line seen as a nose; and
- Ms Tenodi is using Wandjina imagery for commercial purposes and is thereby abusing our indigenous culture.

Originally it appeared that Ms Tenodi, at least to some extent, accepted the above in that she invited a local Aboriginal man from Katoomba to attend the opening of the relevant exhibition at her above premises but was told that the permission of the Mowanjum was first required. This occurred in about October 2009. However, Ms Tenodi subsequently volunteered to the Aboriginal man concerned that she had contacted Mowanjum (although we have no record of her having contacted us in that connection) to seek permission but that that permission was rejected. She then stated to that man that she (presumably only then) considered that such permission was not required and would use the imagery in any event.

The above was the subject of complaint by us to Ms Tenodi and, somewhat curiously, Ms Tenodi's own web site located at www.modrogorje.com and www.dodrogorje.net records the controversy. More to the point, however, the above web site (and the exhibition at the above Katoomba premises together with Ms Tenodi's recent book entitled "Dreamtime Set in Stone", which is also advertised on the above web site) suggests, contrary to fact, that the drawings/paintings at the exhibition are "Wanjina [sic] paintings" and that the sculptures at that exhibition include "Wandjina drawings in stone". As indicated above, the exhibition itself is entitled "Wanjinas" [sic] and Ms Tenodi's above described book makes similar statements.

We endeavoured, with the assistance of the Arts Law Council of Australia, to make further enquiries to enable us formally to contact Ms Tenodi,, however, we understand that there exists no New South Wales business name registration for "Modrogorje Wellness and Art Centre" (or similar). We further understand that if it is the fact that Ms Tenodi is personally conducting the above business (and engaging in the above conduct) ordinarily that may be a matter more properly administered by the Office of NSW Fair Trading, however, given that the above conduct includes conduct by way of the internet, we thought that your organisation may be better suited to assist.

We would be greatly appreciative of any advice which your organisation could give to us as to how best to proceed, particularly since it appears to us that Ms Tenodi's activities would, in the circumstances, amount to conduct which is potentially misleading and deceptive and in breach of the *Trade Practices Act, 1974* in that she is suggesting, contrary to fact, some association with or licence by our organisation and/or our three Aboriginal groups. Certainly such activities and the associated misrepresentations would be likely to confuse, mislead or deceive not only a substantial number of members of our organisation (and its respective groups) but numerous other Aboriginal groups and others well familiar with our values and history including non-Aboriginal people interested in our culture and the acquisition of genuine Wandjina artworks.

We will await your response accordingly.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Donny Woolagoodja', with a small mark at the end of the signature.

Donny Woolagoodja
Chairman
Mowanjum Art and Culture Centre