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## **Review of donation of Rover Thomas artwork**

**22 December 2022**

**National Museum of Australia media statement**

**Review of donation of Rover Thomas artwork *Jabanunga Goorialla (Rainbow Serpent)***

In the wake of concerns expressed about the provenance of the Rover Thomas work *Jabanunga Goorialla (Rainbow Serpent)* which was gifted to the National Museum of Australia (NMA), in March 2022 the Museum established an internal review to consider issues raised about the provenance and value of the painting ('the Review').

The donation of the *Rainbow Serpent* was gratefully accepted by the Museum, from the highly respected and long-standing arts patron, Michael Blanche, in honour of his late wife Lauraine Diggins OAM, who passed away in 2019.

The Review included an examination of the Museum's internal acquisition processes and considered documentation, publications, photographs and other reference materials associated with the gift.

The Review found no evidence to give cause for concern about the painting's valuation, provenance, or quality.

It also found the Museum undertook collection assessment work, as outlined in its established collection policy and procedures framework, which included consideration of the painting's background, artist, legal title and cultural context.

It concluded that the Museum had undertaken sufficient due diligence to assure itself of the provenance of the artwork and in the absence of any other evidence, that there was no cause to doubt the attribution of the painting to Rover Thomas.

The Review noted the painting is accompanied by a digital certificate of authenticity prepared by Warmun Traditional Artists. There are several photographs showing Rover Thomas with the painting taken in 1996, including one of him signing the work. There is also a Statutory Declaration by the person who sold the painting in 1996, on Rover's behalf.

Further, the Review clarified where the painting has been held since 1996. In 1996, on instruction from Rover Thomas, Warmun Traditional Artists sold the painting to a private collector based in Western Australia. The painting was held by this individual in storage until around 2014, when it was displayed for sale in several galleries, before it was purchased by Ms Diggins in 2017.

The Review also included an examination of the valuations conducted for the painting. The artwork was reviewed and assessed by three (3) Cultural Gifts Program (CGP) approved valuers, who are included in a Register of valuers managed by the Office for the Arts (OFTA). The valuers separately assessed the painting as being worth \$1.2-million, \$1.2-million and \$1.5-million, respectively. Based on the valuations, a value of \$1.3-million was attributed to the donation, which is an average of the three valuations.

The Review found the valuers prepared their valuation estimates independently. OFTA reported that the CGP submission was then assessed by an independent Expert Advisor. The role of the Expert Advisor included assessing whether the valuers' estimates reflected the market value of the gift, on the day they were made. OFTA advised that no concerns were raised in regard to the valuations.

The Review did recommend the Museum consider additional enhancements to its policies and procedures to further refine its collection acquisition framework.

The Museum has begun work to update its acquisition procedures to reflect these recommendations.

While no evidence has surfaced to bring into question the attribution of the work to Rover Thomas, the Museum takes its responsibilities to Indigenous artists and communities seriously.

While the Review was satisfied that the Museum undertook sufficient due diligence, it did find that some of the research and assessment processes could have been done better and pointed to Indigenous consultation as an area to be addressed. The Museum recognises that this was due in part to the acquisition being conducted during the COVID pandemic when travel was restricted and believes these enquiries should now be undertaken.

The Review recommended that the Museum conduct additional research about the painting to supplement its existing collection documentation, including commencing consultation with Indigenous stakeholders and contacting the original purchaser and all galleries that previously displayed the work.

The Museum will therefore undertake additional research, which will include staff travelling to the Kimberley to meet with community members.

The additional research will also examine the divergent views and contested approaches in the art sector about what constitutes 'correctly provenanced' Indigenous artworks with a view to ensuring better understanding how this issue can be managed by cultural institutions. The additional research will commence in 2023.

If new evidence comes to light in relation to the provenance of the painting, the Museum will of course revisit these issues.

The Museum thanks everyone who participated in the Review process to date and acknowledges Rover Thomas, who was one of Australia's greatest artists.

