

ARTS LAW CENTRE OF AUSTRALIA

ANNUAL REPORT

2003

**Company
Particulars**

Board	President Deputy President Honorary Treasurer	The Hon. Justice David Levine RFD Virginia Gordon (resigned December 8 2003) Stuart Palmer
Directors		Michael Fraser (resigned May 5 2003) Shauna Jarrett Dr Vivien Johnson Dr Andrew Kenyon Associate Professor Jill McKeough Rena Sofroniou
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

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President's Report

The Hon.
Justice
David
Levine RFD

2003 marked the 20th Anniversary of the establishment of the Arts Law Centre of Australia by Shane Simpson. The occasion was duly celebrated at a splendid function at the Art Gallery of New South Wales on October 31 2003.

Arts Law's first President, the Honourable Justice Michael Kirby AC CMG, delivered an address, "Arts and Law in the Whirligig of Time", to be found on Arts Law's website, and announced the establishment of a Council of Patrons.

I was particularly pleased that so many enthusiastically accepted the invitation to be a Patron. 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	The Hon Acting Justice Jerrold Cripps
David Gulpilil	The Hon Elizabeth Evatt AC
Frank Moorhouse AM	The Hon Justice Malcolm Gray RFD
Professor Sally Morgan	The Hon Justice Michael Kirby AC CMG
Margaret Olley AO	The Hon Acting Justice Jane Matthews
Peter Sculthorpe AO	Shane Simpson
William Yang	The Hon Justice Antony Whitlam

It will be seen that the Council is made up of persons eminent in the law and in the arts, and its establishment reflects the standing Arts Law enjoys in the community generally and, of course, in relation to the law as it affects artists.

I am pleased to acknowledge the significant support of our principal funding partner, the Australia Council for the Arts, and the strong support of the Australian Film Commission and the New South Wales Ministry for the Arts, joined again by Arts SA, Arts WA and Arts Tasmania. The Copyright Agency Limited (CAL) also made a significant financial contribution in 2003.

Michael Fraser and Virginia Gordon resigned from the Board in 2003 after years of exceptional service.

It is appropriate at this point I mention something of a personal nature: the birthday celebrations provided me with the opportunity to meet once again with Ian Collie and Julie Robb.

Each was Executive Director during the early part of my 10 years in office as President. Each has progressed successfully in a chosen field. Each remains a firm supporter of Arts Law.

I thank personally the many institutions and individuals who have given their support to Arts Law during the year and thus have supported the arts community in this country.

It is a privilege to serve on the Board of such an organisation with such talented Board members, dedicated staff and supporters.

The Hon. Justice David Levine RFD
President

In **2003** we celebrated the 20th birthday of the Arts Law Centre of Australia. The anniversary provided an opportunity to not only party, but to reflect upon the achievements of Arts Law over the last 20 years. We were also very pleased to have Justice Michael Kirby launch our Council of Patrons.

In 2003 we continued to provide our core services of legal advice, resources, information and education to over 3000 artists and their organisations nationally. It was also a very busy year with new funding and partnerships, which enabled Arts Law to do more for the arts community of Australia.

A significant grant from the Copyright Agency Ltd made it possible for Arts Law to provide Arts Law weeks in several states and territories. In each of these activities we were also partnered by local agencies such as Arts Tasmania, Arts NT, the Artists of Foundation of WA, Film and Television Institute, RMIT Union, Arts Management Advisory Group to name but a few. These relationships with local bodies are crucial to effective service delivery.

Special project grants from NSW Ministry for the Arts, IAG/NRMA and the Film and Television Office NSW made it possible to develop new publications. Partnerships with KPMG Legal and PriceWaterhouseCoopers Legal resulted in additional legal staff at Arts Law as each firm provided a lawyer on secondment one day/week during the year.

Many lawyers and law firms around Australia carried on the very worthy tradition of providing pro bono services to Arts Law and our subscribers. We couldn't do it without them. And our pro bono panel grew with the establishment of new panels in Canberra, Darwin and Alice Springs. Justice Gray of the Supreme Court of the ACT launched the ACT Legal Advice Night service, and Justice Angel of the Supreme Court of the Northern Territory launched the NT service. We were also fortunate that accounting firm WalterTurnbull agreed to provide pro bono advice to clients referred by Arts Law.

There was also lots of advocacy work to do with our sights set on the introduction of resale rights, a fairer tax system for professional artists, moral rights for Indigenous communities and a Free Trade Agreement with the US that did not jeopardize Australian culture. Not all was achieved and much of the work is ongoing but many of these issues are very much on the agenda now.

