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ARTS LAW CENTRE OF AUSTRALIA

ANNUAL REPORT

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Company Particulars

Board	President	The Hon. Justice George Palmer
	Deputy President	Currently vacant
	Honorary Treasurer	Steven Miller (Elected July 25) Stuart Palmer (Resigned July 25)
Directors		The Hon. Justice Peter Heerey (Elected July 25) Shauna Jarrett Professor Vivien Johnson Associate Professor Andrew Kenyon Professor Jill McKeough Robynne Quiggin Rena Sofroniou (Resigned April 11)
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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President's Report

The Hon. Justice George Palmer



2005 has afforded me the opportunity to consolidate my knowledge of the many aspects of the organisation, and together with Board and staff implement in part the vision I outlined in my 2004 Report, namely 'raising the profile of the company in the legal and business communities'.

As part of that initiative, in August Corrs Chambers Westgarth hosted a cocktail party for Melbourne based lawyers and barristers to introduce Arts Law and its services, to make those attending aware of the level of service we provide in Victoria, or how they might assist us on a pro bono basis. My thanks must go to Stephen Stern and Filia Bouterakis of Corrs, Warwick Rothnie of the Melbourne Bar and the Hon Justice Peter Heerey for arranging this very successful evening.

As stated elsewhere in this Report, nearly 20% of the advice given annually by Arts Law is to Victorian artists and organisations. To further promote our services, and to lobby the relevant parties for the resources to continue to provide this level of service, we have established the Victorian Advisory Council - consisting of high profile legal personalities from the judiciary, profession and academia - chaired by Arts Law Board member, The Hon. Justice Peter Heerey.

I would like to welcome Justice Alan Goldberg of the Federal Court, Peter Chalk, Mark Dreyfus QC, Andrew Kenyon, Stephen Stern and Kimberlee Weatherall as members of the Council, and those Victorian lawyers and law firms who have offered their services to Arts Law.

In July I was fortunate to launch the Artists in the Black Comics at a function hosted by Freehills (Sydney). This very important - and unique - service which has completed its second year, will see its funding by the Australia Council continue into 2006, with the NSW Ministry for the Arts coming on board for the first time. We are grateful for the vision of the funding bodies in their support of this rapidly developing service.

2005 brought changes to the Board of Arts Law. I would like to pay tribute to Stuart Palmer (Hon Treasurer) and Rena Sofroniou, who have retired, for their dedication, their enthusiasm and their professionalism. I would like to welcome Steven Miller (Hon Treasurer) who is no stranger to the arts and cultural sector, and to Arts Law itself, having provided accounting and tax advice to staff and clients alike often, on a pro bono basis. He is a valuable addition to the Company; the current strength of our finances and reporting procedures owe much to his oversight.

I welcome most warmly to the Board my colleague, the Hon Justice Peter Heerey of the Federal Court of Australia. Peter is keenly interested in the arts and is an internationally acknowledged expert on copyright law. His experience and wisdom will be invaluable to the Board.

Arts Law is privileged to have as its Patrons some of the finest legal and artistic talent in Australia. In 2006 I hope to increase the number of Patrons from amongst the ranks of practising artists so that, together with our existing Patrons, they may assist, not only in fundraising, but in raising the profile of Arts Law in the arts community itself. Despite the fact that we have been serving the arts community for more than 20 years, I am constantly surprised at how many young and talented artists have never heard of us. Their invariable reaction is 'I wish I had known of Arts Law before now!'

My sincere thanks go to my fellow Board members, our inspirational CEO Robyn Ayres, our wonderworking Administrator Garey Campbell, all the staff of Arts Law, our volunteer lawyers, and our students and interns for their continued dedication and hardwork.

My hopes for 2006 are to build the resources of the Centre and to consolidate its position as the pre eminent legal centre for artists and arts organisations in Australia. At all times, but especially in times of conflict and uncertainty, a society needs to listen to the voices of its artists to interpret its conscience - and artists need all the support we can give them.

The Hon. Justice George Palmer
President

Executive Director's Report

Robyn Ayres



2005 saw Arts Law continue to build relationships with the arts and legal communities around Australia to increase artists' awareness of their rights and improve our service delivery. The Arts Law team worked extremely hard to make it all happen with a huge push to provide our education program across a broad geographic area and to our diverse audience, the Australian arts community. By the end of 2005 we had presented over 90 seminars or workshops in 27 different geographical locations to 2700 participants.

New initiatives saw workshops delivered to a wide range of Indigenous artists, artists from culturally and linguistically diverse communities, young people and local government. A key aspect in this work is the development of relationships with local arts organisations, tertiary institutions and government agencies as they know the local scene and understand what is needed. Our thanks to the hundreds of organisations we worked with over the year.

In the second year of operation, Arts Law's Indigenous service, *Artists in the Black* (AITB) went from strength to strength. Samantha Joseph, the Aboriginal lawyer, and Blanch Lake, the Indigenous information and liaison officer, took to the road, often accompanied by another Arts Law solicitor to let Indigenous communities know about our services and their rights. Not surprisingly, the need for better protection of Indigenous culture and intellectual property was a message that resounded around the country. In July we launched the AITB comics, which have been a huge success and are now into the second print run of 8000. We are also delighted the Australia Council is providing funding for AITB in 2006, and the NSW Ministry for the Arts will fund the Indigenous service for the first time.

Arts Law also coordinated the Victoria Arts Law Week (16-23 May), which brought together nine peak arts and legal organisations to put on a week of free or low cost seminars and legal advice sessions for the creative people of Victoria. 600 people from creative communities attended this week with 20 local lawyers involved in the sessions.

In view of the fact that Arts Law provides over 20% of its services to Victorian artists and their organisations, we have decided to establish a Victorian Advisory Council, comprised of high profile legal luminaries, to assist Arts Law develop much needed resources. The members are listed on page 13.

Arts Law was also successful in obtaining a number of grants to carry out special projects. These allow us to extend the services into areas or projects we otherwise would not be able to carry out given the core levels of funding. Examples include the AITB comics, the Indigenous education program, the Arts Insurance Handbook, to name but a few. However it must be noted that relying on numerous small project grants has a difficult side as all of these grants must be obtained, maintained and acquitted. In 2005, Arts Law had to manage 15 different grants, some requiring quarterly reporting and most having different acquittal requirements. This is an onerous requirement on a small organisation such as Arts Law but necessary in order to provide the services and resources needed in the arts community. That said, we still acknowledge and appreciate the ongoing support of our funders, who make it all possible.

At the end of 2005, Arts Law for the 2nd year, awarded a limited edition print to the 24 lawyers who made a important volunteer contribution to Arts Law. This small token of recognition in no way diminishes our appreciation of the contribution of all of Arts Law's volunteers who significantly increase our service provision capacity across Australia.

Once again, we ended 2005 with a never-ending "to do" list, with publications to write and update, office equipment to replace, lawyers to add to our pro bono panel, policies and procedures to implement, new funding initiatives to pursue, new educational possibilities etc.

So after another successful (and mostly fun) year, I sincerely thank the very hard working Arts Law staff, the Board who can always be relied upon particularly when things get tough, and the efforts of our volunteers.

Robyn Ayres,
Executive Director

Arts Law

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 with the support of the Australia Council in 1983 to provide specialised legal and business advice and referral services, professional development services and advocacy for artists and arts organisations.

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.

Vision

To foster a society which promotes justice for artists and values their creative contribution.

Mission

To provide practical, specialist legal services and resources, (including advocacy, publications and education), to artists and the cultural sector.

Values

In achieving our vision, the work of Arts Law is guided by the values of excellence, accessibility, empowerment and integrity.

