



Independent review of works in the *Ngura Pulka – Epic Country* exhibition

Terms of Reference

The Director of the National Gallery of Australia, Dr Nick Mitzevich, has commissioned Colin Golvan AM KC and Shane Simpson AM, LLB (Hons), M. Jur, (Hon) D.Univ to review allegations raised in *The Australian* newspaper concerning the authorship of the 28 paintings that form the Gallery's upcoming *Ngura Pulka - Epic Country* exhibition (the 'Allegations').

Kokatha and Nukunu artist Yhonnie Scarce and Bidjara woman, Professor Maree Meredith, will work alongside Mr Golvan and Mr Simpson, providing expert advice.

Purpose

The aim of the review is to clarify whether the Anangu Pitjantjatjara Yankunytjatjara (APY) artists attributed as the creators of the paintings exercised effective creative control over the creation of the paintings, and so can properly be described as the artists responsible for those works consistent with the National Gallery's provenance policy.

Context

The National Gallery is committed to ensuring that the provenance of all works of art it acquires, borrows or exhibits meet legal and ethical standards.

The National Gallery's *Due Diligence and Provenance Policy* and its *Inward Loans Policy* (together, 'the Policies') set out the principles by which the National Gallery conducts due diligence and reviews provenance on works in its collection and that it borrows, including for exhibitions.

The Due Diligence and Provenance Policy states '*After approving an acquisition or inwards loan, the National Gallery may obtain new information through internal investigation or from an external party. If this information calls into question the previously understood provenance or establishes another party's claim to title or possession, the National Gallery must investigate the matter and respond in a timely, respectful and ethical way*'.

Similarly, the Inward Loans Policy states '*After undertaking due diligence and determining to proceed with an incoming loan, if, during the negotiation or conduct of the loan information emerges that has the potential to ... render the loan ethically contentious, in accordance with the Incoming Loans Procedures further investigation and risk assessment will be undertaken to determine how to proceed*'.



Scope

- Review the scope and extent of contributions (if any) that third parties – and, in particular, studio assistants and managers at the APY Art Centre Collective – made to the creation of the 28 paintings that form the *Ngura Pulka - Epic Country* exhibition; and
- In light of the findings:
 - (a) determine whether the paintings can properly be described as having been made under the creative control of the persons named as the artists; and
 - (b) make recommendations to the Review Sponsor based on the findings.

A list of the paintings is attached as Annexure A.

The review will not assess:

- the broader ethics and workings of the First Nations' art market;
- the significance of the Tjukurpa (cultural stories) of the 28 paintings;
- whether individuals who contributed to the 28 paintings were entitled to do so under relevant First Nations cultural laws; or
- the authorship of other APY paintings not proposed for display by the National Gallery.

Resources

Mr Golvan and Mr Simpson (the 'Reviewers') will conduct the review as joint reviewers, aided by the First Nations Experts.

Simpsons Solicitors, specialists in intellectual and cultural property law, will provide administrative support to the Reviewers.

The National Gallery will provide such assistance to the Reviewers as the Reviewers may require.

Governance

The Review Sponsor is Dr Nick Mitzevich, Director, National Gallery of Australia.

The Reviewers will provide a written report on their findings (the 'Report') to the Review Sponsor as well as to the Chair of the Council of the National Gallery of Australia.

Other Considerations

- In conducting the review, the Reviewers will be required to pay close attention to the standards of engagement with First Nations people set out in the National Gallery's *Aboriginal and Torres Strait Islander Cultural Rights and Engagement Policy*.
- Any conflicts of interest that the Reviewers or the Experts may have in relation to the matters under investigation, and how those conflicts have been managed, will be noted in the Report.



Ngura Pulka – Epic Country

List of works

April 2023

APY Men's and Women's Regional Collaborative

Teresa Baker

Leah Brady

Nyunmiti Burton

Taylor Wanyima Cooper

Witjiti George

Sylvia Ken

Keith Stevens

Rhoda Tjitayi

Maringka Tunkin

Yaritji Young

Josephine Mick

Yaritji Hefernan

Freda Brady

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania



Ngura Pulka - Epic Country (West Side) 2023

synthetic polymer paint on Belgian linen

300.00 (h) x 500.00 (w) cm

IRN: 362161

Margaret Richards

Adelaide, South Australia, Australia, Oceania

Ngayuku Ngura 2021

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362120



Yaritji Hefernan

Adelaide, South Australia, Australia, Oceania

Ngayuku Ngura 2022

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362135



Umoona Senior Women's Collaborative

Kay Finn

Myra Kumantjara

Jeannie Minunga

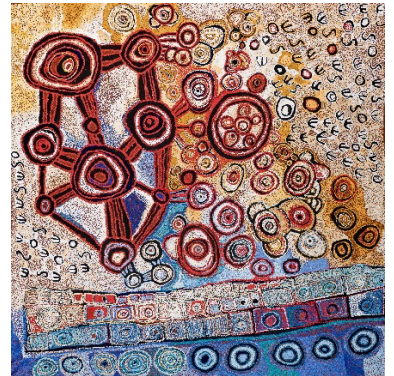
Adelaide, South Australia, Australia, Oceania