Probably the most exciting news of 2003 was the receipt of funding from the Australia Council for the establishment of an Indigenous Project to improve the access of Indigenous artists, their organisations and communities to legal advice and information, and to raise awareness about artists' legal rights. We have employed an Aboriginal lawyer and information/liaison officer to run the service.

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



- Arts SA



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



- Arts Tasmania through the Premier, Minister for State Development



Arts Law was able to establish the Indigenous Project through funding provided by:

- The Australia Council for the Arts
- New South Wales Ministry for the Arts (for office renovations to accommodate staff)

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 Ltd (CAL) for its grant to run the national program of Arts Law Weeks
- KPMG Legal for the one day/week secondment of lawyer Naomi Messenger to Arts Law
- PriceWaterhouseCooper Legal for secondment of lawyers Peter Mulligan, Lisa Vanderwal and Olivia Kwok
- IAG/NRMA for funding the 2nd edition of the Arts Insurance Handbook
- WalterTurnbull for pro bono accounting advice
- Mallesons Stephen Jaques (through the services of lawyers Judy Sullivan and Jill Savage) for advocacy work on tax issues
- 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



For their generous sponsorship of Arts Law's 20th Birthday celebration, we acknowledge:

- Mallesons Stephen Jaques
- Minter Ellison
- Gilbert + Tobin

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 2003

- October 31 2003, Arts Law Centre of Australia celebrated its 20th anniversary with a party at the Art Gallery of NSW
- Launch of Arts Law's Council of Patrons
- Provision of 2175 telephone legal advices by legal staff of Arts Law
- Provision of 180 face-to-face legal advice night consultations by pro bono panel lawyers
- Maintenance of a panel of 190 pro bono lawyers willing to provide advice to clients of the Arts Law.
- Partnering by KPMG Legal, with KPMG committing one of their lawyers, Naomi Messenger, to work at Arts Law 1 day/week throughout 2003.
- Partnering by PriceWaterhouse-Cooper Legal, with PWC Legal committing 2 lawyers on a rotational basis working at Arts Law 1 day/week for 6 months in 2003.
- Partnering by WalterTurnbull in the provision of pro bono tax and accounting advice (15 minutes free telephone advice) to clients referred by Arts Law
- The breadth of the national coverage of the Legal Advice Nights was extended, with new lawyers being added to the pro bono panel in Alice Springs, Darwin and Canberra in addition to LANs already available in Sydney, Melbourne, Adelaide, Hobart, and Perth
- The Arts Law website has become increasingly well known, receiving in excess of 700,000 visits in 2003
- Arts Law Weeks held in the Northern Territory, Tasmania, Western Australia, Victoria, Australian Capital Territory.
- Education program reached over 900 participants in six states and territories.

STAFF
2003

Executive Director	Robyn Ayres
Supervising Legal Officer	Chris Sexton
Legal Officer	Alison Davis (Maternity Leave June 2003)
Legal Officer	Peter Carstairs
Legal Officer	Ant Horn
Financial Administrator (Part time)	Mary Egan
Administration Manager (Part time)	Garey Campbell
Administrative Assistant	Amanda Macri
Administrative Assistant	Adori Bubble

OTHER STAFF
2003

Legal Officer (Part time)	Sharmilla Amerasinghe
Supervising Legal Officer	Elizabeth Beal (until Feb 2003)
Legal Officer	Simon Etherington (until July 2003)
Administration Manager	Rod McGuinness (until July 2003)
Administrative Assistant	Emma Finlay (until April 2003)

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 2003, the number of occasions on which telephone advice was provided was 2175, an increase of 11% (216 advices) over the previous year 1959.

The number of telephone advices is set out in Tables 1 and 2 below, being:

TABLE 1: TELEPHONE ADVICE BY ARTS SECTOR

Telephone Advice	2002	2003
Film / Video	338	385
Community	69	57
Literature	231	262
Dance / Theatre	146	212
Music	399	492
New Media Arts	52	60
Visual Arts and Crafts	669	707
Miscellaneous	57	-
TOTAL	1959	2175

TABLE 2: TELEPHONE ADVICE BY STATE/TERRITORY

Telephone Advice	2002	2003
ACT	43	62
NSW	1156	1251
NT	19	24
QLD	97	114
SA	103	98
TAS	57	80
VIC	382	398
WA	102	148
Total	1959	2175

RANGE OF PROBLEMS

Arts Law deals with a significant number of legal problems presented by each caller.