Goals

The goals of Arts Law as established in the most recent business plan of the organisation are:

- **Legal Advice and Referrals**

To provide accessible, timely and practical legal advice to artists and arts organisations, including referrals.

- **Information and Referrals**

To provide practical and reliable information, which is accessible through a range of means at low or no cost.

- **Advocacy and Law Reform**

To provide targeted, quality advocacy on law and policy reform, for the benefit of the creative sector.

- **Evaluation**

Regular evaluation of all services to ensure consistent and effective delivery of all services, which are valued by the arts sector and meet their needs.

- **Finance and Administration**

Efficient and effective administrative and financial systems, which contribute to the sound management of Arts Law.

- **Communications and Marketing**

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

- **Physical resources**

To maintain the office, furniture and equipment in order to meet the needs of the organisation.

- **Human Resources**

To sustain an efficient and committed team through a collaborative working environment.

- **Governance**

To ensure that Arts Law has an experienced, committed and effective Board.

- **Revenue Generation**

To maximise the ability of Arts Law to generate income.

Funding

The Arts Law Centre of Australia (Arts Law) is a non-profit company limited by guarantee, incorporated under the Incorporations Law.

Arts Law gratefully acknowledges the financial assistance and investment of:

- The Commonwealth Government through the Australia Council, its arts funding and advisory body
- The New South Wales Government through the Ministry for the Arts
- The Australian Film Commission
- The State of Western Australia through Arts WA in association with the Lotteries Commission
- Arts SA



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
- Middletons Lawyers
for the one day/week secondment of lawyer Naomi Messenger to Arts Law until June 2005
- Lexis Nexis
for sponsoring Arts Law's subscription to their online publications.
- Law and Justice Foundation of NSW
for funding support of Artists in the Black publications
- Victoria Law Foundation
for support of Arts Law Week Victoria 2005
- City of Wollongong
for support of Illawarra Arts Law Week 2005
- Holding Redlich
for support of Arts Law Week Victoria 2005 launch debate.
- NSW Ministry for the Arts
for the funding support of Arts Law Week Hunter Region 2005.
- Arts Tasmania for funding Arts Law Week Tasmania 2005.
- WalterTurnbull
for pro bono accounting advice.
- Broadway Accountants
for pro bono accounting advice
- Steven J Miller & Co for the continued provision of advice and assistance on tax related matters to Arts Law legal officers, to assist in their education, advisory and advocacy work
- Phonographic Performers Company of Australia for funding support

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.



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Achievements

2005

- Provision of **2,298** telephone legal advices by Arts Law legal staff for the period January to 31 December 2005
- Provision of **365** face-to-face legal advice night (LAN) consultations by pro bono panel lawyers for the period January to 31 December 2005
- The launch of the new Arts Law website in April 2005
- Maintenance of a panel of over **200** pro bono lawyers willing to provide advice and other assistance to clients of Arts Law
- Successful completion of 2 years pilot of Arts Law's **Artists in the Black** Project with ongoing funding from the Australia Council to provide further services
- Publication and distribution of 8,000 comic information sheets developed by **Artists in the Black** on issues affecting Indigenous artists including, copyright, moral rights, contracts and Indigenous culture and Intellectual Property (ICIP).
- Partnering by accounting firms WalterTurnbull and Broadway Accountants in the provision of pro bono tax and accounting advice
- The breadth of the national coverage of the Legal Advice Night service with lawyers providing pro bono services in Sydney, Melbourne, Adelaide, Hobart, Canberra, Darwin, Alice Springs and Perth.
- Arts Law Weeks held in Victoria, the Hunter (NSW), Illawarra (NSW), Tasmania and the Northern Territory
- A comprehensive education program which delivered 91 seminars or workshops in 27 different geographical reached over 2,700 participants in six states and territories, of which more than 500 were Indigenous.
- The second Arts Law Print Commission, a limited edition of 25 prints by Sydney artist, Cassie Noel, was awarded to lawyers who had made a significant pro bono contribution to Arts Law during 2005.
- The establishment of the Victorian Advisory Council, a council comprised of high profile legal luminaries, to assist Arts Law develop much needed resources in Victoria.

Staff

2005

Executive Director	Robyn Ayres
Senior Solicitor	Sally Hanson (until December 31 2005)
Solicitor	Katherine Giles
Solicitor	Alison Patchett (commenced March 2005)
Aboriginal Solicitor	Samantha Joseph
Administration Manager (Part time)	Garey Campbell
Financial Administrator (Part time)	Mary Egan
Aboriginal Information/Liaison Officer	Blanch Lake
Administrative Officer	Melanie Donat (commenced May 2005)
Administrative Officer	Leah Domanski (commenced December 2005)

Other Staff

Solicitor	Ant Horn (until February 2005)
Part-time Legal Officer	Sharmila Shearing
Administrative Officers	Adori Bubble (until May 2005) Hannah Cox (until November 2005)
Part-time Administration Officers	Harriet Gollan Lauren Mason



Arts Law Staff

Back Row: (L to R)

Samantha Joseph, Leah Domanski
Katherine Giles, Garey Campbell,
Mel Donat, Robyn Ayres.

Front Row: (L to R)

Sally Hanson, Blanch Lake, Alison Patchet

Photo: Lauren Brown

Council of Patrons

The Council of Patrons is made of persons eminent in the law and the arts, and reflects the standing Arts Law enjoys in the community.

The members of the Council are:

Robyn Archer AO	The Hon Justice David Angel
Jan Chapman AO	The Hon Justice Terence Buddin
Ian David	Julian Burnside QC
Peter Garrett AM MP	The Hon Acting Justice Jerrold Cripps
David Gulpilil	The Hon Elizabeth Evatt AO
Frank Moorhouse AM	The Hon Justice Malcolm Gray RFD
Professor Sally Morgan	The Hon Justice Michael Kirby AC CMG
Margaret Olley AO	The Hon David Levine RFD QC
Peter Sculthorpe AO	The Hon Acting Justice Jane Mathews
William Yang	Shane Simpson
	The Hon Antony Whitlam QC

Victorian Advisory Council

Arts Law provides over 20% of its services to Victorian artists and organisations. To assist in the development of much needed resources to continue this level of assistance, the Victorian Advisory Council has been established. The high profile members of the Victorian judiciary, legal profession and academia are:

The Hon Justice Peter Heerey (Chair) – Federal Court of Australia
Peter Chalk – Partner, Blake Dawson Waldron Lawyers
Mark Dreyfus QC
The Hon Justice Alan Goldberg AO – Federal Court of Australia
Associate Professor Andrew Kenyon – Director, Centre for Media and Communications Law
Stephen Stern – Partner, Corrs Chambers Westgarth Lawyers
Kimberlee Weatherall – Associate Director (Law), Intellectual Property Research Institute of Australia (IPRIA)

Artists in the Black reference group

A Reference Group has been established from the Indigenous community to provide support and guidance throughout the course of the project. The current members of the group are:

Robynne Quiggin (Chair)	Carol Innes
Kev Carmody	Karen Mills
Kevin Dolman	Dr Irene Watson
John Harding	

National Legal Advice, Referral and Mediation Services

The focus of all of the work of Arts Law is to ensure that the creative and cultural sector of Australia have access to practical, specialist legal services and resources.

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, passing off, trade practices, confidentiality, employment, defamation, business structures, privacy, insurance, censorship and taxation.

