



2008 ANNUAL REPORT

Company Particulars

Board	President	The Hon. Justice George Palmer
	Vice President	The Hon. Justice Peter Heerey
	Honorary Treasurer	Steven Miller
Directors		Megan Brownlow
		Peter Griffin
		Professor Jill McKeough
		Hetti Perkins
Company Secretary		Robyn Ayres
Registered Office		The Gunnery 43-51 Cowper Wharf Road Woolloomooloo NSW 2011
Accountants		Steven J Miller & Co PO Box 635 Leichhardt NSW 2040
Auditors		WalterTurnbull Level 17 55 Clarence Street Sydney NSW 2000



Arts Law Centre of Australia

ABN 71 002 706 256 / ACN 002 706 256

Level 1, The Gunnery, 43-51 Cowper Wharf Road,
Woolloomooloo NSW 2011 Australia

Phone: +61 2 9356 2566 Fax: +61 2 9358 6475

artslaw@artslaw.com.au www.artslaw.com.au

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WHO WE ARE

The Arts Law Centre of Australia (Arts Law) is the national community legal centre for the arts. Arts Law is a not for profit company limited by guarantee.

Arts Law was established in 1983 with the support of the Australia Council.

Arts Law provides legal advice and information on a wide range of arts related legal and business matters including contracts, copyright, business structures, defamation, insurance, employment and taxation to artists and arts organisations across all art forms.

The majority of Arts Law subscribers are individual arts practitioners – including visual artists, authors, new media artists, performers, musicians, composers, writers, film and documentary makers, choreographers, graphic designers and set designers. Arts organisations are also important clients of Arts Law.

MISSION

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-exploitative** 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.

ARTS LAW'S GOALS



1. Legal Advice, Resources and Referrals

To provide accessible, timely, high quality and practical legal advice to artists and arts organisations. This will include well-targeted and worthwhile professional development services, resource materials and referrals.

Photo of Suzanne Derry, Solicitor at Arts Law.
Taken by Robyn Ayres © Arts Law 2009



2. Advocacy and Law Reform

To provide targeted, quality advocacy on law and policy reform, to assist artists, the Government and the public more broadly to understand both the needs and value of the creative sector.



Julian Burnside QC inspiring everyone at the Passion event which was part of Victoria Arts Law Week 2008. This event, organized by Multicultural Arts Victoria in partnership with Arts Law, culminated in an exhibition of works by 7 artists who partnered with 7 legal professionals who shared their passions. The artists were Naeem Rama, Mitra Malekzadah, Lyn Thorpe, Andrea Draper, Sutueal Bakale Althe, Bill Poon, Georgia Metaxas and the legal professionals were Justice Marilyn Warren, Justice Lex Lasry, Judge Felicity Hampel, Julian Burnside QC, Bernard BAlmer, David Allen, Clint Lingard. © Multicultural Arts Victoria, 2008. Photo by Graham Parsons.

3. Artists in the Black

Provide Indigenous artists, organisations and communities access to free, specialist, culturally appropriate legal resources (including advice, information, education and advocacy services) to support and strengthen the Indigenous arts sector in order for Indigenous creators to achieve professional excellence and a sustainable income in a non-exploitative environment.



Bula bula artists with pro bono lawyer Lyn Bennett, Kyas Sherriff, the AITB Indigenous Information Liaison Officer and Arts Law's senior solicitor, Delwyn Everard at Ramingining NT © Arts Law, 2008

4. Communications and Marketing

To position Arts Law as a valued national legal resource for the cultural sector.



Arts Law's Executive Director Robyn Ayres with the DLA Phillips Fox and Arts Law attendees at the Law and Justice Awards 2008. © Law and Justice Foundation NSW 2008

5. Human and Physical Resources

To sustain an efficient team committed to the mission and goals of Arts Law through a collaborative working environment and to maintain the office, furniture and equipment in order to meet the needs of the organisation.

6. Governance

To develop and maintain an experienced, committed and effective board in order to ensure that Arts Law complies with all governance requirements and maximises the ability of Arts Law to generate income.

Arts Law's governance should also address the relationship with the *Artists in the Black* service and Reference Group.



President's Report

The Hon. Justice George Palmer

First of all I would like to recognise the staff of Arts Law for their efforts throughout the year. I am amazed at what they can achieve in view of the significant under-resourcing and overwhelming demands upon the Arts Law services. It is a real testament to their dedication and professionalism. The Arts Law team are assisted in their efforts by the ongoing pro bono support of the many lawyers and law firms that are so willing to volunteer their expertise to Australia's artists and arts organisations.

I would also like to thank the Board for their energy throughout 2008. Arts Law, like many not for profit arts organisations, are reliant upon the volunteer efforts of a small team of committed professionals, who have very busy working lives of their own, to provide Arts Law with the guidance, leadership and support required. It is a pleasure to work with such an enthusiastic group who continue to offer not only ideas but are prepared to follow through with the work that is needed.

Finally I would like to acknowledge the work of Robyn Ayres, our Executive Director, who continues to provide such passionate and cheerful leadership to Arts Law. Despite the clear financial constraints within which Arts Law operates, Robyn just expects a lot to get done because it has to and so it does. At the end of the day, as Arts Law enters its 25th year, we are here to ensure that Australia's artists, and the organisations which support them, are properly equipped to deal with the many and varied legal and business requirements with which they must deal. Above all, Arts Law wants to make sure that our artists are not exploited and are properly rewarded for their creative endeavours which make all of our lives richer and far more enjoyable.

Justice George Palmer
President



Executive Director's Report

Robyn Ayres

Arts Law travelled extensively throughout Australia in 2008 visiting capital cities, regional centres and remote Indigenous communities with 27 weeks of staff time spent on the road. This level of travel, whilst essential for developing and maintaining connections with the artists and arts organisations who are central to our service, has a big impact on maintaining the rest of our services delivered from our Woolloomooloo offices.

It is a testament to the very committed Arts Law staff and considerable pro bono support, that Arts Law not only maintained previous levels of service provision but managed a considerable increase in the number of extended legal advice consultations (LANs) and doubled our services to Indigenous artists.

Arts Law also found that our 3 year strategy to increase the understanding and awareness in the arts community of basic arts law issues, through our professional development program, has been very successful. As a result our lawyers are now dealing with more complex legal problems when artists call for advice rather than the simpler "what is copyright" question. This means that our lawyers tend to spend more time with clients on the phone so that they are better equipped to deal with the problem they are facing.

The professional development program took Arts Law staff to over 100 different locations around Australia with 3021 artists and arts workers benefitting from these sessions including 614 Indigenous attendees. Inevitably as awareness of issues increased in a particular location so too did the demand for legal advice services with notable increases in demand from Indigenous artists and arts organisations in WA and the NT.

Thanks to the expertise of senior solicitor Rebecca Laubi, Arts Law has continued to revise and update our sample contracts to provide the best possible resources for the artists and arts organisations who use them. We are also very grateful to pro bono lawyer, Naomi Messenger, the primary author of *Business Structures and Governance: A Practical Guide for the Arts*, whose dedication and perseverance ensured this much-needed publication was not only published but properly launched (thanks also to Swaab Attorneys).

The Arts Law website, www.artslaw.com.au, continues to be a much visited website for artists seeking legal information with 4.5 million visits and 500,000 downloads in 2008, demonstrating not only the value of this resource but how much we need to revamp it so that we can make more materials available to artists in a greater variety of formats (eg podcasts, streaming etc).

In 2008 Arts Law's advocacy work focused on resale royalty rights; the Code of Conduct for Commercial dealings in Indigenous Art; censorship issues; and the ongoing need for better protection of Indigenous Culture and Intellectual Property. Arts Law's Indigenous lawyer, Trish Adjei once again attended WIPO's Intergovernmental Committee meeting on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore in Geneva where unfortunately little progress was made in the discussions on the need for an international instrument to protect Indigenous cultural heritage. Arts Law is still waiting to see whether the Government is able to address some of the serious flaws in the Resale Royalty Bill which was introduced in Parliament in 2008.

Artists in the Black with significant financial support from Copyright Agency Limited together with contributions from several other funding partners carried out the Indigenous Wills Project. This involved visiting 15 different Indigenous communities, taking instructions for 300 wills with 260 being signed. The increase in advices given to artists in States and Territories which we visited demonstrated the benefits of having a physical presence, with significant increases in our service delivery to these regions on matters additional to wills.

The Wills Project also highlighted the serious problems with Western Australia's intestacy laws whereby the estate of a deceased Aboriginal person vests in the Public Trustee, rather than the next of kin being entitled to distribute the estate. *Artists in the Black* will continue to lobby for change in this area.

In 2008 Arts Law had a greater media presence with Arts Law's expertise and well-reasoned position

providing valuable input into discussions in the media about using children in the creative process, the resale rights debate, need for better regulation of art dealers and the need for Indigenous artists to have wills. Staff appeared on *7.30 Report* (ABC), *Stateline* (ABC in WA and NT), *Insight* (SBS), ABC radio, Indigenous and local radio stations as well as numerous interviews with print journalists eg *AFR*, *The Australian*, *Sydney Morning Herald*.

Despite the high volume of work and our struggle to keep up with it at times, the commitment and enthusiasm of Arts Law staff was outstanding. On a daily basis, the Arts Law team make my job a pleasure. In this regard I would like to acknowledge the contribution of Garey Campbell who was our Administration Manager for 5 years—his dedication, professionalism and acerbic humour will be missed.

Arts Law is lucky to have a highly skilled and qualified Board of directors who cheerfully provide the organisation the direction and leadership and are willing to pitch in when serious issues are at hand. The *Artists in the Black* Reference Group also provides quiet support to the *AITB* service which is much appreciated.

Robyn Ayres
Executive Director

SUPPORTERS

Arts Law gratefully acknowledges the financial assistance and investment of:

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



The Department of the Environment, Water, Heritage and the Arts



The New South Wales Government through Arts NSW



Screen Australia



Arts Victoria



Government of Western Australia, Department of Culture and the Arts



Arts SA



Phonographic Performers Company of Australia



Acknowledgement and thanks must go to the following people, organisations and law firms for their significant contribution to Arts Law during the year:

Copyright Agency Limited (CAL) for its grant to run the national *Artists in the Black* education program



The Myer Foundation



WalterTurnbull for pro bono accounting advice and assistance to Arts Law legal staff.



Steven J Miller & Co for pro bono advice and the continued provision of assistance to Arts Law legal staff.



Lexis Nexis for sponsoring Arts Law's subscription to their online publications.



Victoria Law Foundation for support of Arts Law Week Victoria 2008.



City of Sydney for funding Arts Law Week Sydney 2008



Allens Arthur Robinson for hosting the launch of Sydney Arts Law Week 2008



DLA Phillips Fox for significant pro bono support to Indigenous Wills project and other Arts Law work



Special thanks to the many individuals, organisations and law firms who have made a significant contribution to Arts Law during the year, many of whom are listed later in this report.

