



# Resale Royalty Right for Visual Artists Regulations 2011<sup>1</sup>

**Select Legislative Instrument 2011 No. 267**

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Resale Royalty Right for Visual Artists Act 2009*.

Dated 7 December 2011

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

SIMON CREAN  
Minister for the Arts

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### 1 Name of Regulations

These Regulations are the *Resale Royalty Right for Visual Artists Regulations 2011*.

### 2 Commencement

These Regulations commence on the day after they are registered.

### 3 Definition

*Act* means the *Resale Royalty Right for Visual Artists Act 2009*.

### 4 Excluded class of transfer

For paragraph 8 (1) (c) of the Act, the table sets out excluded classes of transfer of ownership of an artwork from one person to another.

Item	Excluded class
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- |   |   |
|---|---|
| 1 | A transfer: <ul style="list-style-type: none"> <li>(a) for monetary consideration of less than \$1 000; and</li> <li>(b) to which subsection 8 (2) of the Act does not apply</li> </ul> |
|---|---|

### 5 Format of notice of commercial resale

For section 28 of the Act, the Minister may, by legislative instrument, determine a format of notice of commercial resale.

**6 Notice of commercial resale**

- (1) For paragraph 28 (2) (c) of the Act, the following information is taken to be sufficient detail in a notice of commercial resale:
- (a) the date of resale;
  - (b) the GST inclusive sale price;
  - (c) whether the seller acquired the artwork on or after the commencement date of the resale royalty right arrangements to which the Act relates;
  - (d) the medium of the artwork or a description of the artwork;
  - (e) the artist's name;
  - (f) the country of which the artist is a citizen or permanent resident;
  - (g) whether the artist is alive;
  - (h) if the artist has died — the year of the artist's death.

*Note for paragraph (c)* The commencement date of the resale royalty right arrangements is 9 June 2010.

- (2) Subregulation (1) does not prevent other combinations of information from being sufficient detail in a notice of commercial resale.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.