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***Submission to Contemporary Visual Arts
and Craft Inquiry***

November 2001

Australian Copyright Council

1. The Australian Copyright Council is a non profit company. It receives substantial funding from the Australia Council, the Federal Government's arts funding and advisory body. The Copyright Council provides information about copyright via its publications, training and website, provides free legal advice about copyright, conducts research, and represents the interests of creators and other copyright owners in relation to policies and legislation.
2. Some of the organisations affiliated with the Australian Copyright Council also made submissions to the Inquiry.

Copyright Council services for visual arts and craft

3. We provide legal advice in response to about 4,000 enquiries a year. We also provide information in response to more than 5,000 other enquiries. About one third of enquiries relate to visual arts and craft.
4. We publish more than 50 information sheets on our website, many of which provide information about the visual arts and craft. They include *Artworks & copyright*, *Photographers & copyright*, *Galleries & museums: an introduction to copyright* and *Moral rights*.¹
5. We also publish a series of more detailed practical guides –including *Artists & Copyright*, *Photographers & Copyright*, *Copyright for Galleries & Museums*, *Indigenous Arts & Copyright* – and discussion papers – including *Protecting Indigenous Intellectual Property* and *Moral Rights Bill*. We are currently working on some new publications, including *Moral Rights: A Practical Guide* and *Galleries & Museums: A Copyright Guide*. We would be happy to provide the Committee with any of our publications which are of interest; they are listed on our website.
6. We run a series of training sessions around Australia each year. In 2001, we ran training sessions for graphic artists and photographers, for galleries and museums, and for people involved in websites and online publishing. We are also developing some online training modules.

Current and emerging copyright issues for the visual arts

7. We recently produced a working paper for the Visual Arts Industry Guidelines Research Project, in connection with its development of a code of practice for the Australian Visual Arts and Craft Sector. We have attached an article extracted

¹ <http://www.copyright.org.au>

from that paper. We would be happy to provide further information in relation to any of the issues discussed there (or any other copyright issues of interest to the Inquiry).

Resale royalty (droit de suite)

8. One of the issues specifically raised in the Issues Paper is droit de suite (resale royalty). We support the introduction of a resale royalty right in Australia.
9. In 1988, we completed a study – commissioned by the Australia Council and the Commonwealth Department of the Arts – of the feasibility of introducing a resale royalty right in Australia. The conclusion from the study was that the proposal was generally supported in principle, but there were concerns about the administration of the scheme in the absence of an existing collective management body. Now that a visual artists collecting society (VISCOPY) has been established, most of the concerns relating to administration of the right can be addressed.

Economic contribution of copyright-based industries

10. In 1989 and 1994 we published studies of the contribution of copyright-based industries to the Australian economy. We are about to publish a new study on this issue. We would be happy to provide a copy of the study to the Inquiry.

Libby Baulch
Executive Officer
November 2001