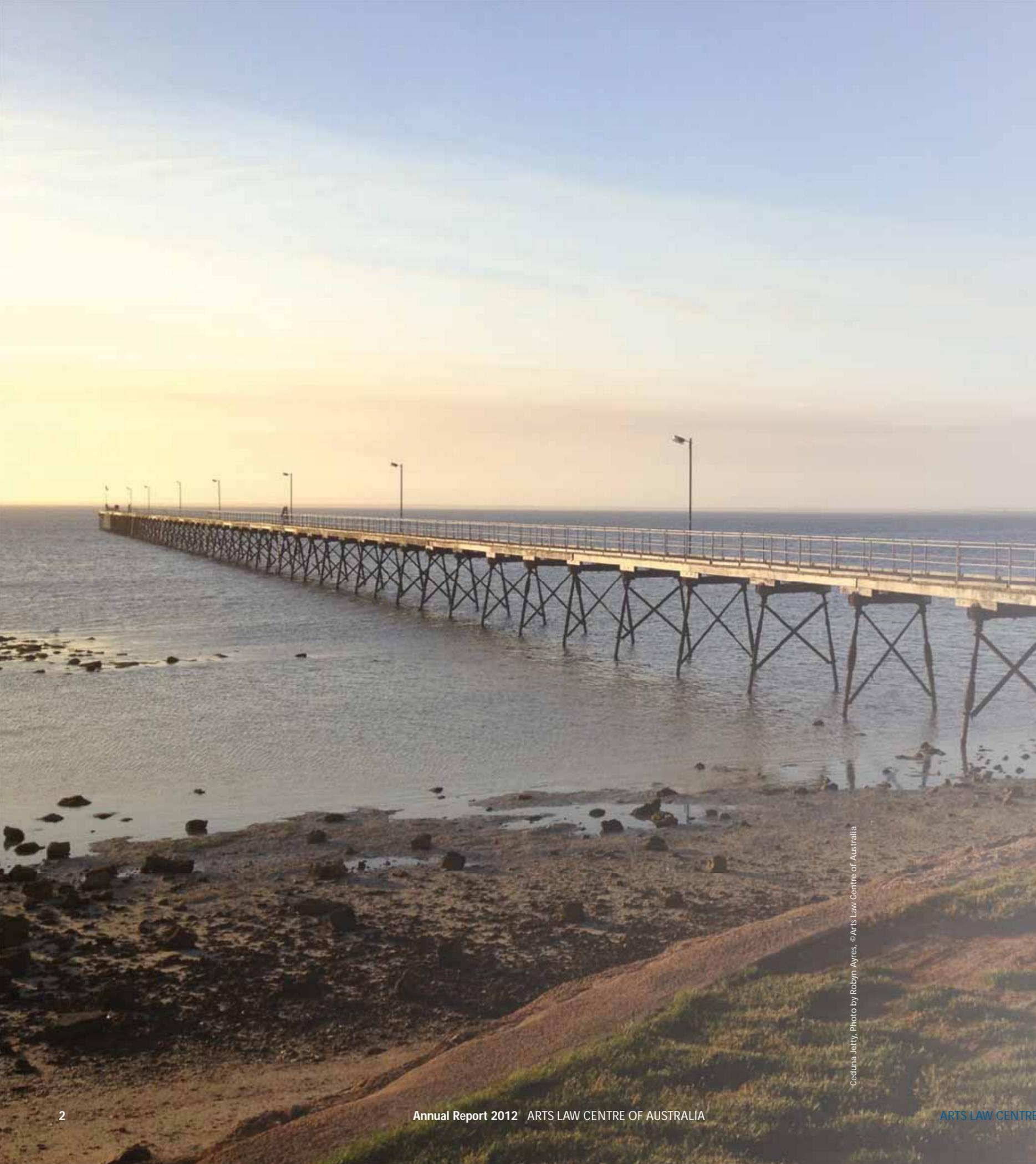


2012

ANNUAL REPORT





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Ceduna Jetty, Photo by Robyn Ayres, © Arts Law Centre of Australia



The Hon Justice Margaret Beazley AO

Foreword by The Hon Justice Margaret Beazley AO

In 2012 the Arts Law Centre of Australia (Arts Law) delivered more services than ever to the Australian arts community and the demand for Arts Law's services continues to grow. This is not surprising. Arts Law is the only community legal practice providing pro bono assistance to artists from all artistic disciplines. In the current economic climate artists' incomes are more fragile than ever and the integrity of their work is increasingly threatened by the ease of copying in the digital age. Arts Law works hard to equip artists to understand and manage their legal rights, including the right to remuneration for the sale of their work and protection from unauthorized copying.

Arts Law provided services to over 5000 artists and arts organisations in 2012, including 2454 legal advices and 843 Document Review Services. This represents a 38% increase from 2011.

Arts Law's Indigenous service, Artists in the Black, established 8 years ago, in response to concerns about the exploitation of Indigenous artists was particularly active: 25% of Arts Law's clients are Aboriginal and Torres Strait Islanders. The map on page 19 shows the reach of the Artists in the Black service, with outreach provided in 34 locations nationally.

Arts Law also provides important leadership to the arts community through its advocacy work on behalf of Australia's artists. One outstanding achievement in 2012 was the legislative amendments introduced in Western Australia, which for the first time allows Aboriginal people who die intestate to be treated the same as the rest of the State's citizens. Arts Law led the campaign for this legislative amendment over a period of 7 years, being aware, through its work, of the seriously detrimental impact of the law on Aboriginal artists and their families.



It is the efforts of the hard working team at Arts Law that enables so much to be achieved. Several staff members have a gruelling schedule with much time spent away from home to reach as many artists as possible. The administrative staff have done a sterling job improving efficiencies in the office through an updated database and communications system. However without an increase in resources, the level of services currently being delivered by Arts Law is not sustainable.

It is therefore with deep appreciation that I, on behalf of the Board and staff of Arts Law, thank the many lawyers and law firms who provide pro bono legal expertise to Australia's artists. Arts Law needs you more than ever. I look forward to meeting our supporters personally at our various events throughout the year.

Finally, I thank my colleagues on the Arts Law Board for their valued contribution to the work of Arts Law.

The Hon Justice Margaret Beazley
President



Robyn Ayres, Executive Director, Arts Law Centre of Australia. Photo by Jennifer Arnup. Copyright ALCA. 2013.

Snapshot of Arts Law in 2012

After ten years in the Executive Director's seat at Arts Law I can only say ... "Time flies when you are having fun". It is a real privilege to work for such a brilliant organisation as Arts Law with a team of talented and dedicated people who manage to achieve so much for Australia's artists. That is what Arts Law is all about - the artists and the organisations which support them. How boring would our lives be without the amazing talents of Australia's creators? We need to make sure that they can afford to put food on the table and that their rights are protected! Below is a snapshot of what we achieved together in 2012.

Arts Law is extremely pleased that our persistent advocacy around the problem of the discriminatory provisions in the *Aboriginal Affairs Planning Authority Act* WA was finally successful with the Western Australian Government passing legislation to repeal the provisions in November 2012. Previously the estates of intestate Aboriginal people in WA vested in the Public Trustee, with Aboriginal families denied the right to administer the estate. This is no longer the case and we acknowledge the efforts of Herbert Smith Freehills in relation to this issue.

Arts Law was again able to attend the Intergovernmental Committee (IGC) of the World Intellectual Property Organisation (WIPO) to advocate on the need for better protection of traditional cultural expressions of Indigenous artists both in Australia and internationally. Whilst there is still much to be resolved, further work in 2013 may hopefully result in an agreed text for an international instrument. We thank the Copyright Agency for their support in allowing Trish Adjei to represent Arts Law and also for supporting my travel to attend the IGC meeting.

Whilst the start of the year saw many of the proposals Arts Law had made being endorsed by the Australian Law Reform Commission's (ALRC) report on the National Classification Scheme, the end of the year saw Arts Law making submissions to the ALRC on the Copyright Act and the Digital Economy. Not surprisingly we focussed on the need to ensure that any changes to copyright laws do not have a negative effect on the already vulnerable income streams for artists, especially in a rapidly changing digital environment. Arts Law's advocacy work also continued to focus on the need for improvements in the terms and conditions of prizes and competitions and we were successful in negotiating fairer T&Cs for creators in a number of competitions.

In terms of the development of Arts Law as an organisation, we continue to build a national Board of Directors reflecting the unique services Arts Law provides as the national community legal centre for the arts. In 2012 we were very pleased to announce that Tania Chambers had joined the Arts Law Board. Tania, who is well-known for her outstanding film credentials, has moved back to Western Australia so will be assisting with our work there.

Funding and support

By the end of 2012, Arts Law was very close to finally having a National Funding agreement in place, agreed by all the arts bodies of the States, Territories and the Federal Government. We were also very pleased to regain our Screen Australia funding and to have received some support from Film Victoria enabling a renewed focus on legal advice for screen creators, the development of relationships with screen resource organisations and new resources for the screen community.



In 2012 Arts Law underwent some fairly radical staffing changes and it is a testament to the dedication of everyone at Arts Law that we have been able to deliver more services than ever in truly testing times. Some of the key changes included Mary Egan, our long time consultant bookkeeper, stepping into the position of Administration and Finance Manager; Delwyn Everard becoming fulltime and the new Deputy Director at Arts Law; Donna Carstens being appointed the Artists in the Black Coordinator; Jasmine McHenry and Anika Valenti taking up the solicitor positions; Morris Averill and Louise Buckingham sharing the senior solicitor role; Victor Cabello becoming our first Communications Coordinator; long time volunteer, Jennifer Arnup joining us as the Administration Officer (legal) and Victoria Wills joining the administration team. This has meant that we have sadly farewelled many of our fabulous colleagues but they stay close and part of the strong Arts Law network. And of course we eagerly await the return of Suzanne Bahadori Derry from maternity leave in 2013. So it has been a year of change, including a new database to contend with, but everyone was still smiling at the end of the year.

I doubt we would have got through our year of change without the fantastic pro bono support Arts Law received. We are especially grateful to the Australian Government Solicitor's office which has provided Arts Law with a secondee two days a week for the whole year. John Berg has been a pleasure to have in the office. Arts Law was also delighted to become a signature pro bono project for DLA Piper, which has meant an increased level of support for the Artists in the Black (AITB) work in 2012. There are

so many wonderful pro bono lawyers and law firms who continue to support Arts Law. While there is not enough room to thank you all individually, I note that some have been doing so for over 20 years and we can only say thank you and acknowledge those efforts through our annual pro bono awards. (The names of the pro bono award recipients are highlighted in the volunteer and pro bono section of this report.)

Services provided

As mentioned, the levels of legal advice services have been maintained despite all the staff changes, with 2454 legal advices provided in 2012. The Document Review Service (DRS) continues to grow with 843 documents reviewed. This includes the wills work for Indigenous artists.

Arts Law had made extensive commitments to deliver a wide-reaching education program in 2012. Seminars were provided to students in art schools, to professional artists such as photographers, filmmakers, musicians, writers and visual artists, to Indigenous artists on their rights and the importance of wills, to people working with Indigenous artists on respecting and protecting Indigenous intellectual property, to name but a few. In all Arts Law delivered 79 presentations to over 2000 artists and arts workers in 30 different locations nationally. This involved many thousands of kilometres of travel. Many of our education sessions are delivered in partnership with other arts and cultural organisations maximising audiences and cross-promotional opportunities. Arts Law could never achieve such a broad reach without this support.



In 2012 AITB had a focus on Far North Queensland with staff visiting many of the art centres located in Cape York and Torres Strait Islands. We talked to the artists about their rights explaining copyright, moral rights, Indigenous Cultural and Intellectual Property (ICIP) basics and wills and with the art centre managers about the plethora of legal issues they face. In most places we were also able to get a few wills drafted. This work was funded by Arts Queensland, as was the Black Fashion project which resulted in the development of two template agreements for Indigenous artists wanting to work in the fashion area. Arts Law welcomes the support from the Queensland Government and we were very pleased to relaunch Arts Law in Queensland in October at an event hosted by Minter Ellison in Brisbane.

