

VISCOPY COMPLAINTS AND DISPUTE POLICY

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1 Introduction

- 1.1 VISCOPY is a visual arts copyright collecting society. Our mission is to protect and advance the copyright interests of visual artists in Australia and New Zealand.
- 1.2 VISCOPY represents the copyright rights of Australia’s professional artists, including fine artists, Indigenous artists, photographers, cartoonists, illustrators, craftspeople, designers and architects. We also represent international artists through our 43 affiliates.
- 1.3 VISCOPY manages Australian, New Zealand and international artists’ rights in Australia and is part of the international business network of visual arts collecting societies. This enables us to collect on behalf of Australian and New Zealand artists worldwide.

2 CISAC and Contractual Obligations

- 2.1 VISCOPY endeavours, as far as possible, to comply with resolutions of the International Confederation of Societies of Authors and Composers (CISAC) of which we are a member, related to principles governing the efficient and equitable distribution of royalties. (See VISCOPY Distribution Policy).
- 2.2 Specifically, VISCOPY is a member of the visual arts sector group, the International Council of Plastic and Graphic Artists (CIAGP). VISCOPY’s international affiliation agreements observe the CISAC/CIAGP model.
- 2.3 The VISCOPY Complaints Procedure seeks to incorporate and follow section 3 (“Complaints and Disputes”) of the Code of Conduct for Collecting Societies. A copy of the Code of Conduct is available from VISCOPY’s website.

3 Complaints Procedure

- 3.1 The VISCOPY Complaints Procedure adheres to the principles set forth in *Australian Standard on Complaints Handling, AS 4269-1995*, concerning the handling of complaints.
- 3.2 The VISCOPY Board will appoint an Independent Complaints Assessor from time to time. The Independent Complaints Assessor will be a suitably qualified person who is neither a VISCOPY staff member, nor a VISCOPY Board member.
- 3.3 VISCOPY has a formal Complaints Procedure is open to members and licensees and provides as follows:

Making a Complaint

- i) If a member or licensee wishes to provide feedback for VISCOPY, they are directed to the online feedback facility. A hard copy will be mailed out by VISCOPY if requested.
- ii) If a member or a licensee wishes to make a complaint, they are directed to the online complaints form. This will be mailed out in hard copy by VISCOPY, if requested.
- iii) If a member or licensee requests assistance to fill out the forms, the Membership & Distribution Manager or, in the case of Indigenous artists, the Indigenous Visual Copyright Education Officer will assist with the completion of the forms.
- iv) The form should detail the nature of the complaint, and whether it involves a Viscopy service or staff member. Complaints should also specify what would resolve the complaint.

Handling of a Complaint

- v) Upon receipt of a complaint form, the complaint will be referred to:
 - i. the VISCOPY Licensing Manager if the complaint concerns licensing;
 - ii. The VISCOPY Membership Officer if the complaint concerns a member; or
 - iii. To the Chief executive Officer if the Licensing Manager or Membership Officer respectively, is not, or is not likely, to be available within 24 hours of receipt of the written complaint.
- vi) Within 48 hours of receipt of the complaint, the Licensing Manager, Membership Officer or Chief Executive Office shall endeavour to resolve the complaint to the satisfaction of the member or licensee or provide a written response to the complaint indicating:
 - i. the process by which the complaint will be handled; and
 - ii. the time frames in which the complaint will be handled.
- vii) If the member or licensee is not satisfied with the efforts of VISCOPY to resolve the complaint, he or she may request that VISCOPY refer the complaint to the Independent Complaints Assessor. If VISCOPY receives such a request, VISCOPY will refer the complaint to the Independent Complaints Assessor within 24 hours.

- viii) The Independent Complaints Assessor will investigate the complaint within 14 days, and will be asked to advise both VISCOPY and the member or licensee of his or her views about the complaint and to suggest a resolution.

4 Dispute Resolution Procedure

- 4.1 If a complaint has not been resolved through the Complaints Procedure above VISCOPY may offer to refer the matter to The Arts Law Centre of Australia's Mediation service.
- 4.2 As an alternative to mediation, VISCOPY may refer a dispute to an arbitrator nominated by the Chair, such arbitrator to be a solicitor of not less than ten years post-admission experience, or a person holding legal qualifications of not less than ten years post-qualification experience in the field of copyright law, pursuant to the terms of the *Commercial Arbitration Act 1984 (NSW)* or equivalent legislation applicable to the state of residence of the arbitrator so nominated. VISCOPY may require a deposit (the amount to be determined by the Board at its absolute discretion) to be made by the member to cover the costs on any such arbitration.
- 4.3 In a dispute among members, or involving members of an affiliated society, such dispute will be handled in accordance with the Dispute Resolution Procedures set forth in the VISCOPY Distribution Policy.
- 4.4 For the avoidance of doubt, if VISCOPY is notified of a dispute involving actual or potential recipients of VISCOPY's financial distributions, VISCOPY may, on being satisfied that the claim giving rise to the dispute is not trivial or vexatious, place the reproduction credits, if any, allotted to the disputed work/ works affected in suspense until the dispute is settled between the parties or resolved by mediation.
- 4.5 VISCOPY's international dispute resolution process is contained in its affiliation agreements that state:

Each of the contracting Societies may seek the advice of the Administrative Council of the International Confederation of Societies of Authors and Composers about any difficulty which may arise between the two Societies regarding the interpretation or the performance of this contract.

If need be, the contracting Societies involved in such a disagreement may mutually consent to resort to the arbitration of the Administrative Council of the International Confederation of Societies of Authors and Composers.

If the contracting Societies do not consider it appropriate to resort to the arbitration of the Confederation and in the absence of mutual agreement the competent Court of Jurisdiction shall be that in which the defendant Society is domiciled.

5 Further Information

- 5.1 Please direct all questions or comments relating to this Complaints and Disputes Policy to viscopy@viscopy.com.au or by phone (02) 9368 0933, or by mail to:

VISCOPY Complaints Policy
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