
JABANUNGA (RAINBOW SERPENT), 1996

A TIMELINE of the wider context

In 1996, Rover Thomas is a successful artist whose work is in demand. He lives at Warmun and paints for Waringarri Arts in Kununurra, where Kevin Kelly is the Manager. Five years earlier in 1991, Rover Thomas ceased painting for his first dealer Mary Macha, ending a working relationship that began in 1983, when he painted his first works. He also paints for other dealers and individuals.

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1994

Feb-June

'Roads Cross', Rover Thomas retrospective at National Gallery of Australia, Canberra curated by Wally Caruana from their extensive collection sourced entirely from Mary Macha and Waringarri Arts. Mary Macha and Kim Akerman contribute to the catalogue.

Sometime-

Melbourne gallery, Kimberley Art directed by Peter Harrison facilitates an exclusive relationship with the Warmun Community Council and local policeman, Dave Rock. Kimberley Art incorporates an entity, Warmun Community Arts, Warmun Community, (Turkey Creek). They issue their own stamped certificates, send pre-primed and stretched canvases and materials by plane to Dave Rock who distributes them to the most successful artists and collects them for return to Melbourne. Peter Harrison was told - "We want you to represent us and organise for our art to be sold in Melbourne". Recently it has emerged that Cooee Art also got work from them and changed the certificate stamp to their own.

Sometime-

Pirra Arts or Pirra fine Arts is created by Neil McLeod as a vehicle to disperse provenance and it becomes active selling Rover Thomas and Queenie McKenzie works. Neil McLeod is sourcing their work himself from the Warmun Pensioner Unit/Walumba Aged Hostel.

Sometime-

Kimberley Art, Melbourne presents, a Solo show of Freddie Timms

July-

Christopher Hodges' Utopia Art Sydney present, Rover Thomas Solo exhibition 'New Paintings'. Apparently sourced from Neil McLeod.

Sometime-

Ochre Gallery established in Kununurra by Jennifer Joi Field to service the supposedly neglected, women artists of Warmun. Also showed Rover Thomas and other Warmun men.

Sometime-

Catalogue for 'Yiribana: An introduction to the AGNSW Aboriginal & Torres Strait Islander Collection, curated by Margo Neale. Issues arising from mis-description of the subject of Rover Thomas painting 'Ngarin Janu' as related to Cyclone Tracey.

August -

Rover Thomas has his first stroke. Taken to Darwin Hospital, recovers and travels from there to Melbourne at the instigation of Mary Macha to verify his work. He is accompanied by Kevin Kelly of Waringarri Arts and Don McLeod, Macha's agent to check out the galleries exhibiting problematic work. They visit Hank Ebes, Australian Gallery of Dreamings.

September-

Rover Thomas attends first Print making Workshop at NTU, Darwin with Waringarri Arts organised by Kevin Kelly.

1995

Sometime-

Japingka Gallery opens in Fremantle, directed by Ian Plunkett and David Wroth. Focused on West Kimberley work through connection with Jimmy Pike and Walmajarri artists.

Easter-

2nd Printmaking Workshop at NTU Darwin organised by Kevin Kelly for Waringarri Arts. Rover Thomas, Queenie McKenzie and others participate.

June-

Waringarri Arts present Rover Thomas show 'Art from the East Kimberley', Savode Gallery Brisbane. First major Kimberley show in QLD. Rover's works (140 x100). Rover is in a wheelchair with a stick, for the opening on June 9 immediately prior to –

June-

Rover Thomas is commissioned by Peter Harrison, Kimberley Art to come with Freddie Timms to Melbourne to paint at Neil McLeod's studio in the Dandenongs for three weeks to create 6 very large paintings (6'x 8' meaning 200 X 280) and 10-12 small ones, ie. 20 works. The expectation was 1 work per day every day. Neil McLeod was Studio Manager to document - taking photographs and videoing stories. Additional works were created for Neil McLeod Fine Arts and Pirra Fine Art, and works were also onsold. Adrian Newstead stated Rover Thomas made 60-70 paintings in the three weeks, and later he revised it on 60 works and a two- or three-week workshop, which makes 3 works per day every day.