Other wills work was made possible through funding from the Copyright Agency as well as the Department of Indigenous Affairs for work in Western Australia. Arts Law lawyers, with the assistance of pro bono lawyers from Copyright Agency, Gadens, Telstra, and DLA Piper, travelled extensively in the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands as well as Ceduna in South Australia, and to many regions of Western Australia explaining why wills were important to artists and drafting many.

Arts Law continues to work on the Wills and Probate toolkits which are available on the AITB website. The aim of these is to provide information and sample letters for families to use when an artist dies and they need help with the estate.

Solid Arts has been a big project for Arts Law from 2010-2012 which is dedicated to respecting and protecting Indigenous intellectual property. The project was funded by the Cultural Ministers Council and the resources developed for artists, consumers and commercial operators have been disseminated nationally. For more information go to the Solid Arts website www.solidarts.com.au.

I would finally like to thank the Arts Law board of directors for their ongoing commitment to the work of the organisation and once again pay tribute to the hard-working team at Arts Law for achieving so much in 2012 for Australia's artists.

Robyn Ayres
Executive Director

About Us

The Arts Law Centre of Australia is the national community legal centre for the arts. It provides artists and arts organisations with low cost legal advice and information on a wide range of matters. These matters include contracts, copyright, defamation, insurance, employment and taxation. Arts Law wants to ensure Australia's artists are properly rewarded for their creative work and avoid exploitation. The artists we advise include visual artists, authors, film makers, musicians and performers. The Centre provides telephone legal advice, a document review service, a mediation service and a referral service. Arts Law undertakes advocacy on arts related issues and provides educational workshops throughout Australia. It also operates the Artists in the Black (AITB) service which provides legal advice to Indigenous artists and Indigenous art organisations. Arts Law is funded by the Australia Council, Office for the Arts, Screen Australia and State and Territory Governments.

Mission Statement

Arts Law envisages an arts community which understands their legal rights, has sufficient business and legal skills to achieve financial security and carries out their arts practice in a non-exploitive and culturally aware environment. Arts Law will continue to provide low cost, practical, specialist legal advice and services (including advocacy, publications and education) to equip artists and the cultural sector to achieve this vision.

Vision

Arts Law's vision is to foster a society that promotes justice for artists and values their creative contribution.

Our Achievements.

Our Achievements.

5300+

Australian artists and arts organisations benefitted from our services

2454

Legal advices

843

Document Review Services (DRS)

2021

Participants in our professional development program for those in the arts community

229

Pro Bono lawyers gave legal advice to artists in 2012. (Arts Law provides invaluable advice to artists. As well as the funding we received from the Federal Government, the pro bono legal services negotiated by Arts Law provided an additional \$2 million in assistance to the creative industry.)

517

Legal advices to Indigenous clients

373

Document Review Services to Indigenous clients

44

Matters requiring ongoing casework assistance through the Artists in the Black service

438

Indigenous participants at our Educational Workshops

71

Indigenous languages are available to clients on our Solid Arts Website

Our legal services

Arts Law's mission is to ensure that Australia's artists and arts organisations have access to practical, specialist legal services and resources. Arts Law also wants to ensure that artists are properly remunerated for their creative work. Arts Law provides the following legal services:

- Telephone legal advice service
- Document Review Service (DRS)
- Mediation Service
- Referral Service

It is important to note that there has been a marked increase in the complexity of legal problems facing our clients and the subsequent depth of advice provided by Arts Law. This has affected our capacity to help all those who require our services. Three factors affect potential reductions in services (without more resources):

- Telephone advice has become more complex.
- DRS has become more complex and requires greater resources.
- Artists in the Black clients have a multitude of issues and require more resources.

Pilbara Coast, Photo by Delwyn Everard, ©Arts Law Centre of Australia

Telephone legal advice service

The telephone legal advice service is the cornerstone of Arts Law's legal advice services. This is a free service for most Australian artists and is available to all subscriber arts organisations.

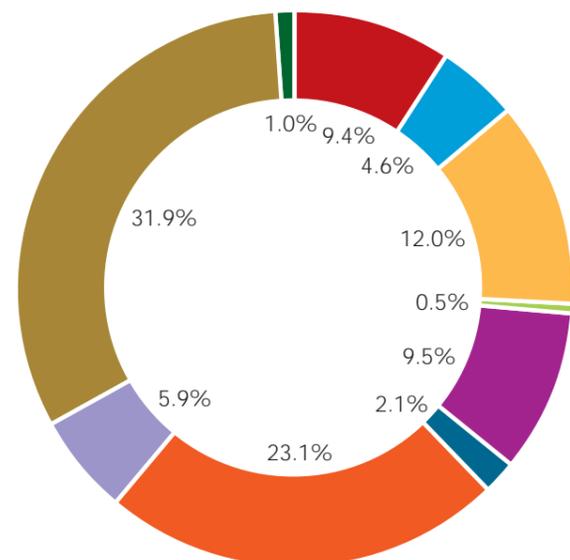
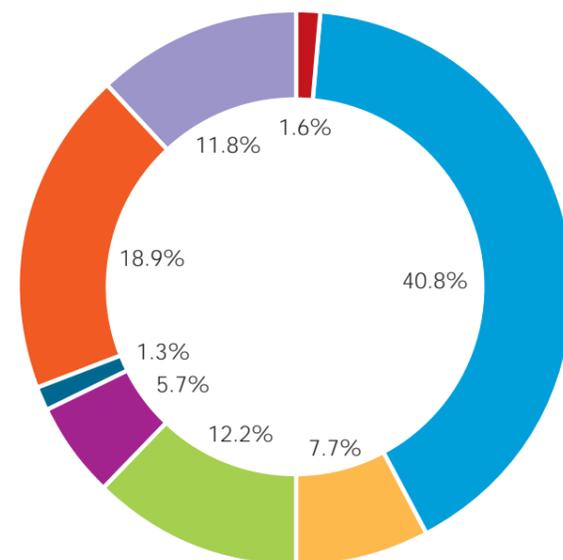
The telephone advice provided by our team is becoming increasingly complex due to the many legal issues affecting our clients. Demand for this specialised legal service has further been stretched with the ongoing success of Artists in the Black as it has resulted in greater numbers of Indigenous artists and arts organisations requiring advice. Arts Law has advised a growing number of clients. To reach our targets without diminishing quality, Arts Law needs additional resources.

Legal advice by state

| Legal advice by State | 2012 | 2011 | 2010 |
|-----------------------|--------------|-------------|-------------|
| ACT | 39 | 31 | 34 |
| NSW | 1001 | 755 | 901 |
| NT | 190 | 146 | 178 |
| QLD | 299 | 186 | 194 |
| SA | 139 | 59 | 77 |
| TAS | 31 | 26 | 35 |
| VIC | 465 | 320 | 365 |
| WA | 290 | 212 | 204 |
| TOTAL | 2,454 | 1775 | 1999 |

Legal advice by arts sector

| Legal advice by Art Sector | 2012 | 2011 | 2010 |
|----------------------------|--------------|-------------|--------------|
| Community Arts | 230 | 148 | 155 |
| Design | 112 | 62 | 23 |
| Film/Video/TV | 295 | 268 | 219 |
| Legal | 12 | 4 | 4 |
| Literature | 232 | 200 | 198 |
| Multimedia | 51 | 50 | 22 |
| Music | 568 | 276 | 322 |
| Performing Arts | 145 | 134 | 30 |
| Visual Arts & Crafts | 784 | 613 | 635 |
| Miscellaneous | 25 | 20 | 33 |
| TOTAL | 2,454 | 1775 | 1,999 |



Document Review Service

Subscribers to Arts Law can obtain a Document Review Service (DRS) either face-to-face or through a telephone consultation for up to two hours with experienced specialist lawyers who are on Arts Law's panel. The DRS is a service unique to Arts Law and it dovetails with our Sample Legal Agreements which clients are able to purchase, adapt to their requirements and then have reviewed through the DRS. This service is developed in partnership with:

- Lawyers from large corporate and boutique firms.
- Government and in-house lawyers.
- Other volunteer lawyers on our national pro bono panel.

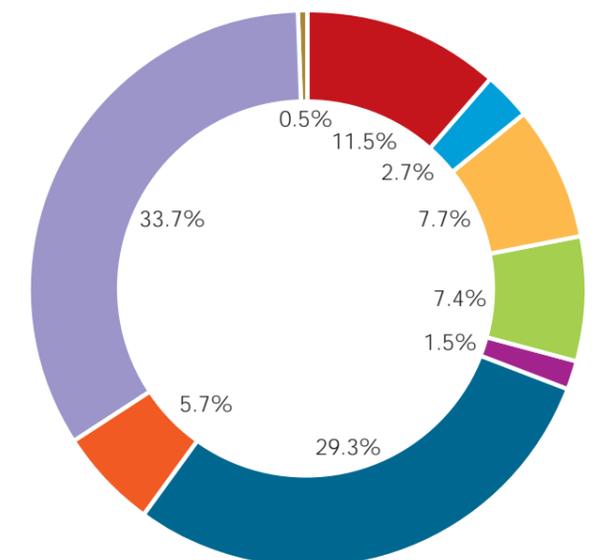
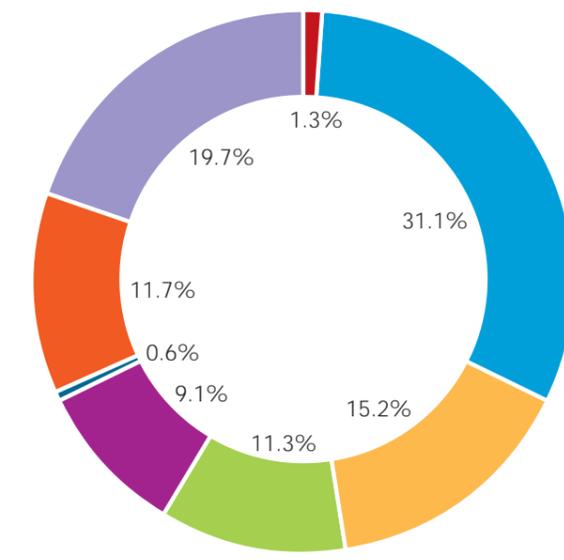
Delivery of the resource intensive DRS has been trending upwards since 2008 with demand continuing to rise in 2012 with a 36% increase over 2011. These numbers include wills drafted through our AITB wills project that visits regional and remote communities.