Arts Law provides a free national telephone legal advice service to the arts community and, to 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 2005 the number of occasions on which telephone advice was provided was 2,298. The number of telephone advices is set out in Tables 1 and 2 below, being:

Table 1: Telephone Advice by Arts Sector

Telephone Advice	2004	2005
Film / Video/TV/broadcasting	397	420
Community Arts	69	80
Literature	256	270
Performing Arts	154	134
Music	354	489
Multi Media	57	45
Visual Arts and Crafts	549	720
Design	24	35
Miscellaneous	95	105
TOTAL	2401	2298

Table 2: Telephone Advice by State/Territory

Telephone Advice	2004	2005
ACT	65	33
NSW	1335	1256
NT	49	63
NZ	2	-
OS	1	1
QLD	128	140
SA	119	104
TAS	65	61
VIC	438	492
USA	-	1
WA	199	150
Total	2401	2298

Range of Problems

Arts Law deals with a significant number of legal problems presented by each caller. In 2005, of the 2298 legal advices provided the solicitors dealt with 3920 different legal problems. Table 3 sets out the number and range of legal problems dealt with in 2005.

Table 3: Legal Advice by Category

Description	Totals
Agency	22
Bailment	15
Business Name	54
Business Structure incl. assns, charities, corps	67
Business Structure: Partnership	61
Censorship & Obscenity	19
Character Merchandising	5
Commercial Lease	2
Confidentiality	78
Contract: General	599
Contract: Infringement	83
Contract: Review	286
Copyright: Collecting Societies	79
Copyright: General	770
Copyright: Infringement	226
Copyright: Licensing	338
Debt	69
Defamation	108
Employment incl. discrim, super, workers comp	53
Estate Planning/Wills	8
Funding incl. government, private	18
ICIP	44
Insolvency	3
Insurance	90
IP: Design Registration	25
IP: Patent	4
IP: Trade Mark	95
Local Government	1
Mediation	12
Moral Rights	233
Other	146
Performers' Rights	93
Personal Property	9
Privacy	30
Remedies	11
Sale of Goods incl. droite de suite	6
Tax incl. GST, income, sales, stamp duty	45
Torts incl. negligence, trespass	12
Trade Practices & Passing Off incl. misleading	101
Total	3920

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. Lawyers from large corporate and boutique firms, as well as government and in-house lawyers, volunteer for the national Legal Advice Nights panel. In 2005 Arts Law had an extensive national panel of **over 200** pro bono lawyers.

Coverage

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

In 2005 the number of Legal Advice Night face-to-face consultations provided was **365**.

Table 4 shows the number of Legal Advice Night consultations by State and Table 5 by Arts sector.

Table 4: LANS by State/Territory

Legal Advice Nights	2004	2005
ACT	9	5
NSW	204	262
NT	15	13
QLD	7	2
SA	17	5
TAS	7	11
VIC	54	44
WA	32	23
TOTAL	346	365

Table 5: LANS by Arts Sector

Legal Advice Nights	2004	2005
Broadcasting	2	3
Film / Video/TV	60	50
Community Arts	17	17
Literature	53	60
Performing Arts	17	17
Music	88	84
Multi Media	11	7
Visual Arts and Crafts	78	104
Miscellaneous	2	17
TOTAL	346	365

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 publications and receive the quarterly newsletter, ART+law.

Table 6: ALCA subscribers by State & Type

State	Totals	Commercial	Individual	Non Profit
ACT	25	1	18	6
NSW	424	20	329	75
NT	58	1	15	42
QLD	46	1	30	15
SA	56	2	35	19
TAS	16	1	12	3
VIC	121	3	89	29
WA	74	2	44	28
TOTALS	820	31	572	217

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.

Information and Referrals

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 continual contact with artists demonstrates the areas in which information sheets are needed. The information sheets are made freely available on the website, enabling arts practitioners from throughout Australia to easily access up-to-date information. The information sheets cover the following topics:

Protecting your Professional Name
Classification and Censorship
Confidential Information - Protecting Your Ideas
Contracts: An Introduction
Copyright Collecting Societies
Debt Recovery: Letter of Demand (all States/Territories)
Debt Recovery: Small Claims Procedure (all States/Territories)
Defamation
Do I Need a Film Location Release
Mediation Service
Performers' Rights
Privacy and the Private Sector
Protecting Your Designs
Superannuation and Contract for Services
TradeMarks
Unauthorised Use of Your Image

Checklists and Guides

The following checklists and guides are available free Arts Law subscribers:

Artist-Gallery Checklist
Band Partnership
Business Partnership Checklist
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 **20** 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. Arts Law has withdrawn some agreements from sale as they require updating. Given the demand for our services and that the updating process is very labour intensive, this process is taking a lot longer than desired or anticipated. This simply reflects the difficulties of Arts Law meeting all the needs of the arts community with the level of funding received.

New Publications

In 2005 Arts Law produced the following new publications:

The Arts Insurance Handbook 2nd Edition

ART+law

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

In 2005 ART+law covered topics including:

- Distribution of work on mobile phones (Simone Brandon)
- Legal issues for bloggers (Katherine Giles)
- Copyright costs in filmmaking (Kimberlee Weatherall)
- Protection of names through trade marks (Gibson Owen, Troy McGregor)
- 10 Tips for Independent Theatre Producers (Amanda Macri)
- Dancing and Copyright Law (Katherine Giles)
- Amendments to Performers rights (Alison Patchett)
- Classification of films (Joanna Kamath)
- Changes to Directors' Rights (Serena Armstrong)

Arts Law subsequently places many of the articles from ART+law on its website.

External Publications

Arts Law regularly contributes articles to legal and arts periodicals including the *Media and Arts Law Review*, *Alternative Law Journal*, *IP Bulletin*, and various newsletters for arts organisations.

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 2005, through funding received from the Australia Council, Arts Law was able to upgrade the website, and include an e commerce facility. The new site was launched in April.

Since the launch of Arts Law's new website in April 522,492 visits to the website were recorded.

Hits & Circulation	2005
April - June	172,498
July - September	165,615
October - December	184,376
TOTAL	522,492

Education Program

In 2005 Arts Law's legal staff presented an extensive program of lectures, workshops and seminars on topical issues concerning law and the arts as well as delivering papers at a range of conferences. Arts Law had a particular focus on reaching artists and organisations from Indigenous, regional and other disadvantaged communities.

In all Arts Law reached over 2,700 creative people around Australia, including 505 Indigenous participants. We visited 27 different geographical locations, provided 91 seminars, of which 29 were for Indigenous artists. Arts Law held Arts Law weeks in Melbourne, the Northern Territory, Wollongong, the Hunter and Tasmania.

Lectures and Seminars

Arts Law continued to run its lecture program, presenting at the following universities and art schools during the year:

- Australian Film Television and Radio School
- SAE College
- National Arts School
- Dubbo TAFE Art students
- Sydney College of the Arts
- Nepean TAFE students

Lectures covered topics such as copyright, contracts, moral rights, obscenity laws, defamation and employment issues. Most of these lectures are provided on a fee-paying basis.

National Seminar Program

In addition to the lecture series, Arts Law provided an extensive national seminar program, including the following events:

- Koori Business Network/Artists in the Black Education project 21-23 February
- Arts Law Week Hunter 7-11 March
- Arts Law Week Victoria 16-23 May
- Illawarra Arts Law Week Wollongong 20-24 June
- Tasmania Arts Law Week 19-23 September
- Arts Law Week Northern Territory October
- Copyright for Community Legal Centres 12 Oct
- Sony Tropfest Filmmakers Briefing: Sydney 22 Oct
- Copyright and ICIP for Indigenous Dancers 29 Oct
- *Artists in the Black* ANKAAA NT Workshops Oct/Nov
- What Writers Should Know NSW Writers' Centre 26 Nov
- AITB Workshop with Umi Arts Qld, Mareeba, Cairns 5-8 Dec

Many of the events were delivered in partnership with other organisations, which assisted with the promotion of the events with many of the events being free or low cost. Arts Law notes that the Indigenous component of the education program has been made possible through a funding partnership with the Copyright Agency Limited.