[Read Summary report of Review into Rover Thomas acquisition \(https://www.nma.gov.au/about/corporate/rover-thomas-acquisition-review\)](https://www.nma.gov.au/about/corporate/rover-thomas-acquisition-review)

[Read Jabanunga Goorialla provenance statement \(PDF 470.7 kb\)](https://www.nma.gov.au/data/assets/pdf_file/0010/789697/Jabanunga-Goorialla-provenance-statement.pdf)

[https://www.nma.gov.au/data/assets/pdf\\_file/0010/789697/Jabanunga-Goorialla-provenance-statement.pdf](https://www.nma.gov.au/data/assets/pdf_file/0010/789697/Jabanunga-Goorialla-provenance-statement.pdf)

[Read earlier Rover Thomas media release \(https://www.nma.gov.au/about/media/media-releases-listing-by-year/2022/rover-thomas-acquisition\)](https://www.nma.gov.au/about/media/media-releases-listing-by-year/2022/rover-thomas-acquisition)

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## Summary report of review into Rover Thomas acquisition (2022)

### Review into the acquisition by the National Museum of Australia of *Jabanunga Goorialla (Rainbow Serpent)*, 1996, attributed to Rover Thomas

#### Background to the Review

*Jabanunga Goorialla (Rainbow Serpent)* attributed to Rover Thomas, was offered to the National Museum of Australia (NMA) for donation in FY 2019/20 by Mr Michael Blanche, Director, Lauraine Diggins Fine Art, in honour of his late wife, Ms Lauraine Diggins OAM. As an eligible Cultural Gifts Program (CGP) recipient institution, the NMA also prepared the CGP submission on behalf of the donor.

On 24 February 2022, the NMA announced the donation through a media release detailing the donation by Mr Blanche to the NMA.

On 11 March 2022, the *Australian Financial Review* (AFR) published an article by journalist and saleroom writer, Ms Gabriella Coslovich. The article made claims about the provenance and authenticity of the work, and the valuation estimates.

The Director, NMA, Dr Mathew Trinca AM requested a Review into claims raised by the AFR and appointed Deputy Director, NMA, Ms Stephanie Bull to undertake the review.

The Terms of Reference were to investigate and review:

1. The steps taken by the Museum to assure itself of the provenance of the work, *Jabanunga Goorialla (Rainbow Serpent)*;
2. The extent of the documentation and other sources of information that were consulted by the Museum to establish the work's provenance;
3. The reliability of the valuations undertaken by the external expert valuers engaged by the Museum to assess and value the work;
4. The existence of any reliable evidence that may support the claims made about the work's provenance; and
5. Any further steps that might be taken by the Museum to establish the work's provenance.

## Review process

The Review process included:

- Review of all documentation held by the NMA relevant to the donation, its provenance, assessment and CGP submission.
- Review of broader contextual documentation relating to the artwork and Rover Thomas, including images, publications, exhibition catalogues.
- Review of the NMA's policy and procedures framework relating to the acquisition of objects into the NMA collection.
- Review of material provided by the Office for the Arts (OFTA) in relation to the Cultural Gifts Program.
- Review of all material provided by external parties who participated in the Review.
- Interviews with NMA staff, Office for the Arts staff, the donor, CGP valuers, Directors of commercial galleries, and art coordinators.
- Preparation of final report for the Director, National Museum of Australia.

## Summary of Review findings

The Review found that at the time of donation in 2020, the NMA undertook steps in accordance with its acquisition policy and procedures framework to assure itself of the provenance of the artwork.

In undertaking the assessment, the NMA undertook sound research and inquiries and utilised a range of publications, documentation, photographs, audio recordings, reference materials.

The NMA's assessment process included the preparation of a two-stage collection proposal, as required under the NMA's collection assessment procedures. The collection proposals were considered by the NMA Acquisitions Collection Group (ACG) and approved by the required senior delegate. No issues were identified during the curatorial assessment process, ACG process or by the senior delegate who approved the donation into the NMA's collection.

The assessment process in 2020 included consideration of:

- Background of the work, its provenance and broader contextual information about Turkey Creek/Warmun community
- Details regarding Rover Thomas, and his work as an artist
- Legal Title (or Chain of Ownership)
- Context of the artwork in relation to the NMA Collection and priority collecting projects
- Cultural context of the work
- Intellectual property matters
- Exhibition and collection management matters
- Statement of Significance.



The NMA formally accepted the donation into the NMA collection, after it had undertaken the assessment process, as outlined in the NMA's established collection policy and procedures framework.