Sometime-

Cooee Art presents, 'Painting Up the Country: Aboriginal Art from the Kimberley'.

Sometime-

Utopia Art Sydney presents, Rover Thomas, 'Latest Landscapes'.

June-

Anthropologist Dr Patricia Vinnicombe returned to Warmun to record the story of the Texas Mob with her great friend Queenie McKenzie and finds Queenie is furiously painting for many others including Ochre Gallery and with Dave Rock for Warmun Community Art as well as Waringarri and she notes in her Report that the paintings she saw were accompanied by stories on certificates that ranged from the "abysmal" to satisfactory, with Waringarri Arts the best.

July –

Rover Thomas has eye operation removal of cataracts. Mary Macha paid for his operation.

Rover Thomas is taken on a trip – Apparently by Maxine Taylor and Terry Brooks. They visit Halls Creek and Newman (huge iron ore mining site near Port Hedland) to see the mine. It is not clear exactly when this happened but most likely late July:

The essay in the 2016 Cooe Prospectus – “Recollections relating to the creation of this work, Jabanunga (Rainbow Serpent), 1996, from Maxine Taylor and Terry Brooks” implies the trip happened in 1996 - to spend time with his ancestors, the Martu and to go to Jigalong and see his elder brother “three days on the track to Kunnawarritji from Halls Creek and then two day camp on the upper reaches of the Fortescue River and then a quick trip to the Newman town site and the mine”. This is very confusing because Adrian Newstead In *The Dealer is the Devil*, on p.336 beneath the colour image of Jabanunga (Rainbow Serpent), 1996, Newstead says of Rover Thomas, “His two trips deep into the desert were made in September 1995 and October 1996”. He does not mention who took him - the first was with Kevin Kelly et al and the second with Taylor and Brooks.

The NMA Press Release mentions “two trips in 1995 and 1996 back to his homeland” as if they are related to this painting. However, it is the trip to the area around Newman that is relevant. There really does not seem time in 1996 before the end of March when the painting is made for the trip, given how busy they must have been and besides it would be the wrong time of year to undertake a desert trip. I think the trip to Newman did happen in 1995 in late July, in some form at least, as the Waringarri Painting Stock Book dates are the only reliable evidence we have.

Adrian Newstead never refers to the July 1995 trip which is the only one that makes sense in relation to this painting ie. to Newman and before March 1996 when the work was painted.

July-

William Mora Gallery Melbourne presents, Queenie McKenzie Solo Show, “Gara-Garang: My life longs Texas Downs’ with Waringarri Arts.

August-

Utopia Art Sydney presents, ‘Rover Thomas: Recent Paintings’. Reviewer in SMH, John McDonald refers to two Cyclone Tracy paintings (Refer back to 1994 and ‘Yiribana’ catalogue) and remarks, “Thomas is an old man in poor health over the past year, but he is wonderfully resilient” (SMH, 26/8/1995).

August-

Rover’s wife Rita dies and the trip below is delayed until after her funeral.

September-

Waringarri Arts expedition back to Country – Canning Stock Route desert trip. Rover Thomas travels back to his birth country Yalda Soak near Well 33 with Kevin Kelly, his Countrymen Rammel Peters and Rolley Gibbs(Williams), and, from the NTU Print Studio- Leon Stainer Franck Gohier and George Watts. Rover Thomas receives sacred objects at Punmu from cousin Rolley Gibbs. Leon Stainer recalled Rover was not very well, they travelled by 4WD and Rover was “very knocked up” and found the going “hard”.

November-

‘Well 33 Revisited’, presented at William Mora Gallery, Melbourne with Waringarri Arts. Nine canvases- (100 x 140, 160 x80, one large 200 x 160) depicting Well 33, Punmu, Yalda, his birthplace and three of his wild dog dreaming sites. Touted as the, “the last great series of work by Rover Thomas”.