Artists in the Black

In 2004 Arts Law received funding from the Australia Council to trial an Indigenous Project to improve service delivery to Indigenous artists and their organisations across Australia. The service is called **Artists in the Black (AITB)**. AITB has had completed a successful 2 year pilot phase and now continues to provide an important role in providing legal advice; information and education to Aboriginal artists, communities and their organisations.

Arts Law employs 2 Aboriginal staff, Samantha Joseph, in the lawyer's position and Blanch Lake, as the information/liaison officer to provide services tailored to the Indigenous community. To date the focus of the service has been

- Providing direct legal advice to individual Indigenous artists on their arts law problems;
- Providing information and education about arts law issues to ensure Indigenous artists are informed about their legal rights;
- Providing limited casework services; and
- Fulfilling an advocacy role.

Artists in the Black is designed to:

- Address the structural disadvantages that some Indigenous people may encounter in having their needs for legal advice, information and education met;
- Be non-threatening and responsive to the special circumstances of some Indigenous artists and their communities;
- Consult with Indigenous artists and organisations as to the best methods of delivering legal advice and information services to Indigenous artists;
- Develop the resources needed by Indigenous artists and organisations in response to consultations;
- Develop the skills of Indigenous staff employed on the project (legal and other) so they become a future resource for Indigenous artists and their communities;
- In response to the feedback received from Indigenous artists, organisations and communities and other stakeholders recommend a model to provide ongoing access to legal advice, information and education services.

Legal Service Provision

The Aboriginal staff work with the other Arts Law staff to provide enhanced services to the Indigenous community. In 2005 AITB increased its legal advice services and provided 114 legal advices, face-to-face consultations and casework services. In order to provide an appropriate service, it is noted that many of the advices provided to Indigenous clients are significantly more resource intensive than other legal advices. This is in view of number of contacts as well as time spent with the client. The legal advice covers general as well as specific advice (mostly in relation to contracts).

Casework assistance

A unique aspect of AITB is the ability to provide limited casework to clients where their matter involves a public interest aspect. Most of the cases relate to the unauthorized reproduction of individual artists work. Casework enables us to ensure we are achieving the core objectives – of ensuring access to legal services and educating artists of their rights. Casework also gives us the chance to form solid working relationships with law firms who have provided their services on a pro bono basis. Arts Law would not be able to offer case work assistance without this support. Casework also gives us the opportunity to address particular issues of public concern and advocate for improved change.

The following firms provided pro bono assistance to *AITB* in 2005:

- Allens Arthur Robinson
- Freehills
- Blake Dawson Waldron
- Gilbert + Tobin
- Baker & McKenzie

AITB staff have full access to the pro bono panel lawyers and referral lawyers that Arts Law already has in place.

Education

We have also continued to provide educational workshops. Over time we have recognized the valuable role education plays in informing artists of their legal rights. In 2005 we provided 29 *AITB* presentations to over 500 Aboriginal attendees. These were delivered in:

- Adelaide – November
- Alice Springs – July, November
- Borroloola (NT) - October
- Cairns – December
- Canberra - October
- Darwin - October
- Hunter Region (NSW) – March
- Illawarra / Wollongong – June
- Innisfail (Qld) - December
- Katherine (NT) - November
- Kununurra (WA) - November
- Launceston (Tas) - September
- Mareeba (Qld) - December
- Melbourne – February, May, July
- Oenpelli (Arnhem Land) – October
- Perth – June
- Sydney – June, July, September, December
- Tiwi Islands – November
- Townsville – August

Advocacy

The education work also informs our advocacy work as we become privy to the issues of concern that we would not otherwise be aware of if we did not have the opportunity to visit communities. There are many issues affecting the Aboriginal art industry. Recently some of these issues have received focused attention through mainstream press. Aboriginal people around Australia want *AITB* to express these concerns and advocate to Government about the changes needed. Some of these issues include:

- Indigenous Communal Moral Rights legislation (ICMR);
- Resale Royalties
- Commonwealth Funding Agreements for Aboriginal organisations; and
- Need for better protection of Aboriginal cultural heritage eg through *sui generis* legislation.

Publications

In 2005 *AITB* launched a set of 4 comics developed with Streetwise Communications. The comics provide user friendly information covering copyright, moral rights, contracts and Indigenous culture and intellectual property (ICIP). We also developed a range of other information sheets for Indigenous artists and organisations. These publications have been very successful and the comics have gone into their 2nd edition (of 8,000). The *AITB* publications are also available on our website in the Indigenous area.



Covers from AITB Comics

Comic Writer: Blanch Lake
Comic Artist: Ross Carnsew
Underlying design by Adam Hill
© Arts Law Centre of Australia 2005

Arts Law was able to establish the **Artists in the Black** project through funding provided by the Commonwealth Government through the Australia Council, its arts funding and advisory body



Case Studies

The following examples illustrate the sort of assistance *Artists in the Black* and Arts Law has been able to provide over the last 12 months.

Contracts for Federation of Aboriginal and Torres Strait Islander Languages

In 2003 Arts Law was approached by FATSIL (Federation of Aboriginal and Torres Strait Islander Languages) the peak Indigenous Language body in Australia for assistance in developing a sample agreement. The agreement applies where consultants (ie ICT specialists, linguists and anthropologists) engage in projects with Aboriginal communities to develop language materials. The agreement is accompanied by a specific protocol guideline. The agreement is a first of its kind in Australia and freely available (www.fatsil.org). Arts Law consulted widely talking to consultants and community people; attending several FATSIL conferences where we discussed the agreement and received community feedback. The consultation period spanned over 12 months.

Posters for Wangka Maya

AITB provided legal advice to Wangka Maya, an Aboriginal Language organisation in regional Western Australia. The organisation developed a set of illustrated posters dealing with common legal issues for Aboriginal artists in both English and Aboriginal Languages. We were able to offer legal and best practice advice.



Wangka Maya Poster Launch at Darwin Arts Centre.
Photograph by Amanda Campbell

Trade Mark for Gadigal

Providing advice and arranging pro bono assistance for a Sydney based Aboriginal organisation with their application a trade mark.

Young NT Artist with Severe Disabilities

AITB has arranged pro bono assistance for an Aboriginal minor with a disability in the Northern Territory. The client has been successful in his artwork and needs legal assistance to put in place appropriate arrangement for looking after his art business.

Writer, Carol Langley – Any exposures

Over the course of 2005 Arts Law solicitor, Katherine Giles and one of our pro bono lawyers gave several advices to writer, Carol Langley, about her book, "Beneath the Sequined Surface". Initially Carol wanted to make sure that she had appropriate interviewee releases from the people whom she interviewed for the book which is about the Sydney drag scene and its performers. Later she came back for a photographer's release to ensure proper protection for her many lavish photographs that illustrate the book. Finally when the book was about to go to print Carol was alerted to the fact that she may not be protected if there was anything defamatory in her book. Katherine Giles looked at several sections of the book and pointed out where there might be a problem, enabling Carol to make some last minute changes. Arts Law was delighted to receive a copy of her beautiful book which was published in early 2006.



Verushka DaRling, photograph © 2006 Carol Langley

Advocacy and Law Reform

The advocacy goal of Arts Law is to provide targeted, quality advocacy on law and policy reform, for the benefit of the creative sector. This is done through

1. Identification and prioritisation of issues affecting the arts community
2. Research and making of submissions
3. Developing relationships and with the Government, media, arts sector and other relevant bodies;
4. Lobbying to influence the decision making of Government and other bodies.

Advocacy Subcommittee

The Arts Law Advocacy Subcommittee comprised of Board members (Vivien Johnson, Jill McKeough, Andrew Kenyon and Robynne Quiggin) and staff members met on several occasions, and worked in accordance with its 2005 Advocacy Plan.

