

CHECK YOUR GIFT HORSE'S MOUTH- HE MAY COME BACK TO BITE YOU

1.PP

Good afternoon- Some of you may have seen this report in *The Australian Financial Review* early last year and you may also have seen the apparent end of the story at Christmas, when it was declared everything was fine and dandy and there was nothing at all to see here.

2.PP

AFR March

3.PP

AFR December

We are here to tell you the story is not over and to warn you.

Background

My colleague Lyndon Ormond Parker and I have been engaged with securing the oeuvres of East Kimberley artists since 2009. We met during the first year of our PhDs at Melbourne University. Mine was about Rover Thomas and Lyndon's Digital archives. The first thing we did was to obtain an AIATSIS grant to digitise all the material related to Rover Thomas at Waringarri Arts in Kununurra, at Warmun Art Centre at Turkey Creek and Jirrawun Arts in Derby. We argued the records were fragile and precarious - in danger of being lost, at risk of insects, mould, fire and flood - as was to happen at Warmun Art Centre in 2011, and susceptible to being penetrated and compromised for fraudulent purposes.

4. PP

Warmun Floods

Digital copies were lodged with AIATSIS and UoM. I retained working copies - the originals were secured in the Art Centres away from the public. Since then, Waringarri Arts have referred all queries about Rover Thomas to me - *Can you issue a new certificate? Can you authenticate this painting?* Etc. Relieving the Art Centre staff from the pressure of this onerous and time-consuming task.

5. PP

AIATSIS - Grant 2009

Waringarri Arts, Kununurra, Warmun Art Centre Turkey Creek,
Jirrawun Arts, Derby

Prior to my PhD I completed the Graduate Certificate in Art Authentication at the Grimwade Centre for Cultural Materials Conservation taught by Professor Robyn Sloggett. Although it was not directed to Aboriginal art that was what I focused on. At the same time Robyn Sloggett was the expert witness in the Rover Thomas forgery case in the County Court in Melbourne. I sat through the court case and learnt that although it was an outlier, there was a much bigger problem to be investigated. Hence my Phd, "Vindicating Rover Thomas" completed in 2012.

6. PP

Grimwade Centre for Cultural Materials Conservation
Professor Robyn Sloggett
Liberto Forgery Case

In my PhD, I developed a methodology for rating the provenance of a Rover Thomas painting from – A - securely provenanced through to F – proven to be fraudulent. I tackled the issue head on- the conditions under which a painting has been made. Considering -duress, poverty, illiteracy, painting to order, informed consent, story documentation, corrupted payments etc so that even if the artist was present or apparently present, and there is so-called "photographic evidence", it could still be queried, and its provenance rated ethically. My work is entirely focused on provenance - documents and art history as pathways for authentication and not scientific examination, of say, ochres - because in the case of Rover Thomas, he got ochres from many sources.

7. PP

Provenance Rating

A

B

C

D

E – under examination

F –proven to be fraudulent

Regrettably my thesis is extremely restricted because I named the names and described dubious practices in detail. I have however judiciously distributed hard copies to the people who can be most effective in stopping the circulation of these works.

The Primary Market

Waringarri Aboriginal Arts was formed in 1986, and Rover Thomas began painting in 1983 for Mary Macha, the Manager of the government agency, Aboriginal Arts WA based in Perth. Soon after she became an independent agent and represented Rover Thomas and his Countryman Paddy Jambanji. By 1986 Rover Thomas was painting for both Waringarri Arts and Mary Macha.

8.PP

Mary Macha based in Perth
Waringarri Aboriginal Arts in Kununurra

Although he lived at Turkey Creek or Warmun, Rover Thomas never painted for the Warmun Art Centre. It was set up after his death. Rover Thomas however painted for a number of private entities that infiltrated the Warmun community and called themselves- “art centres”- Warmun Art Inc, Warmun Traditional Arts, Narangunny Art Traders – although they were neither community owned nor community controlled and not subject to any form of public scrutiny as genuine art centres are.

9. PP

YES Warmun Art Centre NO Warmun Art Inc,
Warmun Traditional Arts, Narangunny Art Traders

Rover Thomas also painted for private dealers such as Peter Harrison of Kimberley Art, a gallery in Flinders Lane, Melbourne, and at what is described as a Painting Camp at Neil McCleod’s Studio in 1995. There is no doubt Rover Thomas did some paintings for Harrison and McCleod over a two week period in the Dandenongs, but subsequently an unfeasibly large number of works have been attributed to this time.

The Secondary Market

The Auction market for Aboriginal Art essentially began with Sotheby’s and Robert Bleakley, and his protégé, the late Tim Klingender. Its development intersects perfectly with the rise of Rover Thomas, and from the outset there were issues. In 1994 before there were even dedicated Aboriginal art auctions, two early works attributed to Rover Thomas were accepted by Sotheby’s. Tim Klingender told me how he was there - “a mere schlepper” – he said, on the day, when Mary Macha strode in and demanded Robert Bleakley withdraw these “dreadful works”. They were not withdrawn; the catalogue was printed.

But a sale note was inserted saying, "School of ... ". Bleakley instructed Klingender to never accept work from this source - Neil McLeod - ever again.

10. PP

Sotheby's Australia Robert Bleakley

Sotheby's Aboriginal Art department Tim Klingender

In late 1995 Macha organised for Rover Thomas to travel to Melbourne with Kevin Kelly the Waringarri manager and others. They visited galleries and dealers where problematic works were appearing, including Hank Ebes' Australian Gallery of Dreamings in Bourke Street, however Rover's health and memory was severely compromised, and he was not up to the task of reliably verifying his own work.

