

**Senate Standing Committee on Environment, Communications and the Arts**

Answers to questions on notice

**Environment, Water, Heritage and the Arts portfolio**

Supplementary Budget Estimates, October 2008

<b>Outcome:</b>	4	<b>Question No:</b>	162
<b>Output:</b>	4.1		
<b>Division/Agency:</b>	Arts Division		
<b>Topic:</b>	Arts – Resale Royalty Scheme		
<b>Hansard Page ECITA:</b>	138 (20 Oct)		

**Senator Eggleston asked:**

Are you able to tell the committee about resale royalty schemes that exist in other countries; what their structure is, how long the royalties are paid to artists and their descendants for?

**Answer:**

54 countries out of 164 contracting parties to the Berne Convention for the Protection of Literary and Artistic Works ('the Berne Convention') have introduced a resale royalty right, including the United Kingdom and other European Union member states.

The parameters and effectiveness of these schemes differ quite markedly, depending on the model and the administration arrangements for the scheme. Some international examples are provided in Table A, which formed an attachment to the 2004 *Proposed Resale Royalty Arrangement Discussion Paper* prepared by the former Department of Communications, Information Technology and the Arts.

## INTERNATIONAL MODELS COMPARISON

Table A: Summary of some resale royalty schemes

<b>Country</b>	<b>Rate</b>	<b>Coverage</b>	<b>Other features (where available)</b>
Algeria	5% of resale value	Works of graphic or plastic art	Not available
Belgium	100 to 10000 FB – 2% 10000 to 20000 – 3% 20000 to 50000 – 4% 50000 + – 6%	Paintings, sculptures, drawings and engravings sold at public auctions	<ul style="list-style-type: none"> <li>▪ Inalienable right, extended to heirs and successors of the artist</li> <li>▪ The Ministry of Culture collects the royalty</li> <li>▪ The right is granted to foreign authors on the basis of reciprocity</li> </ul>
Benin	5% per cent of resale value	Graphic and plastic works of art	
Brazil	20% of the increase in price, relative to the immediately preceding sale	Art or manuscripts, either original or reproductions signed by the author	<ul style="list-style-type: none"> <li>▪ Inalienable right</li> <li>▪ The National Copyright Council collects the royalty</li> </ul>
Burkina Faso	Not available	Graphic and plastic works of art	
Cameroon	Not available	Graphic and plastic works of art sold by dealer or public auction	
Chile	5% of any increase in the price of the work	Paintings, sculptures, drawings, sketches	
Congo	Not available	Graphic and plastic works of art sold by dealer or public auction	
Costa Rica	5% of resale price	Graphic and plastic works of art sold by dealer or public auction	
Denmark	5% of the resale price, over a specified minimum	Work of art, or authorised copies thereof	
Ecuador	5% of resale price	Works of art sold by dealers or public auction	

<b>Country</b>	<b>Rate</b>	<b>Coverage</b>	<b>Other features (where available)</b>
France	3% on works sold for more than 100 Francs	“Fine art” – drawings, paintings, sculptures etc	<ul style="list-style-type: none"> <li>▪ Inalienable. Currently, inheritable for 70 years after the artist’s death</li> <li>▪ Most often collected by private collection societies</li> </ul>
Germany	5% on works sold for more than DM500	Visual arts	<ul style="list-style-type: none"> <li>▪ Collected by the “Bild Kunst” society</li> </ul>
Greece	5% of the resale price	Original works of art, sold by art dealers or public auction	<ul style="list-style-type: none"> <li>▪ Inalienable right</li> </ul>
Guinea	5% of resale price	Graphic and plastic works of art sold by dealer or public auction	
Hungary	5% per cent of the purchase price	Paintings, drawings, reproduced pictorial graphic works, sculptures, tapestries etc sold publicly	<ul style="list-style-type: none"> <li>▪ The “Art Fund” collects the royalty</li> <li>▪ If the buyer is a museum, the royalty only applies if the author is still alive</li> </ul>
Iceland	10% of resale value	Original works of art	<ul style="list-style-type: none"> <li>▪ Inalienable right</li> <li>▪ Payable to the author, the author’s heirs, or the “Artists’ Copyright Fund”</li> </ul>
Italy	A percentage of the amount by which the first public resale exceeds the original sale (percentage varies between 2 and 10%)	Paintings, sculpture, drawings, prints and original manuscripts sold publicly	<ul style="list-style-type: none"> <li>▪ Unclear whether the royalty is collected.</li> </ul>
Ivory Coast	Not available	Graphic and plastic works of art sold by dealer or public auction	
Luxembourg	3% of resale price over a specified minimum	Visual or plastic art sold by a dealer or public auction	<ul style="list-style-type: none"> <li>▪ Inalienable, and inheritable for 50 years after the authors’ death</li> </ul>
Mali	Not available	Graphic and plastic works of art sold by dealer or public auction	
Morocco	5% of resale value	Graphic and plastic works of art sold by dealer or public auction	

