



INDIGENOUS ARTISTS AND ART CENTRES: WHAT DOES THE (PPS) LAW MEAN FOR YOU?

April 2016

*Your Art, Your Property,
Your Dealer, Your Gallery,
Your Income, Your Risk,
Your Protection.*

How does PPS law affect Indigenous artists who work at art centres?

Under PPS law, any artist who has a commercial consignment arrangement with a gallery or dealer has what is known as a 'security interest' in that art.

If you are an Indigenous artist who works in an art centre this applies to you when your art centre sends your art on consignment to a gallery or dealer.

Under PPS law, you need to protect your security interest because this will protect your art if the gallery or dealer goes bankrupt.

How can my art centre assist me to protect my security interests?

If your art centre is an incorporated organisation or body corporate, it can act for you as your agent.

To protect your security interests your art centre should ensure that it has:

- 1) a record of all the art you have provided to the art centre (this could be, for example, through an art cataloguing system such as 'Story, Art, Money');
- 2) a written consignment contract with the gallery or dealer that the art is being consigned to; and
- 3) registered a security interest on the PPS Register for each gallery and dealer.

You can find the Register at
<https://transact.ppsr.gov.au/ppsr/Home>

Note that registration is not mandatory, but it is advisable as it protects artists' security interests against other creditors.

Registering your security interests

Will my art centre need to register each artist and each consigned art work?

No, your art centre will not need to register each artist and each consigned art work individually.

A single registration can cover all art consignments that an art centre makes to a particular gallery or dealer.

For example, if an art centre has five galleries or dealers to which it consigns art by various combinations of its artists, only five registrations will be needed – one for each gallery or dealer.

In order for one registration to cover future art consignments to a particular gallery or dealer, registration should describe the art broadly, for example 'art works'.

The cost to register starts at \$6.40 per registration for a seven year period.

Professional advice recommended

PPS could affect you or your business in a number of different ways. You should seek professional advice in relation to your specific circumstances.

Where can I get further information?

For more information visit the 'Ask the Registrar' page at www.ppsr.gov.au.

Contact us

Visit online www.ppsr.gov.au (to search or register)

Email enquiries@ppsr.gov.au

Telephone 130000PPSR (1300 007 777)

Help in other languages

If you have difficulty speaking or understanding English, contact the Translating and Interpreting Service (TIS) on 13 14 50 for the cost of a local call. The TIS is available 24 hours a day, seven days a week for more than 170 languages.