ACHIEVEMENTS

2213 telephone legal advices

470 face-to-face legal advice night
(LAN) consultations

240 pro bono lawyers willing to provide advice and
other assistance to clients of the Arts Law

\$700,000 in pro bono assistance
provided to Arts Law's clients

320 advices to Indigenous clients
(100% increase on 2007)

300 wills drafted for Indigenous artists in 15
Indigenous communities

128 professional development presentations

3021 artists and arts workers received
professional development

614 Indigenous participants attended
educational workshops

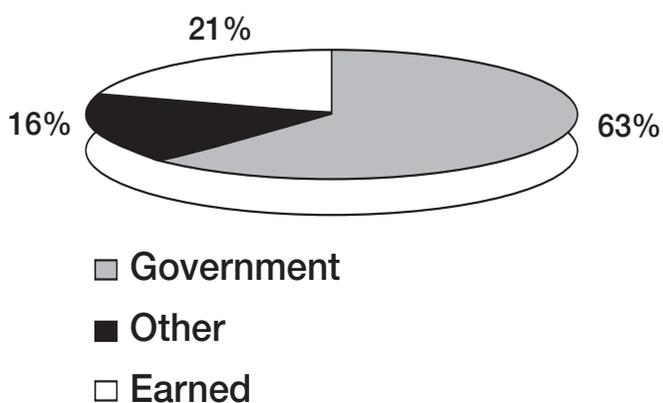
975 referrals to lawyers, arts organisations,
insurers and Government agencies

6,000 artists and arts workers
were assisted by Arts Law

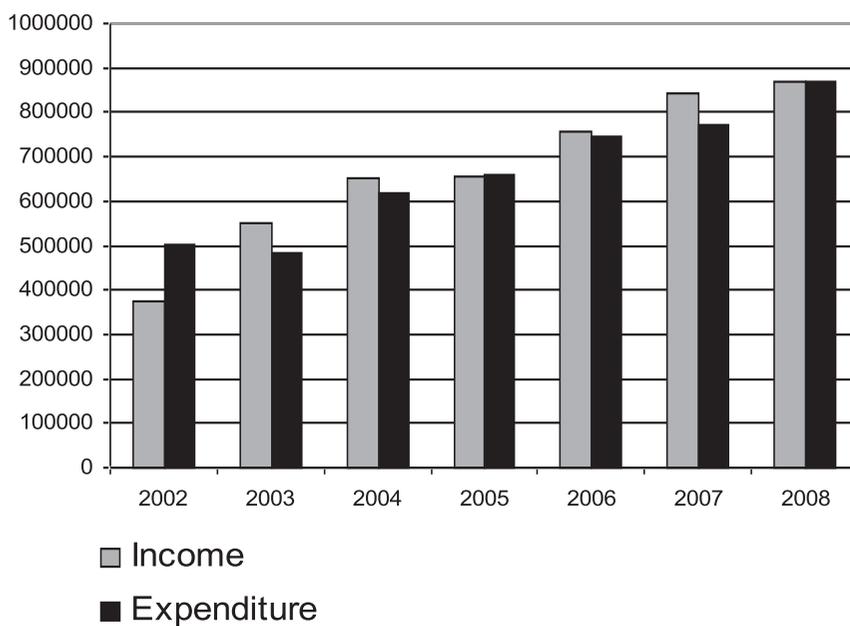
**Winner of the Law & Justice Foundation
of NSW Pro Bono Partnership Award 2008
for our work with DLA Phillips Fox**

FUNDING

Sources of Income



Income Expenditure 2002 - 2008



STAFF

Executive Director	Robyn Ayres
Senior Solicitors	Delwyn Everard Rebecca Laubi
Solicitor	Serena Armstrong
Solicitor	Suzanne Derry
Casual solicitor	Sharmila Shearing
Indigenous Solicitor	Patricia Adjei
Administration Manager (Part time)	Garey Campbell (until Oct 08) Lynne Guaglione (commenced Oct 15)
Financial Manager (Part time)	Mary Egan
Administrative Officer	Caroline Lai
Administrative Officer	Ellen Williams (commenced August 08)
Other Staff	
Aboriginal Information / Liaison Officer	Kyas Sherriff (commenced April 08)



Executive Director Robyn Ayres at Arts Law Week Victoria with didgeridoo player Allen Brown JNR
© Multicultural Arts Victoria 2008.
Photo by Graham Parsons.



Arts Law staff planning day –
Delwyn Everard, Serena Armstrong,
Rebecca Laubi, Ellen Williams,
Lynne Guaglione, Caroline Lai,
Suzanne Derry, Patricia Adjei
(Absent Kyas Sherriff), © Arts Law,
photo by Robyn Ayres 2009.

COUNCIL OF PATRONS

Patrons of Arts Law are eminent persons in the law and the arts, and reflect the standing Arts Law enjoys in the community.

Current Patrons are:

Robyn Archer AO
Jan Chapman AO
Deborah Cheetham
Ian David
David Gulpillil AM
Roger Knox
Frank Moorhouse AM
Professor Sally Morgan
Margaret Olley AC
David Page
Rachel Perkins
Peter Sculthorpe AO
William Yang

The Hon Justice David Angel
The Hon Justice Terence Buddin
Julian Burnside QC
The Hon Jerrold Cripps QC
The Hon Elizabeth Evatt AO
The Hon Justice Malcolm Gray RFD
The Hon Justice Michael Kirby AC CMG
The Hon David Levine RFD QC
The Hon Justice John Mansfield
The Hon Acting Justice Jane Mathews AO
Shane Simpson
The Hon Antony Whitlam QC

GUARDIAN ANGELS

Charles Alexander
Delia Browne
Megan Brownlow
Peter Chalk
Alec Christie
Ian Enright
Virginia Gordon
Kate Harrison
Shauna Jarrett
The Hon. David Levine RFD QC
The Hon. Justice Kevin Lindgren
Professor Jill McKeough
Mary Jane McKeohan
MTV Networks Australia
The Hon. Justice George Palmer
Ian Robertson
Shane Simpson
Anisha Travis

ARTISTS IN THE BLACK REFERENCE GROUP



The current members of the group are:

John Harding (Chair) Kev Carmody
Kevin Dolman Carol Innes
Hetti Perkins Lily Shearer



Carol Innes



Kev Carmody



Lily Shearer



John Harding



Hetti Perkins

LEGAL ADVICE REFERRAL AND MEDIATION SERVICES

The focus of all of the work of Arts Law is to ensure that Australia's artists and arts organisations have access to practical, specialist legal services and resources. This will assist them to be fairly rewarded for their creative endeavours and protect against exploitation. We encourage artists and arts organisations to seek assistance sooner rather than later so that problems are less likely to arise as their work develops.

Arts Law provides legal advice on a wide range of legal and business issues affecting artists and the cultural sector including copyright, contract, moral rights, performers rights, trade marks, trade practices, confidentiality, employment, business structures, privacy, insurance, censorship and taxation. The way we do this is through our free national telephone legal advice service to the arts community and, for Arts Law subscribers, extended legal advice service, national face-to-face legal advice Legal Advice Nights and pro bono referrals. Arts Law also provides referrals to our panel of mediators on a fee for service basis.

In 2008 the number of occasions on which telephone advice was provided was **2213**, a small increase from the previous year.

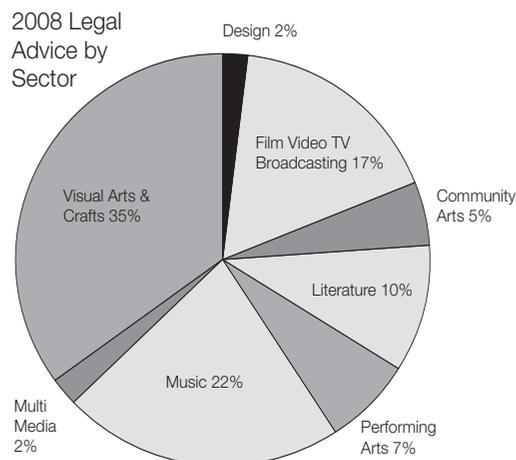
Table 1: Telephone Advice by Arts Sector

Telephone Advice	2008	2007
Film / Video/TV/Broadcasting	381	280
Community Arts	119	95
Literature	220	203
Performing Arts	156	154
Music	497	337
Multi Media	35	50
Visual Arts and Crafts	765	507
Design	40	48
Miscellaneous		525
TOTAL	2213	2199

Picture Perfect Case Study

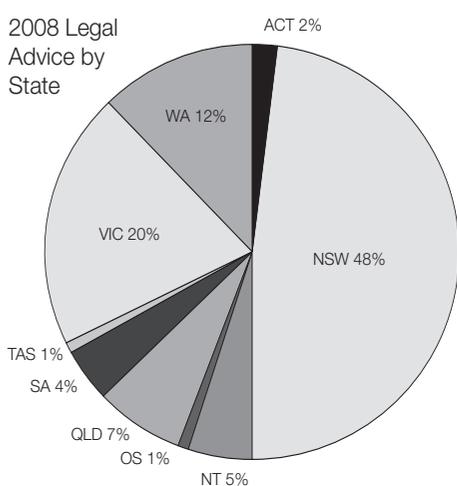
A young up-and-coming photographer called Arts Law for advice about starting a website to sell her photographs online. How should she protect her work online and her copyright from being infringed? The key issue was copyright protection and a combination of general advice, written documents and practical tips were the solution!

Arts Law advised her that as the photographer, she was the first owner of copyright (there are some exceptions to bear in mind though) and as such, she can reproduce, publish and communicate her photographs to the public. We also advised the photographer on the importance of a written agreement with the designer of the website that clearly sets out all parties' obligations and entitlements regarding copyright issues that may arise during the website design process. Lastly, we also gave some practical advice including digital rights management tips.



Tables2: Legal Advice by State

Telephone Advice	2008	2007
ACT	34	42
NSW	1082	1141
NT	103	55
OS	21	26
QLD	152	151
SA	80	96
TAS	20	38
VIC	450	500
WA	271	150
Total	2213	2199



Range of Problems

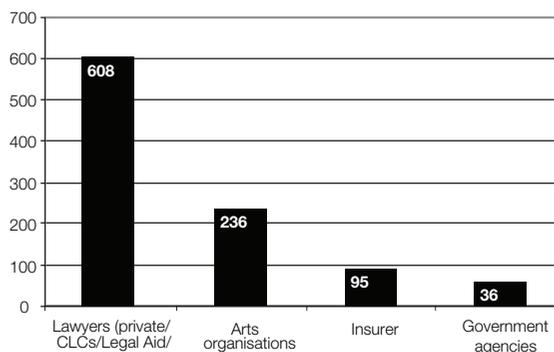
Arts Law deals with a significant number of legal problems presented by each caller. In 2008, of the **2213** legal advices provided the solicitors dealt with **2749** different legal problems. Table 3 sets out the number and range of legal problems dealt with in 2008.