The Review considered the collection assessment documentation and process at the time the painting was donated, and additional information provided during the course of the Review. The Review concluded that:

- The NMA had undertaken steps to assure itself of the provenance of the artwork
- The NMA had considered a range of documentation when establishing the painting's provenance
- The NMA has a well-established and an effective collection acquisitions framework. This includes guidance and procedures for undertaking provenance research and conducting due diligence
- There was no cause to doubt the attribution of the painting to Rover Thomas.

The NMA, as an eligible Cultural Gifts Program recipient institution, facilitated the preparation of the CGP submission to OFTA, on behalf of the donor.

Three valuers prepared CGP Certificates of Valuation for the painting as part of the CGP submission. Based on the valuations, a value of \$1.3 million was attributed to the donation, which is an average of the three valuations. Each valuer is an approved CGP valuer, they are included on the Register of approved CGP valuers managed by the Office for the Arts (OFTA), and each valuer has been an approved CGP valuer for several decades.

The Review found that the valuers prepared their valuation estimates independently; each valuer undertook their own research when preparing their valuations; and each valuer applied different methodologies to develop their market value estimates.

The NMA consulted with OFTA during the Review regarding the CGP submission. OFTA reported that the CGP submission was assessed in 2020 according to the required CGP processes. This included the CGP submission being assessed by the relevant CGP officers and by an independent Expert Advisor. OFTA advised the CGP submission was assessed at the time as following the correct process for CGP submissions, in accordance with the CGP policies and procedures, and in some aspects exceeded CGP requirements. The role of an Expert Advisor under the CGP program includes reviewing the valuation methodology undertaken by the CGP valuers; assessing whether the valuation estimates reflect the market value of the gift on the day it was made; and assessing whether any aspects of the gift is potentially inconsistent with program requirements. OFTA advised the NMA that no issues or concerns were raised in regard to the valuations.

The Review concluded that the NMA could consider the three CGP Certificates of Valuation reliable.

The Review assessed claims made by the AFR in regard to the painting's valuation, provenance and quality and the claims that the painting had not been undertaken by Rover Thomas. The Review considered a wide range of documentation and information provided by internal and external parties. The Review concluded that, based on the information provided to the NMA in 2020 and during the course of the Review, there was nothing to substantiate the claims made in the AFR article in relation to the painting's valuation, provenance or quality or to suggest that the work had not been painted by Rover Thomas. The Review noted that there are several photographs showing Rover Thomas with the painting taken in 1996, including one of him signing the work. There is also a Statutory Declaration by the person who sold the painting in 1996, on Rover's behalf.

The NMA would like to acknowledge Rover Thomas, who was one of Australia's greatest artists. His expertise in regard to Indigenous art, knowledge and practice, significantly contributed to national and international recognition and understanding of the importance of Indigenous culture.

November 2022

### **More**

[Review of donation of Rover Thomas artwork media release \(https://www.nma.gov.au/about/media/media-releases-listing-by-year/2022/rover-thomas-artwork-review\)](https://www.nma.gov.au/about/media/media-releases-listing-by-year/2022/rover-thomas-artwork-review)

As part of the initial assessment process the Museum considered extensive documentation in relation to the work. While the Review was satisfied that the Museum undertook sufficient due diligence, it did find that the Museum could have done some things better and made some suggestions about further research that could be conducted. In addition, during the Review, a number of participants indicated that there may be additional information available about the painting's previous display history since its creation in 1996. The Review considered that it may be valuable for the NMA to examine whether any such information would further supplement the documentation the NMA already has in regard to the painting.

### Overview of the available provenance for the work



#### Jabanunga Goorialla provenance statement

([https://www.nma.gov.au/\\_data/assets/pdf\\_file/0010/789697/Jabanunga-Goorialla-provenance-statement.pdf](https://www.nma.gov.au/_data/assets/pdf_file/0010/789697/Jabanunga-Goorialla-provenance-statement.pdf)) [ PDF | 470.7 kb ]

### Recommendations

Recommendations included:

