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Submission No:29.....
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Secretary:PK.....

The Secretary of the Committee
Inquiry into Resale Royalty Right for Visual Artists Bill 2008
ccwea.reps@aph.gov.au

22/1/09

Dear Sir/Madam

Artsource is the peak representative membership body for visual artists in Western Australia. We have a membership of around 850 practicing artists many of whom live in regional and remote Western Australia. Artsource also has ongoing relationships with numerous Indigenous artists whose practice is regionally based.

Artsource contributed to the Myer Report and supported the introduction of a Resale Right similar to those operating in many parts of Europe.

While Artsource enthusiastically supports the implementation of the election promise regarding a Resale Right made by the Labor Party in 2007, we have concerns about the breadth and capacity of the legislation in its current form.

The exclusion within the current draft of artworks made prior to the legislation taking effect is a serious and unwarranted omission. The advice from Senior Counsel received by the Coalition for an Australian Resale Royalty (CARR) must be taken into consideration. Counsel's assessment that the Government is not at risk should the final legislation allow for a Resale Right to apply to works purchased before the legislation comes into effect needs to be thoughtfully considered.

Resale Rights currently operating by 33 countries including all member countries of the European Union consistently apply the Resale Royalty Right to every resale of applicable works, rather than those made or sold after the legislation comes into effect. It would make more sense for Australia to join the global community with complementary legislation. This would diminish any potential conflicts that may arise when Australian artists seek a Resale Right for works sold in an international market.

Artsource urges the Government to revise the legislation in line with the principles suggested above.

Yours sincerely



Jude van der Merwe
Executive Director

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