Table 3: Legal Advice by Category

Description	Totals
Agency	11
Bailment	14
Business Name	30
Business Structure incl. assns, charities, corps	70
Business Structure: Partnership	22
Censorship & Obscenity	13
Character Merchandising	1
Commercial Lease	6
Confidentiality	64
Contract: General	361
Contract: Infringement	66
Contract: Review	270
Copyright: Collecting Societies	55
Copyright: General	472
Copyright: Infringement	151
Copyright: Licensing	226
Debt	60
Defamation	74
Employment incl. discrim, super, workers comp	29
Estate Planning/Wills	162
Funding incl. government, private	7
ICIP	34
Insolvency	5
Insurance	54
IP: Design Registration	8
IP: Patent	5
IP: Trade Mark	36
Mediation	4
Moral Rights	113
Other	55
Performers' Rights	22
Personal Property	6
PPCA	50
Privacy	38
Remedies	16
Sale of Goods incl. droite de suite	5
Sedition	3
Tax incl. GST, income, sales, stamp duty	34
Torts incl. negligence, trespass	14
Trade Practices & Passing Off incl. misleading	79
Wills & Probate	4
Total	2749

Referrals

Arts Law makes referrals to a range of organisations eg an insurer, rather than legal assistance due to the nature of the request. In 2008 Arts Law made **975** referrals.



Legal Advice Nights

Subscribers to Arts Law can attend Legal Advice Nights for face-to-face advice, or telephone consultations for up to two hours with experienced specialist lawyers who are on Arts Law's panel. Subscribers are entitled to up to 6 sessions per year. Lawyers from large corporate and boutique firms, as well as government and in-house lawyers, volunteer for the national Legal Advice Nights panel. The number of LANs increased to **470** (2008) compared to **296** (2007). Much of this increase was on account of the Indigenous Wills Project.

Face-to-face Legal Advice Nights (LANS) operate in Sydney, Melbourne, Adelaide, Brisbane, Hobart, Perth, Darwin, and Canberra. Subscribers in other cities and regional areas can access extended telephone advice with lawyers on our panel.

Table 4: LANs by State/Territory

Legal Advice Nights	2008	2007
ACT	6	2
NSW	191	288
NT	52	8
OS	3	0
QLD	17	11
SA	14	7
TAS	0	7
VIC	82	57
WA	105	16
TOTAL	470	296

2008 LANs by State/Territory

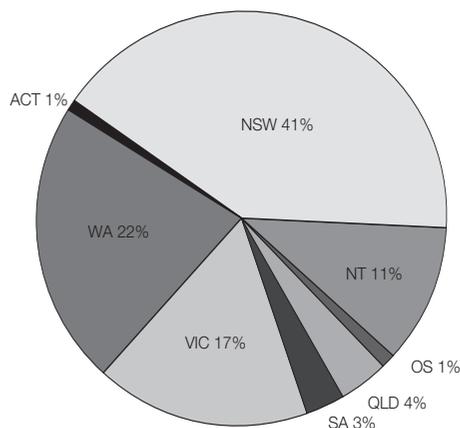


Table 5: LANs by Arts Sector

Legal Advice Nights	2008	2007
Film / Video/TV	55	43
Community Arts	22	18
Design	5	8
Literature	36	30
Performing Arts	29	18
Music	110	83
Multi Media	8	11
Visual Arts and Crafts	178	72
Miscellaneous	19	13
TOTAL	470	287

ARTS LAW SUBSCRIBERS

To access the assistance available from Legal Advice Nights individuals or organisations must become Arts Law subscribers. Subscribers are also entitled to discounts on all of Arts Law's publications and receive the quarterly newsletter, ART+law.

Table 6: ALCA subscribers by STATE & TYPE

State	Totals	Com- mercial	Indi- vidual	Non Profit	Legal / Other
ACT	18	1	13	4	0
NSW	319	17	251	44	7
NT	83	0	52	31	0
OS	7	0	6	0	1
QLD	82	0	69	9	4
SA	41	1	28	11	1
TAS	8	1	4	3	0
VIC	126	6	98	18	4
WA	153	4	129	20	0
Totals	837	30	650	140	17

The majority of Arts Law subscribers are individual arts practitioners – including visual artists, new media artists, performers, musicians, composers, writers, choreographers, graphic designers, film and documentary makers, and set designers.

Keeping It In The Family

A lyricist contacted Arts Law seeking advice on a musical dilemma. He had written lyrics to a song and a family member wrote the music. The family member recorded and was now performing the song with unauthorised alterations to our client's lyrics and our client sought advice on stopping this from continuing.

Arts Law advised that copyright in a song exists separately for its musical and lyrical elements and made the lyricist aware of his reproduction, publishing and communication rights under the Copyright Act. As the family member was using a substantial part of our client's lyrics, there had indeed been an infringement. Furthermore, as the family member declined attribution of the lyricist's contribution, an infringement of his moral rights had also taken place.

Arts Law suggested using discussion and dialogue to resolve the issue with the family member or if unsuccessful, utilising a letter of demand to achieve his aims of protecting the use of his lyrics.

LEGAL INFORMATION & PUBLICATIONS



Dr Geoff Gallop, pro bono lawyer and author Naomi Messenger of SWAAB Attorneys, Rosilyn Messenger and Bev Gallop at launch of *Business Structures and Governance: A Practical Guide for the Arts*. Photo by Andrew Weeks 2008

Publications

Arts Law produces a range of publications each year including a quarterly newsletter ART+law, information sheets, checklists and guides, sample contracts and seminar papers. In addition, Arts Law contributes to a range of external publications.

Information Sheets

Arts Law's information sheets are made freely available on the website, enabling arts practitioners throughout Australia to easily access up-to-date information. The range of information sheets has been greatly expanded in 2008 to cover **38** topics. These can be accessed at www.artslaw.com.au/information.

Checklists and Guides

In addition the following more comprehensive checklists and guides are available free to Arts Law subscribers:

- Artist-Gallery Checklist
- Business Partnership Checklist
- Displaying Visual Arts on the Internet
- Live Music Performance – Booking gigs
- Music Management Checklist
- Music Publishing Checklist
- Music Recording Agreements Guide
- Short Film Competition – Producer's guide
- Sponsorship Agreements Guide

Sample Contracts

Arts Law also produces a range of sample contracts, which come with explanatory notes. There are currently **39** sample agreements available, covering a range of arts sectors including a suite of agreements for the visual arts and crafts, for low budget film/video, for community broadcasting and for music. Over the last 12 months, with the expertise of senior solicitor, Rebecca Laubi, together with our other solicitors, Arts Law has continued to update the agreements to ensure they are current and as useful as possible for the arts community.

New Publications

In 2008 Arts Law produced the following new publications:

- *Answers for Artists* English only version. (Also available in Arabic and Chinese).
- *Business Structures and Governance: A Practical Guide for the Arts*, by Naomi Messenger
- Indigenous artist and art centre agreement
- Updated Sample Will for Indigenous Artists

In The 'Read'

A novelist in their final year of bankruptcy contacted Arts Law for advice on how bankruptcy affected her copyright interests. Would these be vested with the trustees? How could she avoid any problems that may arise with copyright ownership and submitting her novel to publishers?

The heart of the matter was how the Bankruptcy Act dealt with copyright as property and provided an insight into how bankruptcy can affect an artist's intellectual property.

Through our research into the matter, Arts Law was able to advise the novelist on suitable options, be it recommending she make full disclosure to ITSA of her copyright assets or that she resolve her debts and bring about an annulment of the bankruptcy. Arts Law also advised the novelist of the risks involved in not declaring relevant copyrights to the trustee and how doing so may lead to potential problems affecting her intellectual property in the future.

ART+*law*

Arts Law produces a quarterly newsletter providing information on current legal issues affecting arts practitioners.

In 2008 ART+*law* covered topics including:

- The legal issues arising when using children in the creative process (Robyn Ayres)
- 360 Degree Record Deals
- About Time: Moral Rights victory for Victor Cusack (Katherine Giles)
- Martumili Artists Indigenous Wills Project 2008 (Gabrielle Sullivan of Martumili Artists)
- Proposed resale royalty for visual artists (Serena Armstrong)
- Legal Resources for Writers and Online Publishing Tips (Isolde Leuckenhause of Tress Cox)
- Taxation of professional artists (Michael Dean of Walter Turnbull)
- The illusion of control – legal issues for social networking and user generated content (Matthew Hall of SWAAB Attorneys)
- Changes for PPCA licensors (Serena Armstrong)
- WIPO's capacity building tools for indigenous cultural heritage (Wend Wendland and Jessyca van Weelde of WIPO)
- Arts Law subsequently places many of the articles from ART+*law* on its website.

External Publications

Arts Law regularly contributes articles to various legal and arts periodicals.

WEBSITE

Arts Law's website www.artslaw.com.au is a well-utilised resource and information service, complementing our legal advice and professional development activities. The website contains the range of Arts Law's information sheets, as well as articles which cover the different art sectors.

In 2008, Arts Law had over **4,833,880** hits to the website, and **642,843** downloads showing a steady increase in people accessing the site.

Hits & Circulation	2008
Jan - March	1,140,297
April - June	1,289,808
July - September	1,269,239
October - December	1,134,536
TOTAL	4,833,880

PROFESSIONAL DEVELOPMENT PROGRAM



Passion artists Naeem Rama, Mitra Malekzadah, Lyn Thorpe, Andrea Draper, Sutueal Bakale Althe, Bill Poon, Georgia Metaxas who were part of Victoria Arts Law Week 2008 © Multicultural Arts Victoria 2008, Photo by Graham Parsons.

In 2008 Arts Law continued its program of lectures, workshops and seminars on legal issues affecting artists and arts organisations. The main aim of this program is to increase awareness and understanding of the basic legal and business issues affecting the arts community. In doing so we aim to reduce the need for legal advice on commonplace issues eg "What is copyright?" and to focus on delivering legal advice to artists with more complex problems. Overall there is evidence that this strategy has been successful.

In 2008 Arts Law reached over **3021** creative people around Australia, including **614** Indigenous participants. We visited **35** different geographical locations, provided **128** presentations, of which **42** were for Indigenous artists. We held Arts Law weeks in Victoria, Sydney and Perth and an *AITB* week in Port Augusta SA.

Arts Law continued to run its lecture program, presenting at a range of universities and art schools during the year. Lectures covered topics such as copyright, contracts, moral rights, design law and online issues. Most of these lectures were provided on a fee-paying basis. In addition to the lectures at tertiary institutions, Arts Law provided an extensive national professional development program, including the following events:

- Arts Law Week Sydney
- Arts Law Week Victoria
- Arts Law Week Perth
- *AITB* Week Port Augusta
- Arts Law in Broken Hill
- Indigenous Wills project

Many of the events were delivered in partnership with other organisations, which assisted with their promotion. Most were provided for free or low cost.