- That the NMA consider additional enhancements to its policies and procedures to further refine its collection acquisition framework, and that the NMA review its collection management framework regularly to ensure it remains up to date.
- That the NMA streamline its internal processes in relation to coordinating CGP submissions.
- That the NMA assess the existence of additional information in relation to the painting's history to supplement its existing collection documentation and research material associated with the work. This includes undertaking further consultation with Indigenous stakeholders.
- That the NMA address the contested approaches in the art sector regarding what constitutes 'correctly provenanced' Indigenous artworks by ensuring policies and procedures provide clear and robust guidance on the NMA's methodology to establishing its own provenance standards.
- That as part of best practice, that NMA run regular training sessions on the NMA's acquisitions processes for NMA staff who may be involved in donations.
- The NMA publish online its collection management policies and procedures to promote public transparency and accountability in relation to the NMA's collection policy and procedure framework, including managing donations.

The NMA would like to thank staff and external interviewees for their time, cooperation and their willingness to participate in the Review. The NMA recognises the personal and professional impacts that this matter has had for everyone interviewed, and in particular the donor and their family, the valuers and staff closely involved in the assessment and acquisition process.



### ***Jabanunga Goorialla (Rainbow Serpent) – Overview of Provenance***

This provenance statement has been prepared using material available to the Museum as at November 2022.

#### **The works**

*Jabanunga Goorialla (Rainbow Serpent)* (1996) by Kukatja and Wangkajungka artist Rover Thomas (Joolama) (c 1926 – 1998). See [Rover Thomas](#) and [Rover's legacy](#) on the Museum's website.

Painted at Warmun (Turkey Creek), Western Australia, the painting measures 1,800 x 2,700 mm. The materials are natural ochres and synthetic binder on Belgian linen.

*Jabanunga Goorialla (Rainbow Serpent)* depicts the Rainbow Serpent penetrating the earth at the Ophthalmia Ranges, west of Mount Newman, in the Pilbara Region of Western Australia. The concentric circles are thought to represent topographic features of the vast plains, possibly referencing the massive mining operations of the region. Thomas masterfully blends aerial and front-on perspectives, depicting the Rainbow Serpent in motion, plunging into the earth's surface. The Rainbow Serpent is thought to have risen at Lake Waukariykarly, north of Newman, or at Lake Dora to the east of Newman. The Serpent then dived into the Fortescue River and travelled towards the ocean.

This is the country where Thomas grew up, and after a lifetime travelling as a drover and as an artist in his adopted home of Warmun, Thomas returned to this country in the final years of his life. Following his last visit, Thomas painted *Jabanunga Goorialla (Rainbow Serpent)*

#### **Creation of the work**

In 1995, Maxine Taylor and Terry Brooks arrived in Warmun to manage the Warmun Roadhouse at the request of the Warmun community coordinator. At that stage artworks were being created by community members and marketed by the Warmun community coordinator through Waringarri Art Centre, Kununurra, on behalf of the artists. Some of these artists approached Taylor and Brooks to set up a space for artists to work in. Taylor and Brooks were appointed as the first art coordinators at Warmun, with permission from the community and Warmun Council.

Taylor and Brooks operated a facility in the old post office building and assisted the Community Elders and artists to produce and market the artworks, trading under the business name Warmun Traditional Artists. Warmun Traditional Artists was funded by Taylor and Brooks personally and was not funded from external sources. They later set up a private company, Narrangunny Art Traders, through which they conducted their art trading business.

Rover Thomas painted *Jabanunga Goorialla (Rainbow Serpent)* at Warmun under an

arrangement with Taylor and Brooks. This arrangement included Taylor and Brooks supplying all materials and arranging for the production and sale of the works, in exchange for a commission when the work was sold. Other artists who painted alongside Rover Thomas during this period included Jack Britten, Queenie McKenzie, Freddie Timms, Hector Jandany, Beerbee Mungnari and Henry Wambini. Although Rover Thomas's health declined towards the end of his life, he still painted when he could, at times sitting on the canvas to work.

*Jabanunga Goorialla (Rainbow Serpent)* is accompanied by a digital certificate of authenticity prepared by Warmun Traditional Artists. This certificate records the work as catalogue number RT0001 and notes its completion date as 26 March 1996. There are several existing photographs showing Rover Thomas with the painting taken in 1996, including one of him signing the work.