November –

Maxine Taylor and Terry Brooks are brought in by the Warmun policeman/ Council CEO Dave Rock to manage the Warmun Roadhouse, which is a community owned enterprise. They begin selling local art at the Roadhouse under a private company they form called, Narrangunny Art Traders.

December-

Kevin Kelly of Waringarri Arts, lawyer Vincent Peters and Macha’s agent, Don McLeod accompany Rover Thomas on a trip along the East Coast, meeting up with Wally Caruana in Canberra. They visit galleries showing problematic artworks for Rover Thomas to verify. Rover Thomas is unwell and they deem his memory too unreliable to identify works.

Holidays-

Waringarri Art Centre records no painting purchases from mid December until early February (6-12-1995 until 31st -1-1996) because of Christmas holidays/ Wet Season/Cyclone Season and Ceremony time.

1996

January –

Dave Rock is leaving Warmun, so it is decided by the main parties involved Kimberley Art, Utopia Art Sydney and Cooee Art that a new arrangement is required. Maxine and Serge move across into the community into the green house on stilts, the former Post Office and start an “art centre” called Warmun Traditional Arts. Throughout Taylor and Brooks are supported and assisted by a supine Warmun Community Council – local men, Dallas Purdie and Jock Mosquito and Gadiya functionaries Dave Rock and Brian Fitzpatrick. Governance in the community is at a very low ebb. Whether there was corruption, slackness or sheer incompetence it is impossible to know, but the situation created an open door to carpetbaggers. Things only get worse and eventually The Balangarri scandal of corporate governance in the community exploded, leading to an investigation of financial irregularities that had occurred (1996-99) (See: ABC (2001) *Four Corners* by Sally Neighbour).

March 26

JABANUNGA (RAINBOW SERPENT) was painted at Warmun –

There are photographs of Rover Thomas with the work and an audio recording of him singing as he paints an exceptionally large work (180 x270) which is highly finished. Adrian Newstead states he was present when the painting was created and witnessed the loading of the painting onto a refrigerated truck to take it to Kununurra, and on to an exhibition in Melbourne.

I have not found any evidence of where, when, with whom, it was shown in Melbourne. The most likely venue for the exhibition would be Kimberley Art in Flinders Lane.

12-26 April

Printmaking workshop at Warmun, organised by Adrian Newstead. Contradictory dates are put forward- possibly 3 weeks in 1995 or 1996.? On Cooe Art website, the entry for the screenprint states, “Rover Thomas, Punmu-the Universe, 1995-1997... produced during a workshop organised by Adrian Newstead and Maxine Taylor with Master printmaker Theo Tremblay during the first year running the unfunded art centre. The workshop took place in the community on 12-26 April, 1995”. Clearly Newstead meant 1996 as that was when Warmun Traditional Arts was in its first year.

April -

Commission for Patrick Hoppe (who had worked at Ochre Gallery in Kununurra).

The accompanying photographs show Rover Thomas in Warmun posed with three large paintings of generic subjects, “meeting places”. It must be inferred Rover Thomas is sitting in a wheelchair although obscured fully. To show the artist in the wheelchair is clearly not thought to be a good selling point. Again, these works are too big and too cumbersome, to believe they were made by Rover Thomas alone.

Sometime –

‘Nangara: The Australian Aboriginal Art Exhibition’ Ebes Collection of many problematic (early) East Kimberley works, sourced from Neil McLeod, is on tour in Europe.

May-

Aime Proost presents Waringarri Arts exhibition ‘Turkey Creek’, in Belgium which featured Rover Thomas, Queenie McKenzie, Freddy Timms and Jack Britten.

June-

Warmun Traditional Arts was fictionalised as “Max and Judy’s Art Centre at Bungarra” when author Di Morrissey published ‘The Songmaster’ in 1997. Morrissey visited the Kimberley in the first intake of The Bush University and was taken to Warmun by Peter Harrison of Kimberley Art.

“People believe there’s great treasure in the Kimberley, like diamonds...but the real treasure waiting to be mined here, is the art” (Morrissey, p.372).

