

Painter Albert Namatjira's family in copyright compo victory was written by Rosemary Neill and published in *The Weekend Australian* on 25 August 2018. It is licensed by Copyright Agency has been reproduced with the permission of the publishers via Copyright Agency Limited. You must not copy this work without permission.

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Painter Albert Namatjira's family in copyright compo victory

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8 COMMENTS



Albert Namatjira's descendants Gloria Pannka, Clayton Namatjira and Kevin Namatjira near Alice Springs this week. Picture: Rhett Hammerton.

The grandchildren of revered Aboriginal painter Albert Namatjira have agreed to a landmark compensation deal with the Northern Territory government over the “unjust” sale of the artist’s copyright to a white-owned publisher, without the family’s knowledge, 35 years ago.

The confidential settlement, understood to run into six figures, was struck this week, and will benefit Namatjira’s grandchildren and great-grandchildren, many of whom live in poverty in or near Alice Springs.

The settlement was described as “an amazing, historic moment” by Sophia Marinos, chairwoman of the Namatjira Legacy Trust, which represents the painter’s descendants. The painter’s granddaughter Gloria Pannka said she was relieved and “very happy”.

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The payout follows a 1983 decision by the Northern Territory Public Trustee that Ms Pannka previously described as “unjust” and Ms Marinos called “absolutely shameful”. In that year, the trustee, the executor of Namatjira’s estate, sold the painter’s copyright to Legend Press, a publishing company owned by Sydney art dealer John Brackenreg, for \$8500. Namatjira’s family was not consulted.

For 34 years following the deal, the Namatjiras did not earn anything from reproductions of the painter’s works. Nor did they have any control over how, or whether, his paintings were reproduced in books, films, posters, news footage and art catalogues.

An investigation by *The Australian* last year sparked allegations the legacy of Namatjira — the father of the Aboriginal art movement, who died in 1959 — was being suppressed, as Legend Press took a highly restrictive approach to his copyright. Legend Press strongly denied these claims.

In October, Legend Press handed Namatjira's copyright back to the painter's family, following a campaign by *The Australian*, an intervention by businessman Dick Smith and years of lobbying by the painter's family and arts company Big hART.

Ms Marinos said while last year's copyright handover was "momentous" and richly "symbolic", this week's financial settlement "is a tangible thing for the family and that's what's so great about it".

She described the twin victories as "incredible. You fight for so long. So many 'nos' and then you lose heart and now we have got the 'yesses'".

Ms Pannka, 65, who paints in the same watercolour landscape traditions pioneered by her grandfather, added: "The Namatjira family have worked hard to regain copyright for many years and we are all very thankful that now the Northern Territory government has stepped forward to compensate the family."

Her jubilation, however, was shadowed by sadness. "We've waited a long time (for justice)," she said, confessing there were times when "it seemed change was not going to happen". She paid tribute to her cousin and fellow copyright campaigner Kumantjai L. Namatjira, who died last year, just days after the family gained control of the copyright.

Former NT public trustee John Flynn — the ex-bureaucrat who sold Namatjira's copyright to Legend Press — admitted to *The Australian* last year he may not have told the Namatjiras' lawyers about the sale. Speaking publicly for the first time, he said he wrongly assumed the copyright deal would last for seven years, not decades. "I may have stupidly not looked at the document closely enough," he said. *The Weekend Australian* understands those admissions helped pave the way for the financial settlement.

The payout was secured by lawyers from Arnold Bloch Leibler, who worked pro bono on the negotiation and the copyright handover. Senior partner Mark Leibler said: "While the settlement does not include any admission of legal liability, it is a tangible outcome for Albert Namatjira's descendants."

Praising the NT government's willingness to negotiate, he said: "This settlement recognises that Australia has matured in the last 35 years and can recognise the consequences of past decisions."

Trust board member Clayton Namatjira said his family was "very happy the settlement has been resolved. Now we can all move forward."