



## **Resale Royalty Right for Visual Artists Regulations 2021**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 28 October 2021

David Hurley  
Governor-General

By His Excellency's Command

Paul Fletcher  
Minister for Communications, Urban Infrastructure, Cities and the Arts

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## 1 Name

This instrument is the *Resale Royalty Right for Visual Artists Regulations 2021*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	30 October 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Resale Royalty Right for Visual Artists Act 2009*.

## 4 Definitions

In this instrument:

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

## 5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## 6 Excluded class of transfer

For the purposes of paragraph 8(1)(c) of the Act, an excluded class of transfer is a transfer of ownership of an artwork:

- (a) for monetary consideration of less than \$1000; and
- (b) to which subsection 8(2) of the Act does not apply.

## 7 Format of notice of commercial resale

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

## 8 Notice of commercial resale

- (1) For the purposes of 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 (if known);
  - (ea) if the artist's name is not known—that fact;
  - (f) the country of which the artist is a citizen or permanent resident (if known);
  - (fa) if the country of which the artist is a citizen or permanent resident is not known—that fact;
  - (g) whether the artist is alive (if known);
  - (ga) if whether the artist is alive is not known—that fact;
  - (h) if the artist has died—the year of the artist's death (if known);
  - (ha) if the artist has died and the year of the artist's death is not known—that fact.

Note: The commencement date of the resale royalty right arrangements referred to in paragraph (c) is 9 June 2010.

- (2) Despite subregulation (1), other information included in a notice of commercial resale may be taken to be sufficient detail for the purposes of paragraph 28(2)(c) of the Act.

## **Schedule 1—Repeals**

### ***Resale Royalty Right for Visual Artists Regulations 2011***

#### **1 The whole of the instrument**

Repeal the instrument.