

AUST. COMPETITION &
CONSUMER COMMISSION
SYDNEY
24 NOV 2010

From: [REDACTED]

22/10/10

To: Australian Competition & Consumer Commission
GPO Box 3648
Sydney NSW 2001
Fax: (02) 9223 1092

FILE No:
DOC
MARS/PRISM:

1 October 2010

Dear Sir/Madam,

Re: *'Dreamtime Set In Stone'* by Vesna Tenodi – misleading reference to Chris Tobin in breach of the *Trade Practices Act 1974(Cth)*.

I am writing to you to seek your assistance in relation to a reference to my name in the acknowledgements section of a book written by Vesna Tenodi entitled "*Dreamtime Set in Stone*" and published by Ms Tenodi ('the Book'), a copy of the relevant section of which is attached to this letter. This Book has been surrounded in controversy since its publication because it is highly offensive to Aboriginal people. The Book contains a number of Wandjina images, an image sacred to the Worrora, Wunumbal and Ngarinyin Aboriginal people of the Western Kimberley who are together the custodians of the Wandjina law and sites in that area and the only ones entitled to use the Wandjina image. This law is respected by all other Aboriginal people and groups. In publishing her Book, Ms Tenodi, a non-Aboriginal woman, is clearly transgressing these Aboriginal customary laws.

I am an Aboriginal man living in the Blue Mountains close to a shop owned by Ms Tenodi called the Modrogorje Wellness and Art Centre where the Book has been and continues to be published and sold by Ms Tenodi. I feel very strongly that the reference to my name in the Book misrepresents that I have had some involvement with the Book and have endorsed its contents, when in fact I clearly told Ms Tenodi many times that she should not publish the Book because it was offensive to Aboriginal people in the Kimberley for whom the Wandjina is a sacred motif. Ms Tenodi even sent me a draft of the Book manuscript before it was published and at that point I wrote to her and requested that she not include my name in the Book. Ms Tenodi refused and my name now appears in the Book and is sold at Ms Tenodi's art centre in my local community. My sole involvement with Ms Tenodi prior to publication of the Book was as a guide with her on an expedition to see some local Aboriginal rock art in the Blue Mountains area.

I firmly believe that Ms Tenodi's Book publication amounts to engaging in misleading and deceptive conduct in trade or commerce under s 52 of the *Trade Practices Act 1974 (Cth)*. The statement in the Book is misleading and deceptive in that it represents that I have endorsed the contents of the Book, when in fact I have always maintained quite the opposite. I understand that section 52, although

drafted to apply to corporations, can also apply to individuals (ie such as Vesna Tenodi) where they are engaging in interstate trade or commerce pursuant to s 6(4) of the Act, and I am aware that Ms Tenodi's Book has been sold and made available interstate.

I also assert that Ms Tenodi has breached s 53 of the *Trade Practices Act 1974* in representing that the Book has sponsorship and approval that it does not have, ie from myself, a local Aboriginal guide.

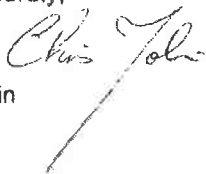
I am able to adduce evidence that a number of people in my local community have been misled by the Book and have approached me with disgust that I, as a local Aboriginal man, could have been involved in a publication that is so offensive to Aboriginal people. I can also confirm that Ms Tenodi's conduct is causing considerable damage to my reputation as a member of the local Aboriginal community in the Blue Mountains and to my business in the Blue Mountains area as an Aboriginal guide.

I have written to Ms Tenodi a number of times since publication of the Book and requested that she remove my name from any further re-prints of the Book but to date she has refused.

Now, with the assistance of the Arts Law Council of Australia, I am seeking advice from your organisation as to how best to proceed, particularly since it appears that Ms Tenodi's activities amount to conduct which is misleading and deceptive and in breach of the *Trade Practices Act 1974*. I would very much appreciate any assistance you are able to provide.

I look forward to receiving your response.

Yours sincerely,

A handwritten signature in cursive script that reads "Chris Tobin". The signature is written in dark ink and is positioned above the printed name.

Chris Tobin