

Dear Mr Mark Taylor
General Manager, Arts and Regional
Department of Communications,
Information Technology and the Arts

My Preface to the **Resale Royalty discussion paper.**

Whether or not Australia should introduce an RRS

The facts are as plain as day, that most Australian Visual Artists are living frugally, often well below the poverty line.

It is my belief too that Australian Visual Artists are in fact, like our sports people and elite, amongst the best in the world.

A specific example can be gleaned from the work of Howard Arkley, who, being one of the rare breed of Artist / Painters, being favoured by Critics / Writers, Auction Houses, Galleries and the people. He had no trouble selling his Paintings, however being a sensitive person, he could not cope with the stress that all the above brings he became a self medicator with heroin his life ended when he was still a relatively young Artist. So sad a loss to Australia's unique culture, not to mention his loved ones.

And of course let us not forget the most famous Brett Whitley who suffered a similar fate.

First and foremost, I believe, this report deals with the continued health and well-being of Australian's Visual Artists, both financial and emotional (self esteem issues are just as important as the money here), both indigenous and post-indigenous (all other Australian Artists) Visual Artists Living or Deceased and their dependants. I believe (in fact I know, through the close contact with living Artists and the study of Art History, this to hold true) Visual Artists, on the whole, are sensitive creatures, they are taking this discussion to heart, I have talked often with many of my peers and colleges, and the common expression is;

Why are Visual Artists left out of the royalties loop.

I suggest it is because of the greater political power and influence of the people, organisations and professional bodies, such as Galleries, Auction houses, the rich, and other like bodies with invested interests and who can afford to speculate on Fine Art. Furthermore, of course, to keep the status quo, is easier. As we all know the only constant is change, and a change is overdue in regard to the above.

It is the living Artists, or the families of deceased Artists living in poverty who are most in need of this scheme

In regard to the **Economic Analysis and raison d'être for the RRS**

How can economists possibly understand the full range of, and dynamics of what they call "Art production" Here we come to the first clue in the economists misconception of the 'production' of Art, by the very word they use to describe it "production".

Creation is the word, this is not semantics, Artists Create, factories and businesses produce.

Fine Artists, trail blazers in their own right, often lead the way for what industry, advertising and related producers and products, will adopt in times to come. Artists are intrinsically the inverse of mass producers, they are the nerve ends of our society and culture.

Artists keep alive the advancement of visual communication / thought cognition. If it were not for Artists, Australia would be culturally barren.

I strongly disagree with the economists point of view that *droit de suite* would be a negative factor in Australia's economic and cultural advancement, contra-re, it would bolster Australia's economic sustainability.

***droit de suite* would facilitate the creation of Artworks more sustain-ably by;**

a) Allowing the artist to not be so reliant on a 'second job' (which is more often than not, the case in Australia) so freeing his / her time on the creation of new works and allowing a focused concentration on the creation of a coherent body of works.

b) Allowing the artist to become independent and not having to rely on government handouts, in many forms for e.g. Australian Council grants, Competitions and Prizes, Centrelink's Newstart, or Pensions (the former is a can of worms that I will come to on another communication).

c) As far as 'needy' so called "rising Artists" go, it is apparent to me that these Artists, (I say this from personal experience and communication with other Artists and empathetic bodies / organisations) are often young and inexperienced and when it comes to economic professional practice, are often taken advantage of by the very people and businesses who are there to represent, encourage and nurture them.

Artists, being sensitive creatures, and in want to avoid any confrontation often just go with the flow that is offered them, largely to their detriment.

The galleries and people who buy these Artists works, at a song, hold onto them and later sell them at compounded prices, (not bad in itself) but of course this occurs when the Artist has grown older and wiser and is more able to understand their profession, but by this time they have become 'Mid Career Artists' and at this stage they no longer have the 'sexiness of the young up and coming' that they once were.

It is at this time in an Artists career (his /her Mid Career stage), that resale fees of their past works would make all the difference to their further survival as Artists in Australia, not just economically but more-so to their self esteem.

Mid career Artists are the battlers in the Australian Fine Art world, they are overlooked for they no longer possess the youth and advantage of being 'new', they have already been 'discovered' their sales often dwindle, they get married, have families, have more dependants to provide for. This situation can lead to mental breakdown if the Artist is not lucky enough to have a caring, sound and patient relationship with their Dealers, their Family, Friends and Peers. (A rare thing considering the compounding poverty and professional frustration Australian Artists have to bare)

The reality is that there is no one who has the Artists best interests at heart other than themselves, and Visual Artists must be empowered, the best way to do this is by making sure they are paid, respected and trusted that they know what is best for themselves. and their dependants.

d) Having access to re-sale fees would also facilitate the ability for the Artist to advertise, self promote along with all other professional practices that all businesses need to comply with to be in the battle of capitalism.

For the sensitive Fine Artist the complexities of his/her profession make the battle one where they often are coping, the best they can, in a state of shell shock.

What form an RRS should take;

Threshold

The threshold for Australia should be likened to other Countries with a similar demographic, If indeed a threshold is warranted, Australia is, a unique case in this regard and the above factors should be taken into account.

If there is a threshold then it should apply to the top privileged ten or so Artists who sell a work for over and above \$40,000. in this case perhaps the threshold could be in proportion to their gross income and/or a sliding model.

Most Australian Visual Fine Artists (Painters) sell their works at a much lower price, in this case there should be no threshold what so ever.

The threshold should be fair and flexible to allow those who are most in risk of poverty, which is the majority of Full time Artists 'living' from their sales, (In Ireland Artists do not have to pay tax unless they earn up to and over 1 million dollars)

How the RRS could operate

With all our 21 C electronic resources and ease of communication, devices for tracking people and money, credit and debit cards all this is already in place, and functions with little or no hitches.

It would not be too difficult to set up a register of Australian Artists, the NAVA have this to a large extent already.

The Artist could be given a 'pin' number so he or she could tap into the register and receive any RR Fees, by way of transaction to their RRS accounts, through banking, or like resources. Perhaps through the Artists Accountants and /or tax advisors.

Whether or not an alternate means of support are more appropriate;

I suggest not only an alternate means, but a supportive one, one where, our Governing people can help us Artists educate the Australian People and Corporate sector, in all that Artists can contribute to us Australians as a whole becoming a richer society, both financially and culturally.

Australian Artists like our sports elate, the best in the world, have much to offer our society.

Artists could be hired by our Businesses as lateral consultants, for they have the advantage of visual cognition and communication, and have solution solving powers not yet fully taped.

I was working toward setting up such a scheme in 1997, (but was set back by deep depression at that stage, due to the pressures that most Fine Australian Artists have to contend with in these times of frugal Fine Art support.

Why this is not already happening is beyond me.

Artists could, if given the incentive, contribute much more than they are given credit for. Becoming partners with other businesses, Aesthetic consultants, and more besides. This just needs a think-tank to deduce all that can be achieved with Artists and Industry, Artists and Community, Artists and Businesses. So on and so forth, It would take but a few unique individual representatives from all Professions, to get into imaginative but realistic and potentially powerful ball rolling.

Post Script

All I have to say is true and correct as of the 12 Aug. 2004. What I have to contribute I do so with as little bias on my part as is possible, in my position as full time Professional Visual Artist for over twenty years, of hard slog, heart ache, lost Family and nearly my lost life. All due to the heartless nature of the professional Fine Art world within Australia.

I hope that what I have to say is taken with the weight of seriousness and importance in which it is written.

Sincerely

Timothy Ralph BA and Liz V. Grieb
Artist
Fine Artist