

## **ARTIST'S RESALE RIGHTS BILL 2006**

### **First Reading**

Bill presented by **Mr McMullan**.

**Mr McMULLAN** (Fraser) (4.18 pm)—

I know the Artist's Resale Rights Bill 2006 will not pass through parliament. It does not have the government's support and they will not allow it to pass. So why am I moving it? In the first instance, obviously I am moving it because I passionately believe that visual artists in Australia should share in the wealth they generate through their creative efforts. But this bill is also deliberately designed to be a challenge to the Howard government—a challenge to them to act; a challenge to the Howard government to do what at least some of their ministers know they should do; a challenge to them to implement the recommendations of the Myer report that recommended just such a scheme to the Howard government almost four years ago. But it appears that after all these years they will not act.

This bill, if it were to be implemented, would give to visual artists equivalent rights to those enjoyed by authors and musicians—the right to receive a small proportion, up to four per cent, of the wealth which their skill and imagination creates. In other words, it would reward creativity, which is what every modern economy needs to do. It would be fair, culturally rewarding and economically sound. The Minister for the Arts and Sport knows that this is the right thing to do, but he cannot get the Attorney-General, who is the minister responsible, to move.

Visual artists in almost every other Western country have the rights which this bill would give to Australian artists, but even this is not sufficient to convince the Attorney-General to act. Yet Attorney-General Ruddock promised he would make a decision on this matter last year in 2005. When it became clear he would not meet this deadline, the Attorney-General said he would make a decision in January 2006. We all waited and still nothing happened, so I initiated the processes to introduce this bill which I had had drafted. What was the Attorney-General's response? He now says he will do something—but we do not know what—by the end of this year. There is a famous Australian saying about the coming of Christmas. I am saying that I think Christmas will come before this Attorney-General acts.

Such an apparent drift in the timetable could be caused by sloth or incompetence. But in these sorts of circumstances when a timetable drifts like this it usually means one of two things: either the responsible minister, in this case the Attorney-General, does not intend to respond positively to the recommendation to introduce a resale royalty scheme or the relevant minister has been rolled by his cabinet colleagues. There have certainly been widespread fears amongst artists of the latter proposition since the active involvement of the Treasurer's close friend Michael Kroger in lobbying against the proposal.

For whichever of those four possible reasons—sloth, incompetence, lack of intention or being rolled—it seems to me that the Attorney General has no current intention of introducing an Australian resale royalty scheme unless he is pressured to do so. That is the political case for this bill at this time. It is designed to put pressure on the Howard government to act. And there are sound economic, social and cultural reasons why they should.

The independent evidence shows that artists are on average amongst the poorest in our community. Indigenous artists, who are likely to be substantial beneficiaries of such a scheme, are among the poorest of the poor. Indigenous Australians are often urged to get off welfare, to get out and earn a living. Yet here we have a proposal under which artists—not just Indigenous artists but many beneficiaries, including the one highlighted in the *Sydney Morning Herald* today—will benefit not

from grants, not from handouts, but from sharing in the wealth they create. But the government ignores it.

The bill I have introduced would create a workable scheme. It is unarguable that such a scheme can work because it is based very closely on a scheme currently operating in the United Kingdom—the very headquarters of the auction houses which are arguing that we should not have such a scheme here. Therefore, this bill would create rights which exist in almost every developed country. It would recognise and reward creativity and it would generate a legitimate income stream for some of the poorest Australians. I recommend the bill to the House.