During the year Arts Law responded to a range of issues that arose as well as continuing with the planned advocacy work.

Submissions

Arts Law made the following submissions to Governments and other bodies:

- Response to Review of One Per Cent Cap on Licence Fees Paid to Copyright Owners for Playing of Sound Recordings on Radio to Copyright Law Branch, Cth Attorney-General's Department (March 2005)
- Inquiry into the provisions of the *Copyright Amendment (Film Directors' Rights) Bill 2005* to Cth Legal and Constitutional Committee (June 2005)
- Fair Use and Other Copyright Exceptions: an examination of fair use, fair dealing and other exceptions in the digital age to Cth Attorney-General's Department (July 2005)
- Standing Committee of Attorneys-General's Unauthorised Internet Photographs Discussion Paper to Civil Law Policy, Victorian Department of Justice (October 2005)
- Australian Labour Party's review on issues to be addressed in an Arts Policy (December 2005)
- The introduction of Resale Rights
- On funding agreements for Indigenous arts organisations - to Dept of Communications, Information and the Arts (DCITA)

Volunteers and Pro Bono Assistance

Volunteers and pro bono lawyers are integral to the provision of Arts Law services. The Arts Law volunteers perform the following valuable tasks:

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.

Examples of such assistance in 2005 include:

- Middletons Lawyers ongoing secondment to Arts Law for the year up to June 30 of one of their lawyers, Naomi Messenger, to provide telephone legal advice and other services one day per week.
- Freehills (Sydney) for hosting the launch of the *Artists in the Black Comics*
- Corrs Chambers Westgarth (Melbourne) for hosting an Introduction to Arts Law Cocktail Party for Melbourne based legal professionals

Panel 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 2005 Arts Law had a panel of over **200** 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.

Adelaide	
Bill Morrow	Norman Waterhouse Lawyers
Brisbane	
Glenys Hodgers	Allens Arthur Robinson
Canberra	
Hugh Chalmers	Bradley Allen Lawyers
Leonie Kennedy	Bradley Allen Lawyers
Darwin	
Megan Lennie	Cridlands Lawyers
Carolyn Walter	Ward Keller Lawyers
Hobart	
Susan Larsen	Dobson Mitchell & Allport Lawyers
Joan Roberts	Dobson Mitchell & Allport Lawyers
Melbourne	
Anthony Barrington Palmer	Phillips Fox
David Curtain	Phillips Fox
Marcus Fowler	Shock Records

Stephen Grant	Nanscawen Grant
Katrina Klaric	Stephens Lawyers & Consultants
James Lahore	Professorial Fellow, University of Melbourne
Inge Lauw	Madgwicks Lawyers
Tony Macvean	Hall & Wilcox
Shaun Miller	Marshalls & Dent
Stefano del Monaco	Monaco Lawyers
Sue Morgan - Dethick	Herbert Greer & Rundle
Andrew Panna	Barrister
Nicholas Pullen	Holding Redlich
Sam Ricketson	Barrister
Dr Warwick Rothnie	Barrister
James Samargis	Barrister
Darren Sanicki	Marshalls & Dent
Stephen Stern	Corrs Chambers Westgarth Lawyers
Kai-Li Tan	Phillips Fox
Jennifer Tutty	Media Arts Lawyers
David Vodicka	Media Arts Lawyers
Frances Wheelahan	Corrs Chambers Westgarth Lawyers
Dr Mark Williams	Norton White
Gillian Wong	Mallesons Stephen Jaques
Perth	
Scott Ellis	Freehills
Stephanie Faulkner	Jackson McDonald Lawyers
June Kenny	Dwyer Durack Lawyers
Adam Levin	Jackson McDonald Lawyers
Jamie Lyford	Jackson McDonald Lawyers
Peter Smith	Freehills
David Stewart	Minter Ellison Lawyers
Sydney	
Mathew Alderson	Gray & Perkins
Charles Alexander	Minter Ellison Lawyers
Troy Anderson	Phillips Fox
Morris Averill	
Dianne Banks	Gilbert + Tobin
Ingrid Barge	Freehills
Penelope Barclay	Allens Arthur Robinson
Prue Bindon	Harmers Workplace Lawyers
Melanie Bouton	Freehills
Stephen Boyle	Australian Film Commission
Simone Brandon	Hutchison Telecom
Tracy Brook	MacMillan Publishing Australia
Rob Brown	Phillips Fox
Delia Browne	Minter Ellison Lawyers
Andrew Cardell-Ree	Allens Arthur Robinson

Alan Chalmers	MET Law
Alec Christie	Middletons Lawyers
Tureia Corr	SBS
Raani Costello	Allens Arthur Robinson
Vanessa Darby	CUNA Mutual Group Ltd
Khai Dang	Blake Dawson Waldron Lawyers
Michelle Eadie	Minter Ellison Lawyers
Michael Easton	Brett Oaten Solicitors
Kasey Ekert	Simpsons Solicitors
Angus Fotheringham	Gadens Lawyers
Marie Foyle	Grundy Television Pty Ltd
Michael Frankel	Michael Frankel Lawyers
Dragan Gasic	Barrister
Kate Gilchrist	ABC Legal Services
Craig Glazier	Canon Australia
Sean Gleeson	Shelston IP
Adrian Goss	Beyond International
Matthew Griffin	Gilbert + Tobin
Matthew Hall	Swaab Attorneys
Kate Harrison	Gilbert + Tobin
Luke Hastings	Freehills
Calum Henderson	Deacons
Sarah Hofman	Allens Arthur Robinson
Anna Honig	Baker & McKenzie
Joydeep Hor	Harmers Workplace Lawyers
Ant Horn	MTV/Nickelodeon
Kate Ingber	Simpsons Solicitors
Peter Karcher	Gray & Perkins
Peter Le Guay	Cowley Hearne
Raena Lea-Shannon	Michael Frankel Lawyers
Jim Lennon	Middletons Lawyers
Carolyn Lidgerwood	Gilbert + Tobin
Bronwyn Maynard	Harmers Workplace Lawyers
Sally McCausland	SBS
Ross McLean	Baker & McKenzie
Cass Matthews	AUSTAR Entertainment
Naomi Messenger	Freehills
Clare Mirabello	Tress Cox Lawyers
Peter Mulligan	Henry Davis York
Jules Munro	Simpsons Solicitors
Michael Napthali	Michael Frankel Lawyers
Maureen Noonan	
Danh Nguyen	Westpac Banking Corporation
David Orwell	Brett Oaten Solicitors
Gibson Owen	Clinch Neville Long Lawyers

Zero Partos	Barrister
Jocelyn Paterson	Phillips Fox
Shane Paterson	Home Wilkinson Lowry Lawyers
Gary Penny	Surry Partners Australia
Shannon Platt	Phillips Fox
Roone Richardson	Roone Richardson Lawyers
Phillip Roberts	P C Roberts
Toby Roberts	Macquarie Bank
Abigail Shelley	Gilbert +Tobin
Gulley Shimeld	Beyond Productions Pty Ltd
Adam Simpson	Simpsons Solicitors
Shane Simpson	Simpsons Solicitors
Kristin Stammer	Freehills
Nina Stevenson	Nina Stevenson and Associates
Barry Stewart	Ebsworth & Ebsworth
Amalia Stone	Freehills
Erica Taylor	Habu Entertainment
Simone Tierney	Phillips Fox
Deborah Tobias	Hillman Laxon Tobias
Mandy Van Den Elshout	ABC Legal Services
Claudia Wallman	Allens Arthur Robinson
Stephanie Wee	Allens Arthur Robinson
Janine Wilson	Henry Davis York
Albert Yuen	Gilbert + Tobin

REFERRAL SERVICES

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.

