

The Sydney Morning Herald

Big Blue over a Whiteley settled, but jury still out on authenticity

By Andrew Taylor, August 7, 2013

The case brought against a leading art consultant over the \$2.5 million sale of an alleged fake Brett Whiteley painting has been dismissed by the NSW Supreme Court.

But questions remain as to whether the painting referred to as Lavender Bay, signed and dated "Brett Whiteley 1988", is genuine.

Banker and incoming chairman of the Sydney Swans Andrew Pridham sued Melbourne dealer Anita Archer for selling him the painting, titled Big Blue Lavender Bay, for \$2.5 million, and for allegedly failing to exercise the "reasonable care, diligence and skill" required to verify the painting's provenance.



Oils ain't oils: Detail from Big Blue Lavender Bay, which was sold as a Brett Whiteley work, and the artist.

But Mr Pridham withdrew his case, which was dismissed by consent after both parties settled their dispute. The court made no finding as to whether the painting was genuine or fake and made no order regarding costs. Details of the settlement are confidential but Ms Archer's lawyer, Darren Noble, said: "Ms Archer maintains she has not done anything wrong."

Ms Archer said she felt vindicated by the outcome and was "absolutely" relieved the case was over. She would not say whether the painting was authentic. "I can't comment on the more fundamental details of the case," she said. Mr Noble said an original record of the painting's consignment to a South Melbourne gallery in 1988 was filed in court - and confirmed in a sworn affidavit from an employee of the gallery - to challenge the allegation the painting was a recent forgery.

An expert witness, testifying on behalf of Ms Archer, who tested and examined the painting, said it was more than 20 years old and not a recent forgery.

This contradicted the opinion of Mr Pridham's expert witness, the director of the University of Melbourne's Centre of Cultural Materials Conservation, Robyn Sloggett, who stated in 2010 that the painting did not have a signature.

Mr Noble said Ms Sloggett later conceded the painting bears the signature Brett Whiteley '88, but stood by her original conclusion that the artwork was not painted by Whiteley.

But in a letter to Fairfax Media, Mr Pridham's lawyer Beth Jeffers said she disagreed with Mr Noble's claim. "We are aware that the defendants engaged another independent expert last year and that expert did not produce a report contradicting the report of Robyn Sloggett," she said.

She also said there were a number of inaccuracies in a press release about the case written by Ms Archer and Mr Noble.

The 1988 Lavender Bay work is one of three Whiteley paintings that have long had their authenticity questioned. The three paintings are all linked to controversial Melbourne art dealer Peter Gant, who declared himself bankrupt in 2011 with debts of at least \$3.57 million.

Ms Archer admitted it would take time to restore her reputation.

"Google is not kind and when there is a lot of negative material out there, which is very easily accessible, it takes a lot of time and effort to rebuild," she said.