



Australian Government

Department of the Environment, Water, Heritage and the Arts



Senator A McEwen  
Chair  
Senate Standing Committee on Environment, Communications and the Arts  
Parliament House  
CANBERRA ACT 2600

Dear Senator McEwen

On 19 October 2009 I appeared as a witness before the Senate Standing Committee on Environment, Communications and the Arts for the 2009-10 Supplementary Budget Estimates Hearing.

During the hearing, Senator Birmingham asked a number of questions relating to the Resale Royalty for Visual Artists Bill 2008, including what options will be available for artists to opt out of the scheme. In response to the questions, I indicated that artists will not be able to opt out of the resale royalty component of the scheme but that they will be able to opt out of the collecting agency acting on their behalf.

I wish to clarify that the Bill provides that any waiver of a resale royalty right is of no effect. However artists are able to choose for a collecting society not to collect the resale royalty or enforce the resale royalty right on a case by case basis. This must be done in writing to the collecting society.

Yours sincerely

Mark Tucker  
Deputy Secretary

5 November 2009



INVESTOR IN PEOPLE

GPO Box 787 Canberra ACT 2601 Telephone 02 6274 1111 Facsimile 02 6274 1666

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MEMBER