

**Arts Law Centre of Australia
Annual Report 2002**

ArtsLaw

Answers
for Artists

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ABOUT 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.

PRESIDENT'S REPORT

Australia's creators are facing increasingly complex copyright, business and contractual choices and challenges. Never has the demand for the services of Arts Law been greater.

Our ability to meet this demand is always challenged by our funding base, which although significant and valued, does not fully enable us to do all we wish and need to do. To offset this, one of the great areas of growth in the past year has been our delivery of specialist advice and other information through our website, ensuring Australians, regardless of location, can access our services.

Seminars and forums in capital cities and regional cities remain a priority and so I thank those funding partners who have made this possible during the year. It is vital this work continue and extend further across the country, with regional cities a priority for the coming year.

The national pro-bono network for Arts Law is significant and impressive. Our panel lawyers range from large corporate firms, in house general counsel and boutique law firms, with a team of volunteer lawyers supporting this work. Led by our Executive Director, they provide exceptional, high quality advice and support and our sincere thanks to each and every one of them.

The many achievements and successes of Arts Law during the year are detailed within this report. But if I may focus on two areas.

Arts Law continues to take a leadership role in much of the law reform in copyright as it affects individual artists, with moral rights for indigenous communities being a priority. Similarly, Arts Law continues to take a leadership role in tax reform, working closely with our colleagues at NAVA.

It has done so with significant support from our pro-bono lawyers who I thank, and in particular Michael Frankel and his associates. Virginia Gordon has played a key role in Arts Law's law reform and advocacy work during her period on the board and I acknowledge her significant contribution.

Working at Arts Law is a career catalyst, providing unique opportunities and a rare chance to work at the cutting edge of law. The changing of staff at Arts Law is one of its unique qualities and we continue to attract highly talented and hard working lawyers, passionate in their commitment to creators from all art forms and practices. I'd like to acknowledge the very personal contribution each of our team makes to Arts Law and to Australia's artists.

During the year, Executive Director Delia Browne resigned to pursue her interests in the arts and law. Delia showed tireless dedication to law reform with strong support from the staff at Arts Law. We welcomed Robyn Ayres as the new Executive Director, who brings significant experience in community legal services, law reform and the arts. We also welcomed Legal Officer Simon Etherington and Administrative Assistant Ant Horn.

I would like to acknowledge the great energy, commitment and contribution of all staff and those who moved on from the centre during the year: Legal Officers George Paramanathan and Marie-Louise Symonds, Administrative Assistants Katherine Giles and Gulley Shimeld, as well as Claire Featherstone and Elizabeth Coleman for assisting during this transition.

Derek Watt resigned from the board and his service and contribution is happily acknowledged. We were pleased to welcome lawyer and banker Stuart Palmer to the Board, who has also been appointed Treasurer.

Nobody at Arts Law takes for granted the significant support of our principal funding partner the Australia Council, the strong support of the Australian Film Commission and the NSW Ministry for the Arts, who also has enabled the Centre to be accommodated in the Gunnery complex.

Joining them are Arts South Australia, and the State of Western Australia through ArtsWA in association with the Lotteries Commission.

We thank them for their continuing support and goodwill. As a national organisation it is essential that we continue to build the range of seminars and services for all artists regardless of geographic location.

The support of peak bodies in the arts and film sectors is, I believe, vital to the development of industry best practice and we hope to build on these partnerships during the next 12 months.

The work of Arts Law is fundamental to the cultural life of our community in the provision of advice and services to our creators and the promotion of good arts policies and practices. It is a privilege to serve on the board of Arts Law.

For myself and my colleagues on the Board, I thank personally the many institutions and individuals who support Arts Law and, in doing so, Australia's creators.