Table 3 sets out the range of legal problems dealt with in 2003.

TABLE 3: LEGAL ADVICE BY CATEGORY

Range of Legal Problems	2003
Administrative Law	4
Agency	31
Bailment	30
Business Name	32
Business Structure incl. assns, charities, corps, etc	42
Business Structure: Partnership	45
Censorship & Obscenity	10
Character Merchandising	4
Commercial Lease	11
Confidentiality	55
Contract: General	346
Contract: Infringement	62
Contract: Review	170
Copyright: Collecting Societies	36
Copyright: General	466
Copyright: Infringement	186
Copyright: Licensing	274
Debt	44
Defamation	83
Employment incl. discrim, super, workers comp, etc	37
Estate Planning/Wills	9
Funding incl. government, private, etc	11
ICIP	11
Insolvency	2
Insurance	91
IP: Design Registration	9
IP: Patent	4
IP: Trade Mark	47
Local Government	10
Mediation	9
Moral Rights	89
Other	67
Performers' Rights	54
Personal Property	26
Privacy	22
Remedies	18
Sale of Goods incl. Droite de suite, etc	8
Tax incl. GST, income, sales, stamp duty, etc	26
Torts incl. negligence, trespass, etc	28
Trade Practices & Passing Off incl. misleading, etc.	68
TOTAL	2577

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. Arts Law has an extensive national panel of approximately 190 pro bono lawyers.

LOCATION

Faces to face Legal Advice Nights (LAN) 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. As the premises of Arts Law are in Sydney, the interstate legal advice nights operate in partnership with the following local organisations and state coordinators:

- RMIT Union Arts (Victoria)
- Craftsouth (SA)
- Salamanca Arts Centre (Tasmania)
- King Street Arts Complex (WA)
- Gorman House Arts Centre (ACT)

The number of Legal Advice Night face-to-face consultations provided in 2003 was 180.

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	2003
ACT	5
NSW	111
NT	2
QLD	1
SA	7
TAS	10
VIC	30
WA	14
TOTAL	180

TABLE 5: LANS BY ARTS SECTOR

Legal Advice Nights	2003
Broadcasting	-
Film / Video	36
Community	5
Literature	17
Dance / Theatre	16
Music	56
New Media Arts	5
Visual Arts and Crafts	45
Miscellaneous	-
TOTAL	180

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: ALC SUBSCRIBERS BY TYPE

Subscribers	2003
Individuals	978
Not for profit organisations	237
Commercial enterprises	51
TOTAL	1266

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:

Agency Agreements: taking care of business

Business name protection

Contracts: understanding contracts

Copyright collecting societies

Debt recovery: letter of demand (all States/Territories)

Debt recovery: small claims procedure (all States/Territories)

Defamation

Mediation Service

Protecting your ideas: the law of confidential information with letter of confidentiality

Superannuation and contract for services

Trademarks

- Unauthorised use of your image
- Protecting your design
- Privacy and the private sector

CHECKLISTS AND GUIDES

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

- Artist-gallery checklist
- Business partnership checklist
- Music management checklist
- Music publishing checklist
- Music recording checklist
- Music recording agreements guide
- Sponsorship agreements guide

SAMPLE CONTRACTS

Arts Law also produces a range of sample contracts, which come with explanatory notes. There are currently 30 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.

New agreements produced in 2003 were the Cast and Crew agreements.

Art+ Law

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

In **2003** *Art+ Law* covered topics such as:

- Children in the entertainment industry
- Civil liability law reform
- Criticism and copyright
- Protection of sculptures in public
- Public art
- Code of conduct for collecting societies
- What's involved in a decision to ban a film
- Photographs and privacy issues
- DJs and the production of mix tapes
- Indigenous protocols
- The Myer Report and the budget response
- Basing stories on people's lives
- Non-fiction work and copyright
- International convention on cultural diversity
- Animal rights and artistic freedom

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 Arts Law Review, Inside Film, NAVA Newsletter, IP Forum, ASDA newsletter, and the Indigenous Law Bulletin.

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. Visits to the website continue to grow.

In **2003** there were 724,173 visits to the website.