Document Review Services by state

| Document Review Services by State | 2012 | 2011 | 2010 |
|-----------------------------------|------------|------------|------------|
| ACT | 11 | 10 | 6 |
| NSW | 262 | 192 | 204 |
| NT | 128 | 123 | 117 |
| QLD | 95 | 41 | 42 |
| SA | 77 | 11 | 16 |
| TAS | 5 | 9 | 8 |
| Victoria | 99 | 81 | 74 |
| WA | 166 | 153 | 72 |
| Total | 843 | 620 | 539 |

Document Review Services by arts sector

| Document Review Services by Arts Sector | 2012 | 2011 | 2010 |
|-----------------------------------------|------------|------------|------------|
| Community Arts | 97 | 56 | 41 |
| Design | 23 | 14 | 3 |
| Film/TV/Video | 65 | 67 | 64 |
| Literature | 62 | 55 | 46 |
| Multimedia | 13 | 16 | 5 |
| Music | 247 | 83 | 99 |
| Performing Arts | 48 | 54 | 17 |
| Visual Arts | 284 | 271 | 261 |
| Miscellaneous | 4 | 4 | 3 |
| TOTAL | 843 | 620 | 539 |



Range of Problems

Often when Arts Law deals with a client the person has more than one legal issue with which they need help. In 2012 there was an average 1.8 different legal issues per client consultation.

| | | | |
|------------------------------------------|-----|------------------------------------------|--------------|
| Agency & Management | 25 | Employment-Discrim, Super, Worker Comp | 45 |
| Bailment | 12 | Estate Planning incl Wills and Intestacy | 270 |
| Business Name | 28 | Funding incl Government and Private | 14 |
| Business Struct incl Assn, Charity, Corp | 11 | ICIP | 57 |
| Business Structure: Partnership | 6 | Income Tax General | 1 |
| Business Structures: For Profit | 52 | Indigenous Art Code | 12 |
| Business Structures: Not for Profit | 26 | Insolvency | 8 |
| Censorship and Obscenity | 6 | Insurance | 44 |
| Character Merchandising | 2 | IP: Design Registration | 2 |
| Competition and Consumer or Fair Trading | 46 | IP: Patent | 10 |
| Confidentiality | 42 | IP: Trade Mark | 82 |
| Contract: Breach | 96 | Lease | 9 |
| Contract: General | 449 | Local Government | 16 |
| Contract: Infringement | 24 | Mediation | 29 |
| Contract: Prizes and Competitions | 15 | Moral Rights | 199 |
| Contract: Review | 450 | Other | 115 |
| Copyright: Collecting Societies | 50 | Performers' Protection | 86 |
| Copyright: General | 542 | Personal Property Securities Act | 28 |
| Copyright: Infringement NOT online | 229 | PPCA input agreement or direct licensing | 21 |
| Copyright: Licensing | 376 | Privacy | 45 |
| Copyright: Online Infringement | 90 | Prizes & Competitions | 15 |
| Copyright: Ownership | 323 | Resale Royalty | 18 |
| Debt | 98 | Social Media | 5 |
| Defamation | 136 | Tax incl GST, Income, Sales, Stamp Duty | 22 |
| Designs | 22 | Torts incl Negligence, Trespass | 13 |
| Domain Names | 14 | Trade Practices & Passing Off | 13 |
| | | Grand Total | 4,349 |

Ceduna Beach, Photo by Robyn Ayres. © Arts Law Centre of Australia

Legal Information and Publications

Publications

Arts Law has an extensive range of publications that provide information on a broad range of legal issues affecting the arts community nationally. These resources supplement our legal advice service and are accessible via our websites. We actively promote these publications to the arts, education and legal community through social media, seminars and direct marketing.

Arts Law is committed to maintaining the currency of all our publications and we update and expand the range throughout the year. Our publications include information sheets, checklists and guides, sample agreements and seminar papers. In addition, we publish a quarterly newsletter for our subscribers, called art+LAW.

Arts Law continues to update and develop our three websites (www.artslaw.com.au; www.solidarts.com.au and www.aitb.com.au). We add to the content with case studies, audio and audio visual material.

Information Sheets

Arts Law's information sheets are available on the website free of charge, enabling arts practitioners throughout Australia to easily access up-to-date legal information. We currently have 86 information sheets published online which can be accessed at www.artslaw.com.au/legal/information-sheets/.

Checklists and Guides

In addition to our information sheets, there are 10 Comprehensive checklist and guides packages that are available at no cost to Arts Law subscribers and for a small fee to others. They are as follows:

- Artist-Gallery Checklist
- Business partnership checklist
- Music management checklist
- Music publishing checklist
- Organising a festival checklist
- Displaying visual art on the internet
- Live music performance: Booking gigs guide
- Music recording agreements guide
- Short film competitions: producer's guide
- Sponsorship agreements guide

Sample Agreements

Arts Law produces a range of sample agreements with explanatory notes that are available for a small fee to download and may be adapted to the user's requirements. There are currently 63 sample agreements published, covering a broad range of arts sectors including agreements for the visual arts and crafts, low budget film/video, community broadcasting and music.

art+LAW

art+LAW is the online quarterly newsletter produced by the Arts Law Centre of Australia. In 2012, art+LAW covered a broad range of topics including:

- Personal Property Securities 101 (by Rebecca Laubi, Senior Solicitor)
- Law Reform – Final report into the National Classification Scheme Review (by Jo Teng)
- No Will, No Way, (by Delwyn Everard, Arts Law's Deputy Director)
- So you want to self-publish (by Jo Teng)
- Q & As for filmmakers (by Rebecca Laubi)
- Art, album covers and online distribution (by Suzanne Derry)
- 'Not Made in Australia' campaign (by Shannon Longhurst)
- WIPO - Protecting Traditional Knowledge and Culture (by Robyn Ayres)
- Prizes and competitions – factors to consider before submitting your work (by Delwyn Everard and Anika Valenti)
- Online Marketing: A One-Way Street Once More? (by John Swinson, Partner, King & Wood Mallesons)
- Art Collectors and Copyright injustices (by Delwyn Everard, Arts Law Deputy Director)
- Arts Law's Black Fashion Project (by Donna Carstens and Louise Buckingham)
- Copyright and the Digital Economy (ALRC Inquiry 2012-2013) (by Morris Averill)



Website

The Arts Law Centre of Australia has three state of the art, user friendly websites. These three websites are constantly updated providing artists with valuable information about their legal rights and developments in the law.

| 2012 | Quarterly visits | Number of page views |
|-------------------|------------------|----------------------|
| January-March | 50,940 | 120,047 |
| April-June | 60,489 | 135,332 |
| July-September | 61,356 | 137,676 |
| October- December | 60,407 | 124,047 |
| TOTAL | 233,192 | 517,102 |

Social Media Networks

Through its social media sites, Facebook and Twitter, Arts Law provides information about news and events that is relevant to people who have an interest in the arts. These sites are an excellent way of communicating with clients, stakeholders and potential clients.

Education/Professional Development Program

2012 was once again a busy year for Arts Law's professional development program for the arts community. We delivered 79 sessions nationally which were attended by 2021 participants of whom 438 were Indigenous. The aim of this program is to increase awareness and understanding of the many legal and business issues affecting the creative community.

In 2012, the program covered issues such as copyright, moral rights, contracts, digital issues, business structures and Indigenous intellectual property which were delivered across Australia.

Arts Law Subscribers

Arts Law continues to provide free telephone legal advice to artists, (subject to a means test.) However, artists are required to subscribe to Arts Law if they want to use the Document Review Service. In 2012, Arts Law had 1550 subscribers, 692 in metropolitan locations and 858 in regional locations. 30% were Aboriginal or Torres Strait Islander artists or arts organisations. The AITB artists subscriptions are subsidised by Arts Law.

Artists in the Black

In 2004, because of concerns about the exploitation of Indigenous artists, Arts Law launched a specialised service for Aboriginal and Torres Strait Islander artists - Artists in the Black. Artists in the Black has been very successful and has continued to grow. In 2012, the provision of legal services to the Indigenous community comprised approximately 25% of Arts Law's legal work. The following services were provided:

- 517 Telephone legal advices
- 373 Document review services
- 44 Casework matters
- 123 Wills
- 30 Educational workshops
- 438 Aboriginal and Torres Strait Islander participants in education sessions

Responding to the need expressed by Indigenous Art Centres, Arts Law has been assisting in writing wills for artists over the last six years. Our Artists in the Black program conducts wills workshops for Indigenous visual artists in remote and regional areas. More than five hundred wills have been drafted as part of that program.

With the generous support of the Copyright Agency's Cultural Fund and law firms DLA Piper and Jackson MacDonald, Arts Law has been developing probate and intestacy kits for families of Indigenous visual artists to assist them in managing the estates, particularly the assets related to the deceased artist's artistic practice. Intestacy kits have been created for each state and territory and are now available on the Artists in the Black website. Each kit explains how the intestacy rules operate in that jurisdiction and contains template letters and forms to assist those responsible for administering the estate. Arts Law is also developing wills kits.

Lawyers from Arts Law visited many remote areas of Australia providing legal advice about arts law issues, in 2012 (See map Page 19). As well as major capital cities, some of the places visited by our lawyers include the Anangu Pitjantjatjara Yankunytjatjara (APY) land, in South Australia, the Torres Strait in Queensland and Kununurra and Port Hedland in Western Australia.



Helen Sampson, Martumili Artist, Newman. Photo by Delwyn Everard, © ALCA, 2013.



Chief Executive Officer, Robyn Ayres with Pormpuraaw Art Centre Manager and artists. Photo courtesy of © Indigenous Art Centre Alliance 2012



Deputy Director, Delwyn Everard with Roseleen Park and Peggy Patrick at Warmun Art Centre.

Where we've been...

the many different cities and regional locations our outreach services took us to in 2012



Advocacy and law reform

In 2012, Arts Law continued to take the lead in its advocacy work focussing on the issues of;

- Changes to Western Australia's intestacy laws
- Freedom of expression
- Indigenous cultural and intellectual property (ICIP)
- Competitions and prizes
- Copyright

Throughout the year, Arts Law made 22 submissions and received media coverage on 20 occasions relevant to the advocacy work (8 radio, 4 online, 8 print).

Changes to Western Australia's intestacy laws:

Aboriginal and non-Aboriginal estates to be treated equally.

Arts Law welcomed the decision of the Western Australian government to amend its Aboriginal intestacy laws. Arts Law was of the view Western Australia's former intestacy laws discriminated against Aboriginal residents of that State. On 8 November 2012, the WA Legislative Assembly passed the Aboriginal Affairs Planning Authority Amendment Bill 2012. The Bill repealed part IV of the Aboriginal Affairs Planning Authority Act 1972 (WA) achieving parity at law for Aboriginal people who die intestate by bringing them under the same scheme of distributing intestate estates as non-Aboriginals. The Bill received Royal Assent on 22nd November 2012 and is expected to come into operation shortly.

This was a significant advocacy victory for Arts Law and Aboriginal people. Arts Law had extensively lobbied the Western Australian Government to repeal the laws in accordance with a 2006 recommendation of the WA Law Reform Commission, a move that finally paid off!

Arts Law would like to thank Kimberley Aboriginal Law and Cultural Centre, Mowanjumb Art Centre, Aboriginal Art Centre Hub WA and Herbert Smith Freehills for their support during this campaign.

The World Intellectual Property Organisation, Geneva, Switzerland.

Arts Law took part in discussions on the world stage about how to protect Traditional Culture and Knowledge.

In July 2012, the Arts Law Centre of Australia was represented by Robyn Ayres, Executive Director and Trish Adjei from the Copyright Agency at the Inter-Governmental Committee (IGC) meeting on Traditional Cultural Expressions. The IGC was set up as a policy forum by the World Intellectual Property Organisation, in Geneva. It is a forum that aims to formulate international norms to protect Traditional Knowledge, Traditional Culture, Folklore and Genetic Resources of Indigenous people and local communities.



Trish Adjei at the Inter-Governmental Committee.
Photo by Robyn Ayres, © Arts Law Centre of Australia. 2012.

The IGC meeting was the last of three focused meetings in 2012 organised by the WIPO General Assembly to develop the text of a legal instrument(s) for the effective protection of Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions (TCEs). This was an important meeting as there were high hopes that a draft text on TCEs would be sufficiently advanced in order for a decision to be made by the General Assembly (in October 2012) for the texts to go to a Diplomatic Conference where a legal instrument would be finalised. However, at the end of the week-long IGC meeting there were some important issues still to be resolved. The IGC will reconvene in July 2013 to discuss the way forward. The Arts Law Centre will continue to be a constructive and engaged participant in discussions at the IGC.

'Not Made in Australia' campaign

As part of the *Solid Arts* project, Arts Law launched an Avant Card postcard campaign. The postcard was distributed nationwide as part of a campaign to help inform people about how to buy authentic Indigenous art the right way. Indigenous Australians' culture and artistic practice is highly regarded in Australian society. Despite this, many "Indigenous-style" souvenirs such as boomerangs and other artefacts, which are not made by Indigenous people, are being imported into Australia from China and South East Asian countries. Indigenous art is an important part of Indigenous peoples' heritage. These cheap imports can be deeply offensive to Indigenous artists. Also, when the public buys 'Indigenous-style' artwork, it takes an opportunity away from an Aboriginal or Torres Strait Islander artist to financially benefit from his or her cultural expression.

The image featured on the postcard, *Not Made in Australia*, was created by Aboriginal Artist, Leonard Andy, who is a traditional owner at Mission Beach and an artist at the Giringun Aboriginal Art Centre, in Cardwell. Originally the total number of postcards to be distributed was 20,000. However, Avant Card printed an additional 20,000 cards for Arts Law for no cost, making the total distribution of approximately 40,000 cards. The postcard campaign was extremely well received and was featured in a number of media outlets including ABC Radio, the Koori Mail and the NSW Law Society Journal.