Sometime-

Indigenart, Mossenson Galleries, Perth are also commissioning work from Warmun Traditional Arts and present an exhibition, 'Gnarli and Jeeli: Men and Women'.

Sometime-

Kimberley Art presents Solo Show of Jack Britten from Warmun Traditional Arts.

Sometime –

Two paintings by Rover Thomas *Spinifex Rolls*, 1986 and *Bungullgi*, 1989, which had been displayed at Warmun Roadhouse and understood by many in the community to be part of the community collection and certainly not for sale, disappeared. Various people in the East Kimberley expressed to me their concern about the disappearance of Rover Thomas's work, from what they had understood to be a community collection. They believed the work was sold off by Taylor and Brooks and claimed the impropriety had been investigated by a Western Australian Indigenous regulatory authority, however I was unable to corroborate that an investigation had even occurred.

The two paintings subsequently turned up for sale via Vivien Anderson, although her role was quiet, almost hidden.

- Around c2002-4 Rover Thomas painting, *Bungullgi*, 1989 was sold by Lauraine
- Diggins Fine Art, accompanied by an essay by Michael O'Farrell written in 1992.
- Who owned the painting then is not clear; the provenance description is ambiguous.
- Provenance:
 - The artist
 - Private collection (the manager of the store) Turkey Creek
 - Vivien Anderson Gallery, Melbourne
 - Private Collection, Melbourne
 - Lauraine Diggins Fine Art Melbourne
 - Private collection, Melbourne.

The 'Private Collection, Melbourne' in both instances may well be the private collection of Vivien Anderson (and Gilles Terrier). In 2015 the painting was sold by Menzies.

In 2005 Lawson Menzies consigned *Spinifex Rolls*, 1986 by Rover Thomas, which had previously been advertised through Vivien Anderson Gallery in Melbourne.

- Lot 129, Lawson Menzies Aboriginal Art Auction, 9 November 2005
- *Spinifex Rolls* c1986

Provenance:

Purchased directly from the artist “this board was amongst several displayed and stored at the Warmun Roadhouse between the mid 1980s and the 1990s. In 1996 the Director of the Roadhouse and Charman of the Warmun Community, Dallas Purdy(sic), arranged for their return to Rover Thomas and Jack Britten who subsequently sold them. Sold with a Statutory Declaration signed by Dallas Purdy(sic) to that effect”.

The statement does not say to whom they were sold, presumably Vivien Anderson.

Maxine Taylor facilitated the arrangement between Vivien Anderson and Rover Thomas. Dallas Purdie is a local Gija man. He and Jock Mosquito were at the very least, in the thrall of the CEO at the time, ex policeman Dave Rock.

Sometime-

AGWA presents ‘Art from the Kimberley: Old Ways New Beginnings’ featuring Paddy Tjamatji & Rover Thomas at the Perth Cultural Centre, drawn entirely from their collection from Mary Macha and Waringarri Arts. In his last show for AGWA, Curator Michael O’Farrell is consultant to Indigenous curatorial assistant, Tjalaminu Mia.

September-

An Exclusive Marketing Agent Agreement is drawn up by Dan Mossenson of Philips Fox Lawyers and signed between Maxine Taylor and Terry Brooks (Narrangunny Art Traders) and Rover Thomas, Queenie McKenzie and others. It is sent to Kevin Kelly at Waringarri Arts, but he ignores it. Dan and Di Mossenson own Indigenart/Mossenson Galleries in Perth.

October-

William Mora Gallery presents ‘Big Stories from the East Kimberley’, which included Rover Thomas works and others from Waringarri Arts.

October-

Helen Read’s Didgeri Art Tours visits Warmun Traditional Arts with a group of collectors, including Colin and Liz Laverty. The big trip to the desert is delayed, to meet with them.

In *The Dealer is the Devil*, Adrian Newstead states, “Rover’s final visit to his family and his country of birth was facilitated by Maxine Taylor and Terry ‘Serge’ Brooks in October 1996. (p.335). The big trip that was delayed.