Hits & Circulation	2001	2002	2003
January - March	48,500	118,196	166,028
April - June	71,442	132,538	196,861
July - September	62,383	151,321	192,093
October - December	84,490	135,448	169,191
TOTAL	302,805	537,503	724,173

NATIONAL LECTURE AND SEMINAR PROGRAM

In 2003 Arts Law's legal staff presented an extensive program of lectures, workshops and seminars on topical issues concerning law and the arts.

LECTURES AND SEMINARS

In 2003 Arts Law continued to run its lecture program for art students, presenting at the following universities and art schools during the year:

- University of Technology, Sydney: Masters subject - Law and the Arts
- University of Technology, Sydney: Design students
- National Art School
- University of Western Sydney, Nepean: Performing Arts students
- National Institute of Dramatic Art
- Newcastle TAFE
- Northern Beaches TAFE
- Computer Graphics College
- Australian Film, Television and Radio School

Lectures covered topics such as copyright and design law, contracts, moral rights, obscenity laws, defamation, employment issues, business issues such as superannuation, tax and insurance and other issues specific to the participants needs. Most of these lectures are provided on a fee-paying basis.

NATIONAL SEMINAR PROGRAM

In addition Arts Law provided a national seminar program. Events included:

- Arts Law conducted an Arts Law Week in Tasmania (3-7 March) attended by approximately 100 participants.
- Arts Law Week in Northern Territory (10-15 October), 14 seminars were held involving 165 participants.
- Arts Law Week Western Australia (3-7 November), 7 seminars were held in Perth, Bunbury and Albany involving 135 participants.
- Arts Law Week Victoria in partnership with RMIT Union (1-5 September) with 200 participants.
- Arts Law Day Canberra (8 October). 2 events were held involving 30 participants.
- Arts Law Day Melbourne "Snapshot" in partnership with Arts Management Advisory Group (21 October). Snapshot covered following issues Myer Report, Indigenous communal moral rights and protocols, censorship, Free Trade Agreement, Copyright in a digital age - 150 participants
- Sony Tropfest briefing Sydney on 11 December. - 100 participants
- Kaleidoscope Film Festival (Nov) - 50 participants
- Music Managers Forum presentation - 30 participants

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 national educational program has been made possible through a funding partnership with the Copyright Agency Limited.

International Events

In November Arts Law presented a 4-day seminar series on copyright and performers' rights for people working in arts management in Vietnam. The project was funded by the Ford Foundation in conjunction with Visiting Arts UK, the Vietnamese Ministry for Culture and Information and the Hanoi University of Culture. The idea behind the seminar series is to help with the development of infrastructure, including curricula for arts management courses in Vietnam. The need for increased understanding and awareness of copyright and performers' rights laws was identified as one of the key issues needing urgent attention in the arts. It has also been identified as a problem area in Vietnam's bid to join the World Trade Organisation.

INDIGENOUS PROJECT

In **2003** 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 project aims to increase access to advice and information about their legal rights on all arts related matters. The project is currently in its pilot stage and will be trialled for 2 years.

Through the project Arts Law wants to provide its services to Indigenous artists in a culturally appropriate way. Because of the lack of other services dealing with Arts Law issues for Indigenous artists, it is likely that the Arts Law project will play an important advocacy role in relation to Indigenous Culture and Intellectual Property.

Arts Law has employed 2 Aboriginal staff, a lawyer and an information/liason officer, who will improve our service delivery to Indigenous artists, Indigenous organisations and the Indigenous community. A focus of the project will be on developing awareness of legal rights relating to the arts, the provision of legal advice and the delivery of an educational program and materials. A reference group will be established for the project to provide guidance and support.

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, Virginia Gordon, Jill McKeough, Andrew Kenyon) and staff members met on 3 occasions in 2003. The Advocacy subcommittee developed policies and procedures for advocacy work and developed an advocacy plan for 2003. 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:

- to the Board of Taxation on the Charities Bill;
- to the Digital Agenda Review
- on the introduction of Resale Rights (in partnership with Australian Copyright Council, NAVA and Viscopy)
- as a member of the Australian Coalition for Cultural Diversity to Government on the US Free Trade Agreement, GATs and treaties for trade liberalisation
- to the review of Indigenous Culture and Intellectual Property Management for Uluru Kata Tjuta National Park
- on the AFC protocols for filmmakers working with Indigenous content and communities
- Ongoing work on draft public ruling on the meaning of carrying on a business as a professional practising artist for the purposes of the Income Tax and Assessment Act (in partnership with NAVA on behalf of the arts community).

