

There's Something About Cromwell's

By [Eamon Evans](#) ArtsHub | Monday, September 04, 2006

It's Australia's most lucrative art prize – and at over three times the entry fee of the Archibald, perhaps our most expensive too. But, with the finalists of the 2006 Cromwell's Art Prize due to be announced in the coming weeks, some question whether they'll get bang for their buck.

In theory, the rewards are plenty – not just for the winner (who pockets tens of thousands) but for the multitudes of finalists too. Now in its third year, the prize established by Cromwell's Auction House is all about helping “new and emerging artists ... to have their work extensively promoted.” For their \$95, 40-59 artists essentially buy exposure. They can expect to see their work displayed not just in Sydney, but around Australia and internationally, as part of the traveling Art Prize Exhibition.

Or can they? Some of the 2005 finalists may say no.

Some were unhappy with the three-week Sydney exhibition, for a start. Held last December at the auction house's “small, cramped” auditorium, it was “not professional”, one artist said. Another used the word “dismal”, and complained that organisers had misnamed her work.

The “gala” evening (scheduled, curiously, for the second last day of the Sydney exhibition, instead of for its opening night, as planned) was also “not much chop”. Finalists contacted by *Arts Hub* question whether anyone other than artists and their partners actually attended.

There was “no introduction to the judges (were there any?)” complained one artist. “There was no personal contact with organisers – certainly no gallery people or industry contacts”, said another.

“I was surprised because I flew from the NT to make contacts and follow up any interest.”

Well-known Sydney businessman Jim Byrnes, who runs Cromwell's, is quick to defend the evening. “The gala evening is for the artists. We don't try and promote it to be an invitation to the A-list, opening-of-an-envelope party set. That's not what we're about.”

What they're about, of course, is the tour. At the gala evening, *Arts Hub* is told, prize administrator Margaret Szalay announced that the exhibition would be moving to Melbourne, and also talked about a Brisbane show.

In a letter to finalists the previous month, she had written “Your work will now be part of the Touring Exhibition of the Finalist works to be exhibited throughout 2006 in Australia and in London and Paris. Opportunities to tour in the USA are still being finalized.”

That December 2005 gala evening was the last time any finalist ever heard anything about Brisbane or Melbourne. Nine months later, the pictures remain in Sydney.

It was the last finalists heard from Cromwell's at all, in fact, until May of this year. In an undated letter, the Prize's new administrator, Helen Perko, confessed that finding Paris and New York venues had “not been possible”, but was “delighted to announce that the tour of Cromwell's Art Prize exhibition to London is underway, and will be held from 3-17 July 2006 at the Light Gallery”.

A second undated letter, later that month, provided details of the London exhibition's opening night, and asked for the “contacts and guests (finalists) would like to invite”.

Then, on 7 June, just three weeks before the London exhibition was due to open, finalists received this. “With our CEO Mark Helps away from the helm due to illness, and due to certain logistic and technical reasons, it has been necessary to postpone the exhibition.”

That was the last communication from Cromwell's. Finalists have heard nothing about the “postponed” exhibition since.

One finalist, Stephen James, did have a few phone exchanges, though. Having spent over \$2,000 on tickets to London in anticipation of the show, he wanted his money back. In an increasingly heated series of exchanges, Cromwell's response was an emphatic ‘no’.

“Had he not been so rude, we might have been a bit more accommodating”, Byrnes said, “but he can jump in the lake.”

So what happened? Why was the exhibition postponed? Contacted by *Crikey* a month ago, Perko stuck to the “logistical” line. The ongoing delay is due to “a restructure in the organization”, she said (adding that “I don't know where they got the idea of Paris”).

Contacted by *Arts Hub* last week, Byrnes was more forthcoming. The postponement of the 2005 tour, he says, was due to the low quantity of finalists. Despite around 1000 artists entering last year's prize (and despite the Conditions of Entry specifying that “40-60 entries will be chosen by the judges”), the quality of entries were such, he says, that judges selected only 30 finalists last year.

And it seems that even some of them weren't quite up to scratch. “To be quite honest, there's probably (only) 16 or 18 works at a level that we'd like to suggest hold Australian artists out in the right light, and there were some that were probably only just marginal.”

Cromwell's plan had been to have Australia's overseas embassies help store the finalists, but “some of the works were considered ... (unlikely) to hold the competition or Australian artists overall in a good light ... They'd think, ‘well, if this is the best, the cream of the crop, then the crop's not so great.’”

“We were trying very hard to be involved in Australia Week in LA (for example). I went to America and met with all the appropriate people, burnt plenty of time, plenty of money meeting with them all, but the standard of work has to be very, very good ... and they want 60, 80, 100 pieces.”

Such issues, Byrnes says, were also a “stumbling block” for London. Some of the works were too big to travel there (despite Cromwell's entry form specifying that entries “not exceed 350x150cm”), “and you just can't tour an exhibition around the world with 26 works, or something like that. It's just not realistic.”

“The suggestion was to combine it with 2006 so we have a much wider, deeper breadth of works. So that's why we decided to not tour 2005.”

When contacted by *Arts Hub*, Steven Lee, from London's Light Gallery, just says this. “We weren't told why the exhibition was postponed.”

So why wasn't *anybody* told? Why were artists told stories of “logistics”, and “restructures” and “illness”, and not instead just given the truth?

