


The Secretary of the Committee
Inquiry into Resale Royalty Right for Visual Artists Bill 2008
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Submission No:	26
Date Received:	23-1-09
Secretary:	

22/01/2009

RE: An Artist's Response

Dear Sir/Madam

The purpose of this communication is to make a submission to the Committee overseeing the Resale Royalty Right for Visual Artists Bill 2008.

Minister Garrett in his address to the House of Representatives for the second reading of the Bill spoke of "recognising artists' contribution to our economy, community and identity".

To do this, I believe that the legislation must be straightforward, cost effective to administer, consistent with international standards and fair to ALL practicing Australian artists.

After reading the Rudd Government's proposed legislation, I do not believe it meets these criteria.

If introduced in its current form it will

- deprive a whole generation of Australian artists of significant resale royalty benefits;
- not be recognised by other countries operating resale schemes due to inconsistencies and
- be too complex to administer risking errors with royalty payments

For the scheme to be effective and above all, FAIR, it must be applied to ALL resales which occur after the legislation comes into effect.

As a high profile and active contemporary Australian artist whose artistic practice is recognized internationally, I urge the Australian Government to make this important change to the legislation and introduce a resale royalty right which delivers significant benefits to ALL Australian artists.

At the age of fifty three (53), I am at a stage in my twenty year career whereby my paintings are being offered for resale. I have been fortunate in that my paintings continue to attract competitive resale values. Currently, this only benefits the collectors of my work and the auction houses through commission.

One documented case in July 2007, a painting of mine "*Possession Island*", which originally sold in Brisbane in 1992 for AUS\$12,000.00 (of which I received AUS\$8,000.00), was resold at a Sothebys auction for AUS\$384,000.00. Unfortunately, there was no monetary benefit for me from this sale. Rather the original Brisbane collector and Sothebys auction house each received large cheques. And given the painting was purchased by a public institution, The Historic Houses Trust of New South Wales, it is UNLIKELY that it will EVER be offered again for resale. This scenario of institutions collecting major art works, needs to be considered when evaluating the proposed Bill.

Should the legislation be passed in its current form, I believe I will not directly see benefits in my lifetime. This would be the case for most mid career Australian artists. The royalty needs to be paid on the FIRST resale once the legislation is passed for it to be fair.

Please consider my personal and considered response to the introduction of the Resale Royalty Right for Visual Artists Bill 2008. Art making generally, is not a profitable pastime for the majority of artists, and to finally have a government which is prepared to DELIVER on resale royalties to artists, is a step in the right direction – BUT we need to get it right the first time.

I urge the Rudd government to recognise and embrace the cultural and economic contribution made by Australian artists, acknowledge the shortfalls of the Resale Royalty Right for Visual Artists Bill 2008 in its current form, and support the recommendations of this submission.

Kind regards,

GORDON BENNETT