

SUBMISSION TO
MANATŪ TAONGA MINISTRY FOR CULTURE AND HERITAGE
RESALE RIGHT FOR VISUAL ARTISTS REGULATIONS
September 2022

BACKGROUND

WeCreate is the alliance of Aotearoa's major creative industry associations and organisations (representing 30,000+ Kiwi creators, support people, and creative businesses – please see below), which was founded in 2014 to propel growth in the sector and increase its contribution to New Zealand's social and economic wellbeing.

Our creative industries include our visual artists who, as stated by Hon Carmel Sepuloni in the foreword to the Consultation document, have rights and make a valuable contribution to our culture and society.

We have reviewed, and support, the submission of our member Copyright Licensing New Zealand (CLNZ). CLNZ's experience in establishing licensing services for visual artists is particularly informative for Manatū Taonga given that the parties CLNZ works with are visual artists and art market professionals. In addition, CLNZ has extensive experience in the international exchange of rights revenue generated for creative professionals through secondary licensing services.

SUBMISSION

1. We understand the goal of the scheme is to support emerging and established visual artists.
2. We note the importance of sustainable careers for visual artists, including financial sustainability, as set out in Manatū Taonga's Long Term Insights Briefing. The Resale Royalty will be an important new revenue stream for artists whose works sell on the secondary market.
3. Visual artists, and other creative professionals, already face significant barriers in terms of the value of their work being recognised and when attempting to licence and enforce their creative rights.
4. In establishing a new right for visual artists, we submit that the government must look to the existing barriers faced by creative professionals and be careful not to replicate these.
5. Parties to the scheme, including visual artists, art buyers and sellers, and art market professionals will all need to be supported to understand their rights and responsibilities under the regulations. It is important that the responsible government agency, in conjunction with the appointed collection agency, provides collateral and other accessible resources that make it easy for all parties to understand the scheme and what they are required to do to comply with it.
6. Trust in the scheme is also important and the governance framework of the collection agency will need to support building and retention of trust by parties to the scheme, including Māori and Pacific artists.
7. Enforcement of creative rights in New Zealand is an issue that the government identified in the MBIE Report [copyright-and-the-creative-sector-december-2016.pdf](https://www.mbie.govt.nz/assets/Uploads/mbie-report-copyright-and-the-creative-sector-december-2016.pdf) ([mbie.govt.nz](https://www.mbie.govt.nz))

8. It can not be assumed that all parties to the scheme will willingly, and in a timely manner, assume their respective responsibilities under the Act. Resourcing enforcement action, including any time required to be spent by the collection agency and external legal costs, is critical to establishing the scheme in a way that ensures fairness for all parties.
9. Providing for financial penalties at a level sufficient to deter non-compliance will also assist with the efficient establishment and operation of the scheme.
10. We submit that the costs of establishing the scheme – information resources, governance and enforcement, be funded separately from the post-establishment cost of operating the scheme, which is to be borne by artists through a deduction from their royalty.

Ngā mihi maioha,

Paula Browning

Chair

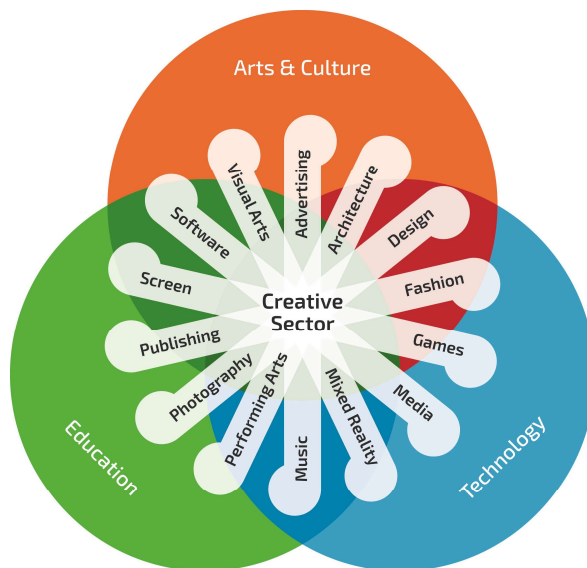
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The logo for WeCreate, with 'We' in blue, 'C' in green, 'r' in yellow, 'e' in orange, and 'ate' in red.

GROWING OUR CREATIVE SECTOR

www.wecreate.org.nz



WeCreate's Members and Friends are:

Advertising & Illustrative Photographers Assn	APRA AMCOS NZ
Tātaki Auckland Unlimited (formerly ATEED/RFA)	Australia & NZ Screen Association
Christian Copyright Licensing International	Commercial Communications Council
Copyright Licensing NZ	Creative NZ
Design Assembly	Designco
Directors & Editors Guild NZ	Equity NZ
Independent Music NZ	Māori Music Industry Coalition
Music Managers Forum NZ	NZ Comedy Trust
NZ Film Commission	NZ Game Developers Association
NZ Institute of Architects	NZ Institute of Professional Photography
NZ Music Commission	NZ On Air
NZ Society of Authors	NZ Writers Guild
Playmarket	Print Media Copyright Agency
Publishers Association of NZ	Recorded Music NZ
SAE Institute	Screen Industry Guild Aotearoa NZ
Script to Screen	Screenrights
Sky Network Television	Screen Production and Development Association (SPADA)
TVNZ	