

Problematic artworks or my doctor told me to take up painting to help me cope with the panic attacks

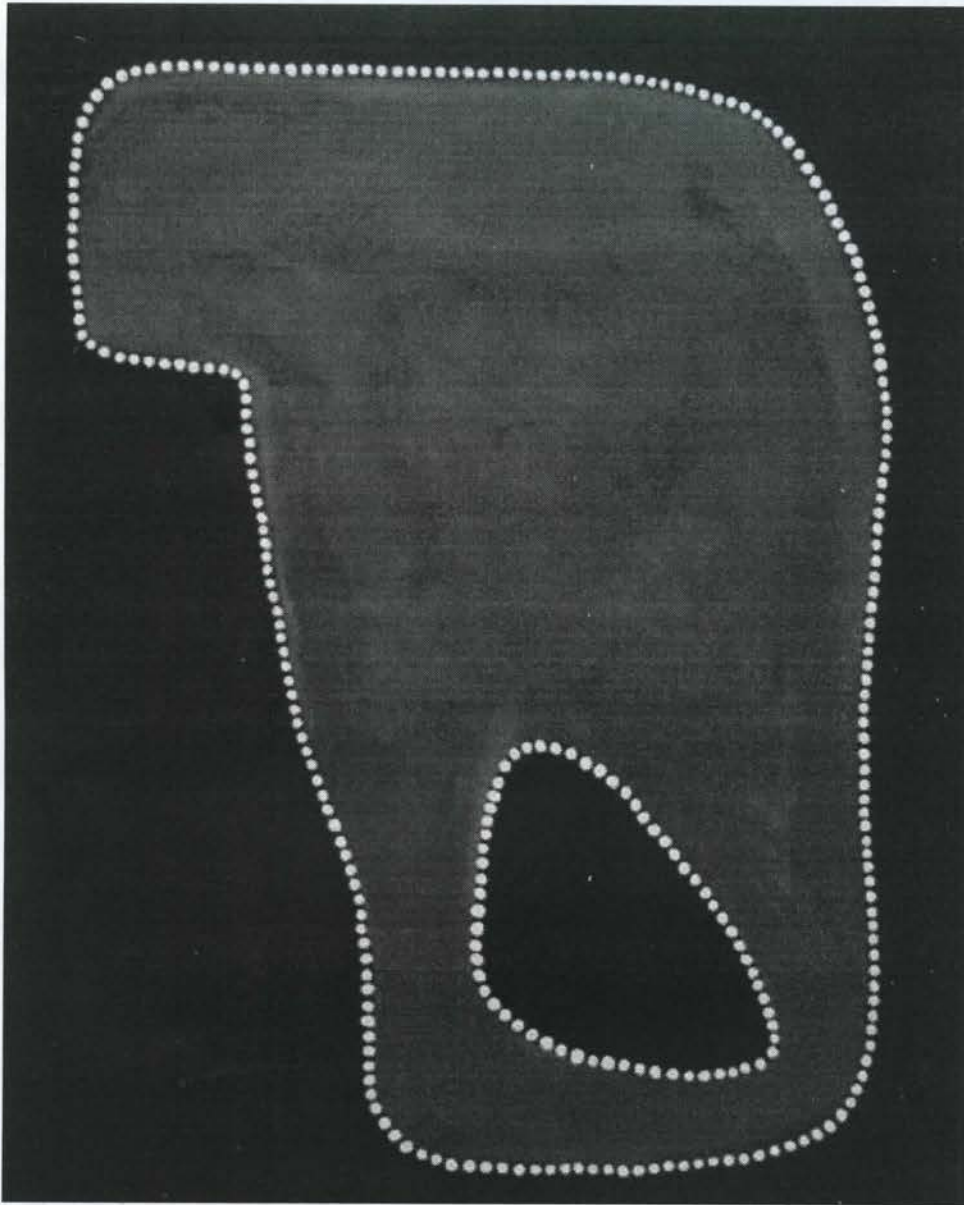
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Feature

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Suzanne Spunner, a graduate of Melbourne University's Art Authentication Program at the Centre for Cultural Materials Conservation, writes about the successful landmark prosecution of Pamela and Ivan Liberto for forging Rover Thomas paintings in November 2007.

Meanwhile in April 2008 artist Nat Thomas, half of the art duo Nat and Ali, in an exhibition entitled 'Appropriation: how appropriate is it?', made and showed fake Rover Thomas paintings as an art prank. 'My doctor told me to take up painting to help cope with the panic attacks' is a quote by Pamela Liberto from the transcript of the case, appropriated by Nat Thomas as the title for one of her fake Rover Thomas works.