Country	Rate	Coverage	Other features (where available)
Norway	3% of all public resales	Painting, sculpture, graphic art and drawing, original and signed by the artist	<ul style="list-style-type: none"> <li>▪ Returns to public fund for all artists</li> </ul>
Peru	A percentage of any increase in value of the work fixed by mutual accord between the parties	Painting, sculpture, sketches and drawings sold publicly	
Philippines	5% of resale price or lease	Paintings, sculptures, and manuscripts of a writer or composer	
Portugal	6% of resale value	Original works of art	
Rwanda	Not available	Not available	
Senegal	5% of resale value	Graphic and plastic works of art sold by dealer or public auction	
Spain	3% of works sold for more than 300,000 pesetas	Plastic art sold at public auction, in a commercial establishment or through a dealer or agent	<ul style="list-style-type: none"> <li>▪ The party responsible for the sale is obliged to inform the author within 2 months</li> <li>▪ Inalienable, and inheritable for 60 years after the artist's death</li> </ul>
Turkey	An appropriate portion of the increase in value, not exceeding 10%	Artistic works and manuscripts	
Tunisia		Not available	
United States (California only)	5% of the resale price over \$1000	Original painting, sculpture or work in glass	<ul style="list-style-type: none"> <li>▪ The United States does not have a national <i>Droit de suite</i></li> <li>▪ The Californian right extends beyond California only when the work is sold by a Californian vendor</li> </ul>
Uruguay	25% of the increase in the value of the work	All categories of intellectual works	

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<b>Division/Agency:</b>	Arts Division		
<b>Topic:</b>	Festivals Aust – resignation of chair		
<b>Hansard Page ECITA:</b>	138 (20 Oct)		

**Senator Birmingham asked:**

1. Can you or the department advise the committee about the date it received in writing the resignation of the chair of the Festivals Australia advisory committee, Mr Darren McCubbin?
2. Could you provide the committee, please, with the date of receipt and a copy of Mr McCubbin's resignation letter?
3. Has the minister asked the department for a short-list or recommendations or anything?

**Answer:**

1. A letter of resignation from Mr McCubbin was received on 28 April 2008.
2. A copy of the letter is attached.
3. No.

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Sunday, 20 April 2008

20 APR 2008

Minister for the Environment, Heritage and the Arts,  
the Hon Peter Garrett AM MP,  
Parliament House,  
Canberra ACT 2600.

Dear Mr Garrett,

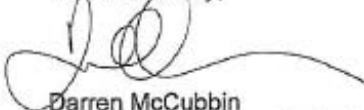
I wish to tender my resignation effective immediately with the Board of Festivals Australia including the position of chair. This resignation is due to my being pre-selected as the ALP Candidate for the Federal seat of Gippsland.

This decision comes with much regret as I certainly enjoyed contributing to the development of the Arts around Australia but is forced by the requirements under the act to remove myself from any Federal program.

Please let me know if I should be writing this letter to any other member of the department or need to complete any other forms to complete the resignation process.

I thank you and the staff for their professional assistance and support over my time with Festivals Australia. It was a time of my life I shall look back at fondly.

Yours sincerely,



Darren McCubbin  
18 Harpley crt, Longford. 3851  
5149 7021