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Artists' resale royalty scheme: FAQs for buyers and sellers of artworks

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This information sheet is for guidance only. It is not legal advice.

First read *Artists' resale royalty scheme: information for buyers and sellers of artworks*, available from www.resaleroyalty.org.au.

Can a buyer or seller find out in advance if the royalty will be payable on a future resale?

Provided CAL has, or can get, the necessary information, CAL will help buyers and sellers work out, in advance of a resale, whether a royalty will be payable.

How much will CAL deduct from the resale royalties?

CAL's administrative fee will be 10% of the royalties collected.

Is GST payable on the 5% royalty?

No.

Do the obligations to provide information apply to resales under \$1,000?

Yes. Sellers are obliged to notify CAL of all commercial resales. The notification must provide sufficient information to enable CAL to work out whether the resale is payable.

Is the royalty paid by the seller or the buyer?

The seller, the buyer and the agent (e.g. the gallery, auction house or dealer) are jointly liable to pay the royalty. This means that CAL can recover the royalty from one or more of them. CAL anticipates that in most cases it will receive the royalty from the agent, who will recover it from the buyer or the seller.

Would the resale of a piece of jewellery be subject to the resale royalty?

Not if it had been mass-produced. On the other hand, a one-off piece of jewellery made by an artist could be subject to payment of the royalty, as could a piece of jewellery made by someone else according to the artist's design and overseen by the artist.

Will royalties be payable on foreign works?

Royalties will be payable for works from countries that are, in the future, listed in the regulations to the Act if all other requirements are met. CAL has begun contacting collecting societies in other countries with resale royalty schemes. When the countries are listed, CAL will publish them on www.resaleroyalty.org.au and notify people who are registered with CAL and/or have subscribed to CAL's resale royalty e-alerts.

More information

More information available from www.resaleroyalty.org.au includes:

- *Artists' resale royalty scheme: information for buyers and sellers of artworks*
- *Artists' resale royalty scheme: information for art market professionals*
- *FAQs for art market professionals (currently only available online)*

You can also ask us for more information by emailing us at resale@copyright.com.au or phoning 1800 066 844.

Use of this information sheet

Check CAL's website for the terms of use for this and other CAL information sheets, and to make sure that this is the most recent version of this information sheet.



More information

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