ADVOCACY AND LAW REFORM

In 2008, the advocacy work involved proactive work as well as responding to issues as they arose. One issue that arose out of the blue was that concerning children and their participation in art projects and the passionate debate that erupted throughout the community. Arts Law provides a reasoned view which clearly states how the law stands and its impact on artists and the arts community. When the Government or its agencies seek to introduce new laws or policies Arts Law will analyse such changes with a view to potential benefits and detriments to the arts community.

How we work

Arts Law seeks to have input into law and policy debates through a variety of strategies. These include providing submissions, writing articles, commenting in the media, working in partnership with people and organisations with similar aims, meeting with politicians and Government staff, participating in public hearings and encouraging and assisting artists and arts organisations to also participate in the process.

Issues on which we worked

1. Protection of Indigenous Cultural Heritage

Arts Law worked with NAVA on the National Indigenous Commercial Code of Conduct providing input on legal issues relevant to the Code. Arts Law continued to provide feedback when the Australia Council took responsibility for finalising this work.

In 2008 Trish Adjei attended the 13th session of the Intergovernmental Committee of the World Intellectual Property Organisation (WIPO) in Geneva, which is examining the need for international protection of Traditional Cultural Expressions, Traditional Knowledge and Genetic Resources. (See AITB section below).

Arts Law developed a draft information sheet dealing with protection of cultural heritage.

2. Resale rights

In 2008 Arts Law was very pleased that the Government acted on its promise to introduce resale rights with the introduction into Parliament of the Resale Royalty Right for Visual Artists Bill 2008. However we are concerned that the form the Bill currently takes is problematic and will deliver very little to artists for decades to come. Arts Law was fortunate to obtain pro bono advice from Alan Robertson SC on a



Lobbying for resale rights - Fred Torres (Indigenous art dealer), Artists Gloria Petjarre, Barbara Weir, Mandy Martin, Vivienne Binns, with Jo Cave CEO of Viscopy at Parliament House © Arts Law 2008, Photo by Robyn Ayres.

significant constitutional issue. We made submissions to the Government and the House of Representatives Standing Committee on Climate Change, Water, Environment, Heritage and the Arts in order to convince the Government to make the necessary changes to the Bill so that it will work in practice. Importantly we worked in partnership with the Coalition for an Australian Resale Right (CARR)¹ to provide a more effective voice for the arts community.

3. Censorship Issues

The furore created by Bill Henson's exhibition at Roslyn Oxley9 gallery came out of the blue and demonstrated that artists can never be complacent nor should the arts community take freedom of expression for granted. Whilst Arts Law acknowledged legitimate concerns about ensuring safe processes are in place where children are involved in the creation of art, the vehemence of the attack upon the arts community was surprising. This resulted in an influx of calls to Arts Law about the relevant laws and in order to ensure clear information was available to the arts community we developed fact sheets on the relevant laws. Arts Law provided information to the media about the laws currently in place to contribute to an informed debate. We provided considerable feedback to the Australia Council on the problems their draft protocols will create for Australian artists and wrote articles on the issues arising. Arts Law will continue this work in 2009 as the impact of the protocols becomes clearer.

4. Privacy

Arts Law having made submissions to the Privacy Inquiries of the NSW Law Reform Commission as well as the Australian Law Reform Commission (in 2007), maintained a watching brief in this area as we are concerned about the potential impact a right of privacy may have on freedom of expression in Australia.

¹ CARR is comprised of the following 6 organisations:- Arts Law, Australian Copyright Council, Copyright Agency Limited (CAL), Viscopy, National Association for Visual Arts (NAVA), CISAC (International Confederation of Authors and Composers)

ARTISTS IN THE BLACK



In 2008 Arts Law delivered its 5th year of targeted legal services to Indigenous artists and their organisations through the **Artists in the Black** service (*AITB*). The service plays an important role in providing legal advice; information and education to Aboriginal artists, communities and their organisations that would otherwise experience difficulties in accessing culturally sensitive legal advice services and information.

In 2008 Arts Law employed 2 Indigenous staff, Trish Adjei, in the lawyer's position and Kyas Sherriff, as the information/liaison officer. The *AITB* service provides:

- Direct legal advice to individual Indigenous artists on their Arts Law problems;
- Information and education about Arts Law issues to ensure Indigenous artists are informed about their legal rights;
- Casework services in matters identified to have a public interest component; and
- Advocacy on the need for Australian laws to provide better protection of Indigenous cultural heritage.

Legal Service Provision

The *AITB* staff work closely with the other Arts Law staff to provide legal advice services to the Indigenous community. In 2008 *AITB* provided **320** legal advices (163 in 2007), took instructions from **300** artists and finalised **260** wills, and provided casework services in **20** matters. This was a significant increase in levels of service delivery from previous years and involved the whole of Arts Law working to support the Indigenous staff and clients. The increase in client numbers is indicative of the growing awareness of the service and willingness of artists to access this assistance.

Casework assistance

Unique to *AITB* is the ability to provide limited casework to clients where their matter involves a public interest aspect. *Artists in the Black* is only able to offer case work assistance where pro bono support of a major law firm is available. The following firms provided pro bono assistance to *AITB* in 2008:

- Allens Arthur Robinson
- Baker & McKenzie
- Blake Dawson
- Clayton Utz
- DLA Phillips Fox
- Freehills
- Gilbert + Tobin
- Minter Ellison
- Ward Keller (NT)

Arts Law is extremely grateful to the firms that provide this assistance as it empowers the artists and arts organisations in achieving real outcomes for example where their copyright has been infringed or an outstanding debt is recovered. This assistance is worth approximately \$250,000 per year to *Artists in the Black* and the clients we assist.

Casework Matter for Bede Tungutalum

Well known Tiwi artist and one of the founders of a successful screen printing business Tiwi Designs, Bede Tungutalum, came to Arts Law for assistance in relation to the recovery of unpaid money in respect to sales of his limited edition etchings and prints dating back many years.

Arts Law arranged pro bono representation for Bede with partner Tim Golder from Allens Arthur Robinson's Melbourne office. Arts Law remained closely involved in the case, and provided ongoing assistance to Bede. A settlement was ultimately negotiated which involved the payment of a substantial sum and the return of 95 works valued at over \$30,000.



Education

Over time we have recognized the valuable role education plays in informing artists of their legal rights. In 2008 we provided **42 AITB** presentations to **614** Indigenous attendees. Our experience demonstrates that there is a strong correlation between visiting a region and subsequent requests by artists and their representatives for *AITB* legal services. The following table illustrates this point:

Year	Time in WA	WA legal advices	Time in NT	NT legal advices
2007	4 days	16	3 days	29
2008	30 days	241	28 days	122

Evaluation of Education program

In 2008, the *AITB* education program was independently evaluated by WestWood Spice Consultants (WWS). WWS reviewed program materials, interviewed staff and participants and in their final report made a number of recommendations about the education program. In particular we were keen to see what changes Arts Law could make to improve delivery and achieve broad dissemination of the *AITB* information.

In summary WWS's evaluation found widespread support for the *AITB* education program and recommended recurrent funding for the *AITB* service. Specific findings included²:

- The program has had extensive reach to a very broad spectrum of Indigenous artists across all regions of Australia.
- The program has a vital role in identifying key legal issues and gaps relating to Indigenous artists and addressing these;
- It has been responsive to identified needs as they have arisen and endeavoured to adapt and evolve educational approaches to respond to the great diversity of artists and their communities in terms of literacy, language, educational levels, cultural and living contexts and in locations ranging from urban to remote communities.
- It has clearly been successful in meeting educational objectives and providing participant satisfaction across this diversity of contexts.
- There was enthusiastic support of the *AITB* education program, its value and effectiveness. Participants reported overwhelmingly that they gain greatly from the workshops and that the

manner of delivery is flexible, responsive and well adapted to most participants' needs.

- The staff are seen to be knowledgeable, helpful and sensitive to community needs.
- A range of areas were identified where the workshop delivery can be further enhanced eg increase interactivity; simplify and reduce content; include more case studies; use more visuals and graphics; explore options to deliver core messages through other workers and organisations.
- It has been important in promoting awareness nationally of Indigenous Arts Law issues and undertaking advocacy across a range of identified issues.
- There is strong support for the continuation and expansion of the program, including that expressed by the Australia Council.
- There was unanimous support for the *AITB* team approach and for Arts Law/*AITB*, despite the fact that Arts Law is not an Indigenous organisation.
- It was also clear that the branding of *AITB* and the employment of Indigenous staff were very effective strategies to give Indigenous artists and organizations an entry point into Arts Law and its services.
- Arts Law demonstrated a very inclusive approach to the *AITB* program and has developed a policy to support Indigenous staff working in the organisation. It is clear that the policy is much more than words on paper and models an effective organisational approach to Indigenous inclusiveness.
- There is no other body in Australia undertaking work of this nature to enhance the situation of Indigenous artists and the *AITB* program of Arts Law provides an invaluable service in a vital aspect of increasing access of Indigenous Australians to knowledge and rights.
- Arts Law has an important ongoing role in promoting issues in the broader sector, educating artists in their diversity and advising and providing individuals and organisations with legal advice.

Indigenous Wills Project

In 2008 with the primary financial support of the Copyright Agency Limited (CAL) (see following funding case study) *AITB* drafted wills for approximately 300 Indigenous artists, most living in remote locations in NT, WA and SA. This project arose in response to the unmet need of Indigenous

² WestWood Spice Consultants, *Evaluation of Artists in the Black Education program*, January 2009

artists in this regard and to assist Indigenous art centres overcome the significant difficulties resulting from artists passing away intestate.

Not only did CAL help fund the work, they also made a significant pro bono contribution with lawyers Zoe Rodriguez and Melissa Willan, travelling with Arts Law staff to Balgo in WA and Tiwi Islands in the NT. Lawyers from DLA Phillips Fox and Minter Ellison also provided significant assistance on a pro bono basis.

In the process of drafting the wills in Western Australia a problematic provision in WA's Aboriginal Affairs Planning Authority Act was uncovered which means that whilst non-Indigenous families can apply to administer the estate of a deceased family member an Aboriginal family cannot. Arts Law, with the pro bono assistance of Freehills, is assisting the family of a recently deceased artist to challenge these apparently racist laws.

Whilst the Wills Project achieved a lot in 12 months, there is still a lot to do and the challenge will be in continuing this vital work without any ongoing funding for it.

Advocacy

The *AITB* work demonstrates profoundly the changes that are needed to give Indigenous artists a better deal and the extent to which Indigenous cultural heritage needs better protection. The following areas need to be addressed by Government as soon as possible:

1. Need for protection of Indigenous cultural heritage at a national level, preferably through sui generis legislation

This issue comes up every time *AITB* staff talk to Indigenous artists, particularly through the education program when artists get a clearer understanding about their rights and what copyright can and can't do. *AITB* will continue to pursue this issue with Government.