Accountants

Kevin Bush	WalterTurnbull
Kylie Parker	Broadway Accountants
Steven Miller	Steven J. Miller & Co

Mediators

Stefano del Monaco	Monaco Lawyers
Lyndon Sayer-Jones	Lyndon Sayer-Jones & Associates
Natasha Serventy	

Legal Advice Night Assistants

Arts Law plays a key developmental role via our volunteer legal assistant program. In Melbourne 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 2005 there were **25** LAN assistants, and our gratitude extends to:

Canberra

Penelope Coffey
Alisa Taylor

Melbourne

Sarah Nicholls
Tim Scott
Marie Sheriff

Sydney

Amanda Andreatza
Anna Comino
Alison Cook
Vanessa Darby
Ruth Elvin
Kate Erman
Claire Featherston

Isobel Ferrier
Livia Fong Yan
Katerina Georgiou
Manisha Goyal
Danielle Hairs
David Hamilton
Sara Hoffman

Amanda Macri
Monica Massoud
Alison McManus
Andrew Noble
Rod Smith
Katrina Tesoriero

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+law.

In 2005 there were **10** day time volunteers, and our thanks go to:

Serena Armstrong
Vickii Cotter
Isobel Ferrier
Kari Lancaster
Madeline Mispel

Jacqua Page
Seth Richardson
Camille Simon
Alida Stanley
Alexandra Stretslova

Student Placements

Arts Law has a well-established student placement program with the law school at University of Sydney. 2004 saw the implementation of a similar program with University of New South Wales. 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 2005 Arts Law had 5 student placements.

Niall Clugston	UNSW Post Graduate - Information Management
Harriet Gollan	Sydney University - Arts/Commerce
Joanna Kamath	Sydney University - Law
Troy McGregor	Sydney University - Law
Jacqua Page	UNSW - Law

Governance

The overarching governance goal of Arts Law is to ensure that it has an experienced, committed and effective board. The governance objectives are:

1. To optimise organisational performance
2. To sustain an effective and motivated Board, and
3. To provide accountable governance

In 2005 the following subcommittees met regularly to assist Arts Law in its work:

Advocacy Subcommittee (combined board and staff committee)	3 meetings
Board representatives	Vivien Johnson Andrew Kenyon Jill McKeough
Finance Subcommittee (combined board and staff committee)	4 meetings
Board representatives	Stuart Palmer/Steven Miller (Hon Treasurer) Shauna Jarrett
Indigenous Reference Group	3 meetings
Board representative	Robynne Quiggin (Chair of Reference Group)

FINANCIAL REPORT

ARTS LAW CENTRE OF AUSTRALIA

ABN 71 002 706 256

FOR THE YEAR ENDED
31 DECEMBER 2005

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 2005.

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.

Jill P McKeough
Andrew T Kenyon
Shauna Jarrett
Vivien J Johnson
Robynne Quiggin
George A Palmer
Rena Sofroniou (resigned 11 April 2005)
Stuart Palmer (resigned 25 July 2005)
Peter C Heerey (appointed 25 July 2005)
Steven J Miller (appointed 25 July 2005)

Company Secretary

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

Robyn K Ayres – Executive Director of Arts Law Centre of Australia Ltd.

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 profit of the company for the financial year amounted to \$ 5,282 (2004 profit \$54,177)

Dividends

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

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 mainly 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 2005 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

Shauna Jarrett

- Qualifications BA (Hons), LLB
- Experience Senior Assoc, Griffith Nicholson Lawyers
- Special Responsibilities Finance subcommittee

Assoc Professor Dr Andrew Kenyon

- Qualifications LLB LLM PhD
- Experience Lecturer, Faculty of Law, University of Melbourne.
- Special Responsibilities Advocacy subcommittee, Victorian Advisory Council

Professor Vivien Johnson

- Qualifications PhD
- Experience Professor, University of NSW
- Special Responsibilities Advocacy subcommittee

Professor Jill McKeough

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

Robynne Quiggin

- Qualifications BA LLB
- Experience Researcher and lecturer, Jumbunna Indigenous House of Learning and Law Faculty University of Technology Sydney
- Special Responsibilities Chair of Indigenous Reference Group; Advocacy subcommittee

Stuart Palmer

- Qualifications BA LLB Master of Letters (Phil)
- Experience Lawyer and Banker
- Special Responsibilities Honorary Treasurer, Finance subcommittee

Peter Cadden Heerey

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

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

Directors Emoluments

No director, since the end of the financial year has received or become entitled to receive, a benefit because of a contract made by the company or a related body corporate with the director, a firm of which a director is a member or an entity in which a director has a substantial financial interest.

Meetings of Directors

During the year, 3 meetings of the Board of Directors were held. Attendances were:

	Directors Meetings	
	Eligible to attend	Number attended
Jill P McKeough	3	1
Andrew T Kenyon	3	1
Shauna Jarrett	3	3
Vivien J Johnson	3	1
Robynne Quiggin	3	1
George A Palmer	3	3
Stuart Palmer	2	2
Peter C Heerey	2	1
Steven J Miller	2	2

Indemnification of Officers or Auditor

During or since the end of the financial year the company has not given an indemnity or entered an agreement to indemnify, or paid or agreed to pay insurance premiums for any person who is or has been an officer or an auditor of the Company.

Share Options

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

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 2005 has been received and can be found on page 5 of the directors' report.

Signed in accordance with a resolution of the directors.

A handwritten signature in black ink, appearing to read 'Steven Miller', with a large loop at the start and a horizontal line at the end.

Steven Miller
Sydney, 24 March 2006
Director

Auditors's Independence Declaration

TO THE DIRECTORS OF ARTS LAW CENTRE OF AUSTRALIA LTD

I declare that, to the best of my knowledge and belief, during the year ended 31 December 2005 there have been:

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



Don Walter
Sydney, 24 March 2006
Executive Director
WalterTurnbull

Directors' Declaration

The directors of the Company declare that:

1. the financial statements and notes, as set out on pages 9 to 22 are in accordance with the *Corporations Act 2001*:
 - (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 2005 and of the performance for the period 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.

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



Steven Miller
Sydney, 24 March 2006
Director

Independent Audit Report

TO THE MEMBERS OF THE ARTS LAW CENTRE OF AUSTRALIA LTD

Scope

The financial report comprises the income statement, balance sheet, statement of changes in equity, cash flow statement, accompanying notes to the financial statements and the directors' declaration for the Arts Law Centre of Australia Limited ("The Company") for the year ended 31 December 2005.

The directors of the Company are responsible for the preparation and true and fair presentation of the financial report in accordance with the *Corporations Act 2001*. This includes responsibility for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial report.

Audit Approach

We conducted an independent audit in order to express an opinion to the members of the Company. Our audit was conducted in accordance with Australian Auditing Standards, in order to provide reasonable assurance as to whether the financial report is free of material misstatement. The nature of an audit is influenced by factors such as the use of professional judgement, selective testing, the inherent limitations of internal control, and the availability of persuasive rather than conclusive evidence. Therefore, an audit cannot guarantee that all material misstatements have been detected.

We performed procedures to assess whether in all material respects the financial report presents fairly, in accordance with the *Corporations Act 2001*, including compliance with Accounting Standards and other mandatory financial reporting requirements in Australia, a view which is consistent with our understanding of the Company's financial position, and of its performance as represented by the results of their operations and cash flows.

We formed our audit opinion on the basis of these procedures, which included:

- examining, on a test basis, information to provide evidence supporting the amounts and disclosures in the financial report; and
- assessing the appropriateness of the accounting policies and disclosures used and the reasonableness of significant accounting estimates made by the directors.