Rover Thomas painted his last works for Waringarri Arts

1997

October-

Helen Read of Didgeri Art Tours visits Warmun Traditional Arts with a group of collectors for a second time. Read asked Maxine Taylor about the status of Warmun Traditional Arts. Taylor told Read that the enterprise was a non-profit organisation recognised by ATSIC. Read became suspicious when she checked the ATSIC Visual Arts & Craft Directory. Helen Read raised the matter with the Warmun Community Council and the artists. After a number of meetings it was revealed that Warmun Traditional Arts or Narrangunny Art Traders was a private business owned by Maxine Taylor and Terry Brooks.

December-

Adrian Newstead of Cooe Art and Tom Spender of Kimberley Art both wrote letters of support for Warmun Traditional Arts, however after more meetings, the Warmun Community Council voted to rescind the arrangements with Taylor and Brooks and asked them to leave the community and to vacate the Post Office house so it could be used for the new art centre.

1998

January-

Indigenart/ Mossenson Galleries, Perth present Jack Britten, Queenie McKenzie, Hector Chundaloo, Henry Wanambi, from Warmun Traditional Arts, glossed as, Warmun Art Centre.

March-

The Warmun Community Council decided not to admit outsiders to the community until the art centre building was renovated and an art co-ordinator appointed.

Sometime –

Freddie Timms forms Jirrawun Arts with Tony Oliver

Easter -

Rover Thomas dies at Warmun.

Sometime-

Kimberley Art, Melbourne presents Queenie McKenzie Solo show, 'Recent Work(1994-98)' sourced neither from Waringarri Arts nor the fledgling Warmun Art Centre.

August-

Narrangunny Art Traders attempt to enforce the Exclusivity Agreement but are opposed by Waringarri Arts and after a flurry of legal and press activity about Rover Thomas' health and capacity, the agreement was not enforced.

September-

Warmun Art Centre opens, a community owned and community-controlled enterprise.

October-

Kevin Kelly who has left Waringarri Arts to start his own art gallery, Red Rock Art in Kununurra, but is the Executor of Rover Thomas' Estate, became aware that Narrangunny Art Traders are using a reproduction of a Rover Thomas work painted for Waringarri Arts as the image on their business card, an infringement of Rover Thomas' copyright. The card states they are agents for Rover Thomas, Jack Britten, Hector Chundaloo, Henry Wanambi and Beerbee Mungari in an assertion of the Exclusivity agreement.

November-

Queenie McKenzie dies at Warmun.

1999

Sometime -

Freddie Timms paints Whitefella-Blackfella

Vivien Anderson says she saw the painting in the storeroom at Japingka Gallery. (See: Valuer's Report on The Jabanunga). Japingka Gallery in Fremantle is closely associated with Adrian Newstead and Neil McLeod (See: *The Dealer is the Devil* p.379).

THERE IS NO INDEPENDENT EVIDENCE OF THE PAINTING JABANUNGA until it shows up in -

2014

The Dealer is the Devil published by Adrian Newstead and the painting features on p. 336, in full colour and it is described as, "This magnificent work still in private hands ..." The launch of the book coincides with an exhibition at Fireworks Gallery, Brisbane, 'Legends: Aboriginal Masterworks', 26 March - 26 April, where the painting is the centrepiece and illustrated on the invitation.

c2014 –

The painting is offered around. French collector, Arnaud Serval says he was offered the painting by Adrian Newstead but declined it because it was "too flat" (Facebook, March, 2022) and Melbourne dealer, D'lan Davidson said he was also offered the painting but was not interested (Pers. comm April, 2022).

2015

April 28, Cooee Consultancy produces a glossy 15 page *Prospectus* for selling the painting. It states it was painted March 26, 1996 "for Warmun Traditional Arts for which the painting on offer was created during the first year of its operation" and Adrian Newstead says, "this in my opinion is Rover Thomas' greatest painting".

THIS PROSPECTUS IS PRODUCED ALMOST TWENTY YEARS AFTER THE PAINTING WAS MADE AND ACQUIRED.

