

No prosecution, but campaign goes on



Detail of a Henson photograph.

David Marr and Josephine Tovey

NOT everyone has thrown in the towel. NSW police admitted yesterday afternoon that Bill Henson could not be charged. "But we're not going to let it go," declared the campaigner Hetty Johnston. "If the law is so pathetic it can't protect our children it needs to change."

Outside the police station

where his pictures remain under lock and key, Assistant Commissioner Catherine Burn told the media: "Today we received advice that indicates that there is no reasonable prospect of a conviction relating to the artworks. Based on that advice, we will not be proceeding to prosecution."

She insisted the case was complex, very complex. Art and law make a difficult mix. The pictures had to be seized. They were

evidence. "I believe police have acted appropriately," she said.

"We investigated complaints and that is our job." How many complaints? "Three."

Ms Johnston warned her child protection organisation, Bravehearts, would now be lobbying for legislative change. "It's an absolute disgrace," she said. "I

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Off the hook ... police supervise the removal of Henson's photographs. Police are discussing the return of the works. Photo: Sahlan Hayes

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think we've become the laughing stock around the globe."

The photographer was sighted in Melbourne's Cafe di Stasio late in the afternoon looking a very happy man. Henson issued a statement: "It has been profoundly humbling to witness the depth of support for my work in these past weeks ... It is reassuring to see existing laws, having been rigorously tested, still provide a framework in which debate and expression of ideas can occur."

Speaking on the phone from Switzerland, where she and her husband, Tony, flew last month, the gallery owner Roslyn Oxley said they were very pleased the investigation had been dropped. "It's early in the morning," she said. "We have just heard the news. We haven't had time to dis-



Bill Henson ... humbled by the depth of support for his work.

cuss the details." She thanked the Australian art community for the support it had shown the gallery. "These messages give us faith that our society really is as we believe it to be - one that is open to frank debate and inquiry and not afraid to voice differing views."

But the politicians were sticking



Hetty Johnston ... "It's an absolute disgrace."

to their guns. The Premier, Morris Iemma, told the *Herald*: "The police deserve our thanks for their investigate work. My personal opinion remains clear - these photographs crossed the line and were inappropriate. I can't understand how a parent could allow a child to be photo-

graphed in this way." The Prime Minister, Kevin Rudd, also continued to condemn the work. "I said what my views are as a parent. I don't budge from that. But I'm not about to go around and start dictating to the legal authorities what they should or should not do."

When police closed down Henson's exhibition after a day's uproar on talkback radio a fortnight ago, lawyers warned there was little chance of a successful prosecution. Yesterday morning the Director of Public Prosecutions, Nicholas Cowdery, QC, gave police the same advice. It was accepted swiftly.

By early afternoon, police were discussing the return of the work with the gallery. The exhibition is expected to finally open next week. Entry will be by appointment only.