While we considered the effectiveness of management's internal controls over financial reporting when determining the nature and extent of our procedures, our audit was not designed to provide assurance on internal controls.

Independence

In conducting our audit, we followed applicable independence requirements of Australian professional ethical pronouncements and the *Corporations Act 2001*.

In accordance with ASIC Class Order 05/83, we declare to the best of our knowledge and belief that the auditor's independence declaration set out on page 5 of the Directors' Report has not changed as at the date of providing our audit opinion.

Audit Opinion

In our opinion, the financial report of the Arts Law Centre of Australia Limited is in accordance with:

- (a) the *Corporations Act 2001* including:
 - (i) giving a true and fair view of the Company's financial position as at 31 December 2005 and of its performance for the financial year ended on that date; and
 - (ii) complying with Accounting Standards and the *Corporations Regulations 2001*; and
- (b) other mandatory professional reporting requirements.



Don Walter
Sydney, 24 March 2006
Executive Director
WalterTurnbull

Income Statement

FOR THE YEAR ENDED 31 DECEMBER 2005

	Note	2005 \$	2004 \$
Revenue	3	665,243	653,384
Administration and overheads		(159,512)	(136,508)
Staff and related costs		(461,363)	(425,296)
Education and publications		(27,072)	(33,631)
Promotion		(12,014)	(3,772)
Profit before income tax expense	4	5,282	54,177
Income tax expense	1(a)	-	-
Profit attributable to members of Arts Law Centre of Australia Ltd		5,282	54,177

The accompanying notes form part of these financial statements.

Balance Sheet

AS AT 31 DECEMBER 2005

	Note	2005 \$	2004 \$
CURRENT ASSETS			
Cash and cash equivalents	5	322,904	347,026
Trade and other receivables	6	2,753	49,618
Inventories	7	13,055	6,980
TOTAL CURRENT ASSETS		338,712	403,624
NON-CURRENT ASSETS			
Plant and equipment	8	32,877	37,283
Intangible assets	9	15,954	10,545
TOTAL NON CURRENT ASSETS		48,831	47,828
TOTAL ASSETS		387,543	451,452
CURRENT LIABILITIES			
Trade and other payables	10	187,586	263,943
Provisions	11	39,567	32,401
TOTAL CURRENT LIABILITIES		227,153	296,344
TOTAL LIABILITIES		227,153	296,344
NET ASSETS		160,390	155,108
EQUITY			
Retained profits	12	160,390	155,108
TOTAL EQUITY		160,390	155,108

The accompanying notes form part of these financial statements.

Statement Of Changes In Equity

FOR THE YEAR ENDED 31 DECEMBER 2005

	Note	Retained Earnings \$
Balance at 1 January 2004		100,931
Retrospective adjustment upon change in accounting policy	2	10,545
Effect of correction of error in previous year	2	6,980
Profit for the period		<u>36,652</u>
Balance at 31 December 2004		<u>155,108</u>
Profit for the period		<u>5,282</u>
Balance at 31 December 2005		<u>160,390</u>

The accompanying notes form part of these financial statements.

Cash Flow Statement

FOR YEAR ENDED 31 DECEMBER 2005

	Note	2005 \$	2004 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from government and customers		664,587	700,876
Payments to suppliers and employees		(703,664)	(577,615)
Interest received		16,342	11,875
Net GST recovered from the ATO		17,674	13,916
Net cash (used in) / provided by operating activities	13	(5,061)	149,052
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of property, plant and equipment		(19,061)	(15,634)
Net cash used in investing activities		(19,061)	(15,634)
Net (decrease) / increase in cash held		(24,122)	133,418
Cash at the beginning of the financial year		347,026	213,608
Cash at the end of the financial year	5	322,904	347,026

The accompanying notes form part of these financial statements.

Notes To The Financial Statements

FOR THE YEAR ENDED 31 DECEMBER 2005

Note 1: Statement of Accounting Policies

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

The financial report covers the Art Law Centre of Australia Limited (the "Company") which is a public company limited by guarantee, incorporated and domiciled in Australia.

The financial report of the Company as an individual Company complies with all Australian equivalents to International Financial Reporting Standards (AEIFRS) in their entirety.

The following is a summary of the material accounting policies adopted by the Company in the preparation of the financial report. The accounting policies have been consistently applied, unless otherwise stated.

Basis of Preparation

First-time Adoption of Australian Equivalents to International Financial Reporting Standards

The Company has prepared financial statements in accordance with the Australian equivalents to International Financial Reporting Standards (AEIFRS) from 1 January 2005.

In accordance with the requirements of AASB 1: *First-time Adoption of Australian Equivalents to International Financial Reporting Standards*, adjustments resulting from the introduction of AEIFRS have been applied retrospectively to 2004 comparative figures excluding cases where optional exemptions available under AASB 1 have been applied. These accounts are the first financial statements of the Arts Law Centre of Australia Limited to be prepared in accordance with AEIFRS.

The accounting policies set out below have been consistently applied to all years presented.

Reconciliations of the transition from previous Australian GAAP to AEIFRS have been included in Note 2 to this report.

Reporting Basis and Conventions

The financial report has been prepared on an accrual basis and is based on historical costs modified by the revaluation of selected non-current assets, and financial assets and financial liabilities for which the fair value basis of accounting has been applied.

(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) Inventories

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

(c) Plant and Equipment

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

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:

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

(d) 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. As at 31 December 2005, the website was still under construction and has not been amortised.

(e) 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) 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.

(f) Specific Purpose Funds

The Company receives funds for specific purposes and is obligated under the conditions of the funding to account to such funds separately. These monies may only be spent for the specific purpose for which they are received. Any interest revenue earned on these monies must also be allocated to the specific fund. These funds are disclosed in liabilities as unexpended funds, and any income or expenditure in these funds is disclosed as a movement in the unexpended balance of these funds.

(g) Revenue

Government grants, memberships, and sponsorships 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) Comparative Figures

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

(k) 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.

NOTE 2: First-time Adoption of Australian Equivalents to International Financial Reporting Standards

1 Reconciliation of Equity at 1 January 2004

As at 1 January 2004, there were no adjustments to equity identified as a result of the first-time adoption of Australian Equivalents to International Financial Reporting Standards from the previous Australian GAAP.

2 (a) Reconciliation of Equity at 31 December 2004

	Note	Previous GAAP at 31 December 2004 \$	Adjustments \$	Australian equivalents to IFRS at 31 December 2004 \$
CURRENT ASSETS				
Cash and cash equivalents		347,026	-	347,026
Trade and other receivables		49,618	-	49,618
Inventories	3(a)	-	6,980	6,980
TOTAL CURRENT ASSETS		396,644	6,980	403,624
NON-CURRENT ASSETS				
Plant and equipment		37,283	-	37,283
Intangible Assets	3(b)	-	10,545	10,545
TOTAL NON-CURRENT ASSETS		37,283	-	47,828
TOTAL ASSETS		433,927	17,525	451,452
CURRENT LIABILITIES				
Trade and other payables		263,943	-	263,943
Provisions		32,401	-	32,401
TOTAL CURRENT LIABILITIES		296,344	-	296,344
TOTAL LIABILITIES		296,344	-	296,344
NET ASSETS		137,583	-	155,108
EQUITY				
Reserves				
Retained Profits		137,583	17,525	155,108
TOTAL EQUITY		137,583	17,525	155,108

2 (b) Reconciliation of Profit or Loss for 2004

	Note	Previous AGAAP at 31 December 2004 \$	Effect of transition \$	Australian equivalents to IFRS at 31 December 2004 \$
Revenues from ordinary activities		653,384		653,384
Administration and overheads	3(b)	(154,033)	10,545	(143,488)
Staff and related costs		(425,296)	-	(425,296)
Education and publications	3(a)	(33,631)	6,980	(26,651)
Promotion		(3,772)	-	(3,772)
Profit before income tax expense		36,652	17,525	54,177
Income tax expense		-	-	-
Profit attributable to members of Arts Law Centre of Australia Ltd		36,652	17,525	54,177

3 Notes to the reconciliations

(a) Error in the recognition of inventory

The Company had not previously recognised inventories held for sale on the balance sheet that it had expensed in error. The adoption of AEIFRS has resulted in a change in the treatment of this error. Upon application of AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors*, the error has been retrospectively adjusted in the period it occurred and the financial statements restated.