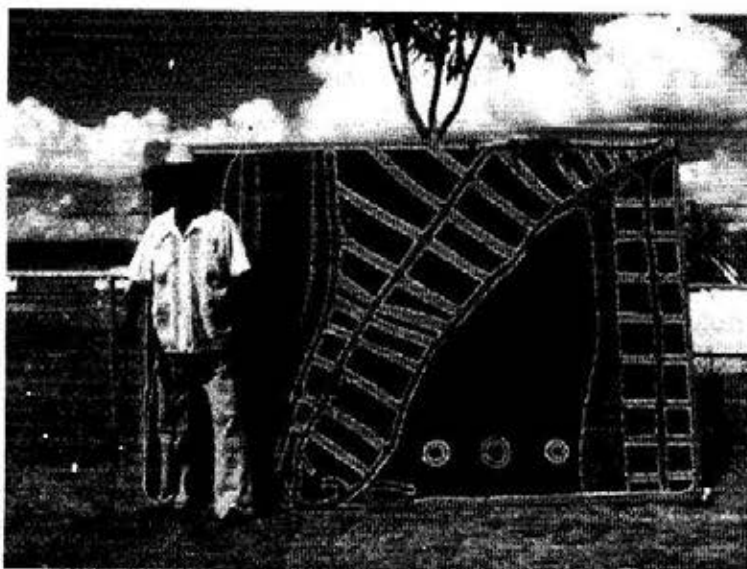


Photo caption: Rover Thomas with the *Jabanunga* painting, Warmun. Copyright T Brooks, 1996

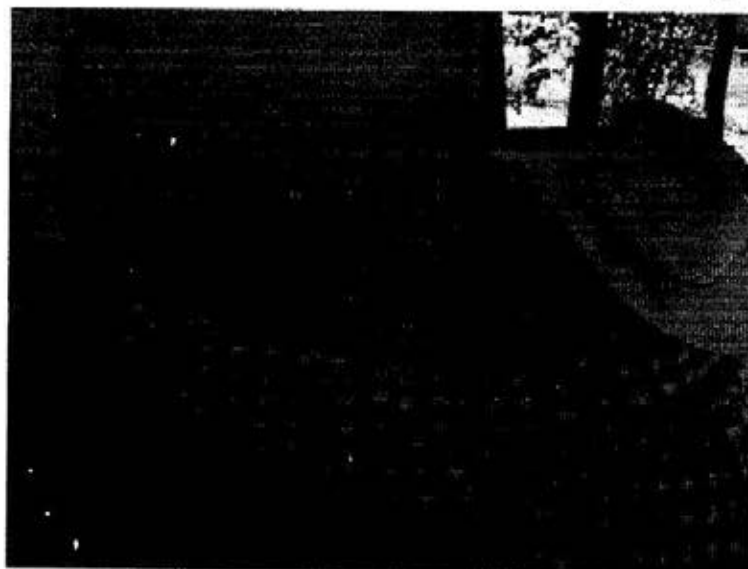


Photo caption: Rover Thomas signing the back of the painting, Warmun. Copyright T Brooks, 1996

A condition report on the work undertaken in March 2020, by a firm contracted by the Museum, details that there is evidence of paint brush hairs, feathers, dirt and sand within the paint layers, and these were likely to be contemporary with the painting's genesis. The information provided to the Museum during the initial acquisition assessment and as part of the recent review indicates that the work was painted by Rover Thomas. There was no evidence provided that the work was created by, or should be attributed to, another artist.

Photographs taken by the National Museum of Australia in 2022 show that the marking and signature on the back of the painting *Jabanunga Goorialla (Rainbow Serpent)*, align with the photographs taken in 1996 of Rover Thomas signing the canvas.