The Hon. Justice David Levine, RFD
President

ACHIEVEMENTS IN 2002

- Provision of 1959 telephone legal advices by the legal staff of Arts Law.
- Provision of 197 face-to-face legal advice night consultations by pro bono panel lawyers.
- Maintenance of a panel of 169 pro bono lawyers willing to provide advice to clients of Arts Law.
- Provision of a successful lecture and seminar program with 45 lectures and seminars to students, tertiary institutions, professional associations and other organisations, including participation in Arts Law Week in Victoria during the Melbourne Fringe Festival.
- National coverage provided by the Legal Advice Nights, with consultations being provided in Sydney, Melbourne, Adelaide, Hobart, Perth, and Canberra.
- The Arts Law website has become increasingly well known receiving more than 500,000 visits in 2002.
- Preparation of new, and updating of existing, information sheets and sample agreements.
- Presentation of “I’m with the Band”, Arts Law’s successful annual music seminar about being in a band.
- Presentation of a seminar on censorship in partnership with the Communications Law Centre.
- Provision of University of Technology subject, “Law and the Arts”, in the Masters course in Arts Management, Faculty of Business.
- Partnering KPMG Legal, with KPMG committing one of their lawyers, Naomi Messenger, to work at Arts Law 1 day/week for 6 months from October 2002 until April 2003.

EXECUTIVE DIRECTOR'S REPORT

As the incoming Executive Director of Arts Law (from September 2002), my job is to ensure that Arts Law continues to provide Australian artists and the arts community with the high quality legal services that are needed to deal with the legal problems they face, as well as the professional development services required in an increasingly complex business and legal environment.

On the eve of our 20th birthday, I am also mindful of the fact that I follow in the footsteps of some illustrious former leaders of Arts Law, including Shane Simpson who founded the centre in 1983. I would also like to acknowledge the work of the outgoing Executive Director, Delia Browne who left Arts Law in March 2002.

The summary of Arts Law's achievements in 2002 highlights just how much a small and dedicated staff can achieve in a year. Arts Law has only 7 staff, 3 lawyers, 3 administrative staff, and the Executive Director. This small team achieves a considerable amount in view of the fairly constrained financial resources available to them. 2002 posed as additional challenge as Arts Law was without an Executive Director for 6 months. The very capable and enthusiastic staff rose to the challenge with admirable fortitude and I thank them for their efforts.

It is worth highlighting the diverse range of legal problems that Arts Law provides advice upon. Arts Law is finding that the enquiries are becoming increasingly complex with many callers presenting with a range of legal issues with which they need help. In 2002 there was a 27% increase in the number of legal problems that callers received advice upon.

Of course the telephone legal advice service is complemented by the face to face legal advice night consultations that Arts Law organises for subscribers to our service. This service relies upon the commitment of the legal profession who volunteer their time, skills and knowledge to the artists and creative sector of Australia. As a newcomer to Arts Law, I was amazed by the generosity of the many lawyers, the vast majority from private legal practice, who provide pro bono services to the subscribers of Arts Law.

Arts Law is also active in the advocacy work that it undertakes and is well known for its voice on the rights of Australia's artists. Even in the short time that I have been in the Executive Director's seat, Arts Law has been actively involved in advocacy and policy development work which aims to address the laws and policies affecting the creative sector of Australia. Examples include taxation issues, censorship, trading the arts issues and moral rights for Indigenous communities.

Finally I would like to acknowledge the work of the Board of Arts Law and thank them for the support they have provided to me, particularly in the early days of my appointment. In the closing months of 2002 considerable work has gone into forward planning for the Centre and developing the corporate governance of the organisation.

The challenge that 2002 has highlighted for Arts Law is the pressing need to increase our resources in order to continue to do what Arts Law already does so well and respond to the increasing needs in the arts community for our expert legal services.



Robyn Ayres
Executive Director

FUNDING

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

Arts Law gratefully acknowledges the ongoing support of our major funder, the Australia Council.

The Centre also acknowledges the significant financial support of the Australian Film Commission and the NSW Ministry for the Arts.

The Centre is also grateful for the financial support during 2002 of:

- Arts SA
- Arts WA

Special thanks also goes 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.