Not Made in Australia by Leonard Andy © Leonard Andy 2011



Our Organisation - 2012

The Board

The Hon Justice Margaret Joan Beazley AO (President)
 The Hon Peter Heerey AM QC (Vice President)
 Steven Miller (Honorary Treasurer.)
 The Hon Justice Andrew Greenwood
 The Hon George Palmer AM QC
 Megan Brownlow
 Peter Griffin
 Andrew Wiseman
 Kimberlee Weatherall
 Pauline Clague
 Tania Chambers

Robyn Ayres, Company Secretary



The Hon Justice Margaret Joan Beazley AO (President)



The Hon Peter Heerey AM QC (Vice President)



Steven Miller (Honorary Treasurer.)



The Hon Justice Andrew Greenwood



The Hon George Palmer AM QC



Megan Brownlow



Peter Griffin



Andrew Wiseman



Kimberlee Weatherall



Pauline Clague



Tania Chambers



Robyn Ayres, Company Secretary

Staff members

Executive Director
 Deputy Director
 Senior Solicitors

Solicitors

Artists in the Black Coordinator
 Communications and Marketing Coordinator
 Financial Manager
 Administration Manager
 Administration Officer
 Legal Administration Officer
 Administrative Assistants

Robyn Ayres
 Delwyn Everard (Senior Solicitor until August 2012)
 Suzanne Derry (On maternity leave from July 2012)
 Morris Averill (From July 2012)
 Rebecca Laubi (Until July 2012)
 Louise Buckingham (July 2012 – December 2012)
 Jasmine McHenry (Solicitor from June 2012.
 Jasmine was Legal Administration Officer until June 2012.)
 Anika Valenti (From September 2012)
 John Berg (Secondee)
 Joanne Teng (Until September 2012)
 Donna Carstens (From September 2012)
 Victor Cabello (From June 2012 – December 2012)
 Mary Egan (and Finance/Administration Manager from June 2012)
 Fiona Skelton (until June 2012)
 Jaye Early (until June 2012)
 Jennifer Arnup (from June 2012)
 Gemma Williams
 Victoria Wills (from July 2012)
 Rose Ayres (until September 2012)



Council of Patrons

| |
|------------------------------------|
| Robyn Archer AO |
| Jan Chapman AO |
| Deborah Cheetham |
| Ian David |
| David Gulpilil AM |
| Roger Knox |
| Shane Simpson AM |
| Frank Moorhouse AM |
| Professor Sally Morgan |
| David Page |
| Rachel Perkins |
| Peter Sculthorpe AO OBE |
| William Yang |
| The Hon. Anthony Whitlam QC |
| The Hon. David Angel QC |
| The Hon Michael Kirby AC CMG |
| The Hon. Justice Jane Mathews AO |
| The Hon. Justice John Mansfield AM |
| The Hon. Justice Terence Buddin |
| The Hon. Jerrold Cripps QC |
| The Hon. Justice Malcolm Grey RFD |
| The Hon David Levine AO RFD QC |

Guardian Angels

| |
|--------------------------------|
| A/A |
| The Hon David Levine AO RFD QC |
| David Marr |
| John Marshall SC |
| McCormicks |
| Simpsons Solicitors |
| Jeremy Storer |

Torres Strait Islands, Photo by Donna Carsters. © Arts Law Centre of Australia

Volunteers and Pro Bono Assistance

The Arts Law Centre relies on a panel of 202 dedicated volunteer lawyers to help deliver its document review service to artists and arts organisations nationally. Without their commitment and generosity, Arts Law would not be able to assist the many artists who approach us for legal advice each year. Pro bono assistance received in 2012 was valued at more than \$2 million. Legal assistance throughout Australia was provided by large corporate law firms, government and in-house counsel, boutique law firms and sole practitioners. The Document Review Service is an important part of the legal services provided by Arts Law and we acknowledge the significant contribution made by the legal profession to the arts community in this regard.

In addition to the national Document Review Service, four firms assisted in the delivery of Arts Law's free telephone advice service: Allens Linklaters, Herbert Smith Freehills, Holding Redlich and Minter Ellison.

Pro Bono Awards 2012

Arts Law celebrates the enormous contribution that our pro bono supporters make and in recognition of our appreciation we hold our annual Pro Bono awards, presenting the top 29 contributors with the Arts Law Print Commission.



"And the award goes to...Ben Kay, from Digby Law" Arts Law's President, Justice Margaret Beazley presents our Pro Bono Awards, 2012.

The contributions made by our pro bono lawyers varied. Many of them provided free consultations to artists advising them about agreements they have been asked to sign. Other lawyers assisted with our advocacy work, helping in our engagement with Government, particularly on issues affecting Aboriginal artists and art centres. Some lawyers participated in our education program providing seminars to the arts community and others helped with our telephone advice service.



Pro Bono Awards, 2012.

Arts Law thanks the law firms and legal practitioners who participated in the Document Review Service program.

| ACT | |
|---------------|---------------------------------|
| Adam Flynn | National Film and Sound Archive |
| Hugh Chalmers | Meyer Vandenberg Lawyers |

| NSW | |
|-------------------|--------------------------------------------------------------------------|
| Mathew Alderson | Harris Mourné pllc |
| Charles Alexander | Minter Ellison |
| Morris Averill | |
| Derek Baigent | Griffith Hack Lawyers |
| Dianne Banks | Gilbert + Tobin |
| Kate Berry | ClarkeKann with Gray & Perkins |
| Sydney Birchall | Birchall Legal |
| Greg Bodulovic | Griffith Hack Lawyers |
| Stephen Boyle | Stephen Boyle Media and Entertainment Law – <i>Pro Bono award winner</i> |
| Elizabeth Burrows | Influence Legal |
| Adrian Cannon | Cannon Lawyers |
| Christopher Chow | Chris Chow Creative Lawyers |
| Alec Christie | DLA Piper |
| Khai Dang | Ashurst |
| Mark Davidson | Davidson & Associates – <i>Pro Bono award winner</i> |
| Stephen Digby | Digby Law – <i>Pro Bono award winner</i> |
| Michael Easton | Michael Easton Legal – <i>Pro Bono award winner</i> |
| Kate Erman | Bravura Solutions Limited |
| John Fairbairn | Minter Ellison |
| Adrian Fisher | Allens Linklaters |
| Marie Foyle | Turner International Australia Pty Ltd – <i>Pro Bono award winner</i> |
| Hamish Fraser | Truman Hoyle Lawyers |
| Brett Galloway | Galloways Solicitors and Attorneys |
| Meher Gaven | McCabe Terril Lawyers Pty Ltd |
| Rebekah Gay | Shelston IP Lawyers |
| Alexandra George | University of New South Wales, Faculty of Law |
| Robert Gibson | Fairfax Media Limited |
| Kate Gilchrist | ABC Legal Services |

| | |
|-----------------------|----------------------------------------------------------|
| Katherine Giles | ABC Legal Services |
| Rob Glass | Simpsons Solicitors |
| Gene Goodsell | Goodsell Lawyers |
| Adrian Goss | ACP Magazines |
| Troy Gurnett | Middletons |
| Matthew Hall | Swaab Attorneys |
| Savannah Hardingham | Middletons |
| Brett Hatfield | 7th Floor Garfield Barwick Chambers |
| Rohan Higgins | Blackstone Chambers – <i>Pro Bono award winner</i> |
| Sheree Hollender | Griffith Hack Lawyers |
| Jin Hong (Kenneth) Ti | Phang Legal – <i>Pro Bono award winner</i> |
| Wen Hui Wu | Corrs Chambers Westgarth |
| Deborah Jackson | Allens Linklaters |
| Peter Karcher | ClarkeKann |
| Ben Kay | Digby Law – <i>Pro Bono award winner</i> |
| Rebecca Laubi | Arts Law Centre of Australia |
| Raena Lea-Shannon | Entertainment Media Technology |
| Jim Lennon | Middletons |
| Elaine Leong | The Benevolent Society |
| Stephen Lu | Henry Davis York |
| Emily Martin | ABC Legal Services |
| Grant McAvaney | ABC Legal Services |
| Sally McCausland | SBS |
| Adrian McGruther | Allens Linklaters |
| Kate Morton | Truman Hoyle Lawyers |
| Peter Mulligan | Henry Davis York |
| Jules Munro | Simpsons Solicitors – <i>Pro Bono award winner</i> |
| Michael Napthali | The Premium Movie Partnership |
| Melody Ng | Telstra Corporation Ltd |
| Brett Oaten | Brett Oaten Solicitors |
| Jose Perez | Perez Varela Lawyers |
| Tania Petsinis | Southern Cross Austereo |
| Kim Pettigrew | Vividwireless Pty Limited – <i>Pro Bono award winner</i> |

Torres Strait Islands, Photo by Donna Carstens, © Arts Law Centre of Australia

| | |
|-----------------------|--------------------------------------------------------------|
| Matthew Pieterse | Gadens Lawyers |
| Nicholas Smith | |
| Jeremy Storer | Storers Legal – Victorian Bar – <i>Pro Bono award winner</i> |
| Mandy van den Elshout | ABC Legal Services |
| Hector West | Swaab Attorneys |
| Clare Young | Allens Linklaters |

NT

| | |
|-------------------|-----------------------------------|
| Megan Lawton | Law Society of Northern Territory |
| Dominic McCormack | Bowden McCormack |

QLD

| | |
|----------------|--------------------------------------------------|
| Peter Bolam | Bolam Legal |
| Nadia Braad | Bennett & Philp Lawyers |
| Krystil Carter | Clayton Utz |
| Jamie Doran | Clayton Utz |
| Kate Erman | Barvura Solutions Limited |
| Julia Godfrey | DLA Piper |
| Mark Harley | Tucker and Cowen |
| Donnie Harris | Roberts Nehmer McKee Lawyers |
| Amanda Leong | Corrs Chambers Westgarth |
| Harold Littler | McKays Solicitors – <i>Pro Bono award winner</i> |
| John Lunny | Workplace Resolve Pty Ltd |
| Matt McCormick | McCormicks Law + Consulting |
| Nicole Murdoch | Bennett & Philp Lawyers |
| Rebecca Nardi | Allens Linklaters |

SA

| | |
|---------------|-----------------|
| Thomas Abbott | Cametta Lempens |
|---------------|-----------------|

VIC

| | |
|------------------|----------------------------------------------------------|
| Andrea Allan | Watermark Patent and Trade Mark Attorneys and IP Lawyers |
| Serena Armstrong | Development of Planning and Community Development |
| Elizabeth Beal | |
| Romani Benjamin | Media Arts Lawyers |
| Jeff Bergmann | Solubility Pty Ltd |

| | |
|--------------------|---------------------------------------------------|
| Sarah Cameron | McDonald Partners – <i>Pro Bono award winner</i> |
| David Curtain | International Power Australia |
| Khai Dang | Blake Dawson |
| Andrew Fuller | Shock Records |
| Fiona Galbraith | Philips Ormonde & Fitzpatrick Lawyers |
| Jerry Gomez | Gomez Partners Lawyers and Consultants |
| Edward Heerey | Chancery Chambers |
| Julian Hewitt | Media Arts Lawyers |
| June Kenny | Dwyer Durack |
| Ryan Loewy | |
| Jamie Lyford | Elevation Partners |
| Ross Macaw QC | Owen Dixon Chambers |
| Moira McKenzie | GI & Sanicki Lawyers |
| Yasmin Naghavi | Media Arts Lawyers |
| Zero Partos | Victorian Bar – <i>Pro Bono award winner</i> |
| Michael Paterson | Michael Paterson & Associates |
| Stephen Rebikoff | |
| Warwick Rothnie | |
| James Samargis | Victorian Bar – <i>Pro Bono award winner</i> |
| Darren Sanicki | GI & Sanicki Lawyers |
| Chaman Sidhu | |
| Tiffany Stephenson | Department of Defence |
| Victor Tse | Victor Tse & Associates |
| Michael Tucak | Creative Legal – <i>Pro Bono award winner</i> |
| David Vodicka | Media Arts Lawyers – <i>Pro Bono award winner</i> |
| Mark Williams | William Solicitors |
| Tracey Wren | Orica Australia – <i>Pro Bono award winner</i> |

