

Submission to the Parliamentary Inquiry into the Indigenous Arts Sector

by Carole Best

**This submission addresses part “e” of the Terms of
Reference for the inquiry**

**“Opportunities for strategies and mechanisms that the
sector could adopt to improve its practices, capacity and
sustainability, including to deal with unscrupulous or
unethical conduct”**

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Disclosure

This submission is presented from an individual viewpoint. I am not of Aboriginal or Torres Straight Islander heritage. I am a researcher for the Clifford Possum Project (discussed below) but the following comments are not affiliated with my employer or any organisation, nor do I speak on behalf of any group or political interest. The opinions expressed are personal based on research, scholarship and the case study of Clifford Possum Tjapaltjarri. I do not own or have any financial interest in any indigenous art or cultural products.

Background

I have post graduate qualifications (2004) in Art Authentication from Melbourne University. This course is convened by Robyn Sloggett, Director of the Ian Potter Centre for Material and Cultural Conservation.

My involvement in indigenous art arose from my final research paper for this course, where I had a short internship with the Clifford Possum Project (CPP) in Sydney. My research paper looked at possible methods to prevent fraudulent Clifford Possum Tjapaltjarri artworks from entering our public collections.

Since then I have been a member of the CPP team participating in painting examinations, and compiling a database of works attributed to Clifford Possum Tjapaltjarri (CPT). I am involved in voluntary research into how to effectively determine authorship of paintings attributed to CPT.

Rationale

Introduction

The Clifford Possum Project (CPP) is a research project which collects and collates information on all paintings attributed to Clifford Possum Tjapaltjarri. Clifford Possum (1932-2002) is one of Australia's most significant indigenous artists. He is represented in public collections both nationally and internationally. During the last years of his life CPT raised the alarm to forgeries of his work by requesting police to investigate a group of works he declared as "not my work". This resulted in the conviction of John O'Loughlin in 2002 which represents the first successful prosecution of an art forger in Australia.

The CPP was formed by Dr Vivien Johnson, scholar and author of two monographs about the works of CPT, Ms Paula Dredge, Senior Paintings Conservator AGNSW, and Ken Watson, then Assistant Curator of Indigenous Art AGNSW. This group physically examined known forgeries in public collections in Australia in order to collect as much information about the methods of forgery as possible. Since then the CPP team has extended the physical examination to other works attributed to CPT, resulting in detailed reports on the physical characteristics, provenance and stylistic rendering of these paintings. This information forms the basis of the database initiated by Professor Vivien Johnson at the University of NSW.

Art Authentication

Art authentication is a relatively new industry in Australia, although the process of it has long been performed by scholars and conservators. The authentication of any painting requires 3 facets of investigation. These are knowledge of the artist's oeuvre, accurate and up to date provenance information and physical or technical information about the painting. Significant research is always involved in authenticating any problematic painting and contrary to community belief, scientific testing provides conclusive information for only a very small proportion of these works. If a work cannot be authenticated, it basically cannot be sold under that artist's name (auction houses are liable). There are many works that fall into groups categorised as "attributed to", "school of" etc. This means that any insecure work (although it may be perfectly legitimate is excluded) cannot pass as being by the artist and some works which are forgeries (including those with forged provenances) can pass through as the work of the artist.

The authentication of CPT works present different challenges than non indigenous works given that paintings attributed to Clifford Possum Tjapaltjarri fall into all the following categories:

1. securely provenanced works, both signed and unsigned,
2. insecurely provenanced works, both signed and unsigned,
3. securely provenanced works signed as Clifford Possum but not by his hand,
4. insecurely provenanced works signed as Clifford Possum but not by his hand,
5. family works signed by Clifford Possum Tjapaltjarri,
6. unsigned family works which show evidence of Clifford Possum Tjapaltjarri's hand,
7. securely provenanced works that Clifford Possum Tjapaltjarri himself did not recognize as his,
8. several dozen 'known' forgeries, the identification of which involved significant resources and time.
9. An unknown number of unidentified forgeries currently circulating in the art market

This means that prospective buyers are nervous and prospective sellers are often unable to, as auction houses turn away quite possibly authentic works due to poor provenance as well as large numbers of problematic works. These continue to circulate within the market having been sold through ebay or small sometimes unsuspecting galleries. Confidence in the art market is an important outcome for the benefit of the artist's family and community but also to the significant national and international trade and reputation of indigenous art in Australia.

Securely provenanced works

To date there is no conclusive database or register of works known to be by CPT. Professor Vivien Johnson has done significant work towards this end with two books about CPT's life and art and the 2005 retrospective exhibition. However this scholarship was not done exclusively with authentication in mind nor physical examinations carried out in order to catalogue the construction (making) or iconography of each painting.