Nganampa Ngura 2022

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362143



Rhoda Tjitayi

Adelaide, South Australia, Australia, Oceania

Piltati 2021

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362124



Zaachariaha Fielding

Adelaide, South Australia, Australia, Oceania

Unlace 2022

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362131



Sally Scales

Adelaide, South Australia, Australia, Oceania

Wati Tjakaura 2022

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362134



Teresa Baker

Adelaide, South Australia, Australia, Oceania

Minya Malilunya 2022

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362138



APY Women's Regional Collaborative

Maringka Burton

Betty Chimney

Nellie Coulthard

Tuppy Goodwin

Iluwanti Ken

Betty Muffler

Puna Yanima

Betty Kuntiwa Pumani

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

**Ngura Pulka - Epic County (East Side) 2022**

synthetic polymer paint on Belgian linen

300.00 (h) x 500.00 (w) cm

IRN: 362144

Nyunmiti Burton

Adelaide, South Australia, Australia, Oceania

Seven Sisters Tjukurpa 2021

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362122



Leah Brady

Adelaide, South Australia, Australia, Oceania

Piltati 2021

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362144



Iwantja Arts Women's Collaborative

Beverly Brumby

Maringka Burton

Nellie Coulthard

Betty Muffler

Priscilla Singer

Rosalind Tjanyari

Raylene Walatinna

Judith Walkabout

Kaylene Whiskey

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania



Tjatu (together) 2021

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362140

Betty Chimney

Raylene Walatinna

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Nganampa Ngura 2022

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362136



Nellie Coulthard

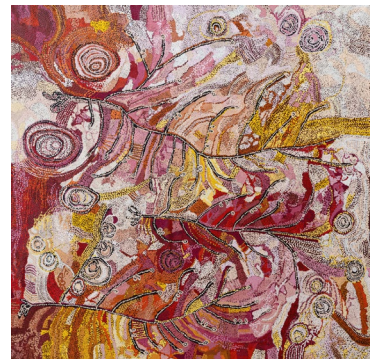
Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Tjuntala Ngura-ngka (Country with Mulga wattle) 2022

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362137



Iwantja Arts Men's Collaborative

Alec Baker

Eric Mungi Barney

Kunmanara (Peter) Mungkuri

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Ngura (Country) 2021

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362141



Iwantja Senior Women's Collaborative

Maringka Burton

Betty Muffler

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Minyma Ngali Ngangkari Kutrjara - We two women are healers
2022

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362133



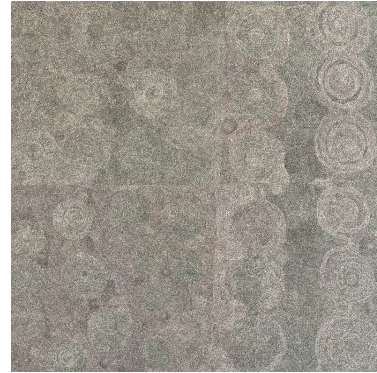
Matjangka Nyukana Norris

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Minyama Mamu 2021

synthetic polymer paint on Belgian linen
290.00 (h) x 290.00 (w) cm

IRN: 362121



Kaltjiti Men's Collaborative

Taylor Wanyima Cooper

Witjiti George

Keith Stevens

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Pitardi Tjukurpa 2021-22

synthetic polymer paint on Belgian linen
290.00 (h) x 290.00 (w) cm

IRN: 362129



Betty Kuntiwa Pumani

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Antara 2022

synthetic polymer paint on Belgian linen
290.00 (h) x 290.00 (w) cm

IRN: 362132



Mimili Minyma Women's Collaborative

Betty Tjulpukuna Campbell

Emma Singer

Pauline Minmila Wangin

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Kapi 2022

synthetic polymer paint on Belgian linen
290.00 (h) x 290.00 (w) cm

IRN: 362159



Tuppy Goodwin

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Antara 2022

synthetic polymer paint on Belgian linen
290.00 (h) x 290.00 (w) cm

IRN: 362128



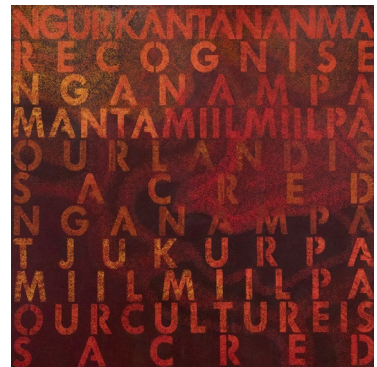
Robert Fielding

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Nganampa Manta [Our Country] 2022

synthetic polymer paint on Belgian linen
290.00 (h) x 290.00 (w) cm

IRN: 362126



Ken Women's Collaborative

Freda Brady

Sandra Ken

Tjungkara Ken

Maringka Tunkin

Yaritji Young

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Seven Sisters 2023

synthetic polymer paint on Belgian linen
290.00 (h) x 290.00 (w) cm

IRN: 362160



Barbara Moore

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia,
Australia, Oceania

Ngayuku Ngura 2021

synthetic polymer paint on Belgian linen
290.00 (h) x 290.00 (w) cm

IRN: 362115



Iluwanti Ken

Adelaide, South Australia, Australia, Oceania

Walawuru nguynytju kukaku ananyi [Mother eagles going hunting] 2022

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362116



Sylvia Ken

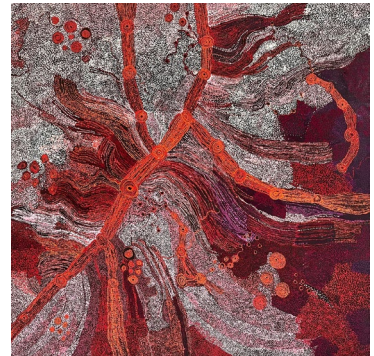
Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia, Australia, Oceania

Seven Sisters 2022

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362127



Yaritji Young

Adelaide, South Australia, Australia, Oceania

Tjala Tjukurpa 2021

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362130



Mitakiki Women's Collaborative

Naomi Kantjuriny

Tjimpayi Presley

Joylene Presley

Mona Mitakiki Shepherd

Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, South Australia, Australia, Oceania

Seven Sisters 2021

synthetic polymer paint on Belgian linen

290.00 (h) x 290.00 (w) cm

IRN: 362142