2. Effective international protection of Indigenous cultural heritage preferably through the development of a treaty

In 2008 Trish Adjei attended the 13th session of the Intergovernmental Committee of the World Intellectual Property Organisation (WIPO) in Geneva, which is examining the need for international protection of Traditional Cultural Expressions, Traditional Knowledge and Genetic Resources. Trish Adjei's attendance was funded through the WIPO

Voluntary Fund. Arts Law has observer status at the ICG meeting so is able to make interventions during the discussions on traditional cultural expressions. Unfortunately during the 13th session little was achieved due to debate from countries as to how to make better progress between meetings. It is hoped that meetings in 2009 will be more productive. Further information about this process at the WIPO website <http://www.wipo.int/tk/en>.

3. Resale rights for Indigenous artists (and non-Indigenous artists).

In 2008 Arts Law was very pleased that the Government proceeded to introduce the Resale Royalty Right for Visual Artists Bill into Parliament. However we are concerned that the form the Bill currently takes is problematic and will deliver very little to artists for decades to come. Arts Law made submissions to the Government and the House of Representatives Standing Committee on Climate Change, Water, Environment, Heritage and the Arts and has worked in partnership with the Coalition for an Australian Resale Right (CARR) in order to convince the Government to make the necessary changes to the Bill so that it will work in practice.



Robyn Ayres and Kyas Sherriff with Nola Taylo at Parnngurr © Martumilli Artists, 2008, Photo by Gabrielle Sullivan.

4. Development of a Code of Conduct for Commercial Dealers in Indigenous Art

Arts Law assisted NAVA in the development phase of the Code providing advice on legal issues arising. Subsequent to the Australia Council taking carriage of the Code we have provided further feedback on the draft that has been circulated and look forward to its implementation.

5. Misleading and Deceptive Conduct

Artists in the Black continues to encourage artists to report misleading and deceptive conduct to the Australian Competition and Consumer Commission (ACCC) and will assist them in this process. We were therefore very pleased when the ACCC took action against Farzad Nooravi and Homa Mooravi for representing products offered for sale were "Aboriginal Art" and "Aboriginal Artefacts" when in fact they were not. As a result of our enquiries as to the decision, the judge provided written reasons in the matter.

6. Intestacy laws in Western Australia

In WA whilst non-Indigenous families can apply to administer the estate of a deceased family member who dies without making a will, the family of a deceased Aboriginal person cannot as the estate vests in the Public Trustee. Arts Law has written to the Western Australian Government about these problematic provisions to no avail. Now with the pro bono assistance of Freehills, we will be assisting the family of a recently deceased artist to challenge these apparently racist laws.

Publications

AITB reprinted its 4 comic information sheets which deal with copyright, moral rights, contracts and Indigenous culture and intellectual property (ICIP). To date approximately 14,000 have been distributed. In addition there are 4 other information sheets on governance, certificates of authenticity, licensing and business structures. A further information sheet on heritage protection is in development.

In 2008 *AITB* developed a specific contract for Indigenous artists and art centres (which is available for free on our website) and revised the Indigenous artist's sample will. All of the *AITB* publications are available on our website in the Indigenous area.

Funding and support

Arts Law was initially able to establish the *AITB* service through funding provided by the Commonwealth Government through the Australia Council for the Arts. It funded the service in 2004 in response to clearly demonstrated unmet need. Whilst the need for the *AITB* service continues to grow, Arts Law's capacity to deliver the service is being diminished as the result of funding decisions, with the Australia Council reducing funding with clear advice that funding will need to be obtained from alternative sources after 2009. In 2008/09 *AITB* was funded in part by Department of Environment Water Heritage and the Arts (DEWHA) and an application to DEWHA for further funding will be decided in 2009.

***AITB* Funding Case Study**

In response to Indigenous art centres identifying an urgent need for wills to be drafted for senior Indigenous artists, a Wills project was established as the focus for 2008. This involved travel to 15 communities and finalising wills for 260 artists in Western Australia and Northern Territory. In some cases artists travelled from more remote communities to access the *AITB* will-drafting service. Arts Law also had to charter planes on three occasions to access the more remote communities.

Primary funding for this initiative was secured from Copyright Agency Ltd (CAL). Additional financial support was received from the Myer Foundation, ArtSource WA, the Kimberley Development Corporation (via Mangkaja Arts Centre) and BHP Billiton (via Martumili Artists). We also received further pro bono support from DLA Phillips Fox, Minter Ellison and CAL with participation of their solicitors on a pro bono basis. Actual funding of \$86,000 was obtained although costs including the time of Arts Law/*AITB* and pro bono lawyers, the pro bono lawyers expenses were approximately \$250,000. We note that the law firms have also taken on follow-up and new estate planning work for *AITB* as a result of their involvement.

VOLUNTEERS AND PRO BONO ASSISTANCE



Kyas Sherriff and pro bono lawyer, Lyn Bennett of Minter Ellison with Lofty Nadjamerik at Injalak Arts Centre © Arts Law Centre of Australia 2008, Photo by Delwyn Everard.

Volunteers and pro bono lawyers are integral to the provision of Arts Law services. Pro bono assistance received in 2008 was valued at approximately \$700,000. Arts Law celebrates the enormous contribution our pro bono supporters make and as a show of appreciation in recent years we have been awarding the top 29 contributors with the Arts Law Print Commission. In 2008 we were also very pleased to be recognised by the Law and Justice Foundation of NSW and the Pro Bono Resource Centre by winning the Pro Bono Partnership Award for our partnership with DLA Phillips Fox.

Volunteer Lawyers

Arts Law receives considerable pro bono assistance from the legal profession in addition to the national face-to-face legal advice night service. Some of the services provided by our volunteer lawyers include the provision of advice to our lawyers when a matter is outside our expertise; writing articles for Art+law, as well as reviewing our sample contracts and other publications.

In 2008 an important way a few firms contributed was through the Indigenous Wills Project, through provision lawyers to assist with this work in mostly remote locations.

Other examples of pro bono contributions were:

- Allens Arthur Robinson (Sydney) hosted the launch of Sydney Arts Law week 2008, including hosting a CLE for lawyers as part of the week;
- DLA Phillips Fox, Minter Ellison and Copyright Agency Ltd provided lawyers to help *Artists in the Black* with the will-drafting project;
- Allens Arthur Robinson (Melbourne) hosted the planning meetings for the Victoria Arts Law Consortium;
- Various lawyers and firms provided presentations during Arts Law Weeks in Sydney and Melbourne; and
- DLA Phillips Fox assisted with Arts Law's free telephone advice service;
- Alan Robinson SC provided important advice on constitutional issues that assisted us in the resale rights campaign;
- Swaab Attorneys' Naomi Messenger made a major contribution with the publication *Business Structures and Governance: A Practical Guide for the Arts*. The firm also hosted the launch event.

Déjà vu case study

A teacher, inspired by a children's book telling of an old folk tale, worked on a project adapting this to the Australian environment. Whilst inspired by this original, the text was different and an illustrator's pictures for the book also differed from those in the original book. The project was well received in the community and our client sought wider distribution for the work. The author's key concern before increasing distribution, was whether an infringement of the original author's copyright had taken place.

This matter involved considering the limits of copyright protection as well as what exactly constitutes a copyright infringement. Whilst ideas, themes and concepts are outside the realm of copyright, in this case it was the original author's expression of the storyline itself that the adaptation was based on, and not its idea or concept.

Arts Law advised the author that it was most likely that infringement of the original author's copyright had taken place. Artslaw provided further advice that if the original folk tale is not protected by copyright and the original author's story is also an interpretation of it, then our client's work may not necessarily be an infringing work.

Pro Bono Lawyers

The lawyers who provide pro bono advice to Arts Law's subscribers at our Legal Advice Nights are referred to as Panel lawyers. In 2008 Arts Law maintained its panel of 240 lawyers throughout Australia ranging from large corporate law firms, government and in-house counsel, boutique law firms and individual practitioners. The Legal Advice Night 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. Arts Law thanks the law firms and legal practitioners who participated in the Arts Law national face-to-face Legal Advice Night program and other pro bono work and advice.

ACT

Durham Grigg	Tres d'Marque IP
William McCarthy	Bradley Allen Lawyers
Rachel Mourad	DLA Phillis Fox
Alyssa Page	DLA Phillis Fox

NEW SOUTH WALES

Andrew Ailwood	Allens Arthur Robinson
Mathew Alderson	Gray & Perkins
Charles Alexander	Minter Ellison
Troy Anderson	Barrister
Amanda Andreatza	Allens Arthur Robinson
Cameron Andrews	Gilbert & Tobin
Morris Averill	Morris Averill - Solicitor
Annette Bain	Freehills
Melissa Beauford	All At Once
Sydney Birchall	Optim Legal
Tyrilly Bolton	Swaab Attorneys
Sonia Borella	Holding Redlich
Melanie Bouton	Freehills
Stephen Boyle	
Rob Brown	ERM
Delia Browne	Copyright Advisory Group
Penny Champion	Energy Australia
Alan Chalmers	Gadens Lawyers
Alec Christie	DLA Phillips Fox
Victoria Chylek	Simpsons Solicitors
Nick Cole	DLA Phillips Fox
Wayne Covell	Barrister
Anne Cregan	Blake Dawson
Alexandra Crammond	Mallesons Stephen Jaques
Khai Dang	Blake Dawson
Michele De Bonis	Granada Productions
Deborah Doctor	Allens Arthur Robinson
Michelle Eadie	Minter Ellison
Michael Easton	Brett Oaten Solicitors
Shelley Einfeld	Gilbert + Tobin
Kate Erman	CSIRO
Mark Firth	Aristocrat Technologies
Marcus Fowler	ABC Legal Services
Lara Garfinkle	Freehills
Mia Garlick	Gilbert+Tobin
Katherine Giles	ABC Legal Services
Craig Glazier	
Tim Gole	Gilbert + Tobin
Melissa Goode	Freehills
Adrian Goss	ACP Magazine
Matthew Hall	Swaab Attorneys
Michelle Hannon	Gilbert + Tobin
Luke Hastings	Freehills
Calum Henderson	Deacons
Sarah Herbert	Commercial Radio Australia
David Hillard	Clayton Utz
Graeme Hodgkinson	Herbert Geer
Sara Hofman	Sydney University, Office of the General Counsel
Ant Horn	MTV Networks Australia
James Howard	Banki Haddock Fiora
Rachel Jacqueline	DLA Phillips Fox
Terri Janke	Terri Janke & Company
Moses Kakaire	Simpsons Solicitors
Peter Karcher	Gray & Perkins
Prashant Khera	Gilbert & Tobin
Richard Lancaster	Barrister