Board of Directors 2002

The Hon. Justice David Levine RFD	President
Virginia Gordon	Deputy President
Derek Watt	Honorary Treasurer (resigned)
Stuart Palmer	Honorary Treasurer (appointed)
Michael Fraser	
Shauna Jarrett	
Dr Vivien Johnson	
Dr Andrew Kenyon	
Assoc Prof Jill McKeough	
Rena Sofroniou	

Staff 2002

Robyn Ayres	Executive Director (appointed 2 September 2002)
Rod McGuinness	Administration Manager
Elizabeth Beal	Supervising Legal Officer
Alison Davis	Legal Officer
Simon Etherington	Legal Officer (from 20/2/03, appointed to F/T position Dec02)
Emma Finlay	Administrative Assistant
Ant Horn	Administrative Assistant (from 9/9/02, F/T from December 2002)

Other Staff during 2002

Delia Browne	Executive Director (resigned March 2002)
George Paramanathan	Legal Officer (resigned 12 November 2002)
Marie-Louise Symonds	Legal Officer (13 June – 1 October 2002)
Katherine Giles	Administrative Assistant (resigned 18 October 2002)
Gulley Shimeld	Administrative Assistant (resigned 6 Sept 2002)
Claire Featherston	Administrative Assistant (6 May – 25 June 2002)
Elizabeth Colman	Administrative Assistant (11-25 June 2002)



Clockwise from back left: Rod McGuinness, Elizabeth Beal, Ant Horn, Emma Finlay, Robyn Ayres, Alison Davis. Absent: Simon Etherington

NATIONAL LEGAL ADVICE, REFERRAL AND MEDIATION SERVICES

Arts Law's primary activity is to provide practical, specialist legal services and resources to the creative and cultural sector of Australia. Our objective is to encourage professional practice in all sectors of the arts. We are part of a national network of community legal centres, dedicated to access to justice and to providing legal services to those in Australian society who are unable to afford private legal representation.

Arts Law provides legal advice on a wide range of legal 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 2002, the number of occasions on which telephone advice was provided was 1959, representing a slight decrease in number of advices provided compared to the previous year (2042). The number of telephone advices by arts sector and by state is set out in Tables 1 and 2 below.

Table 1: Telephone Advice by Arts Sector.

Arts Sector	2001	2002
Film / Video	382	338
Community	25	69
Literature	182	231
Dance / Theatre	128	146
Music	494	399
New Media Arts	40	52
Visual Arts and Crafts	736	669
Miscellaneous	55	57
TOTAL	2042	1959

Table 2: Telephone Advice by State/Territory.

State	2001	2002
ACT	41	43
NSW	1211	1156
NT	24	19
QLD	93	97
SA	94	103
TAS	57	57
VIC	368	382
WA	154	102
TOTAL	2042	1959

Increase in Number and Range of Problems Handled

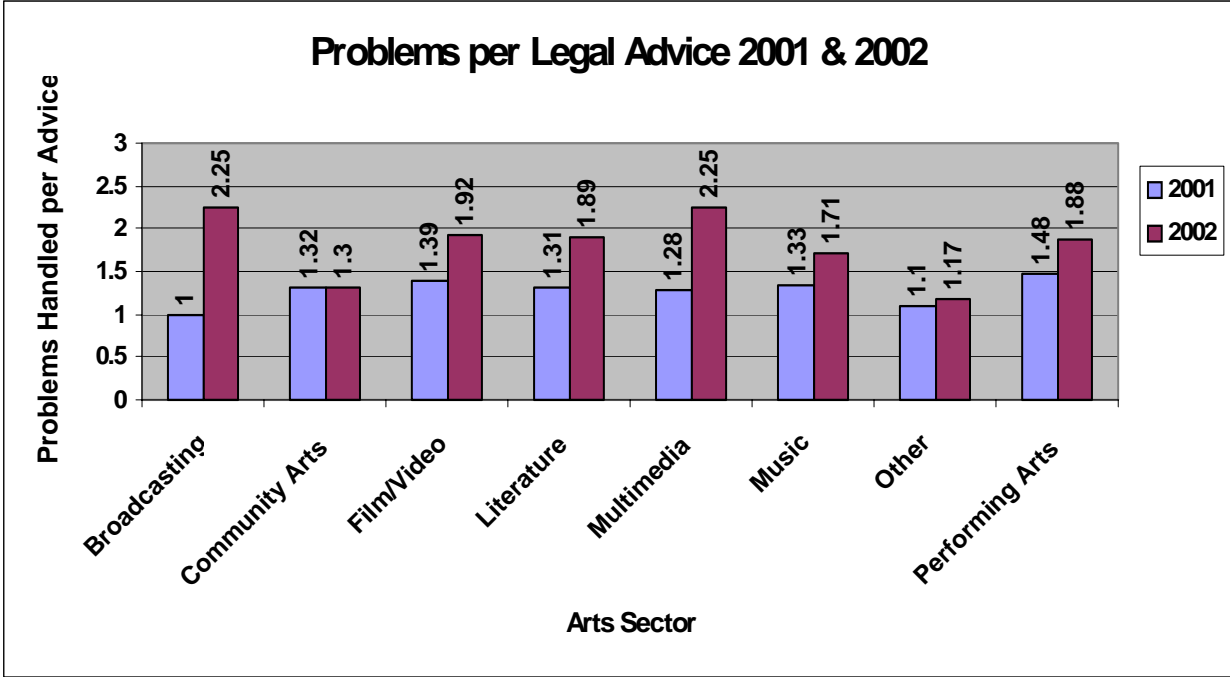
However, Arts Law has observed that the complexity of the advice needed by the creative sector has increased substantially, with Arts Law lawyers dealing with a significant increase in the number of legal problems presented by each caller.