Advocacy Partnerships

Arts Law has worked with a number of other organisations and individuals in order to maximise the effectiveness of the advocacy work of the centre.

Significant partnerships in 2003 were with

- NAVA on behalf of the arts community on the taxation issues;
- Australian Copyright Council, NAVA and Viscopy on the introduction of a resale right;
- Australian Coalition for Cultural Diversity, comprised of key membership and service organisations across the cultural sector on need to ensure that the Free Trade Agreement with the US does not jeopardise culture.

Lobbying

To further the advocacy work of Arts Law, the legal staff participated in meetings with the following Government Departments, Ministers and stakeholders:

- Meeting with Dept of Communications Information Technology and the Arts in relation to resale rights;
- Meeting with Australian Tax Office on draft public ruling. Also participating were advocacy partners National Association for the Visual Arts (Tamara Winikoff), pro bono tax consultants Judy Sullivan and Jill Savage of Mallesons Stephen Jaques, Delia Browne and staff of DCITA.
- Meeting with advisor to Senator Helen Coonan (Minister for Finance) on taxation issues. Also participating in the meeting were advocacy partners National Association for the Visual Arts (Tamara Winikoff), Australian Society of Authors (Jose Borghino) and tax consultant Judy Sullivan.
- Meetings on Indigenous communal moral rights: - with Indigenous stakeholders, with advisor to Sen Rod Kemp, with Sen Aden Ridgeway and several meetings with the Australia Council.

Pro Bono Support

Arts Law acknowledges the significant pro bono assistance provided to Arts Law and NAVA by tax consultants, Judy Sullivan and Jill Savage of Mallesons Stephen Jaques as well as the ongoing support of former Arts Law Executive Director Delia Browne.

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 **2003** include:

- George Paramanathan provided significant support through his coordination and co-teaching of the UTS Masters subject Law and the Arts.
- Judy Sullivan of Mallesons Stephen Jaques continued to provide support in the advocacy work on tax issues.
- Simpson's Solicitors is continuing to assist in the updating and review of Arts Law sample contracts in the visual arts area.
- KPMG Legal seconded one of their lawyers, Naomi Messenger, to Arts Law to provide telephone legal advice and other services one day per week.
- PriceWaterhouseCoopers Legal provided a seconded lawyer to Arts Law one day per week for 6 months. Secondees were Peter Mulligan, Olivia Kwok and Lisa Vanderwal.
- Baker & McKenzie provided Arts Law with advice on updating our constitution and conditions of employment.
- Barrister, Jeffrey Phillips, provided advice on the new Cast and Crew agreement developed during 2003

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. Currently we have a panel of approximately 190 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:

Adelaide	
Anthony Jucha	Townsend
Bill Morrow	Norman Waterhouse
Canberra	
Paul Armarego	Clayton Utz
Jamie Doran	Clayton Utz
Jill Savage	Mallesons Stephen Jaques

Judy Sullivan	Mallesons Stephen Jaques
Duncan Turner	Mallesons Stephen Jaques
Hobart	
Susan Larsen	Dobson Mitchell & Allport
Jason Samec	Piggott, Wood & Baker
Melbourne	
Georgina Cuppidge	Allens Arthur Robinson
Jeff Bergmann	Allens Arthur Robinson
Simon Duncan	IT & Law Consultancy
Marcus Fowler	Aitken Walker & Strachan
Stephen Grant	Nanscawen Grant
Katerina Klaric	Stephens Lawyers & Consultants
Inge Lauw	Madgwicks Lawyers
Kim Pettigrew	Barrister
Victor Tse	Victor Tse & Associates
David Vodicka	Media Arts Lawyers
Justin Paul Wheelahan	Victorian Aboriginal Legal Service
Frances Wheelahan	Corrs Chambers Westgarth
Dr Mark Williams	Logie Smith Lanyon
Gillian Wong	Mallesons Stephen Jaques
Elizabeth Wright	Mushroom
Perth	
Adam Levin	Jackson McDonald
Jamie Lyford	Jackson McDonlad
Timothy Nelson	Healy Pynt
Michael Tucak	Tottle Christensen
Sydney	
Mathew Alderson	Gray & Perkins
Charles Alexander	Minter Ellison
Dianne Banks	Gilbert + Tobin
Sally Barber	PriceWaterhouseCoopers Legal
Melissa Beauford	Michel Sillar
Melanie Bouton	Freehills
Tracy Brook	Macmillan Publishing Australia
Delia Browne	Michel Sillar
John Butt	Allens Arthur Robinson
Andrew Cardell-Ree	Allens Arthur Robinson
Alec Christie	KPMG Legal
Tureia Corr	Allens Arthur Robinson
David Cross	Allens Arthur Robinson
Khai Dang	Blake Dawson Waldron
Sandy Dawson	Freehills
Jerry Dohnal	Gilbert & Tobin
Michael Easton	Brett Oaten Solicitors
Anna Fitzgerald	Simpsons Solicitors
Mark Friedgut	Freehills
Mae Gan	Freehills
Dragan Gasic	Barrister
Rebekah Gay	Freehills
Cara Ghassemian	Clinch Neville Long

