

## National Cultural Policy Submission

John Kelly -Visual Artist and writer

Given the three-page limitation I have extracted and edited text from articles that I have published. If useful I trust they will follow the links to the complete text.

### 1) The Centrality of the artist:

In 2015 I published an article in Daily Review that sets out how Australian artists can be supported directly without government support that begins with a letter;

“Dear Arts Minister ... We seem to have forgotten lately that most art begins with an individual’s creativity — be they a painter, writer or musician [etc]. Yet historically, government support has been about creating more and more arts organisations. But organisations do not make art, they simply facilitate it... [This] middle management’ of arts organisations and even museum/commercial galleries exist on the pretext that they are “assisting” Australian artists but the evidence suggests they and the government are simply exploiting them...However there is another perspective; one that factually shows artists create wealth for Australian society and the government. For example, visual artists create hundreds of millions of dollars in taxable transactions each year but the government taxes its artists creativity multiple times and in perpetuity. This leads to the bizarre circumstance where the government receives much more money from the sale of an artwork than the artist ...”

Don’t believe me? Let’s look at the secondary market and a couple of artists as just one example (there are more in the full text).

“**Sidney Nolan** and **Emily Kame Kngwarreye** have left an irrefutable cultural legacy. But if you use the dead eyes of an economic rationalist you will find their auction sales over the past few years have now passed the 100-million-dollar mark! Imagine that, a son of a tram driver (who lived most of his life in the UK) and a desert dwelling Aboriginal who started painting in her eighties creating over a hundred million dollars - worth of taxable transactions from their art...In fact, more than \$100 million is transacted through the auctions houses alone each year — and tens of millions more through private galleries and dealers. It seems fair that some of the tax collected on the visual art transactions should be returned to the generation of living artists through a tax regime that acknowledges artworks contribute to the tax system at various points on their journey, whether they are paintings, etchings, sculpture, songs, music or literature.” (note the ATO take 10% GST on these sales whilst the artists estate receives a 5% taxable royalty).

See full text and other examples at the link: <https://dailyreview.com.au/business-money-artists/>

“The idea I would like you to examine is how **Ireland** treats its artists under its taxation system and compare that to how Australia does it. Under Irish tax law artists can avail of a 50,000-euro tax-free threshold (approximately \$A78, 000) on

income derived from their art (not employment – even if art related). At first glance this may seem incredibly generous and benevolent, but there are sound economics underpinning the reasoning. What do I mean to have a tax-free threshold for art? Well, it is no different to the \$18,200 tax-free threshold that every Australian taxpayer has as an automatic right to. In Ireland it's just a higher amount for artists...Unlike salaried citizens, the creativity of the artist is taxed at various points before they receive their income and then he or she contributes tax again – even long after the artist is dead. It makes the artist an incredible contributor to the tax system. In fact, the ATO can earn more than the artist and on multiple occasions.”

2) **Strong institutions: providing support across the spectrum of institutions which sustain our arts and culture.**

&

3) **Ensure that government support reflects the diversity of Australia.**

As I have shown in articles the Australia Council for the Arts needs some internal reform to begin to reflect the diversity of visual art in Australia. In the past I show how two commercial galleries have dominated Australia's representation at the Venice Biennale and their support for a select few 'connected' artists which negates the creative diversity that exists in Australia that you wish to support.

<https://dailyreview.com.au/roslyn-oxley9-gallery-and-its-33-year-winning-streak-of-artists-at-the-venice-biennale/> & <https://dailyreview.com.au/callum-morton-chairs-entry-venice-biennale/>

The article linked above relates to the dominance of the Roslyn Oxley Gallery artists representing Australia at the Venice Biennale and I quote from the second article in relation to Callum Morton's appointment to chair an important selection panel for this opportunity;

“Last week Morton was appointed chair of what the Australia Council labelled an “independent” panel, set with the task of selecting the 2019 Venice Biennale artist or artists. The press release announcing Morton's appointment does not say how the others on the panel will be selected, however, as with any panel, the Chair is a very influential position, and may well have a say on who is to join it. So, the question one must ask, is Callum Morton independent?...We know his work comes from a specific contemporary-art viewpoint, one that has recently been questioned in many quarters beginning with the erudite David Foster Wallace who argued that today's Post-Modernism is simply the rehashing of older models of post-modernism. We also know that Morton is connected commercially, through his professional representation, to the Roslyn Oxley9 and Anna Schwartz Galleries, two galleries that have dominated Australian representation at Venice for the past 20 years. Therefore, it would be hard to argue in the affirmative. At the very least there is a perception Morton is compromised...” Who was selected for the 2019 from the selection panel, another of Callum Morton's stable mates at the Anna Schwartz Gallery, Angelica Mesiti.

See full article here: <https://dailyreview.com.au/australias-venice-biennale-choice/>

And who was selected for the 2020, I refer you to Michael Johnson who commented on the above article.

 Michael Johnson says:  
March 3, 2020 at 12:24 pm

And what about the 2019 announcement for the 2020 Biennale? Again we see Callum Morton figure prominently. Marco Fusinato is Callum Mortons' brother-in-law, they share the same dual townhouse property in St Kilda. Morton operates Monash Art Projects within Monash University Art Design and Architecture and spent a considerable amount of time preparing the winning submission for Marco Fusinato and the Curator Alexi Glass-Kantor. I would imagine that type of 'in-kind' support would be approaching 50K. Is that something available to other entrants with their submissions? Definitely not; Morton stated clearly in an email that MAP (Monash Arts Projects) only had time for their own projects and could not take on other work.

A document you might find helpful is the International Federation of Arts Councils and Culture Agencies Conflict of Interest Policies in Arts and Culture Funding Agencies where you will find the following at <<https://ifacca.org/what-we-do/knowledge-evidence-insight/reports/dart-report-conflict-interest-policies-arts-and-cu/>>

...perceived conflicts [of interest] are as important as actual conflicts, since perception that a conflict may exist is enough to damage reputation and public trust.<sup>9</sup>

An obvious type of gain is financial, but other types of gain are equally relevant, such as the ability to gain prestige, wield power or advance a career...<sup>10</sup>

End

John Kelly

