



Country Report AUSTRALIA

Annual report to the IFLA CLM committee
Gothenburg, Sweden 2010

The copyright agenda has been quiet in Australia in the past year. There are however two major issues worth noting.

Copyright

Orphan works

The Australian Digital Alliance and the Australian Libraries Copyright Committee have released a handbook which contains an outline of how they believe each of the steps of the provision (s200AB of the Copyright Act) should be approached. They work through a number of possible scenarios to illustrate how s200AB might work in practice

<http://www.digital.org.au/alcc/resources/documents/FlexibleDealingHandbookfinal.pdf>

Resale royalty rights for visual artists

<http://www.resaleroyalty.org.au/>

The resale royalty scheme, established under the Resale Royalty Right for Visual Artists Act 2009, commenced on 9 June 2010. Under the scheme, artists are eligible to receive five per cent of the sale price when their original works are resold through the art market for \$1000 or more. The resale royalty right applies to works by living artists and for a period of 70 years after an artist's death.

The scheme covers original works of art, such as a painting, a collage, a drawing, a print, a sculpture, a ceramic, an item of glassware or a photograph. The resale royalty right applies only on resales where the seller acquires a work after the resale royalty legislation takes effect. The Act provides that the scheme will be administered by a collecting society appointed by the Minister. In early 2010, the Government conducted an open tender process to identify a collecting society to administer the scheme, and the Copyright Agency Limited (CAL) was announced as the successful tenderer. On 27 May 2010, CAL was appointed as the collecting society to administer the scheme under the Act for a five-year period.

The Government announced funding of \$1.5 million over three years in the 2008–09 Budget to support the scheme's establishment.