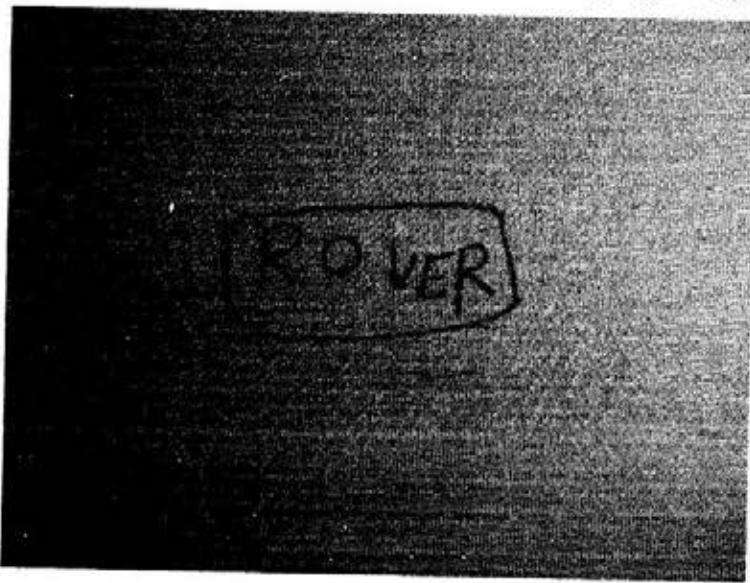


Photo caption: Photograph of Rover Thomas's signature on back of *Jabanunga Goorialla (Rainbow Serpent)* painting, taken by the National Museum of Australia, 2022.

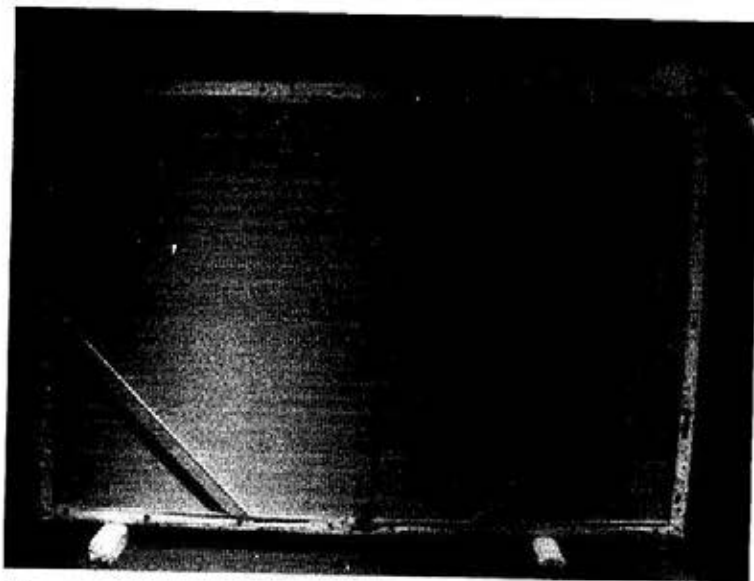


Photo caption: Photograph of back of *Jabanunga Goorialla (Rainbow Serpent)* painting, taken by the National Museum of Australia, 2022.

The Museum was provided with information which recounted the work being farewelled by elders in Warmun when it left the community. The presence of community elders in farewelling the painting was said to demonstrate the importance of the work and Rover Thomas as a painter.

### **Legal Title (Chain of Ownership)**

Once completed, the painting was sent to a gallery in Melbourne on consignment. As the work remained unsold, Rover Thomas requested that it be returned to Western Australia so it could be shown at another gallery. The painting was stored and displayed for a short period of time at a gallery in Perth. In 1996, on instruction from the artist, Warmun Traditional Artists sold the painting to a private collector based in Western Australia, who had viewed the painting while on display at the Perth gallery.

The sale price, though confidential, was regarded as significant in comparison to prices for works by other major Indigenous artists at the time. The private collector kept the work in storage rather than displaying it.

With the then-owner's agreement, the painting was displayed for sale at several galleries in Brisbane, Sydney and Melbourne from around 2014. A Prospectus was published on the painting in 2014. In 2017, the painting was on display at Lauraine Diggins Fine Art Gallery. Lauraine Diggins, a founding director of Lauraine Diggins Fine Art, was a respected art dealer and influential champion of Indigenous art. Ms Diggins decided to purchase the work from the owner in 2017, with the sale facilitated through Maxine Taylor.

Ms Diggins passed away in April 2019. Her husband, Michael Blanche, continues her work at Lauraine Diggins Fine Art, and in December 2019 offered the *Jabanunga Goorialla (Rainbow Serpent)* as a donation to the National Museum of Australia under the Cultural Gifts Program to honour the memory of his wife. Following a detailed assessment of the work, the Museum formally accepted the donation in June 2020.