

Resale Royalty Right for Visual Artists Regulations 2021

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.