Janine Lapworth	ABC Legal Services
Peter Le Guay	Thomson Playford Cutlers
Raena Lea-Shannon	Frankel Lawyers
Jim Lennon	Middletons
Isolde Lueckenhausen	TressCox Lawyers
Kate Madgwick	Allens Arthur Robinson
Cass Matthews	UBI World TV
Bronwyn Maynard	Harmer's Workplace Lawyers
Sally McCausland	SBS
Catherine McDonnell	Foxtel
Mary Jane McKerihan	SingTel Optus Pty Ltd
Naomi Messenger	Swaab Attorneys
Jennifer McVicar	Baker & McKenzie
Judith Miller	DLA Phillips Fox
Clare Mirabello	TressCox Lawyers
Jasmine Morris	ASX Limited
Virginia Morrison	Viscopy
Jules Munro	Simpsons Solicitors
Michael Naphthali	Holding Redlich
Andrew Nolan	Herbert Geer
Maureen Noonan	Maureen Noonan
Leanne Norman	Freehills
Brett Oaten	Brett Oaten Solicitors
David Orwell	Brett Oaten Solicitors
Shane Paterson	Home Wilkinson Lowry
Nicolas Patrick	DLA Phillips Fox
Gary Penny	Gary Penny Lawyers
Anthony Poole	Foxtel
Anna Reeves	Hunts' Lawyers
Julie Robb	Banki Haddock Fiora
Cheryl Roberts	Gilbert & Tobin
Phillip Roberts	P C Roberts
Toby Roberts	Macquarie Bank
Alan Robertson SC	Barrister
Zoe Rodriguez	Copyright Agency Ltd
Gary Rogers	Blueprint Law Pty Ltd
Linda Rubenstein	Holding Redlich
Paul Sheehy	Freehills
Veronica Siow	Allens Arthur Robinson
Anny Slater	Slaters Intellectual Property Lawyers
Craig Smith	Freehills
Roderick Smith	Sparke Helmore
Kristin Stammer	Freehills
Alida Stanley	
Clare Stanwix	DLA Phillips Fox
Sonia Stewart	Mallesons Stephen Jaques
Orana Swan	Freehills
Maki Takken	Deacons
James Talbot	Nine Network
Deborah Tobias	Hillman Laxon Tobias
Anisha Travis	Gilbert + Tobin
Mandy Van Den Elshout	ABC Legal Services
Stephen Von Muenster	Von Muenster Solicitors & Attorneys
Hamish Watson	Hamish Watson
Melissa Willan	Copyright Agency Ltd
NSW Chris Williams	Gilbert & Tobin

NORTHERN TERRITORY

Lyn Bennett Minter Ellison

QUEENSLAND

Andrew Cardell-Ree	Herbert Geer
Jamie Doran	Clayton Utz
Fiona Doyle	Clayton Utz
Jim Fitzsimmons	Clayton Utz

SOUTH AUSTRALIA

Despina Adamopoulos	DLA Phillips Fox
Shaun Berg	Hunt and Hunt
Franco Camatta	Camatta Lempens
William Morrow	Norman Waterhouse
Richard Pash	Minters Ellison
Ai Phan	Tri Meridien Corporate (SA)
Caroline Schar	Tri Meridien Corporate (SA)

VICTORIA

David Curtain	AWB Limited
Stefano Del Monaco	Monaco Lawyers
Melissa Fogarty	Mallesons Stephen Jaques
Nicky Friedman	Allens Arthur Robinson
Andrew Fuller	Shock Records
Tim Golder	Allens Arthur Robinson
Julian Hewitt	Media Arts Lawyers
Rosie Hooper	Allens Arthur Robinson
Angelo Karamanis	Monash University
Katarina Klaric	Stephens Lawyers
Ross Macaw QC	Barrister
Taryn McCamley	Mallesons Stephen Jaques
Matthew Rogers	The Mushroom Group
Michelle Rubin	Film Victoria
Peter Dominic	Ryan Allens Arthur Robinson
James Samargis	Barrister
Darren Sanicki	Darren Sanicki Music & Entertainment Lawyers
Stephen Stern	Corrs Chambers Westgarth
Campbell Thompson	Freehills
Victor Tse	Victor Tse & Associates
Michael Tucak	Creative Legal
David Vodicka	Media Arts Lawyers
Frances Wheelahan	Corrs Chambers Westgarth
Mark Williams	Williams Solicitors
Elizabeth Wright	Mushroom Group of Companies

WESTERN AUSTRALIA

David Cox	Jackson McDonald Lawyers
Rowen Cross	Freehills
Richard Edwards	DLA Phillips Fox
Scott Ellis	Francis Burt Chambers
Stephanie Faulkner	Jackson McDonald
Stephen Fengelis	Freehills
Jamie Lyford	Elevation Partners Pty Ltd
Joan Peters	Joan Peters
Richard Staynor	DLA Phillips Fox
David Smith	Talbot Olivier

Referral Services and Other Pro Bono Assistance

In addition to referrals to Arts Law panel lawyers (on both fee for service and pro bono basis), we also provide referrals to other professionals where Arts Law is unable to assist further. Arts Law maintains panels for referrals to Accountants, Insurers and Mediators. These professionals provide services on a paid basis but often at a reduced rate for Arts Law's subscribers. Arts Law gratefully acknowledges the support of the following:

Liam Taylor	Accountant	WalterTurnbull
Michael Dean	Accountant	WalterTurnbull
Steven Miller	Accountant	Steven Miller & Co
Tony Ryan	Media/PR	Rowland

Legal Advice Night Assistants

Arts Law plays a key developmental role via our volunteer legal assistant program. In Melbourne, Canberra and Sydney legal assistants sit in and take notes at the Legal Advice Night sessions, benefiting from the expertise of the panel lawyers and gaining a better understanding of the legal issues facing the creative sector.

In 2008 there were 12 LAN assistants, and our gratitude extends to:

Valeska Bloch	Julia Hewitt
Tyrilly Bolton	Jenny Kaldor
Claire Bothwell	Laura Manning
Mandy Chapman	Lesley Ngui
Deborah Doctor	Natahn Shephard
Adrian Fisher	Danielle White

Volunteers

Arts Law has a daytime volunteer program for law students, law graduates as well as for qualified lawyers. Volunteers perform a variety of tasks; including general administration duties, research, assisting with the provision of legal advice, note taking of legal advices and writing articles for ART+/aw.

In 2008 there were 8 day time volunteers, and our thanks go to:

Kate Moreton	Bianca Tighe
James Heller	Sharon Zhang
Chris Tourgelis	Raeshell Tang
Steven Wong	Lucy Schnierer

Student Placements

Arts Law has a well-established student placement program with a number of law schools including University of Sydney, University of New South Wales and University of Wollongong. Generally students are required to work at least one day per week as part of their course requirements. Depending upon our capacity, Arts Law also accepts law graduates completing their College of Law requirement for practical legal training prior to admission to the NSW Supreme Court.

In 2008 Arts Law had the following student placements.

Kate Moreton
Law placement, Sydney University
Practical Legal Training

Catherine Lah
Law placement, University of NSW

Benjamin Reeves
Law placement, University of Wollongong

ARTS LAW CENTRE OF AUSTRALIA LTD

ABN
71 002 706 256

FINANCIAL REPORT

FOR THE YEAR ENDED
31 DECEMBER 2008



DIRECTORS' REPORT

The directors of the Arts Law Centre of Australia Ltd present their financial report on the company for the financial year ended 31 December 2008.

Directors

The names of directors in office at any time during or since the end of the year are as below. The directors have been in office since the start of the financial year to the date of this report unless otherwise stated.

Peter C Heerey	Jill P McKeough
Shauna Jarrett (resigned 3 Feb 08)	Steven J Miller
Megan Brownlow	George A Palmer
Peter G Griffin	Hetti Perkins (appointed 3 Feb 08)

Company Secretary

The following person held the position of company secretary at the end of the financial year:

Robyn K Ayres – Bachelor of Arts, Bachelor of Laws. Ms Ayres has worked for the Arts Law Centre of Australia Ltd for the past 6 years as the Executive Director.

Principal Activities

The principal activity of the company during the financial year was the provision of legal services to artists and arts organisations.

There were no significant changes in the nature of the company's principal activities during the financial year.

Operating Result

The net deficit of the company for the financial year amounted to \$12,069 (2007: surplus of \$26,856)

Dividends and Options

The company is limited by guarantee and is not permitted to pay dividends or issue options.

Review of Operations

The company operated on a consistent basis to previous years in the conduct of the principal activities noted in this report, and is dependent on grants for the bulk of its income.

Significant Changes in State of Affairs

During or since the end of the financial year there were no significant changes in the company's state of affairs other than that referred to in the financial statements or notes thereto.

After Balance Date Events

No matters or circumstances, other than that referred to in the financial statements or notes thereto, 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.

Future Developments and Results

There are no likely developments in the operations of the company and the expected results of those operations in financial years subsequent to the year ended 31 December 2008 that require disclosure in this report.

Environmental Issues

The company's operations are not regulated by any particular and significant environmental regulation under a law of the Commonwealth or State.

Information on Directors

Peter Cadden Heerey QC

- Qualifications BA LLB
- Experience Federal Court Judge
- Special Responsibilities Chair of the Victorian Advisory Council, Vice President

Professor Jill McKeough

- Qualifications BA LLB LLM
- Experience Dean, Faculty of Law, University of Technology Sydney
- Special Responsibilities Advocacy and marketing subcommittees

Steven John Miller

- Qualifications B Bus CA
- Experience Chartered accountant
- Special Responsibilities Honorary Treasurer and Finance subcommittee

The Hon Justice George Palmer

- Qualifications BA LLB
- Experience Supreme Court Judge
- Special Responsibilities President

Megan Brownlow

- Qualifications BA(Hons) MBA
- Experience Strategy, Technology, Information, Communications and Entertainment, PricewaterhouseCoopers.
- Special Responsibilities Fundraising & Marketing subcommittee

Peter Gerard Griffin

- Qualifications BBus
- Experience Divisional Manager, Corporate Affairs Strategy and Environment, Toyota Australia
- Special Responsibilities Fundraising & Marketing subcommittee

Hetti Perkins

- Experience Senior Curator of Indigenous art at AGNSW
- Special Responsibilities AITB Reference Group

Meetings of Directors

During the year, 4 meetings of the Board of Directors were held. Attendances were:

Directors Meetings		
	Eligible to attend	Number attended
Peter C Heerey	4	3
Shauna Jarrett	1	-
Jill P McKeough	4	3
Steven J Miller	4	3
George A Palmer	4	4
Megan Brownlow	4	3
Peter G Griffin	4	2
Hetti Perkins	3	1

Indemnification of Officers or Auditor

The company has not, during or since the year, in respect of any person who is or has been an officer or auditor of the company or a related body corporate:

- indemnified or made any relevant agreement for indemnifying against a liability incurred as an officer, including costs and expenses in successfully defending legal proceedings; or
- paid or agreed to pay a premium in respect of a contract insuring against a liability incurred as an officer for the costs or expenses to defend legal proceedings;

with the exception that the company has paid premiums to insure each director against liabilities for costs and expenses incurred by them in defending any legal proceedings arising out of their conduct while acting in the capacity of director of the company, other than conduct involving a wilful breach of duty in relation to the company. The amount of the premium for this cover was \$682.