WA

| | |
|---------------------|--------------------------|
| David Cox | Jackson McDonald Lawyers |
| Stephanie Faulkner | Wrays Lawyers |
| Stephanie Quan Sing | Rio Tinto |
| David Stewart | Wrays Lawyers |

TAS

| | |
|------------------|---------------------------------------|
| Sue Larsen-Scott | M+K Dobson Mitchell & Allport Lawyers |
|------------------|---------------------------------------|

Torres Strait Islands. Photo by Donna Carstens. © Arts Law Centre of Australia

Referral Services and other Pro Bono Assistance

Daytime Volunteers

In 2012, there were 28 daytime volunteers and our thanks go to:

| |
|--------------------|
| Marcus Ap |
| Jennifer Arnup |
| Mel Cheng |
| Tammy Claire-Liew |
| Katherine Connelly |
| Camille Coste |
| Stephanie Dietz |
| Lauren Fong |
| Madeline Frith |
| Sarah Gee |
| Capucine Hague |
| Isabelle Ho |
| Katie Jameson |
| Michael Jones |
| Sarah Kelshaw |
| Andrew Le |
| Justin Levy |
| Shannon Longhurst |
| Alex Marechal-Ross |
| Scott Maxwell |
| Conor McNair |
| Mathisha Panagoda |
| James Pope |
| Raymond Roca |
| Cameron Strain |
| Isabella Street |
| Christine Trinh |
| Phoebe Wallace |

Student Interns

In 2012 Arts Law assisted the following interns:

| |
|------------------------|
| Marion Barraclough |
| Jennifer Kwong |
| Peter Meere |
| Ruchi Desai |
| Marie-Christin Stenzel |
| Melvina Valerii |

Kununurra, Photo by Donna Carstens. © Arts Law Centre of Australia

Offsite telephone advice assistance provided by lawyers, in 2012

| | | | |
|----------------------|-------------------------------------------|------------------------|-------------------------------------------------|
| Jonathan Adamopoulos | Allens/Linklaters | Shalom Andrews | Herbert Smith Freehills |
| Joel Barrett | Allens/Linklaters | Melanie Armsby | Herbert Smith Freehills |
| Rob Clark | Allens/Linklaters | Marita Batty | Herbert Smith Freehills |
| Lucinda Clarke | Allens/Linklaters | Sarah Bennett | Herbert Smith Freehills |
| Hamish Collins-Begg | Allens/Linklaters | Philippa Bergin-Fisher | Herbert Smith Freehills |
| Madeleine Ellicott | Allens/Linklaters | Melanie Bouton | Herbert Smith Freehills – Pro Bono Award winner |
| Adrian Fisher | Allens/Linklaters | Lizzie Fuller | Herbert Smith Freehills |
| Henry Fraser | Allens/Linklaters | Rosemary Gibson | Herbert Smith Freehills |
| Chris Govey | Allens/Linklaters | Kate Hemphill | Herbert Smith Freehills |
| Anastasia Hardman | Allens/Linklaters | Dean Isreb | Herbert Smith Freehills |
| Deborah Jackson | Allens/Linklaters | Tess Mierendorff | Herbert Smith Freehills |
| Rebecca Linquist | Allens/Linklaters | Dan Posker | Herbert Smith Freehills |
| Gary Lo | Allens/Linklaters | Kylie Rohl | Herbert Smith Freehills |
| Tracy Lu | Allens/Linklaters | Melissa Sanghera | Herbert Smith Freehills – Pro Bono Award winner |
| Sarah Lux | Allens/Linklaters – Pro Bono award winner | Kristin Stammer | Herbert Smith Freehills – Pro Bono Award winner |
| Alexia Mayer | Allens/Linklaters | Orana Swan | Herbert Smith Freehills |
| Adrian McGruther | Allens/Linklaters | Adrian Teh | Herbert Smith Freehills |
| Ben Mee | Allens/Linklaters | Heidi Vesper | Herbert Smith Freehills |
| Tessa Meyrick | Allens/Linklaters | Richard Wilkinson | Herbert Smith Freehills |
| Lester Miller | Allens/Linklaters | Aemelia Grounds | Holding Redlich |
| Ric Morgan | Allens/Linklaters | Jane Parkin | Holding Redlich |
| Maryann Muggleston | Allens/Linklaters | Ian Robertson | Holding Redlich |
| Robert Munoz | Allens/Linklaters | Linda Rubinstein | Holding Redlich |
| Marina Olsen | Allens/Linklaters | Charles Alexander | Minter Ellison |
| Alexandria Parkinson | Allens/Linklaters | Ashwin Dushyanthira | Minter Ellison |
| Jack Power | Allens/Linklaters | John Fairbairn | Minter Ellison |
| Sikeli Ratu | Allens/Linklaters | Althea Hartley | Minter Ellison |
| Shika Sethi | Allens/Linklaters | Emily Hawcroft | Minter Ellison |
| Nathan Shepherd | Allens/Linklaters | Janna Hayes | Minter Ellison |
| Brooke Silcox | Allens/Linklaters | Elisabeth Koster | Minter Ellison |
| Ishwar Singh | Allens/Linklaters | Jacqueline Kroll | Minter Ellison |
| Sephora Sultana | Allens/Linklaters | Lucy McGovern | Minter Ellison |
| Amanda Taylor | Allens/Linklaters | Zeina Milicevic | Minter Ellison |
| Matthew Tracey | Allens/Linklaters | Helen Paterson | Minter Ellison |
| Clare Young | Allens/Linklaters | Dennis Schubauer | Minter Ellison |
| Claudia Adams | Herbert Smith Freehills | | |

Torres Strait Islands, Photo by Donna Carstens. © Arts Law Centre of Australia

Case work by pro bono lawyers

| | |
|------------------|--------------------------------------------------------|
| Mary Saywell | Baker & McKenzie – <i>Pro Bono award winner</i> |
| Garry Beath | Minter Ellison – <i>Pro Bono award winner</i> |
| David Jenaway | Herbert Smith Freehills – <i>Pro Bono award winner</i> |
| Stephen Penglis | Herbert Smith Freehills – <i>Pro Bono award winner</i> |
| Scott McDonald | DLA Piper – <i>Pro Bono award winner</i> |
| Alexandra Parker | DLA Piper – <i>Pro Bono award winner</i> |
| Jane Witter | Telstra – <i>Pro Bono award winner</i> |
| Andrew Wiseman | Allens Linklaters |
| Deborah Jackson | Allens Linklaters |
| Michele Riviere | Clayton Utz |
| Sarah Beaman | Clayton Utz |
| Andrew Lind | Gadens |
| Michael Paterson | Paterson & Associates |
| Nivedha Thiru | DLA Piper |
| Liam Gaunt | Minter Ellison |
| Brian Tucker | Brian Tucker accounting |
| Tony Joyner | Herbert Smith Freehills |
| Rene Stefanetti | Herbert Smith Freehills |
| Mathew O'Leary | Herbert Smith Freehills |
| David Jenaway | Herbert Smith Freehills |
| Brendan Hoffman | Gadens |
| Melissa Sanghera | Herbert Smith Freehills |

Wills trips 2012 – Pro Bono lawyers

| |
|-----------------------------------------------------|
| 9-19th August, 2012 – APY Lands SA |
| Brooke Spain – Gadens Lawyers |
| Matthew Pieterse – Gadens Lawyers |
| Trish Adjei – Copyright Agency |
| 23-30th September, 2012 – Kununurra WA |
| Rebekah Norris – Telstra |
| 12-21st November, 2012 – Carnarvon-Broome WA |
| Trish Adjei – Copyright Agency |
| Joel Cox – DLA Piper |
| 10-14th December, 2012 – Ceduna SA |
| Pam Foo – DLA Piper |
| Trish Adjei – Copyright Agency |
| 25th November-1st December, 2012 – Newman WA |
| Andrew Johnstone - DLA Piper |

List of guest lecturers who co-presented seminars with Arts Law Centre lawyers.

| |
|------------------------------------------------------------------------------------------|
| Judge Marvin Garvis, U.S. District Court Judge (District of Maryland) |
| Dr. Mark Williams, Williams Solicitors |
| James Samargis, Aickin Chambers |
| Andrew Sellars, Principal Legal Officer, Insolvency and Trustee Service Australia (ITSA) |
| Camille Masson-Talansier, Visual Artist |
| Mieke Dixon, Lawyer, AGS |
| Juanita Pope, Director, Pilch Connect |
| John Paxinos, John Paxinos & Associates Pty Ltd |
| Jill Morgan, CEO, Multicultural Arts Victoria |
| Nathan McDonald, Senior Lawyer, Pilch Connect |
| Darren Saniki, Partner, GI & Sanicki Lawyers |

Papunya community. Photo by Delwyn Everard. ©Arts Law Centre of Australia

Our Supporters

Arts Law receives funding from various sources. The primary source is the Australia Council for the Arts. In addition, Arts NSW, Office for the Arts, Department of Regional Australia, Local Government, Arts and Sport (DRALGAS), Screen Australia, Arts WA and Arts SA provide recurrent funding.

Arts Law gratefully acknowledges the financial assistance and investment of the following organisations:



The Commonwealth Government through the Australia Council for the Arts, its arts funding and advisory body



Australian Government
Indigenous Visual Arts Industry Support

The Australian Government through the Office for the Arts, Department of Regional Australia, Local Government, Arts and Sport (DRALGAS)



Our Supporters



The New South Wales Government through Arts NSW



Queensland Government through Arts Queensland and Arts Queensland's Backing Indigenous Arts program



The Victorian Government through Arts Victoria



The Victorian Government through Film Victoria



The State of Western Australia through Arts WA in association with the Lotteries Commission.



The State of Western Australia through the Department of Indigenous Affairs



The State of South Australia through Arts SA

Our Supporters



Copyright Agency



Phonographic Performance Company of Australia



Lexis Nexis



World Intellectual Property Organization



Law and Justice Foundation of NSW

FINANCIAL REPORT FOR THE YEAR ENDED 31 DECEMBER 2012



ARTS LAW CENTRE OF AUSTRALIA LTD
ABN 71 002 706 256

DIRECTORS' REPORT 31 DECEMBER 2012

Your directors present their report on Arts Law Centre of Australia for the financial year ended 31 December 2012.

1. GENERAL INFORMATION

Information on directors

The names of each person who has been a director during the year and to the date of this report are:

The Hon. Peter Cadden Heerey AM QC

QUALIFICATIONS BA LLB
EXPERIENCE Barrister and Former Federal Court Judge
SPECIAL RESPONSIBILITIES Chair of the Victorian Advisory Council, Vice President

Steven John Miller

QUALIFICATIONS B Bus CA
EXPERIENCE Chartered Accountant
SPECIAL RESPONSIBILITIES Honorary Treasurer and Finance subcommittee

The Hon. George Palmer AM QC - Resigned 3 March 2013

QUALIFICATIONS BA LLB
EXPERIENCE Composer and former Supreme Court Judge

Megan Brownlow

QUALIFICATIONS BA(Hons) MBA
EXPERIENCE Strategy, Technology, Information, Communications and Entertainment,
PricewaterhouseCoopers
SPECIAL RESPONSIBILITIES Fundraising and Marketing subcommittee

Andrew Wiseman

QUALIFICATIONS LLB(Hons) LLM
EXPERIENCE Partner, Allens Linklaters

Peter Gerard Griffin

QUALIFICATIONS BBus, FFIN
EXPERIENCE Divisional Manager, Corporate Affairs,
Strategy and Environment, Toyota Australia
SPECIAL RESPONSIBILITIES Fundraising and Marketing subcommittee

Kimberly Weatherall

QUALIFICATIONS B LLB(Hons) BCivLaw LLM
EXPERIENCE Associate Professor, Sydney Law School, University of Sydney
SPECIAL RESPONSIBILITIES Advocacy subcommittee

Pauline Clague

EXPERIENCE Film Producer, AFTRS
SPECIAL RESPONSIBILITIES Indigenous issues including Artists in the Black service

The Hon. Justice Margaret Beazley AO

QUALIFICATIONS LLB: Hon LLD University of Sydney
EXPERIENCE President of NSW Court of Appeal
SPECIAL RESPONSIBILITIES President of Arts Law Centre of Australia from August 2011

The Hon. Justice Andrew Greenwood

QUALIFICATIONS BA LLB
EXPERIENCE Judge of the Federal Court of Australia

Tania Carol Chambers - Appointed 15 October 2012

QUALIFICATIONS BA(Hons) LLB FAICB
EXPERIENCE Producer and Consultant

Directors have been in office since the start of the financial year to the date of this report unless otherwise stated.