(i) At 31 December 2004

The Company's inventory increased by \$6,980 and its retained profits were reduced by \$6,980 to correct an error where inventories held for sale were expensed.

(ii) For the year ended 31 December 2004

The Company's education and publications expense was reduced by \$6,980 to reverse an error where inventories held for sale were expensed.

(b) Recognition of website development costs

The Company had not previously capitalised website development costs. The adoption of AEIFRS has resulted in a change in the treatment of website developments costs. Upon application of AASB 138 *Intangible Assets* the website development costs have been capitalised as part of intangible assets.

(i) At 31 December 2004

The Company's intangible assets have increased by \$10,545 and its retained profits were reduced by \$10,545 to recognise the website development costs as an intangible asset.

(ii) For the year ended 31 December 2004

The Company's administration expense was reduced by \$10,545 to recognise the website development costs as an intangible asset.

	2005 \$	2004 \$
Note 3: Revenue		
Operating activities:		
- Grants	520,936	489,293
- Memberships	79,962	78,360
- Publication sales	26,214	28,106
- Interest Received	16,342	13,359
- Other Revenue	21,789	44,266
	<hr/>	<hr/>
Total Revenue	665,243	653,384
	<hr/>	<hr/>
Note 4: Profit from Ordinary Activities		
Expenses:		
Depreciation and amortisation	16,022	11,420
Loss on sale of assets	2,035	1,217
	<hr/>	<hr/>
	18,057	12,617
	<hr/>	<hr/>
Note 5: Cash Assets		
Cash at bank and in hand	163,950	188,072
Term deposits	158,954	158,954
	<hr/>	<hr/>
	322,904	347,026
	<hr/>	<hr/>
Note 6: Receivables		
CURRENT		
Trade receivables	1,218	35,531
Accrued revenue	1,535	14,087
	<hr/>	<hr/>
	2,753	49,618
	<hr/>	<hr/>
Note 7: Inventories		
CURRENT		
Finished goods – At cost	13,055	6,980
	<hr/>	<hr/>
Note 8: Plant and Equipment		
Plant and equipment		
At cost	70,281	87,856
Accumulated depreciation	(53,443)	(68,988)
	<hr/>	<hr/>
Total plant and equipment	16,838	18,868
	<hr/>	<hr/>

2005
\$

2004
\$

Note 8: Plant and Equipment

Leasehold improvements		
At cost	21,390	21,390
Accumulated amortisation	(5,351)	(2,975)
	<hr/>	<hr/>
Total Leasehold Improvements	16,039	18,415
	<hr/>	<hr/>
Total Plant and Equipment	8(a) 32,877	37,283
	<hr/>	<hr/>

(a) Movements in Carrying Amounts

Movements in office, furniture and equipment between the beginning and end of each financial year.

Carrying amount at the beginning of the year	37,283	44,831
Additions	13,652	5,089
Disposals	(2,036)	(1,217)
Depreciation during the year	(16,022)	(11,420)
	<hr/>	<hr/>
Carrying amount at the end of the year	32,877	37,283
	<hr/>	<hr/>

Note 9: Intangible Assets

Website Development at Cost (Work in progress)	15,954	10,545
	<hr/>	<hr/>

Note 10: Payables

CURRENT		
Trade creditors and accruals	43,952	58,728
Unexpended grants and grants received in advance	107,500	163,130
Unearned membership income	36,134	42,085
	<hr/>	<hr/>
	187,586	263,943
	<hr/>	<hr/>

Note 11: Provisions

CURRENT		
Annual leave	39,567	32,401
	<hr/>	<hr/>
(a) Total provision for employee entitlements	39,567	32,401
(b) Number of employees at year end	8	9

Note 12: Retained Profits

Retained profits at the beginning of the financial year	155,108	100,931
Profit attributable to members of Arts Law Centre of Australia Ltd	5,282	54,177
	<hr/>	<hr/>
Retained profits at the end of the financial year	160,390	155,108
	<hr/>	<hr/>

2005
\$

2004
\$

Note 13: Cash Flow Information

(a) Reconciliation of cash flow from operations with profit from ordinary activities after income tax

Profit from ordinary activities after income tax	5,282	54,177
<i>Non-cash flows in profit from ordinary activities:</i>		
- Depreciation	16,022	11,420
- Loss on sale of assets	2,035	1,217
<i>Changes in assets and liabilities:</i>		
- Decrease/ (increase) in receivables	46,865	(23,131)
- (Increase) in inventories	(6,075)	(6,980)
- (Decrease) / increase in payables	(14,776)	32,390
- (Decrease) in unexpended grants	(55,631)	(43,210)
- (Decrease) / increase in unearned income	(5,950)	76,220
- Increase in provisions	7,167	14,438
- Increase in other assets	-	32,511
	<hr/> (5,061) <hr/>	<hr/> 149,052 <hr/>

Note 14: Auditors Remuneration

Remuneration of the auditor of the Company for:

- audit fees	<hr/> 4,000 <hr/>	<hr/> 3,700 <hr/>
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Note 15: Financial Instruments

(a) Financial Risk Management

The Company's financial instruments consist mainly of deposits with banks, short-term investments, accounts receivable and payables.

The Company does not have any derivative instruments at 31 December 2005.

(i) Risk Management

The Company's management analyse its exposure to financial risks and evaluates strategies in the context of the most recent economic and industry conditions and forecasts.

(ii) Financial Risks

The Company is not materially exposed to any market risks, price risks or credit risks.

Liquidity risk

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

(b) Interest Rate Risk

The company's exposure to interest rate risk, which is the risk that a financial instrument's value will fluctuate as a result of changes in market interest rates and the effective weighted average interest rates on those financial assets and financial liabilities is as follows:

	<i>Weighted Average Interest Rates</i>		<i>Floating Interest Rates</i>		<i>Non-Interest Bearing</i>		<i>Total</i>	
	2005	2004	2005	2004	2005	2004	2005	2004
<i>Financial assets</i>	%	%	\$	\$		\$		\$
Cash Assets	4.00	4.00	322,904	347,026	-	-	322,904	347,026
Receivables	-	-	-	-	2,753	49,618	2,753	37,015
			322,904	347,026	2,753	49,618	325,657	384,041
<i>Financial liabilities</i>								
Payables	-	-	-	-	187,592	263,943	187,592	263,943

(c) Credit Risk

The company's maximum exposures to credit risk, excluding the value of any collateral or other security, at balance date to recognised financial assets is the carrying amount, net of any provisions for doubtful debts of those assets, as disclosed in the statement of financial position and notes to the financial statements.

(d) Net Fair Values

The net fair values of all financial assets and financial liabilities approximate their carrying amounts.

Note 16: Related Party Transactions

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

The names of directors who have held office during the financial year are:

Shauna Jarrett
Dr Andrew Kenyon
The Hon. Justice David Levine
Rena Sofroniou
Stuart Palmer
Dr Vivien Johnson
Professor Jill McKeough
Robynne Quiggin
The Hon. Justice George Palmer

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: 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.

