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The Sydney Morning Herald

Prominent art dealer sued over suspect Howard Arkley painting

By Gabriella Coslovich

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The Melbourne art dealer involved in the sale of a suspected Brett Whiteley forgery, reported in *The Age* last week, is being sued by a Sydney art collector over yet another dubious painting, this time supposedly by Howard Arkley, a leading Australian artist who, like Whiteley, died of a drug overdose.

Court documents obtained by *The Age* reveal that the Sydney art collector, who heads a leading global investment firm, has launched legal action in the Federal Court against art dealer Robert Gould and his business, Edrob Nominees, trading as Gould Galleries, over the sale of a painting titled *Well Suited Brick Veneer*, supposedly painted by Arkley in 1991.



Catalogue image of *Well Suited Brick Veneer* (detail), attributed to Howard Arkley but now under dispute. The painting was sold by Gould Galleries to its current owner in 2002. *CREDIT: NATIONAL GALLERY OF VICTORIA*

The Sydney art collector, who declined to be interviewed, paid \$205,000 for the work in 2002 – and he wants his money back, plus interest and legal costs.

There is no suggestion that Mr Gould was aware *Well Suited Brick Veneer* was not authentic at the time he sold it. Rather, the court documents allege the prominent art dealer has not provided adequate provenance tracing the work back to Arkley, who died in July 1999.

Featuring Arkley's most celebrated subject matter, an airbrushed image of a suburban Australian home depicted in day-glo colours, the painting was shown in an exhibition of the artist's works held by Gould Contemporary in Sydney from March to April 2002, and was reproduced on the cover of the exhibition catalogue with the permission of the Estate of Howard Arkley, which charged a \$1500 copyright fee. Mr Gould's lawyers are arguing that "the authenticity of the Work was endorsed when copyright was sought ... and was granted".

But the Estate of Howard Arkley has since refused to grant copyright for the image to be reproduced, making it impossible for the Sydney collector to sell the work as an authentic Arkley through the auction market. The Estate has declined to comment on the reasons for its change of position while legal action is ongoing.



Howard Arkley in front of his work in the Australian pavillion at the Venice Biennale in June 1999, just a few weeks before his death

CREDIT: FERNANDO PROIETTI

The Age also understands that the painting has been analysed by the University of Melbourne's Centre for Cultural Materials Conservation, whose conclusion was that it does not appear to be by Arkley.

According to court documents obtained by *The Age*, the painting lacks Arkley's characteristic style of underdrawings, paint application, preparation of canvas and support, material and technical aspects, and is atypical in its "use of pencil as a preliminary material for the inscriptions".

Furthermore, *Well Suited Brick Veneer* is not included in the official online catalogue of Arkley's artworks, which is managed by art historian John Gregory, author of the 2006 book *Carnival in Suburbia: The Art of Howard Arkley*.

The online catalogue – arkleyworks.com – was launched on 30 June 2010, eight years after the sale of *Well Suited Brick Veneer* – and only lists artworks with a verifiable provenance (exhibition and sales history) before Arkley's death.



The real deal: Family home - Suburban exterior 1993 by Howard Arkley (detail). synthetic polymer paint on canvas 203.0 x 257.0 cm. Monash University Museum of Art, Melbourne. Purchased, 1994 *CREDIT: ESTATE OF HOWARD ARKLEY*

The Gould Contemporary catalogue from 2002 stated that *Well Suited Brick Veneer* came from a "Private collection, Melbourne", but it now transpires that the painting leads back to the same seller from whom Mr Gould bought the suspect Whiteley painting *Bather and Garden*, Melbourne art dealer and horse racing enthusiast John Playfoot.

In his defence statement Mr Gould says he bought the Arkley painting from Mr Playfoot, who told him "the Work originated from a private collection in Melbourne". It is also not suggested that Mr Playfoot sold the painting to Gould in bad faith.

Mr Gould alleges that he sold the Arkley painting to the Sydney collector as "undisclosed agent for the owners", who were, jointly, John Playfoot Fine Art and Gould Galleries.

Substitute the name "Arkley" for "Whiteley" and the bind Mr Gould finds himself in is a replica of the imbroglio *The Age* revealed last week, involving an artwork titled *Bather and Garden*, supposedly created by Brett Whiteley in 1978, which Mr Gould sold for \$1.5 million to an Australian private collector in 2006. In that instance, again, there is no suggestion that Mr Gould sold the painting in bad faith, but rather that the provenance of the painting has not been able to be confirmed.

Bather and garden, which also featured on the cover of a Gould Galleries catalogue, is not included in the soon-to-be published official catalogue of Whiteley's paintings, as its provenance also does not stack up, rendering the painting virtually worthless.

Mr Gould bought *Bather and Garden* from Mr Playfoot and co-owned it with the dealer before buying out Mr Playfoot's share.



Detail from *Bather and Garden*. Its authenticity has been questioned by experts.

While denying that *Well Suited Brick Veneer* is not a genuine work by Arkley, Mr Gould's legal defence claims that should the Sydney collector succeed in his claims, Mr Playfoot and the Estate of Howard Arkley are equally culpable. The Sydney collector's legal team, however, does not accept that position. When *The Age* contacted Mr Playfoot this week to ask from where he had sourced *Well Suited Brick Veneer*, he said he did not know. "I can't honestly say where it came from," Mr Playfoot said. "I really just don't recall it."

However, he later said he may have bought the painting from the former landlord of Arkley's studio in Windsor.

Mr Playfoot said he believed the landlord had in turn sourced the painting from Peter Gant, and not directly from Arkley.

Mr Gant is the Melbourne art dealer who stood accused, with art conservator Aman Siddique, in the 2016 Supreme Court of Victoria art fraud trial centring on the production and sale of three suspect paintings in the style of Brett Whiteley. Gant and Siddique were initially found guilty but were later acquitted on appeal in 2017.

Mr Playfoot was himself a witness in the 2016 trial as he had been Mr Gant's agent in the sale of one of the suspect Whiteleys.

Mr Gant did not respond to calls on Friday so Mr Playfoot's account about the suspect Arkley painting could not be verified.

When *The Age* recently asked Mr Playfoot the origins of the Whiteley-esque *Bather and Garden* he also said he had sourced it from Mr Gant. Mr Gant claimed to *The Age* that he had "found" *Bather and Garden* in London but declined to say where or from whom.

Meanwhile, the authenticity of at least one other painting from the Gould Contemporary exhibition of March to April 2002 is in doubt, suggesting that Mr Gould's run of bad luck may not be over.

The work, titled *House Western Suburbs*, 1995, does not appear on the Arkley Works website, which states that the painting "cannot be verified as an authentic Arkley at this stage" and is a "variant" of the genuine work *House and Garden Western Suburbs, Melbourne*, 1988, held by the National Gallery of Australia.