DIRECTORS' REPORT 31 DECEMBER 2012

Principal activities

The principal activity of Arts Law Centre of Australia during the financial year was the provision of legal services to artists and arts organisations.

No significant changes in the nature of the entity's activity occurred during the financial year.

Objectives of the Company

The company's vision is to foster a society that promotes justice for artists and values their creative contribution.

The company's mission is to provide low cost, practical, specialist legal advice and services (including advocacy, publications and education) to equip artists and the cultural sector with sufficient business and legal skills and an understanding of their legal rights to achieve financial security and carry out their arts practice in a non-exploitive and culturally aware environment.

Strategy for achieving the objectives

To achieve these objectives, the company provides the following services and activities :

- Legal advice
- Legal resource materials
- Referrals to legal professionals
- Advocacy on law and policy reform for artists
- Legal resources to Indigenous communities and artists

Performance measures

The following measures are used within the company to monitor performance:

- Number of telephone advices provided
- Number of document review services provided
- Number of subscribers to our service
- Number of educational seminars and workshops provided and attendances at each
- Number of publications produced and available for sale or distribution
- Number of Aboriginal and Torres Strait Islander clients we assist

Members guarantee

Arts Law Centre of Australia is a company limited by guarantee. In the event of, and for the purpose of winding up of the company, the amount capable of being called up from each members and any person or association who ceased to be a member in the year prior to the winding up, is limited to \$ 100 for members, subject to the provisions of the company's constitution.

At 31 December 2012 the collective liability of members was \$ 1,100 (2011: \$ 1,000).

Meetings of directors

During the financial year, four meetings of directors (including committees of directors) were held. Attendances by each director during the year were as follows:

| | Directors' Meetings | |
|------------------------------------------------------|---------------------------|-----------------|
| | Number eligible to attend | Number attended |
| The Hon. Peter Cadden Heerey AM QC | 4 | 4 |
| Steven John Miller | 4 | 4 |
| The Hon. George Palmer AM QC - Resigned 3 March 2013 | 4 | 2 |
| Megan Brownlow | 4 | 3 |
| Andrew Wiseman | 4 | 4 |
| Peter Gerard Griffin | 4 | 2 |
| Kimberly Weatherall | 4 | 2 |
| Pauline Clague | 4 | 2 |
| The Hon. Justice Margaret Beazley AO | 4 | 4 |
| The Hon. Justice Andrew Greenwood | 4 | 2 |
| Tania Carol Chambers - Appointed 15 October 2012 | 1 | 1 |

Auditor's independence declaration

The lead auditor's independence declaration in accordance with section 307C of the Corporations Act 2001, for the year ended 31 December 2012 has been received and can be found on page 5 of the financial report.

Signed in accordance with a resolution of the Board of Directors:



Director:
Steven John Miller
Dated 22 March 2013

W. W. Vick & Co.

Chartered Accountants

ABN 14 568 923 714



Arts Law Centre of Australia

ABN 71 002 706 256

Auditor's Independence Declaration under Section 307C of the Corporations Act 2001 to the Directors of Arts Law Centre of Australia

I declare that, to the best of my knowledge and belief, during the year ended 31 December 2012, there have been:

- (i) no contraventions of the auditor independence requirements as set out in the *Corporations Act 2001* in relation to the audit; and
- (ii) no contraventions of any applicable code of professional conduct in relation to the audit.

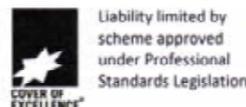
Chartered Accountants

Peter P Vlahopol
W W Vick & Co.

28 March 2013

Sydney, NSW

Fayworth House, Suite 503, 5th Floor, 379-383 Pitt Street, Sydney, NSW 2000
PO Box 20037, World Square, NSW 2002
Phone : 02 9266 0881 Fax : 02 9266 0886



Liability limited by
scheme approved
under Professional
Standards Legislation

STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 31 DECEMBER 2012

| | Note | 2012 \$ | 2011 \$ |
|------------------------------------------------|------|----------------|------------|
| Revenue | 2 | 110,369 | 128,202 |
| Other income | 2 | 936,484 | 867,616 |
| Employee benefits expense | | (737,339) | (678,917) |
| Depreciation and amortisation expense | | (28,371) | (21,285) |
| Other expenses | | (287,063) | (295,446) |
| (Deficit)/Surplus for the year | | (5,920) | 170 |
| Income tax expense | | - | - |
| (Deficit)/Surplus for the year | | (5,920) | 170 |
| Total comprehensive income for the year | | (5,920) | 170 |

The accompanying notes form part of these financial statements.

STATEMENT OF FINANCIAL POSITION AT 31 DECEMBER 2012

| | Note | 2012 \$ | 2011 \$ |
|--------------------------------------|------|----------------|----------------|
| CURRENT ASSETS | | | |
| Cash and cash equivalents | 4 | 545,813 | 555,860 |
| Trade and other receivables | 5 | 89,758 | 15,218 |
| Inventories | 6 | 9,811 | 15,111 |
| Other assets | 9 | 3,980 | 2,414 |
| TOTAL CURRENT ASSETS | | 649,362 | 588,603 |
| NON-CURRENT ASSETS | | | |
| Property, plant and equipment | 7 | 20,853 | 32,671 |
| Intangible assets | 8 | 46,741 | 60,946 |
| TOTAL NON-CURRENT ASSETS | | 67,594 | 93,617 |
| TOTAL ASSETS | | 716,956 | 682,220 |
| CURRENT LIABILITIES | | | |
| Trade and other payables | 10 | 46,468 | 57,152 |
| Borrowings | 11 | 10,736 | 9,554 |
| Current tax liabilities | | 27,660 | 10,094 |
| Employee benefits | 12 | 93,446 | 93,085 |
| Unearned membership income | | 33,445 | 31,657 |
| Unexpended grants | 13 | 51,060 | 87,197 |
| Grants in advance | 14 | 205,647 | 119,571 |
| TOTAL CURRENT LIABILITIES | | 468,462 | 408,310 |
| NON-CURRENT LIABILITIES | | | |
| Borrowings | 11 | 9,954 | 20,690 |
| Employee benefits | 12 | 6,873 | 15,633 |
| TOTAL NON-CURRENT LIABILITIES | | 16,827 | 36,323 |
| TOTAL LIABILITIES | | 485,289 | 444,633 |
| NET ASSETS | | 231,667 | 237,587 |
| FUNDS | | | |
| Retained earnings | | 231,667 | 237,587 |
| | | 231,667 | 237,587 |
| TOTAL FUNDS | | 231,667 | 237,587 |

The accompanying notes form part of these financial statements.

STATEMENT OF CHANGES IN FUNDS FOR THE YEAR ENDED 31 DECEMBER 2012

| | Note | Retained Earnings | Total |
|------------------------------------------------------|------|-------------------|----------------|
| Balance at 1 January 2012 | | 237,587 | 237,587 |
| Net (Deficit) for the year | | (5,920) | (5,920) |
| Transactions with owners in their capacity as owners | | | |
| Sub-total | | (5,920) | (5,920) |
| Balance at 31 December 2012 | | 231,667 | 231,667 |
| Balance at 1 January 2011 | | 237,417 | 237,417 |
| Net surplus for the year | | 170 | 170 |
| Transactions with owners in their capacity as owners | | | |
| Contribution of equity, net of transaction costs | | - | - |
| Sub-total | | 170 | 170 |
| Balance at 31 December 2011 | | 237,587 | 237,587 |

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 31 DECEMBER 2012

| | Note | 2012 | 2011 |
|------------------------------------------------------------|-----------|----------------|-----------------|
| | | \$ | \$ |
| CASH FLOWS FROM OPERATING ACTIVITIES: | | | |
| Receipts from government and customers | | 1,108,671 | 917,992 |
| Payments to suppliers and employees | | (1,129,787) | (936,293) |
| Interest received | | 22,971 | 24,565 |
| Interest paid | | - | (613) |
| Net cash provided by (used in) operating activities | 21 | 1,855 | 5,651 |
| CASH FLOWS FROM INVESTING ACTIVITIES: | | | |
| Purchase of property, plant and equipment | | (2,348) | (56,558) |
| Net cash used by investing activities | | (2,348) | (56,558) |
| CASH FLOWS FROM FINANCING ACTIVITIES: | | | |
| Proceeds from borrowings | | - | 31,730 |
| Repayment of borrowings | | (9,554) | (1,486) |
| Net cash used by financing activities | | (9,554) | 30,244 |
| Net increase (decrease) in cash and cash equivalents held | | (10,047) | (20,663) |
| Cash and cash equivalents at beginning of year | | 555,860 | 576,523 |
| Cash and cash equivalents at end of financial year | 4 | 545,813 | 555,860 |

The accompanying notes form part of these financial statements.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2012

The financial statements are for Arts Law Centre of Australia as a not-for-profit individual entity.

1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of preparation

The financial statements are a general purpose financial statements that has been prepared in accordance with Australian Accounting Standards - Reduced Disclosure Requirements and the *Corporations Act 2001*.

Australian Accounting Standards set out accounting policies that the AASB has concluded would result in financial statements containing relevant and reliable information about transactions, events and conditions. Material accounting policies adopted in the preparation of these financial statements are presented below and have been consistently applied unless otherwise stated.

The financial statements have been prepared on an accruals basis and are based on historical costs modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and financial liabilities.

(b) Comparative figures

When required by Accounting Standards, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

(c) Inventories

Inventories comprise goods for resale and goods for distribution at no or nominal consideration as part of the Company's activities.

Inventories held for sale are measured at the lower of cost and net realisable value.

Inventories held for distribution are measured at the lower of cost and current replacement cost.

Net realisable value is the estimated selling price in the ordinary course of business, less the estimated costs of completion and selling expenses.

(d) Property, plant and equipment

Each class of plant and equipment is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Plant and equipment

Plant and equipment are measured on the cost basis less depreciation and impairment losses. Cost includes expenditure that is directly attributable to the asset.

Plant and equipment that have been contributed at no cost, or for nominal cost are valued and recognised at the fair value of the asset at the date it is acquired.

Depreciation

The depreciable amount of all fixed assets including buildings and capitalised leased assets, but excluding freehold land, is depreciated on a reducing balance basis over the asset's useful life to the company commencing from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements. Land is not depreciated.

The depreciation rates used for each class of depreciable assets are:

| Class of Fixed Asset | Depreciation Rate |
|----------------------------------|-------------------|
| Furniture, Fixtures and Fittings | 10 % |
| Office Equipment | 10 % to 40 % |
| Computer Equipment | 33.33 % |

The assets' residual values, depreciation methods and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income.

(e) Financial instruments

Initial recognition and measurement

Financial assets and financial liabilities are recognised when the entity becomes a party to the contractual provisions of the instrument. For financial assets, this is the equivalent to the date that the company commits itself to either the purchase or sale of the asset (i.e. trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transactions costs, except where the instrument is classified 'at fair value through profit or loss' in which case transaction costs are expensed to profit or loss immediately.

Classification and subsequent measurement

Financial instruments are subsequently measured at either fair value, amortised cost using the effective interest rate method, or cost. *Fair value* represents the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing parties in an arm's length transaction. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

- (a) the amount at which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest method; and
- (d) less any reduction for impairment.

The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

(i) Financial assets at fair value through profit or loss

Financial assets are classified at 'fair value through profit or loss' when they are either held for trading for the purpose of short-term profit taking, derivatives not held for hedging purposes, or when they are designated as such to avoid an accounting mismatch or to enable performance evaluation where a group of financial assets is managed by key management personnel on a fair value basis in accordance with a documented risk management or investment strategy. Such assets are subsequently measured at fair value with changes in carrying value being included in profit or loss.