Macha continued to raise questions in the press whenever works came up usually through Lawson Menzies when Adrian Newstead was Head of the Aboriginal Art Department. For Rover Thomas, the gold standard provenance was Waringarri Arts and Mary Macha. Adrian Newstead regards this as elitist, and he has always accepted a conspicuously lower standard of provenance.

11.PP

Adrian Newstead Lawson- Menzies

Authenticator of Aboriginal art

In 2017 in her nineties, Mary Macha died. Later that year, Lyndon and I digitised her archive assisted by her executor, colleague, and great friend Kim Akerman in Hobart, before it was deposited in the Battye Library in Perth.

Now I am the person the auction houses consult.

Mary Macha did not have to leave her home office in Subiaco as faxes of photographs of purported Rovers were sent across the country to her, and by return fax she wrote – "*This is or is not, a genuine Rover Thomas*".

For me however, it is not so straight forward, I cannot claim the firsthand knowledge Mary Macha had. Instead, must instead write carefully phrased and parsed assessments using words like "problematic" and in extreme cases "cannot reliably be ascribed to the oeuvre".

I had to reconcile being paid for my expertise, and not being perceived as an authenticator for hire. I resolved this by creating an entity with a dedicated bank account, East Kimberley Art Matters or EKAM and directing any fees to the two art centres - Waringarri and Warmun.

This declared my opinion was valuable and completely independent, that I had no financial interest in the outcome and the process directly benefited the art centres.

12. PP

EKAM East Kimberley Art Matters

Not just Rover Thomas

It soon became apparent that I was expected to comment on other East Kimberley artists - Paddy Jambanji, Queenie Mc Kenzie, Freddie Timms, Paddy Bedford and Jack Britten whom I had discussed in the many appendices of my PhD, I resisted at first but have come to realise no one else – except for Jirrawun executors and Paddy Bedford - is advocating for the oeuvres of these artists and there are issues, even *new* issues arising.

Consequences of the growth of the Secondary market

In the last decade it is clear, sadly, that my hypothesis about the corruption of the market is correct and more and more examples have fortified my findings, as the Secondary market has grown - bringing high prices, greater visibility, the rise of star performing artists, and the entry of HNW individuals. Greater awareness of the financial consequences means auction houses are now more risk averse and proactive - they seek advice before accepting work. An important ruling by Judge Peter Vickery, in the Peter Gant/ Robert Dickerson case in 2010 found that valuing a work was tantamount to authenticating it. This has not been tested nor challenged, but it is prudent not to risk it. Now even Menzies Art Brands, previously notorious for its so called non-elitist provenances ie. Neil McLeod and Warmun Traditional Arts, under new management, consults me first.

This leaves many investor art lovers who bought a bargain having been assured it would appreciate, holding works they cannot sell at auction. What can they do with all this second-rate, poorly provenanced artwork?

Cultural Gifts Program

The Cultural Gifts Program, CGP is the new laundry. When I did my research the spectre of works coming through under CGP had not emerged and I was prepared to say of poorly provenanced work, let the market decide on its value. However now it is clear that work offered on the auction market must have an ethical provenance because down the track, its owner or their descendants may decide to gift it to a public institutions.

Truth telling

Works should not be in public collections that are not well provenanced, not from ethical, transparent and accountable sources, moreover many are so problematic they may not be authentic. If they have been gifted under CGP provisions, they have attracted a substantial tax benefit for their donor and the public has been cheated.

Works in public collections are exemplars of the artist's oeuvre. They enable everyone - scholars, the public and Indigenous communities to value, appreciate, and understand the work. In university collections they explicitly serve pedagogy. They must be what they claim to be.

When you go back, check your accessions under CGP. The entry of Indigenous art into university museum collections needs a protocol of acceptance to ensure that any gifts and donations are properly scrutinised by museum curators and recognised independent experts. Recent events have revealed that public collections are becoming a safe haven for poorly provenanced work and that accepted standards are being adjusted to favour less rigour and replace it with an open sesame approach.

The following public collections have all been compromised by accepting works into their collections These are just some that I am aware of -

NMA- 1 x RT; Australian Museum Sydney – 1 x RT

QAG – 1 x RT; NGV – 4 X PJ ; NGA – 25 x QM purchase

A regional gallery – an entire “Kimberley Collection”

In the US – the Seattle Art Museum and Dartmouth College Collection.

All of them in my expert opinion come from the same source and conduit that I identified in my PhD a decade ago. Be vigilant and be informed!!!

13. PP

If Aboriginal Art is a White thing /

And Aboriginal Art is a Real thing/

Then Fake Aboriginal Art is a White Thing.

14. PP SSS Website / art authentication

Look at my website where you can read my submission to the NMA countersigned by my colleagues, Lyndon and Dr Jacky Healy. **END**

LYNDON-

Cultural Plan and ICIP

Unintended consequences of good policies -

Both Copyright fees for reproductions of artist works and Droite de Suite, Resale Royalty have had unintended consequences for the Indigenous sector. Impoverished Indigenous families, descendants of artist living in remote communities do not necessarily have an interest in, or lack the capacity to question the authenticity of their late father or mother's work, and understandably regard the monies as a welcome windfall.

UMAC PAPER

Abstract 250 wds

The entry of Indigenous art into University museum collections needs a protocol of acceptance to ensure that any gifts and donations are properly scrutinised by museum curators and recognised independent experts. Recent events have revealed that public collections are in danger of becoming a safe haven for poorly provenanced work and that accepted standards are being adjusted to favour less rigour and replace it with an open sesame approach.