Nat Thomas *hi, can i interest you in a Rover Thomas* 2008, acrylic on canvas, 78 x 63cm.

Forgery of Indigenous art is a hot topic, it has become the stuff of art and fiction. In February this year a new film *Dingo Dreaming* was slated for production; it centres on a prominent New York based art appraiser coming to a remote Aboriginal community 'to authenticate a collection of Aboriginal paintings'. Meanwhile in April, Nat Thomas, half of the notorious provocateur art duo Nat and Ali, held an exhibition at Until Never gallery entitled *Appropriation: How appropriate is it?* And among her topical targets was the Rover Thomas forgery case heard in Melbourne in November last year. Thomas (Nat) was intrigued by the idea of forgery as a performative act and a form of conceptual art. She claims that had the forgers, Pamela and Ivan Liberto adopted a different defence strategy, asserting it was an art prank they may have escaped jail. But as she freely acknowledges she doesn't know much about the law.

Art forgery also remains an urgent and serious issue as the recent forum at Melbourne University on *Problematic Artworks* attests. It was convened by the Forgeries Focus Group (FFG) of the Australian Commercial Galleries Association (ACGA) in conjunction with the Art Authentication

Program at the Centre for Cultural Materials Conservation (CCMC). The successful landmark prosecution of the Libertos for forging Rover Thomas' work by passing it off to auction houses and profiting from the deception, was used as a case study and the forum's raft of experts drawn from Law, Policing, Criminology, galleries and auction houses, included the gun prosecution team, minus their barrister but with their expert witness on art authentication, Robyn Sloggett, Director of CCMC.

Indigenous art fraud was however not the main focus, rather the forum addressed the issue at large. Criminologist Professor Ken Polk from the University of Melbourne and Professor Duncan Chappell from the University of Wollongong defined the area and described why it is so difficult to make a reasonable estimate of the extent of the problem. Legal issues were taken up by academic Emily Hudson and Intellectual Property lawyer, Colin Golvan QC. Sothebys' Paintings Specialist, Fiona Hayward explained auction house descriptors and the trade lexicon but neither she nor Indigenous Art Specialist, Tim Klingender would be drawn on disclosure of provenance if it compromised their client's privacy. Tamara Winikoff from NAVA spoke about the proposed code of conduct for Indigenous Art and the Viscopy representative clarified misunderstandings about copyright and artists' estates. The relationship between copyright clearance and reproduction fees paid to artists' estates for auction catalogue illustration was canvassed as a minimal way of checking problematic works going up for auction but it depends both on the beneficiaries' willingness to forgo reproduction fees and their expertise to challenge doubtful works.

There were also contributions from those representing particular artists' interests: Stephen Nall on Robert Dickerson, Walter Granek on Charles Blackman and Helen Brack on John Brack as well as Beverley Knight on Ginger Riley. Journalist, Corrie Perkin from The Australian who has been reporting on problematic paintings offered by Lawson-Menzies in some of their recent Aboriginal art auctions, urged the industry to make use of the press in a careful and considered way to break the silence on art fraud.

Robyn Sloggett led the final session where she posed the question: what is the cost if we do nothing; what is the effect on the culture, Australian and Indigenous? Observing the trends, it is clear that problematic works enter the market and even if doubts are raised and they are withdrawn for a time, they never come out of the market. Corrupting the market is not just bad business it also corrupts the historical record and distorts the transmission of living cultures. Ultimately what might seem like commercial issues in isolation actually have profound moral and political ramifications.

The Absent Ideal

I sat through the Liberto case at the County Court trying to track the slippery nature of truth, testimony and emotion as it unravelled and among the many aspects which interested me were the negative capabilities it revealed; absences, silences and mismatches. At no time during the entire case did anyone of us, not the judge, nor the jury, the press of court reporters, the clerks, the correctional officers in charge of the accused, Ivan and Pamela Liberto, the police prosecutors, the defence lawyers, those interested members of the public, not to mention the multitude of witnesses, giving evidence as to the health and character of the Libertos, or the array of auction

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house 'experts' who were sold the Liberto pups, not one of these saw a single true Rover Thomas painting. The authentic Rover Thomas work was a platonic ideal, invoked and evoked but never experienced. This allowed a fiction to be perpetuated that there was really no victim involved: the Libertos' assets were seized, the auction houses repaid for the money they lost refunding the purchasers of the fake Rover Thomas paintings, which are now reascribed as 'School of Liberto'. Justice was done, the false works were destroyed, the perpetrators punished but the true impact on the reputation of Rover Thomas as an artist and the integrity of his oeuvre remains an unknown deficit and an incalculable damage done.

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