“It was polite”, says Byrnes. “Do you have a girlfriend? Sometimes, they’ll say ‘Do you like this?’ and it’s just easier to say ‘It’s ok’ rather than ‘It’s bloody awful’ ... I’d have 30 artists on the phone asking if their work was substandard.”

“It’s sometimes nicer to say ‘I’ve got a headache, not tonight’”.

“We’re dealing with people who are relatively temperamental ... We really wanted to be as diplomatic as we possibly could.”

So when and where will the combined exhibition be? Can you at least tell us that?

No. “Our plans are our plans. We’re a private company and under no obligation to disclose any information on what we plan to do in the future. Once we have final agreements in place with our overseas embassies, we’ll advise our artists.”

For Tamara Winikoff, head of the National Association for the Visual Arts (NAVA), this isn’t good enough. When it comes to the proposed exhibitions, Cromwell’s Conditions of Entry are “too loose”, she says.

“Artists need to know whether there is going to be an exhibition, where it’s going to, and under what conditions the work is going to be toured ... Otherwise they’re agreeing to something that’s completely unspecified, and that’s unacceptable.”

Some of Cromwell’s other conditions, however, are a lot more specific. It has four clauses dealing with copyright, for example – one of them reading, “Should Cromwell’s Art Prize or its sponsor exercise its right to acquire the work, the Copyright is to be irrevocably assigned to the Art Prize or its sponsor now and forever more.”

It was idiosyncratic conditions like this that caused NAVA, and the Australian Commercial Galleries Association (ACGA) to enter into “long and detailed” discussions with Cromwell's last year.

Contacted by *Arts Hub*, ACGA’s President is reluctant “to go into a lot of detail about our views” but was “happy to say that we did have meetings with Cromwells, that there were areas that we couldn’t agree upon and that it’s not a prize that the ACGA recommends to artists.”

“We advise galleries to advise their artists not to enter.”

NAVA has more to say.

While acquisitive art prizes are common, it’s usually only the winner that’s compulsorily acquired – with the artist’s payment being the prize itself. This prize is different. Section 15 allows Byrnes or “Cromwell's Art Prize Ltd” to acquire any of the 39-59 finalists at 50% of the retail price.

The “retail price” is based on “agreed value” – that is, a value agreed upon by Cromwell's before an artist’s entry can be accepted into the prize. “They were rigorous about documentation – tediously so”, says one artist. “I had to prove and provide documentation of a previous sale.”

“It’s a problem,” says NAVA Head Tamara Winikoff, of this condition. “We said that the price had to be decided by the artist, without any undue interference being exercised by Cromwell's.”

“You’d have to think what the motives for this prize are ... We have very grave concerns over this.”

One of those concerns is that a 50% discount is too low. Cromwell's chief Jim Byrnes offers a case for the defence.

“Do you know what an emerging artist usually pays their dealer? If you look at the NAVA website, you’ll see that the average dealer commission is 40% But for emerging artists, you’ll find ... that the dealer will (also) charge them for marketing, for advertising ...”

“Essentially they can get anywhere between 40-50% of what the gross sale price is. So we said we’d pay 50% of the retail price... (because) if we were buying it off a dealer, the artist would be getting the same amount of money (anyway).”

Winikoff rejects this argument. Forty per cent she says, is the maximum dealer commission under best practice guidelines, not the average. It “is intended to cover the full range of agency services.”

Section 15 also allows Cromwell's to charge a 40% commission itself, should it manage sell any pictures through the tour.

NAVA has an issue with this too. Forty per cent, says Winikoff, “is only reasonable when the gallery is providing full representation services over many years.” It the price of proactive career-building services – of “an ongoing relationship where they cultivate buyers and clients, build the artist’s reputation, they provide them with a whole raft of support mechanisms for building their career. That’s not what’s being offered here...”

“We recommend in the code of practice that the absolute maximum commission that should be charged on any single exhibition, which is what this is, is 33.3% That’s the absolute maximum.”

“40% is excessive for the services being provided”.

And NAVA is even more concerned about conditions 20-22. These require not just the finalists, but any of the 200 artists whose works are “pre-selected”, to “irrevocably appoint Cromwell’s Art Prize Limited to represent (them) for a period of 5 years as (their) agent in all states, territories and countries not specifically covered by existing agreements”.

If you are preselected, in other words, and only have an agent in Brisbane, Cromwells instantly becomes your agent for the rest of the world.

This is “absolutely unacceptable”, says NAVA.

“Cromwells is not a commercial gallery, they’re an auction house, and this is a once-off event. So what they’re looking to do there is (compulsorily) provide full commercial representation for the artist without any evidence that that is their business, that that’s their trade.”

“The problem is of course is that artists will either not read the small print when they go into competitions like this, or they don’t understand the legal implications... They’re being attracted by the high prize money, and not realizing that if they’re not winners, they’re actually seriously jeopardising their own well-being as an artist by agreeing to those conditions.”

“When asked by artists, we have to say that to them: we have very grave concerns and they should think very carefully about the conditions of the prize. If they sign up to it, that essentially forms a contract that they would be bound by.”

Byrnes accepts that Cromwell's are an auction house, and not actually agents. The key condition, he says, is 22. “Cromwell’s Art Prize will be entitled to receive a fee and an on-going