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost.

Loans and receivables are included in current assets, except for those which are not expected to mature within 12 months after the end of the reporting year.

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets that have fixed maturities and fixed or determinable payments, and it is the company's intention to hold these investments to maturity. They are subsequently measured at amortised cost.

Held-to-maturity investments are included in non-current assets, except for those which are expected to be realised within 12 months after the end of the reporting period, which will be classified as current assets.

If during the period the company sold or reclassified more than an insignificant amount of the held-to-maturity investments before maturity, the entire held-to-maturity investments category would be tainted and reclassified as available-for-sale.

(iv) Available-for-sale financial assets

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management.

They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

Available-for-sale financial assets are included in non-current assets, except for those which are expected to be sold within 12 months after the end of the reporting period.

(v) Financial liabilities

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost. Fees payable on the establishment of loan facilities are recognised as transaction costs of the loan.

Borrowings are classified as current liabilities unless the company has an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

Fair value

Fair value is determined based on current bid prices for all quoted investments. Valuation techniques are applied to determine the fair value for all unlisted securities, including recent arm's length transactions, reference to similar instruments and option pricing models.

Impairment

Objective evidence that a financial asset is impaired includes default by a debtor, evidence that the debtor is likely to enter bankruptcy or adverse economic conditions in the stock exchange. At the end of each reporting period, the company assesses whether there is objective evidence that a financial asset has been impaired through the occurrence of a loss event. In the case of available-for-sale financial instruments, a significant or prolonged decline in the value of the instrument is considered to indicate that an impairment has arisen.

Where a subsequent event causes the amount of the impairment loss to decrease (e.g. payment received), the reduction in the allowance account (provision for impairment of receivables) is taken through profit and loss.

However, any reversal in the value of an impaired available for sale asset is taken through other comprehensive income rather than profit and loss.

Impairment losses are recognised through an allowance account for loans and receivables in the statement of comprehensive income.

Derecognition

Financial assets are derecognised where the contractual rights to receipt of cash flows expires or the asset is transferred to another party whereby the entity no longer has any significant continuing involvement in the risks and benefits associated with the asset. Financial liabilities are derecognised where the related obligations are either discharged, cancelled or expired. The difference between the carrying value of the financial liability extinguished or transferred to another party and the fair value of consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

When available-for-sale investments are sold, the accumulated fair value adjustments recognised in other comprehensive income are reclassified to profit or loss.

(f) Impairment of non-financial assets

At the end of each reporting year, the company reviews the carrying values of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Value in use is either the discounted cash flows relating to the asset or depreciated replacement cost if the criteria in AASB 136 'Impairment of Assets' are met. Any excess of the asset's carrying value over its recoverable amount is expensed to the statement of comprehensive income.

Where it is not possible to estimate the recoverable amount of an individual asset, the company estimates the recoverable amount of the cash-generating unit to which the asset belongs.

Where an impairment loss on a revalued asset is identified, this is debited against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

(g) Cash and cash equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less which are convertible to a known amount of cash and subject to an insignificant risk of change in value, and bank overdrafts. Bank overdrafts are shown within short-term borrowings in current liabilities on the statement of financial position.

(h) Employee benefits

Provision is made for the company's liability for employee benefits arising from services rendered by employees to the end of the reporting year. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled.

Employee benefits payable later than one year have been measured at the present value of the estimated future cash outflows to be made for those benefits. In determining the liability consideration is given to employee wage increases and the probability that the employee may not satisfy vesting requirements. Those cash outflows are discounted using market yields on national government bonds with terms to maturity that match the expected timing of cashflows.

Contributions are made by the company to an employee superannuation fund and are charged as expenses when incurred.

(i) Trade and other payables

Trade and other payables represent the liability outstanding at the end of the reporting period for goods and services received by the company during the reporting period which remain unpaid. The balance is recognised as a current liability with the amounts normally paid within 30 days of recognition of the liability.

(j) Income tax

No provision for income tax has been raised as the company is exempt from income tax under Div 50 of the *Income Tax Assessment Act 1997*.

(k) Leases

Lease payments for operating leases, where substantially all of the risks and benefits remain with the lessor, are charged as expenses on a straight-line basis over the life of the lease term.

(l) Revenue and other income

The company recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the entity and specific criteria have been met for each of Arts Law Centre of Australia's activities as discussed below.

Grant revenue

Grants are received on the condition that specified services are delivered, or conditions are fulfilled, and are considered reciprocal. Such grants are initially recognised as a liability and revenue is recognised as services are performed or conditions fulfilled. Revenue from non-reciprocal grants are recognised when the company obtains control of the funds.

Donations

Donations and bequests are recognised as revenue when received.

Interest revenue

Interest revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument.

Royalties

Royalties are recognised as revenue when the amount received from the agency collects the royalties.

Subscriptions

Revenue from the provision of membership subscriptions is recognised on a straight line basis over the financial year. All revenue is stated net of the amount of goods and services tax (GST).

(m) Goods and services tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST.

Cash flows are presented in the statement of cash flows on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

(n) Critical accounting estimates and judgments

The directors evaluate estimates and judgments incorporated into the financial statements based on historical knowledge and best available current information. Estimates assume a reasonable expectation of future events and are based on current trends and economic data, obtained both externally and within the company.

Key estimates

The key estimates and assumptions that have a significant risk of causing material adjustment to the carrying amounts of certain assets and liabilities within the next annual reporting period are ;

Provisions for employee benefits

Provisions for employee benefits payable after 12 months from the reporting date are based on salary levels as at 31 December 2012, experience of employee departures and periods of service. The amount of these provisions would change should any of these factors change in the next 12 months.

(o) Economic dependence

Arts Law Centre of Australia is dependent on grant funding for the majority of its revenue used to operate the business. At the date of this report the directors have no reason to believe that the grant funding will not continue to support Arts Law Centre of Australia.

(p) Adoption of new and revised accounting standards

During the current year, the company adopted all of the new and revised Australian Accounting Standards and Interpretations applicable to its operations which became mandatory.

The adoption of these Standards has impacted the recognition, measurement and disclosure of certain transactions. The following is an explanation of the impact the adoption of these Standards and Interpretations has had on the financial statements of Arts Law Centre of Australia.

| Standard Name | Impact |
|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AASB 1053 Application of Tiers of Australian Accounting Standards and amending standards | The adoption of these standards resulting in the removal of a number of disclosures in the general purpose financial statements in accordance with the Reduced Disclosure Requirements. There was no impact on the reported financial position and performance |
| AASB 124 Related Party Disclosures and amending standard AASB 2009-12 | No significant changes on adoption of this standard. |
| AASB 2010-6 Amendment to Australian Accounting Standards – Disclosures on transfers of financial assets | No significant changes on adoption of this standard. |

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2012

| | Note | 2012 \$ | 2011 \$ |
|----------------------------------------------------|------|----------------|----------------|
| 2 REVENUE AND OTHER INCOME | | | |
| Revenue from continuing operations | | | |
| Other revenue | | | |
| - Interest income | | 21,483 | 24,565 |
| - Donations | | 14,340 | 37,550 |
| - Member subscriptions | | 74,546 | 66,087 |
| Total Revenue | | 110,369 | 128,202 |
| Other Income | | | |
| Royalties | | 303 | 1,277 |
| Recoveries | | 27,426 | 16,785 |
| Grants revenue | (a) | 864,497 | 790,593 |
| Other Income | | 44,258 | 58,960 |
| | | 936,484 | 867,615 |
| (a) GRANTS REVENUE | | | |
| Grant Revenue from: | | | |
| Australia Council for the Arts | | 239,142 | 249,898 |
| Office for the Arts - AITB | | 170,930 | 125,000 |
| Office for the Arts - Solid Arts | | 103,525 | 96,285 |
| Arts NSW | | 125,214 | 123,000 |
| Arts Qld | | 58,500 | - |
| Arts Victoria | | 30,000 | 15,000 |
| Department of Indigenous Affairs - WA | | 29,000 | - |
| Department of Culture and the Arts - WA | | 5,000 | 15,238 |
| Arts SA | | 4,240 | 4,167 |
| Australia Council for the Arts - Geek in Residence | | 12,582 | - |
| Screen Australia | | 25,000 | 40,000 |
| Film Victoria | | 2,500 | - |
| Copyright Agency Limited | | 42,500 | 62,500 |
| Phonographic Performance Company of Australia | | 15,000 | 18,409 |
| Others | | 1,364 | 41,096 |
| Total grants revenue | | 864,497 | 790,593 |

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2012

| | 2012 \$ | 2011 \$ |
|--------------------------------------------------------------|------------|------------|
| 3 RESULT FOR THE YEAR | | |
| (a) Expenses | | |
| Depreciation and Amortisation | | |
| Depreciation and amortisation expense | 28,371 | 21,285 |
| Employee benefits expense | 737,339 | 678,917 |
| Rental expense on operating leases minimum lease payments | 7,864 | 8,124 |
| 4 CASH AND CASH EQUIVALENTS | | |
| Cash at bank and in hand | 238,638 | 351,194 |
| Short-term bank deposits | 307,175 | 204,666 |
| | 545,813 | 555,860 |
| 5 TRADE AND OTHER RECEIVABLES | | |
| CURRENT | | |
| Trade receivables | 87,939 | 13,730 |
| | 87,939 | 13,730 |
| Deposits | 300 | - |
| Accrued Revenue | 1,519 | 1,488 |
| Total current trade and other receivables | 89,758 | 15,218 |
| 6 INVENTORIES | | |
| CURRENT | | |
| At cost: | | |
| Inventories for Distribution | 7,556 | 4,782 |
| | 7,556 | 4,782 |
| At net realisable value: | | |
| Inventories for Sale | 2,255 | 10,329 |
| | 2,255 | 10,329 |
| | 9,811 | 15,111 |

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2012

| | 2012 \$ | 2011 \$ | |
|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------------------------|---------------|
| 7 PROPERTY, PLANT AND EQUIPMENT | | | |
| Plant and equipment | | | |
| At cost | 75,238 | 72,890 | |
| Accumulated depreciation | (54,385) | (41,994) | |
| Total plant and equipment | 20,853 | 30,896 | |
| Leasehold Improvements | | | |
| At cost | 21,390 | 21,390 | |
| Accumulated amortisation | (21,390) | (19,615) | |
| Total leasehold improvements | - | 1,775 | |
| Total plant and equipment | 20,853 | 32,671 | |
| Total property, plant and equipment | 20,853 | 32,671 | |
| (a) Movements in Carrying Amounts | | | |
| Movement in the carrying amounts for each class of property, plant and equipment between the beginning and the end of the current financial year: | | | |
| | Plant and Equipment \$ | Improvements - Leasehold \$ | Total \$ |
| BALANCE AT 31 DECEMBER 2012 | | | |
| Balance at the beginning of year | 30,896 | 1,755 | 32,651 |
| Additions | 2,348 | - | 2,348 |
| Depreciation expense | (12,393) | - | (12,393) |
| Amortisation expense | - | (1,755) | (1,755) |
| Balance at 31 December 2012 | 20,851 | - | 20,851 |
| 8 INTANGIBLE ASSETS | | | |
| Patents, trademarks and other rights | | | |
| Cost | | 6,870 | 6,870 |
| Accumulated amortisation and impairment | | (1,410) | (563) |
| Net carrying value | | 5,460 | 6,307 |
| Website Development Costs | | | |
| Cost | | 66,791 | 66,791 |
| Accumulated amortisation and impairment | | (25,510) | (12,152) |
| Net carrying value | | 41,281 | 54,639 |
| Total Intangibles | | 46,741 | 60,946 |
| | Patents, trademarks and other rights \$ | Website Development Costs \$ | Total \$ |
| Year ended 31 December 2012 | | | |
| Balance at the beginning of the year | 6,307 | 54,639 | 60,946 |
| Amortisation | (847) | (13,358) | (14,205) |
| Closing value at 31 December 2012 | 5,460 | 41,281 | 46,741 |