This is crucial to the future of CPT's market and many indigenous painters. Significant resources need to be channeled into the research and compilation of authentication databases of important artists to register and catalogue securely provenanced works. This information acts chiefly as the artists "standard", against which other works can be compared and contrasted.

Without such information it is only possible to have an opinion on who painted what. Best practice in the industry requires that evidence is needed to support opinion otherwise legal challenges can be mounted which come down to "one expert opinion versus another expert opinion".

The USA has some of the best practice authentication committees acting to catalogue artists works. These are published as catalogue raisonnè most often funded by the artists estate. A board or committee is appointed to determine the process of authentication and calls are made to the public to submit works to be examined by the committee. This process is not without problem, however to date no authentication board has been successfully sued for wrongful authentication. (IFAR Journal Vol.8, Nos. 3&4, 2006, p116). These boards are most often incorporated bodies in which liability is limited.

There is scope here for a registration board/process which would register works coming onto the markets. Similar facilities operate in some countries where child labour has traditionally been used for manufacture of carpets and fabrics – at best, this kind of process can both provide market confidence for buyers and sellers as well as improve working conditions and security for artisans and their families.

Visual thesaurus

Much of my unpaid time has been spent defining possible methods of identifying 'hands' of the artist in family works, problematic works and works attributed to the artist. Towards this end, I have identified two possibilities. Both depend on the existence of a database of securely provenanced works which as mentioned previously currently does not exist.

The first method is the development of a visual thesaurus (digital), an idea nominated in my research paper, which uses visual 'compare and contrast' methods to match design elements of known or secure CPT works with those of unknown provenance or problematic origins. Compiling this data would provide insight into when problematic or forged works may have been inserted into CPT's oeuvre, as well as provide a mechanism for screening works coming into the market or for resale etc.

The thesaurus can be thought of as a library of images, in categories which are referenced to each painting. Visual searching can proceed by comparison and contrast to monitor development and origin of the variations of the elements.

Under my employment conditions for Professor Vivien Johnson there is no budget allocation for technical development of this idea, despite much positive feedback on the concept and usefulness of such a tool. I am currently self funding a pilot (approximately 10 paintings and associated images) of this technology in order to demonstrate its application. The eventual idea is to find industry partners for product development if proven feasible and useful. The thesaurus (confidential) could function as a screening tool for prospective buyers in private, public and commercial settings and act to identify works which need further scholarship and investigation. Significant scoping of the idea is required before being ready for any commercial or public application.

Digital Authentication

The second possibility is the digital analysis of paintings to identify the fingerprint or hand of the artist. This is new research and has been successfully developed by Rockmore, D, Lui, and Farid in the School of Computer Sciences, Dartmouth College, Hood Museum of Art, Hanover USA. Here three different artists (apprentices) were identified in a work previously attributed to Perugino (1450-1523). Brush strokes and paint application styles were analysed mathematically through digitized images.

The importance of this procedure is that it confirmed what scholars had previously thought - that multiple hands were evident on the painting. This is a situation synonymous with many Western Desert artists and their family art practices which indicate "many hands one work". Rockmore's research provides solid forensic evidence in support of scholarship and stands to

enhance an expert opinion to something more objective than subjective. The industry of authentication must be able to account for its verdicts with demonstrable evidence especially with court cases and liability suits an eventuality within the industry.

Similar methodologies could be applied to problematic works of CPT. This methodology is used in other fields such as archaeology, however Rockmore is the first to successfully apply it to a painting. I have had preliminary discussions with Daniel Rockmore about the scope of our project and the specific authentication issues and plan to meet in USA later in 2007. Application of this idea would be limited to targeted works or those involved in court cases. "fingerprinting" of CPT's painting technique is a possibility for use as a cross reference in the thesaurus, but again this requires further research to determine the best and most cost effective application.

Conclusions

The following recommendations address the growing concern about fraudulent practices in the production of aboriginal art works from the point of view of authentication. In no way are these recommendations exhaustive nor do they address the many wide problems in the Aboriginal communities themselves. I have heard but not witnessed, that serious abuse and corruption is involved in the production of indigenous contemporary art. It is obvious that legal reforms and general welfare reforms are required, although commenting on these aspects is far outside my area of experience or expertise. Considerable education needs to be undertaken within the art buying community in order to develop understanding and proper appreciation of the significance of Dreamings and the importance of family art practices within the culture.

Recommendations

- **Funding of research to catalogue securely provenanced works by major Aboriginal artists.**
- **Development funding for methods such as visual thesauri which can be rendered as screening tools for prospective buyers of indigenous painting.**
- **Confidential hosting and maintenance of secure databases which can be used as a point of further study and as a basis for compare and contrast methods of authenticating works appearing on the market.**
- **Establishing incorporated boards or committees charged with authenticating works appearing on the market.**

End of submission.

Thank you

Carole Best 2007