Robert Gibson	Allens Arthur Robinson
Kate Gilchrist	ABC
Tim Gole	Gilbert + Tobin
Donal Griffin	Henry Davis York
Matthew Griffin	Gilbert + Tobin
Durham Grigg	Baldwin Shelston Waters
Kate Harrison	Gilbert + Tobin
David Holland	Baker & McKenzie
Terri Janke	Terri Janke & Company
Brian Jebb	Baker & McKenzie
Sophie Johnson	Phillips Fox
Peter Karcher	Gray & Perkins
Richard Lancaster	Wentworth Chambers
Angus Lang	Freehills
Peter Le Guay	Cowley Hearne
Raena Lea-Shannon	Michael Frankel & Co
Jim Lennon	Acuiti Legal
Carolyn Lidgerwood	Gilbert +Tobin
John Macphail	Baker & McKenzie
Kirsty Margo	Gadens Lawyers
John McDermott	John McDermott & Associates
Catherine McDonnell	FSA
Naomi Messenger	KPMG Legal
Judith Miller	Banki Haddock Fiora
Clare Mirabello	Tress Cocks Maddox
Jules Munro	Simpson Solicitors
Justine Munsie	Malleson Stephen Jaques
Maureen Noonan	
Brett Oaten	Brett Oaten Solicitors
Jo Oliver	Brett Oaten Solicitors
Dave Orwell	Brett Oaten Solicitors
Jocelyn Patterson	Cowley Hearne
Sangeeta Puran	Freehills
Roone Richardson	Roone Richardson Lawyers
Gary Rogers	Michel Sillar
Madelaine Shaw	Allens Arthur Robinson
Lucas Shipway	Allens Arthur Robinson
Shane Simpson	Simpson Solicitors
Dustin St Clair	Baker & McKenzie
Kristin Stammer	Freehills
Amalia Stone	Freehills
Deborah Tobias	Riley Lawyers
Anisha Travis	Gilbert + Tobin
Mandy Van Den Elshout	ABC
Barbara Vosobosa	OFCL

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.

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 **2003** there were twenty-one LAN assistants, and our gratitude extends to:

Sydney

Desiree Baldacchino
Philip Clark
Liz Colman
Alison Cook
Vanessa Darby
James Dunne
Claire Featherston
Simone Flannigan
Katherine Giles

Craig Glazier
Michele Imlay
Amanda Macri
Kirsty Margo
Michelle Mondjian
Anna Pritchard
Caroline Roppolo
Gulley Shimeld
Michelle Simmons

Melbourne

Gareth Benson
Christy Ditchburn
Justin Wheelahan

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 **2003** there were eight day time volunteers, and our thanks goes to:

Helen Galitsky
Ann Johnson
Rubina Liantos
Valerie Marshall

Lauren Mason
Seth Richardson
Shannon Snowball
Eileen Truong

STUDENT PLACEMENTS

Arts Law has a well-established student placement program with the law schools at University of Sydney and the University of Wollongong. The 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 **2003** Arts Law had two student placements.

Kate Erman
Elizabeth Kazi

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 **2003** the following subcommittees met regularly to assist Arts Law in its work:

- Advocacy subcommittee - 3 meetings
Board representatives: Virginia Gordon, Vivien Johnson, Jill McKeough and Andrew Kenyon
- Finance subcommittee - 4 meetings
Board representatives: Stuart Palmer, Virginia Gordon and Shauna Jarrett
- Fundraising/20th Birthday subcommittee - 3 meetings
Board representatives: Rena Sofroniou, Virginia Gordon, Shauna Jarrett and Justice Levine

At the end of 2003 Arts Law established a governance subcommittee to examine the updating of the constitution and the development of other governance policies and procedures. The Board representatives are Justice David Levine, Stuart Palmer and Rena Sofroniou.