Table 3 below sets out the range of legal problems for 2002 compared to 2001. The table shows that in 2002, callers presented with 3502 legal problems whereas in the 2001, callers presented with 2749 legal problems. This represents an increase of 27% in number of legal problems being dealt with by

Table 3: Range of Legal Problems.

Problem	2001	2002
Administrative Law	2	12
Agency	44	36
Bailment	16	27
Business Name	30	51
Business Structure incl. assns, charities, corps, etc	40	72
Business Structure: Partnership	53	72
Censorship & Obscenity	8	15
Character Merchandising	3	5
Commercial Lease	6	8
Confidentiality	66	89
Contract: General	392	392
Contract: Infringement	83	95
Contract: Review	296	314
Copyright: Collecting Societies	15	60
Copyright: General	450	544
Copyright: Infringement	189	203
Copyright: Licensing	289	297
Debt	51	69
Defamation	70	112
Employment incl. discrim, super, workers comp, etc	44	61
Estate Planning/Wills	1	7
Funding incl. government, private, etc	23	16
Insolvency	0	2
Insurance	71	128
IP: Design Registration	21	26
IP: Patent	6	14
IP: Trade Mark	46	98
Local Government	2	5
Mediation	8	9
Moral Rights	123	135
Other	32	115
Performers' Rights	64	78
Personal Property	31	48
Privacy	28	16
Remedies	5	27
Sale of Goods incl. droite de suite, etc	4	4
Tax incl. GST, income, sales, stamp duty, etc	43	62
Torts incl. negligence, trespass, etc	15	38
Trade Practices & Passing Off incl. misleading, etc.	79	140
TOTAL	2749	3502

Chart 1: Number of Problems per Legal Advice.



LEGAL ADVICE NIGHT SERVICE

Subscribers to Arts Law can attend Legal Advice Nights for face-to-face 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 170 pro bono lawyers.

Face to face Legal Advice Nights operate in Sydney, Melbourne, Adelaide, Hobart, Perth, and Canberra. Subscribers in other cities and regional areas can access extended telephone advice with lawyers on our panel. For example 3 Legal Advice Night sessions were provided to artists in the Northern Territory during 2002 by telephone. As the premises of Arts Law are in Sydney, the interstate legal advice nights operate in partnership with the following local organisations and state co coordinators:- RMIT Union Arts (Victoria), Craftsouth (SA), Salamanca Arts Centre (Tasmania), King Street Arts Complex (WA), and Gorman House Arts Centre (ACT).

The number of legal advice nights provided nationally was maintained at the same level as the previous year with 197 face to face consultations occurring in 2002. Table 4 (Page 14) shows the number of Legal Advice Night consultations by State and Table 5 (Page 14) by Arts sector.

Table 4: Legal Advice Nights by State/Territory.