Proceedings on Behalf of Company

No person has applied for leave of Court to bring proceedings on behalf of the company or intervene in any proceedings, to which the company is a party for the purpose of taking responsibility on behalf of the company for all or part of those proceedings.

The company was not party to any such proceedings during the year.

Auditor's Independence Declaration

The lead auditor's independence declaration for the year ended 31 December 2008 has been received and can be found on page 4 of the directors' report.

Signed in accordance with a resolution of the directors.



Steven Miller
Sydney, NSW
Director

Dated this 3rd day of April 2009

AUDITOR'S INDEPENDENCE DECLARATION

UNDER SECTION 307C OF THE CORPORATIONS ACT 2001 TO THE DIRECTORS OF THE ARTS LAW CENTRE OF AUSTRALIA LTD

I declare that, to the best of my knowledge and belief, during the year ended 31 December 2008 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 review.



Mark Driessen
Registered Company Auditor
Sydney, NSW
WalterTurnbull

Dated this 3rd day of April 2009

INDEPENDENT AUDIT REPORT

TO THE MEMBERS OF ARTS LAW CENTRE OF AUSTRALIA LTD ABN 71 002 706 256

Report on the Financial Report

We have audited the accompanying financial report of Arts Law Centre of Australia Ltd which comprises the balance sheet as at 31 December 2008 and the income statement, statement of changes in equity and cash flow statement for the year ended on that date, a summary of significant accounting policies and other explanatory notes and the directors' declaration.

Directors' Responsibility for the Financial Report

The directors of the Company are responsible for the preparation and fair presentation of the financial report in accordance with the *Corporations Act 2001*. The responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

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 Auditing Standards. These Auditing Standards required that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance 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 and fair presentation of the financial report 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 audit opinion.

Additional Scope pursuant to the *Charitable Fundraising Act 1991*

In addition, our audit report has been prepared for the members of the Company in accordance with Section 24(2) of the *Charitable Fundraising Act (NSW) 1991*. Accordingly we have performed additional work beyond that which is performed in our capacity as auditors pursuant to the *Corporations Act 2001*. These additional procedures included obtaining an understanding of the internal control structure for fundraising appeal activities and examination, on a test basis, of evidence supporting compliance with the accounting and associated record keeping requirements for fundraising appeal activities pursuant to the *Charitable Fundraising Act (NSW) 1991* and Regulations.

It should be noted that the accounting records and data relied upon for reporting on fundraising appeal activities are not continuously audited and do not necessarily reflect after the event accounting adjustments and the normal period end financial adjustments for such matters as accruals, prepayments, provisioning and valuation necessary for period end financial statement preparation.

The performance of our audit included a review of internal controls for the purpose of determining the appropriate audit procedures to enable an opinion to be expressed on the financial statements. This review is not a comprehensive review of all those systems or of the system taken as a whole and is not designated to uncover all weaknesses in those systems.

The audit opinion expressed in this report pursuant to the *Charitable Fundraising (NSW) Act 1991* and regulations has been formed on the above basis.

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*, provided to the directors of the Company on 10 March 2009 would be in the same terms if provided to the directors as at the date of this auditor's report.

Qualification

It is not always practicable for the Company to establish accounting control over unsolicited donations prior to receipt of these funds and accordingly it is not possible for our examination to include procedures which extend beyond the amounts of such income recorded in the accounting records of the Company.

In respect to the qualification above, based on our review of the internal controls, nothing has come to our attention, which would cause us to believe that the internal controls over income from fundraising and donations by the Company are not appropriate.

Qualified Audit Opinion pursuant to the *Corporations Act 2001*

In our opinion, except for the effects, if any of the qualification set out above, the financial report of Arts Law Centre of Australia Limited is in accordance with the *Corporations Act 2001*, including:

- i. giving a true and fair view of the Company's financial position as at 31 December 2008 and of its performance for the year ended on that date; and
- ii. complying with Accounting Standards (including the Australian Accounting Interpretations) and the Corporations Regulations 2001.

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

In our opinion, except for the effects, if any of the qualification set out above:

- a. The financial report gives a true and fair view of the financial result of fundraising appeal activities for the financial year ended 31 December 2008;
- b. The financial report has been properly drawn up, and the associated records have been properly kept for the period from 1 January 2008 to 31 December 2008, in accordance with the *Charitable Fundraising (NSW) Act 1991* and its regulations;
- c. Money received as a result of fundraising appeal activities conducted during the period from 1 January 2008 to 31 December 2008 has been properly accounted for and applied in accordance with the *Charitable Fundraising (NSW) Act 1991* and its regulations; and
- d. 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.



Mark Driessen
Registered Company Auditor
Sydney, NSW
WalterTurnbull

Dated this 3rd day of April 2009

DIRECTORS' DECLARATION

The directors of the Company declare that:

1. the financial statements and notes, as set out on pages 9 to 25, are in accordance with the Corporations Act 2001, and:
 - a. comply with Accounting Standards and the Corporations Regulations 2001; and
 - b. give a true and fair view of the financial position as at 31 December 2008 and performance for the year ended on that date of the Company;
2. 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;
3. pursuant to Section 7(4) of the NSW Charitable Fundraising Regulations 2003;
 - a. the income statement 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 2008 with respect to fundraising appeals;
 - b. the balance sheet and cash flow statement are drawn up so as to give a true and fair view of the state of affairs of the Company as at 31 December 2008 with respect to fundraising appeals;
 - c. the provisions of the Charitable Fundraising Act (NSW) 1991 and the regulations under the Act and the conditions attached to the Company have been complied with for the year ended 31 December 2008; and
 - d. 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.



Steven Miller
Sydney, NSW
Director

Dated this 3rd day of April 2009

INCOME STATEMENT

FOR THE YEAR ENDED 31 DECEMBER 2008

	Note	2008 \$	2007 \$
Revenue	2	867,924	811,804
Staff and related costs		(591,541)	(541,238)
Administration and overheads		(238,793)	(206,234)
Education and publications		(40,883)	(29,869)
Promotion		(8,776)	(7,607)
Profit before income tax expense	3	(12,069)	26,856
Income tax expense	1(a)	-	-
(Deficit) / surplus after income tax		(12,069)	26,856

BALANCE SHEET

AS AT 31 DECEMBER 2008

CURRENT ASSETS			
Cash and cash equivalents	4	424,936	389,248
Trade and other receivables	5	27,570	14,448
Inventories	6	17,560	19,952
TOTAL CURRENT ASSETS		470,066	423,648
NON-CURRENT ASSETS			
Leasehold improvements, plant and equipment	7	14,637	20,797
Intangible assets	8	-	1,182
Other financial assets		-	300
TOTAL NON CURRENT ASSETS		14,637	22,279
TOTAL ASSETS		484,703	445,927
CURRENT LIABILITIES			
Trade and other payables	9	288,239	237,735
TOTAL CURRENT LIABILITIES		288,239	237,735
NON-CURRENT LIABILITIES			
Provisions	10	12,274	11,933
TOTAL NON-CURRENT LIABILITIES		12,274	11,933
TOTAL LIABILITIES		300,513	249,668
NET ASSETS		184,190	196,259
EQUITY			
Retained earnings		184,190	196,259
TOTAL EQUITY		184,190	196,259

The accompanying notes form part of these financial statements.

STATEMENT OF CHANGES IN EQUITY

FOR THE YEAR ENDED 31 DECEMBER 2008

	Note	2008 \$	2007 \$
Balance at 1 January		196,259	169,403
(Deficit) / surplus for the year		(12,069)	26,856
Balance at 31 December		184,190	196,259

The accompanying notes form part of these financial statements.

CASH FLOW STATEMENT

FOR THE YEAR ENDED 31 DECEMBER 2008

	Note	2008 \$	2007 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from government and customers		954,652	850,794
Payments to suppliers and employees		(942,270)	(773,654)
Interest received		27,746	19,917
Net cash provided by operating activities	11	40,128	97,057
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of property, plant and equipment		(4,740)	(706)
Deposits refunded / (paid)		300	(300)
Net cash (used in) investing activities		(4,440)	(1,006)
Net increase in cash held		35,688	96,051
Cash at the beginning of the financial year		389,248	293,197
Cash at the end of the financial year	4	424,936	389,248

The accompanying notes form part of these financial statements.

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 DECEMBER 2008

NOTE 1: Statement of Significant Accounting Policies

The financial report is for the Arts Law Centre of Australia Limited (the Company) as an individual entity, incorporated and domiciled in Australia. The Arts Law Centre of Australia Limited is a public company limited by guarantee.

Basis of Preparation

The financial report is a general purpose financial report that has been prepared in accordance with Australian Accounting Standards, including Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board and the *Corporations Act 2001*.

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

The financial report has been prepared on an accruals basis and is based on historical costs, modified, where applicable, by the revaluation of selected non-current assets, financial assets and financial liabilities.

a. Income Tax

The Company is exempt from the payment of income tax under Section 50-40 of the *Income Tax Assessment Act 1997*.

b. 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, and bank overdrafts. Bank overdrafts are shown within short-term borrowings in current liabilities on the balance sheet.

c. Inventories

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

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

d. Employee Benefits

Provision is made for the Company's liability for employee benefits arising from services rendered by employees to balance date. Employee benefits expected to be settled within one year have been measured at amounts expected to be paid when the liability is settled, plus related on-costs. 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.

e. Leasehold Improvements, Plant and Equipment

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

Plant and Equipment

Plant and equipment are measured on the cost basis less depreciation and impairment loss.

The carrying amount of plant and equipment is reviewed annually by the directors to ensure it is not in excess of the recoverable amount from these assets. The recoverable amount is assessed on the basis of its depreciated replacement cost.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the group and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

Depreciation

The depreciable amount of all fixed assets including capitalised lease assets, is depreciated on a straight line basis over their useful lives to the Company commencing from the time the asset is held ready for use. The depreciation rates used for each class of depreciable assets are:

Class of Non Current Asset	Depreciation Rate
Computer equipment	33.33%
Office furniture	10.0%
Office equipment	10.0% to 40%

f. Intangibles

Expenditure on website development activities is capitalised if the product is technically and commercially feasible and adequate resources are available to complete the development. The expenditure capitalised comprises all directly attributable costs, including costs of material, services, direct labour and an appropriate proportion of overheads. Capitalised development expenditure is stated at cost less accumulated amortisation. Amortisation is calculated using the straight-line method to allocate the cost over the period of the expected benefit.

g. Revenue

Government grants and subscriptions are recognised as revenue in the period to which they relate. Amounts received in the current year, but related to future years are carried in the balance sheet as unearned income.

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

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Other revenue is recognised upon the delivery of goods and services to the client.

All revenue is stated net of the amount of goods and services tax (GST).

h. 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 balance sheet are shown inclusive of GST.

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

i. Financial Instruments

Recognition

Financial instruments are initially measured at cost on trade date, which includes transaction costs, when the related contractual rights and obligations exist. Subsequent to initial recognition these instruments are measured as set out below.

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 stated at amortised cost using the effective interest rate method.

