

WITHDRAW THE BENJAMIN LAW BUSTS? A CONTRARY VIEW.



The campaign for the withdrawal of the Benjamin Law busts of Aboriginal historical figures Truganini and Woureddy at tonight's Sotheby's auction does nothing to promote the cause for repatriation of items of significant cultural heritage for Aboriginal peoples, and is likely to further alienate the broader community from understanding the real issues that underpin this very sensitive and highly political issue.

All six states, both territories and the Commonwealth government have legislation in place to protect the movement of cultural heritage, and Indigenous art and items of material culture are subject to more stringent examination under the acts than non-indigenous material. In the past, this legislation has served to protect items from being sold at public auction and exported, and in some cases, even transited interstate. The sale of these

busts will not likely trigger enactment of the relevant statute in Tasmania or Victoria.

There is no question that the busts represent significant, and famous, members of an Aboriginal community that has suffered disconnection to culture and country. From a legal standpoint, however, the busts would not be defined as items of Aboriginal cultural heritage, and as such, it is not appropriate to return the busts to people who had no cultural role in their production. In fact, it is arguable that it would not be in the nation's best interest to do so.

To maximise the protection and value of these objects from an *Australian heritage* standpoint, the significance of which is not in question, it would be best for the busts to be acquired by an institution that would, from a curatorial perspective, actively investigate the historical context of their production.

The National Museum of Australia comes to mind, where public display would ensure contextualisation within a post-colonial discourse that demonstrates the nuances, and indeed fabrications that have pervaded our history of Aboriginal peoples and their culture since contact, especially in Tasmania. Aboriginal people don't need reminders of this, but there is a strong case to be made that the broader, non indigenous community does.

Activist Michael Mansell, and the Tasmanian Greens by supporting his campaign, argue that the auction house and vendor be "accountable for changing these racist attitudes" and that the busts be "returned to the Aboriginal community". It is difficult to see how spiriting the busts away from the public arena will assist this cause. Instead, one would hope that the Tasmanian Aboriginal community and the Greens could see the benefit of public debate being elevated to a national forum where it would be supported by an education program designed to address these very concerns.

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