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2012

| | 2012 \$ | 2011 \$ |
|----------------------------------------------------|----------------|----------------|
| 9 OTHER ASSETS | | |
| CURRENT | | |
| Prepayments | 3,980 | 2,414 |
| | 3,980 | 2,414 |
| 10 TRADE AND OTHER PAYABLES | | |
| CURRENT | | |
| Trade payables | 14,580 | 7,347 |
| Employee benefits | 19,166 | 14,687 |
| Sundry payables and accrued expenses | 11,735 | 34,612 |
| Corporate Credit Cards | 986 | 506 |
| | 46,467 | 57,152 |
| 11 BORROWINGS | | |
| CURRENT | | |
| Unsecured liabilities: | | |
| Other financial liabilities | 10,736 | 9,554 |
| Total current borrowings | 10,736 | 9,554 |
| NON-CURRENT | | |
| Unsecured liabilities: | | |
| Other financial liabilities | 9,954 | 20,690 |
| Total non-current borrowings | 9,954 | 20,690 |
| 12 EMPLOYEE BENEFITS | | |
| CURRENT | | |
| Long service leave | 33,351 | 19,161 |
| Provision for employee benefits | 60,095 | 73,924 |
| | 93,446 | 93,085 |
| NON-CURRENT | | |
| Long service leave | 6,873 | 15,633 |
| 13 UNEXPENDED GRANTS | | |
| Film Victoria | 1,500 | - |
| Screen Australia | 20,000 | - |
| Copyright Agency Limited | 10,000 | - |
| Office for the Arts - AITB | 7,070 | 25,000 |
| Office for the Arts - Solid Arts | 12,490 | 49,615 |
| Australia Council for the Arts - Geek in Residence | - | 12,582 |
| | 51,060 | 87,197 |
| 14 GRANTS IN ADVANCE | | |
| Office for the Arts - AITB | 85,000 | - |
| Australia Council for the Arts | 120,647 | 119,571 |
| | 205,647 | 119,571 |

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2012

| | 2012 \$ | 2011 \$ |
|-------------------------------------------------------------------------------------------------|---------------|--------------|
| 15 LEASING COMMITMENTS | | |
| (a) Operating lease commitments | | |
| Non-cancellable operating leases contracted for but not capitalised in the financial statements | | |
| Payable - minimum lease payments: | | |
| - no later than 1 year | 9,385 | 7,864 |
| - between 1 year and 5 years | 50,990 | - |
| | 60,375 | 7,864 |

Operating lease commitments are in respect of the lease of premises from which the company operates.

16 FINANCIAL RISK MANAGEMENT

The main risks Arts Law Centre of Australia is exposed to through its financial instruments are credit risk, liquidity risk and market risk consisting of interest rate risk.

The company's financial instruments consist mainly of deposits with banks, local money market instruments, short-term investments, accounts receivable and payable, and bank loans.

The totals for each category of financial instruments, measured in accordance with AASB 139 as detailed in the accounting policies to these financial statements, are as follows:

| | 2012 | 2011 |
|-----------------------------------------|----------------|----------------|
| Financial Assets | | |
| Cash and cash equivalents | 545,813 | 555,860 |
| Total financial assets | 545,813 | 555,860 |
| Financial Liabilities | | |
| Financial liabilities at amortised cost | | |
| - Trade and other payables | 46,468 | 57,153 |
| - Borrowings | 20,690 | 30,244 |
| Total financial liabilities | 67,158 | 87,397 |

17 MEMBERS' GUARANTEE

The company is incorporated under the Corporations Act 2001 and is a company limited by guarantee. If the company is wound up, the constitution states that each member is required to contribute a maximum of \$ 100 each towards meeting any outstanding obligations of the company. At 31 December 2012 the number of members was 11 (2011: 10).

18 INTERESTS OF KEY MANAGEMENT PERSONNEL

The total remuneration paid to key management personnel of the company is \$130,354 (2011: \$106,756).

19 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

In the opinion of the Directors, the company did not have any contingencies at 31 December 2012 (31 December 2011: None).

20 RELATED PARTY TRANSACTIONS

Transactions between related parties are on normal commercial terms and conditions no more favourable than those available to other parties unless otherwise stated.

Transaction with related parties:

The company during the financial year incurred \$10,000 for production of DVD's with the company known as Core Films Pty Limited. This production company engaged to undertake this work is affiliated with Pauline Clague, Arts Law Director.

There are no other related party transactions.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2012

| | 2012 | 2011 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|
| | \$ | \$ |
| 21 CASH FLOW INFORMATION | | |
| (a) Reconciliation of cash | | |
| Cash at the end of the financial year as shown in the statement of cash flows is reconciled to items in the statement of financial position as follows: | | |
| Cash and cash equivalents | 545,813 | 555,860 |
| (b) Reconciliation of result for the year to cashflows from operating activities | | |
| Reconciliation of net income to net cash provided by operating activities: | | |
| (Deficit)/Surplus for the year | (5,920) | 170 |
| Cash flows excluded from profit attributable to operating activities | | |
| Non-cash flows in profit: | | |
| - amortisation | 15,980 | 15,091 |
| - depreciation | 12,391 | 6,194 |
| Changes in assets and liabilities, net of the effects of purchase and disposal of subsidiaries: | | |
| - (increase)/decrease in trade and other receivables | (74,240) | (5,514) |
| - (increase)/decrease in prepayments | (1,866) | (2,414) |
| - (increase)/decrease in inventories | 5,300 | 2,570 |
| - increase/(decrease) in trade and other payables | 6,880 | 1,471 |
| - increase/(decrease) in unexpended grants | (36,136) | (47,346) |
| - increase/(decrease) in unearned income | 87,864 | (400) |
| - increase/(decrease) in provisions | (8,398) | 35,829 |
| Cashflow from operations | 1,855 | 5,651 |

22 EVENTS AFTER THE END OF THE REPORTING PERIOD

The financial report was authorised for issue on 22 March 2013 by the Board of Directors.

No matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the company, the results of those operations or the state of affairs of the company in future financial years.

DIRECTORS' DECLARATION

The directors of the company declare that:

- The financial statements and notes, as set out on pages 6 to 24, are in accordance with the *Corporations Act 2001* and:
 - comply with Accounting Standards - Reduced Disclosure Requirement; and
 - give a true and fair view of the financial position as at 31 December 2012 and of the performance for the year ended on that date of the company.
 - In the directors' opinion, there are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.
 - Pursuant to Schedule 1, Section 7(3) of the NSW Charitable Fundraising Regulations 2008;
 - the statement of comprehensive income is drawn up so as to give a true and fair view of income and expenditure
- of the Company for the year ended 31 December 2012 with respect to fundraising appeals;
- the statement of financial position and statement of cash flows are drawn up so as to give a true and fair view of the state of affairs of the Company as at 31 December 2012 with respect to fundraising appeals;
 - the provisions of the Charitable Fundraising Act 1991 and the regulations under the Act and the conditions attached to the Company have been complied with for the year ended 31 December 2012; and
 - the internal controls exercised by the Company are appropriate and effective in accounting for all income received and applied by the Company from any of the fundraising appeals.

This declaration is made in accordance with a resolution of the Board of Directors.



Director
Steven John Miller
Sydney, NSW
Dated 22 March 2013

W. W. Vick & Co.

Chartered Accountants

ABN 14 568 923 714



Arts Law Centre of Australia

ABN 71 002 706 256

Independent Audit Report to the members of Arts Law Centre of Australia

Report on the Financial Report

We have audited the accompanying financial report of Arts Law Centre of Australia, which comprises the statement of financial position as at 31 December 2012, the statement of comprehensive income, statement of changes in funds and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the directors' declaration.

Directors' Responsibility for the Financial Report

The directors of the company are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards- Reduced Disclosure Requirements and the *Corporations Act 2001* and for such internal control as the directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

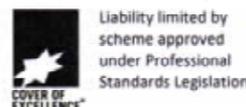
Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the company's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the company's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified audit opinion.

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Standards Legislation

W. W. Vick & Co.

Chartered Accountants

ABN 14 568 923 714



Arts Law Centre of Australia

ABN 71 002 706 256

Independent Audit Report to the members of Arts Law Centre of Australia

Independence

In conducting our audit, we have complied with the independence requirements of the *Corporations Act 2001*. We confirm that the independence declaration required by the *Corporations Act 2001*, which has been given to the directors of Arts Law Centre of Australia, would be in the same terms if given to the directors as at the time of this auditor's report.

Basis for Qualified Opinion

Proceeds from appeals are not a significant source of revenue for the Company. The company has determined that it is impractical to establish control over the collection of proceeds from appeals prior to entry into its financial records. Accordingly, as the evidence available to us regarding revenue from this source was limited, our audit procedures with respect to proceeds from appeals had to be restricted to the amounts recorded in the financial records. We therefore are unable to express an opinion whether proceeds of appeals the company obtained are complete.

Qualified Opinion

In our opinion, except for the possible effects of the matter described in the Basis for Qualified Opinion paragraph, the financial report of Arts Law Centre of Australia is in accordance with the *Corporations Act 2001*, including:

- (a) giving a true and fair view of the company's financial position as at 31 December 2012 and of its performance for the year ended on that date; and
- (b) complying with Australian Accounting Standards and the *Corporations Regulations 2001*.

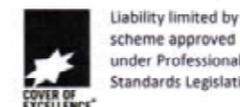
Report on Other Legal and Regulatory Requirements

Qualified Opinion pursuant to the Charitable Fundraising (NSW) Act 1991

In our opinion, except for the effects, if any, of the matter described in the Basis for Qualified Opinion paragraph above :

- (i) The financial report gives a true and fair view of the financial result of fundraising appeal activities for the financial year ended 31 December 2012;

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- (ii) The financial report has been properly drawn up, and the associated records have been properly kept for the period from 1 January 2012 to 31 December 2012, in accordance with the Charitable Fundraising (NSW) Act 1991 and its regulations;
- (iii) Money received as a result of fundraising appeal activities conducted during the period from 1 January 2012 to 31 December 2012 has been properly accounted for and applied in accordance with the Charitable Fundraising (NSW) Act 1991 and its regulations; and
- (iv) There are reasonable grounds to believe that Arts Law Centre of Australia will be able to pay its debts as and when they fall due.

Chartered Accountants

Peter P Vlahopol
Partner
W W Vick & Co.

SYDNEY

28 March 2013



Disclaimer

The additional financial data presented on 30 to 31 is in accordance with the books and records of the company which have been subjected to the auditing procedures applied in our statutory audit of the company for the year ended 31 December 2012. It will be appreciated that our statutory audit did not cover all details of the additional financial data. Accordingly, we do not express an opinion on such financial data and we give no warranty of accuracy or reliability in respect of the data provided. Neither the firm nor any member or employee of the firm undertakes responsibility in any way whatsoever to any person (other than Arts Law Centre of Australia) in respect of such data, including any errors of omissions therein however caused.

W W Vick & Co.

SYDNEY

28 March 2013



Sydney dance company
© Sydney Dance Company,
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Anne Dixon buried in Tjanpi Baskets
© Tjanpi Desert Weavers, 2010,
reproduced with permission.



Havana Connection
© Multicultural Arts Victoria, 2009,
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Photo of Metro Screen Graduate
Jimmy Sear,
© Metro Screen Young Filmmakers,
www.metroscreen.org.au, 2007.

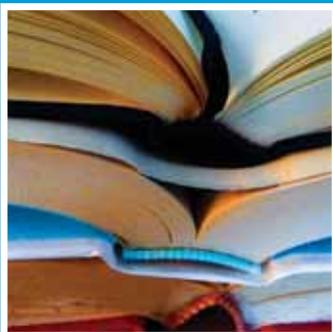


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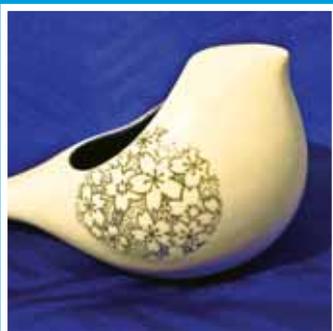


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Arts Law Centre of Australia

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