Financial Liabilities

Non-derivative financial liabilities are recognised at amortised cost, comprising original debt less principal payments and amortisation.

Impairment

At each reporting date, the group assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available-for-sale financial instruments, a prolonged decline in the value of the instrument is considered to determine whether an impairment has arisen. Impairment losses are recognised in the income statement.

j. Unexpended Grants

The company receives grant monies to fund projects either for contracted periods of time or for specific projects irrespective of the period of time required to complete those projects. It is the policy of the company to treat grants monies as unexpended grants in the balance sheet where the company is contractually obliged to provide the services in a subsequent financial period to when the grant is received or in the case of specific project grants where the project has not yet been completed.

k. Comparative Figures

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

	2008	2007
	\$	\$
Note 2: Revenue		
Operating activities:		
- Grants	651,165	604,467
- Membership subscriptions	72,495	77,928
- Publication sales	38,594	42,742
- Interest Received	27,547	20,044
- Donations	13,403	6,831
- Other Revenue	64,720	59,792
Total Revenue	867,924	811,804
Note 3: Deficit for the Year		
The deficit for the year has been determined after:		
Expenses:		
Cost of sales	14,731	3,411
Depreciation and amortisation	12,084	17,622
Revenue:		
Donations ¹	13,403	6,831

¹ Donations from fundraising were unsolicited non-reciprocal contributions and as such no direct costs of fundraising have been attributed.

	2008	2007
	\$	\$

Note 4: Cash and Cash Equivalents

Cash at bank and on hand	270,982	235,294
Term deposits	153,954	153,954
	424,936	389,248

Note 5: Trade and Other Receivables

CURRENT

Trade receivables	25,949	12,628
Accrued revenue	1,621	1,820
	27,570	14,448

Note 6: Inventories

CURRENT

Finished goods at cost:

- held for sale	10,389	5,964
- held for distribution	7,171	13,988
	17,560	19,952

Note 7: Leasehold Improvements, Plant and Equipment

Plant and equipment

At cost	73,187	70,891
Accumulated depreciation	(67,453)	(61,381)
Total plant and equipment	5,734	9,510

Leasehold improvements

At cost	21,390	21,390
Accumulated amortisation	(12,487)	(10,103)
Total leasehold improvements	8,903	11,287

Total leasehold improvements, plant and equipment	14,637	20,797
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a. Movements in Carrying Amounts

Movements in leasehold improvements, plant and equipment between the beginning and end of each financial year.

Carrying amount at the beginning of the year	20,797	32,400
Additions	4,740	706
Disposals	-	-
Depreciation during the year	(10,900)	(12,309)
Carrying amount at the end of the year	14,637	20,797

	2008	2007
	\$	\$

Note 8: Intangible Assets

Website development, at cost	15,955	15,954
Accumulated amortisation	(15,955)	(14,772)
	<u>-</u>	<u>1,182</u>

Note 9: Trade and payables

CURRENT

Trade creditors and accruals	52,822	46,832
Employee benefits	36,508	64,074
Unexpended grants	171,781	94,696
Unearned membership income	27,128	32,133
	<u>288,239</u>	<u>237,735</u>

Note 10: Provisions

Long Term Employee benefits

	\$
Opening balance at 1 January 2008	11,933
Additional provisions raised during the year	4,730
Amounts used	(4,389)
Balance at 31 December 2008	12,274

A provision has been recognised for employee entitlements relating to long service leave. In calculating the present value of future cash flows in respect of long service leave, the probability of long service leave being taken is based on historical data. The measurement and recognition criteria relating to employee benefits have been included in note 1 of this report.

Note 11: Cash Flow Information

(a) Reconciliation of cash flow from operations with (deficit)/surplus for the year

(Deficit) / surplus for the year	(12,069)	26,856
Non-cash flows for the year:		
- Depreciation and amortisation	12,082	17,622
Changes in assets and liabilities:		
- (Increase) in receivables	(13,122)	(10,831)
- Decrease / (increase) in inventories	2,392	(10,923)
- (Decrease) / increase in payables	(21,576)	33,648
- Increase in unexpended grants	77,085	38,696
- (Decrease) in unearned income	(5,005)	(6,712)
- Increase in provisions	341	8,701
	<u>40,128</u>	<u>97,057</u>

	2008	2007
	\$	\$

Note 12: Auditors Remuneration

Remuneration of the auditor of the Company for:

- Audit of the financial statements	5,900	5,900
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Note 13: Capital and Leasing Commitments

(a) Operating Lease Commitments

Payable – minimum lease commitments

- no later than 12 months	6,600	6,600
- later than 12 months but no later than 5 years	19,250	25,850
- greater than 5 years	-	-
	25,850	32,450

Note 14: Financial Risk Management

(a) Financial Risk Management Policies

The company's financial instruments consist mainly of deposits with banks, accounts receivable and payable.

The company does not have any derivative instruments at 31 December 2008.

(i) Treasury Risk Management

The management of the company meets on a regular basis to analyse financial risks and to evaluate treasury management strategies in the context of the most recent economic conditions and forecasts.

(ii) Financial Risks Exposures and Management

The main risk the company is exposed to through its financial instruments is liquidity risk.

Interest rate risk

At 31 December 2008 the Company does not have any material interest bearing liabilities and therefore is not materially exposed to fluctuations in interest rates.

Foreign currency risk

The company is not exposed to fluctuations in foreign currencies.

Liquidity risk

The company manages liquidity by monitoring forecast cash flows and budgets and ensuring that adequate cash reserves are maintained.

Credit risk

The company does not have any material credit risk exposure to any single receivable under financial instruments entered into by the Company.

Price risk

The company is not exposed to any material commodity price risk.

(b) Financial Instrument Composition and Maturity Analysis

The table below reflects the undiscounted contractual settlement terms for financial instruments of a fixed period of maturity, as well as management's expectations of the settlement period for all other financial instruments. As such, the amounts may not reconcile to the balance sheet.

	Weighted Average Interest Rates		Floating Interest Rates		Non-Interest Bearing		Total	
	2008	2007	2008	2007	2008	2007	2008	2007
	%	%	\$	\$	\$	\$	\$	\$
Financial assets								
Cash Assets	4.61	6.60	424,936	389,248	-	-	424,936	389,248
Receivables	-	-	-	-	27,570	14,448	27,570	14,448
			424,936	389,248	27,570	14,448	416,818	403,696
Financial liabilities								
Payables	-	-	-	-	288,239	237,735	288,239	237,735
							2008	2007
							\$	\$

Trade and other payables are expected to be paid as follows:

Trade and other payables

Less than 6 months	270,151	205,698
6 months to 1 year	18,088	32,037
	288,239	237,735

(c) Net Fair Values

The net fair values of all financial assets and financial liabilities approximate their carrying amounts. No financial assets and financial liabilities are readily traded on organised markets in standardised form other than listed investments.

The aggregate net fair values and carrying amounts of financial assets and financial liabilities are disclosed in the balance sheet and notes to the financial statements.

Sensitivity analysis

At 31 December 2008 the company does not have any material interest bearing liabilities and therefore is not materially exposed to fluctuations in interest rates. It has no exposure to fluctuations in foreign exchange or price movements. As such, no sensitivity analysis has been undertaken for any of these risks.

Note 15: Key Management Personnel

(a) Names and positions held of Company's key management personnel in office at any time during the financial year are:

Key Management Person	Position
Peter C Heerey	Vice President – Non-executive
Shauna Jarrett (resigned 3 Feb 08)	Director – Non-executive
Jill P McKeough	Director – Non-executive
Steven J Miller	Treasurer – Non-executive
George A Palmer	President – Non-executive
Megan Brownlow	Director – Non-executive
Peter G Griffin	Director – Non-executive
Hetti Perkins (appointed 3 Feb 08)	Director – Non-executive
Robyn K Ayres	Executive Director

(b) Key Management Personnel Compensation

	<u>Short-term benefits</u>			<u>Post Employment Benefits</u>	Total
	Salary & Fees	Super-annuation	Bonus	Other	
	\$	\$	\$	\$	\$
2008					
Total					
Compensation	97,817	7,890	-	-	105,707
2007					
Total					
Compensation	82,757	7,062	-	-	89,819

Note 15: Related Party Transactions

There have been no transactions with related parties that require disclosure in this financial report.

Note 16: Segment Reporting

The Company operated in one industry, as a provider of legal advice and assistance to the public and in one geographic area, being Australia.

Note 17: Company Details

The registered office and principal place of business of the company is 43-51 Cowper Wharf Road, Woolloomooloo, NSW, 2011.

Note 18: Members Guarantee

The company is a company limited by guarantee. If the company is wound up, the constitution states that each member of the company is required to contribute a maximum of \$100 each towards meeting any outstanding obligations of the company. At 31 December 2008 the number of members was 469.

Note 19: Change in Accounting Policy

The following Australian Accounting Standards issued or amended which are applicable to the company but are not yet effective and have not been adopted in preparation of the financial statements at reporting date.

AASB Amendment	Standards Affected		Outline of Amendment	Application Date of Standard	Application Date for Entity
AASB 2007-6 Amendments to Australian Accounting Standards	AASB 1	First time adoption of AIFRS	The revised AASB 123: Borrowing Costs issued in June 2007 has removed the option to expense all borrowing costs. This amendment will require the capitalisation of all borrowing costs directly attributable to the acquisition, construction or production of a qualifying asset. However, there will be no direct impact to the amounts included in the entity's financials as the company already capitalises borrowing costs related to qualifying assets.	1 Jan 09	1 Jan 09
	AASB 101	Presentation of Financial Statements			
	AASB 107	Cash Flow Statements			
	AASB 111	Construction Contracts			
	AASB 116	Property, Plant and Equipment			
	AASB 138	Intangible Assets			
AASB 123 Borrowing Costs	AASB 123	Borrowing Costs	As above	1 Jan 09	1 Jan 09
AASB 2007-8 Amendments to Australian Accounting Standards	AASB 101	Presentation of Financial Statements	The revised AASB 101: Presentation of Financial Statements issued in September 2007 requires the presentation of a statement of comprehensive income and makes changes to the statement of recognised income and expenditure.	1 Jan 09	1 Jan 09
AASB 101	AASB 101	Presentation of Financial Statements	As above	1 Jan 09	1 Jan 09
AASB 1004	AASB 1004	Contributions	The revised AASB 1004: Contributions has been based on the review of the requirements of AAS 27: Financial Reporting by Local Governments, AAS 29: Financial Reporting by Government Departments and AAS 31: Financial Reporting by Governments. Specific considerations have been made in relation to Contributions, Liabilities Assumed by Other Entities, Government Department Disclosures Relating to Revenue, Restructures of Administrative Arrangements and Compliance with Parliamentary Appropriations and Other Externally-Imposed Requirements by Government Departments, to ensure that these are appropriately addressed in AASB 1004. It is not expected that the revisions to AASB 1004 will result in a material change to the recognition and measurement policies of the entity.	1 Jan 09	1 Jan 09