2016

April 4-24

Cooee Art at Australian Galleries in Sydney exhibits the painting. Jeremy Eccles in an article in *Aboriginal Art Directory* called, 'Dealers v Institutions' on 23 April, comments on the Cooee Art hang being dominated by this painting and at a price of \$450,000 asks why an institution had not stepped up to buy it.

2017

The painting is illustrated in an article by Ruth Lovell, "Collecting Australian Indigenous Art" in *Art Museum*, Winter, 2017 and there are general comments by Lauraine Diggins. Ruth Lovell later became the manager at Lauraine Diggins Gallery.

June-

Acquired by Lauraine Diggins or Michael Blanche, or both as, Lauraine Diggins Fine Art, (not clear whom). The precise month is mentioned in Brenda Colahan's provenance description in her Valuer's Report.

2019

I had a significant and disconcerting interaction with Lauraine. Diggins On reflection I believe Lauraine Diggins was endeavouring to obtain my professional endorsement of the painting, which I consistently withheld.

March 1-

Lauraine Diggins contacted me by email. "Our mutual friend Kim Akerman" had suggested she speak to me about a Rover she had.

March 4 –

Reported to Kim Akerman that Lauraine and I had spoken, and we had agreed to meet soon. We had a few telephone conversations establishing rapport and trust. Her conversations were all veiled and put hypothetically; If someone had a Rover Thomas painting they wanted to donate to a public museum or gallery and its provenance was Warmun Traditional Arts – what would you say?

I said that I wasn't interested in seeing the painting - and a viewing was not on offer anyway - and furthermore, I was not passing any opinion on its authenticity at this point, it might or might not have been painted by Rover Thomas. The very provenance means that for me it is not appropriate for it to go into a public collection and attract a tax benefit for the donor under the Cultural Gifts Programme. I said that firmly and clearly to her. I also said a work with this provenance can be put forward on the secondary market and so long as the precise provenance is clear, the market can decide, I would not be commenting. I read out extracts from the section of my thesis on the Primary Market about Taylor and Brooks' activities at Warmun.

March 13-

I saw Jabanunga (Rainbow Serpent) on her website and was confident that was what we were talking about

6 June –

I heard that she had died and emailed Kim Akerman.

17 June-

I went to her Memorial Service at the NGV Art Centre partly because I knew Kim Akerman could not go. I RSVPed as was required. I had hoped to be able to speak to someone from her gallery about the issue Lauraine had raised with me. I was surprised and disturbed when Adrian Newstead delivered the Eulogy on Aboriginal art. I did not speak to anyone from her gallery or make myself known to her husband or family.

2022**February 24 –**

The NMA announces the donation of the painting in memory of Lauraine Diggins by her widower, Michael Blanche, valued at 1.2 million. It is described, as being created at “the fledgling Warmun community art centre “. The NMA Press Release does not mention either Warmun Traditional Arts or the role of dealer, Adrian Newstead.

A Sydney colleague sent me the link to John McDonald’s SMH article and asked me if I knew the painting as he had never seen it before.

I raised the issue with several of my colleagues including my former supervisor, Dr Jacky Healy, and Dr Lyndon Ormond- Parker. Some colleagues advised me to write to the Director of the NMA. I considered doing so but had no faith in that approach. Over the last ten years I have tried to raise provenance concerns with public institutions and prominent dealers and received no response whatsoever.

I was already in communication with Gabriella Coslovich of *The Australian Financial Review* about issues surrounding an upcoming Cooee Art Auction and a problematic painting of owls purported to be by Rover Thomas. I alerted her to the NMA donation, and she was interested in pursuing that story instead. I wrote a short summary of the issues as I initially saw them for her.

My colleague Dr Lyndon Ormond- Parker was so concerned, he raised it with the Secretariat of the Department of Arts responsible for the CGP and passed on my summary to them.

March 11 –

Article, ‘National Museum probe \$1.2m donated painting’ by Gabriella Coslovich appears in *The Australian Financial Review* and the Director, Dr Matt Trinca announces that there will be an investigation into the donation.