State	2001	2002
ACT	4	3
NSW	138	127
NT	2	3
QLD	2	3
SA	6	11
TAS	8	7
VIC	30	35
WA	7	8
TOTAL	197	197

Table 5: Legal Advice Nights by Arts Sector.

Arts Sector	2001	2002
Broadcasting	0	0
Film / Video	47	25
Community	3	6
Literature	17	28
Dance / Theatre	6	6
Music	72	72
New Media Arts	4	4
Visual Arts and Crafts	48	50
Miscellaneous	0	0
TOTAL	197	197

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 SUBSCRIBERS

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. As well as access to the Legal Advice Night Service subscribers receive discounts on all of Arts Law publications and receive the quarterly newsletter, *Art+Law*.

Table 6: Arts Law subscribers by type.

Subscribers	2001	2002
Individuals	863	1156
Not for profit organisations	249	232
Commercial enterprises	51	47
TOTAL	1163	1475

NATIONAL LECTURE AND SEMINAR PROGRAM

In 2002 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 2002 Arts Law presented 45 lectures and seminars to students, tertiary institutions, professional associations and other organisations. For example, presentations were made to RMIT Indigenous Arts students; National Art School; College of Fine Arts (COFA); Sydney College of the Arts; University of Technology Sydney, both Visual Communications and Business students; University of Western Sydney Performing Arts students and NIDA students.

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.

Arts Law presented fewer lectures in 2002 which was largely due to the lack of an Executive Director for 6 months and the reduction in legal staff from 3 to 2.4 full time legal officers.

Arts Law also presents seminars in partnership with other organisations and most of these seminars are free or low cost.

In 2002 Arts Law presented the annual music seminar, *"I'm with the Band"*. Arts Law was privileged to have highly knowledgeable speakers donate their time for the event. The speakers included artists, Abby Dobson and Bruce Cameron, music lawyer Brett Oaten, music manager Gregg Donovan and arts accountant Steven Miller. After the event Arts Law held their Annual Drinks, an event sponsored by Simpsons Solicitors.

Arts Law also presented a seminar on censorship and classification in partnership with the Communications Law Centre. The seminar was chaired by Raena Lea-Shannon of Michael Frankel and Co and speakers included Dr Sally Stockbridge, Senior Classification Officer Network Ten, Richard Lancaster Barrister NSW, and Debra Richards, Executive Director Australian Subscription Television and Radio Association and we are most appreciative of their pro bono contribution as well as the venue and refreshments provided by Clayton Utz.

Interstate Seminars

Arts Law presented at the annual Fringe Arts Law Week in Melbourne in partnership with RMIT Union and RMIT Union Legal service. Arts Law's participation was sponsored by RMIT Union and the Arts Law Week is part of the Melbourne Fringe Festival.

Arts Law participated in the Deadly Arts Business Forum in Melbourne organised by the Koori Business Network which focussed on Indigenous cultural and intellectual property issues.

Tertiary Courses

In 2002 Arts Law lectured for the UTS masters course " Law and The Arts", in Arts Management, Faculty of Business, School of Leisure and Tourism Studies. Arts Law is paid a fee for the delivery of this subject.

Conference Participation and Presentation

Arts Law presented papers at the following Conferences in 2002:

- Adelaide Festival, Eyalab Youth Arts Forum, Tips for Young Artists
- Adelaide Festival, Eyalab Youth Arts Forum, Getting Involved in the Arts
- 2002 AD: Analogue to Digital, Sydney
- Aboriginal and Torres Strait Islander Visual Arts Conference, Adelaide
- Groundswell Conference, Regional Arts Conference Albury Wodonga
- National Community Legal Centre Conference, Melbourne
- NSW Combined Community Legal Centre Conference, Sydney

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
- Trade marks
- 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 which cover 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. Two new agreements produced in 2002 were the Band Partnership agreement and the Sponsorship agreement.

