

For Albert Namatjira, artistic licence went astray



Albert Namatjira's grandchildren and Western Arrente artists Gloria, Lewina, Lenie and Kevin Namatjira in Alice Springs.

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Revered indigenous painter Albert Namatjira left behind one of Australia's most significant artistic estates when he died in 1959, yet his descendants have no say in how it is managed.

Members of the Namatjira family say that, for the past 34 years, they have not earned a cent from reproductions of the painter's works, because they do not own the copyright to his estate. Nor do they have any control over what copyright fees are set, nor how his paintings are reproduced in books, films, documentaries or in auction and exhibition catalogues.

Now, however, it is hoped this historical aberration — the result of a 1983 decision by the Northern Territory Public Trustee that has been described as “unjust” and “shameful” — can be righted through a bold initiative, The Namatjira Legacy Trust. It is anticipated that the trust, supported by prominent figures including National Museum of Australia director Mat Trinca, will help restore Namatjira's lost legacy to his family. It will be launched by indigenous singer Archie Roach next Friday at the NMA in Canberra.

Namatjira is still regarded as one of our best-known and top-selling indigenous artists. While most of his watercolours are in the \$15,000-\$40,000 range, last year one of his largest paintings, *Fink River Mission and Mount Hermannsburg* (1951), fetched \$122,000 at a Sotheby's auction — a record price for his work.

The Australian Arts Sales Digest estimates that total sales of Namatjira's auctioned works from 1970 to the present are more than \$13 million.

Yet many of the painter's descendants, including his grandchildren, are deeply impoverished, and live in overcrowded houses in Alice Springs's troubled town camps or in struggling remote communities.

The Namatjira family lost control of Albert's copyright in 1983, when the public trustee, then-executor of the painter's estate, sold it to Legend Press, a small publisher owned by white art dealer John Brackenreg, for \$8500 — far less than the copyright turned out to be worth. Namatjira's granddaughter Gloria Pannka, told *The Weekend Australian* the sale was “unjust”.

“When Albert passed away, the government never thought about the family he left behind,” she said. “They just sold the copyright to a white man.”

The Namatjira family was reportedly not consulted about this decision, even though the artist's unsigned will, drawn up in 1945, specified that earnings from his estate should go to his wife, Rubina, and his eight children. However, when Rubina died in 1974 without leaving a will, the public trustee took charge of the estate.

Pannka and another Namatjira granddaughter, Lenie Namatjira, said they remained “sad and angry” about the 1983 decision.

Legend Press's copyright control over Namatjira's paintings was due to expire in 2009, 50 years after Albert's death. But in a further blow to the indigenous family, the US-Australia free-trade agreement extended Legend Press's copyright over the estate by 20 years, to 2029.

Brackenreg died in 1986. Legend Press, based on Sydney's affluent north shore, is now managed by some of Brackenreg's adult children, who declined to be interviewed. Legend Press does not publicly disclose what it has earned from its copyright over Namatjira's paintings, but it is hoped that once the trust is set up, the art press will sell or hand back the copyright to the Namatjiras and their broader community.

The new trust will support the social wellbeing of the Namatjiras and residents of Hermannsburg, the former Northern Territory Lutheran mission where Albert lived and painted. It will also underwrite the fragile Western Desert watercolour movement founded by Namatjira and continued by family members, including Lenie and Pannka, today.

The trust is a joint initiative of the Namatjira family and campaigning theatre company Big hART, which has been negotiating over the copyright issue with Legend Press since 2009. Big hART producer Sophia Marinos described the Territory's 1983 sale of Namatjira's copyright as “absolutely shameful.”

“It’s sadly not surprising either; it was systematic racism at play on the part of the authorities,” Ms Marinos said.

A government spokesman said: “However strongly Territorians feel in their attachment to the images he (Namatjira) created, because it is federal legislation, matters of copyright sit with the federal government.”