Art+Law

Arts Law produces a quarterly newsletter providing information on current legal issues affecting arts practitioners. In 2002 *Art+ Law* covered topics such as:

- Classification of Films
- Tax Breaks for Filmmakers
- Uploading your work onto a website
- Copyright in course materials
- Privacy and the private sector
- Artists and the GST
- What is contempt
- Digital and Moral rights issues for museums and galleries
- Copying an artist's style
- Liability Insurance
- Merchandising and the use of photographs
- Graffiti Art and the law
- Occupational health and safety for performing artists

Arts Law regularly uploads many *Art+Law* articles to its website.

External Publications

Arts Law contributes articles to the legal and arts periodicals including the Media Arts Law Review, Inside Film, Communication Law Journal, Australian Intellectual Property Law Bulletin and Indigenous Law Bulletin.

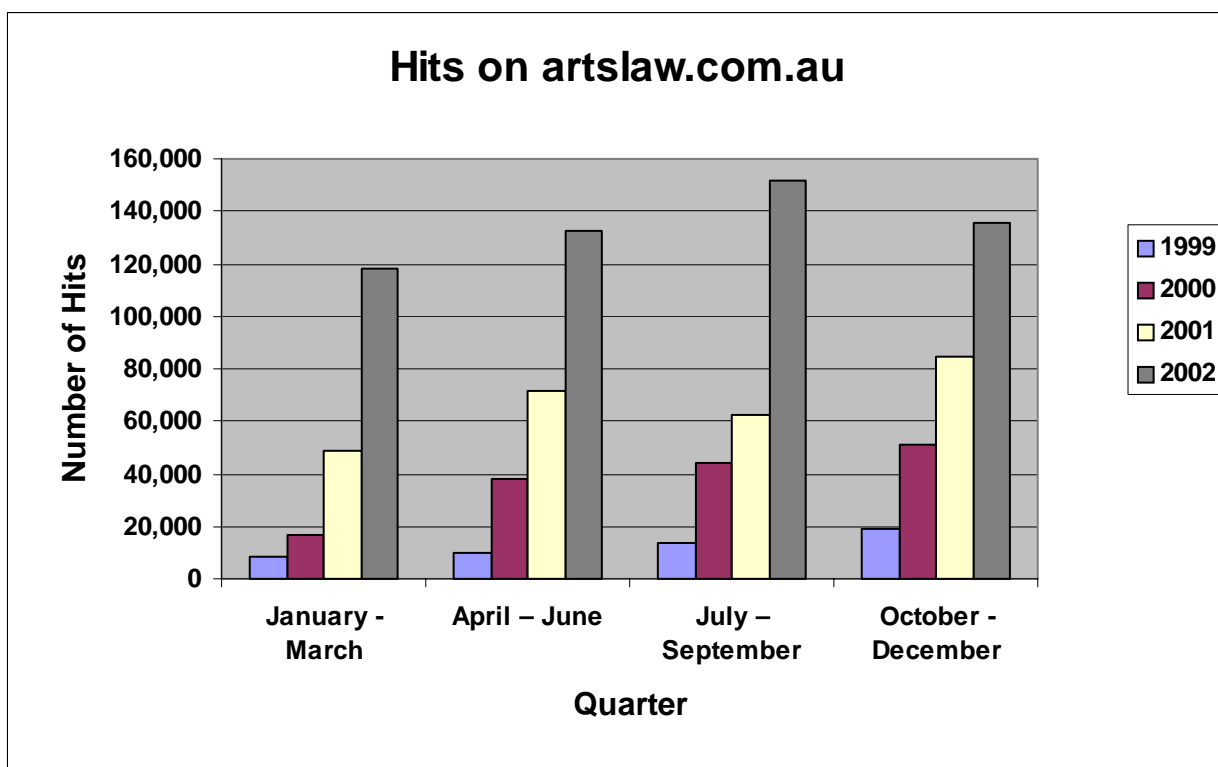
WEBSITE

Arts Law’s website: www.artslaw.com.au is a well utilised part of our 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 despite little promotion of the website to date. In 2002 there were over 500,000 visits to the website.

Table 7: Website Hits

Quarter	1999	2000	2001	2002
January - March	8,015	16,726	48,500	118,196
April – June	10,198	38,395	71,442	132,538
July – September	14,060	43,842	62,383	151,321
October - December	19,009	51,082	84,490	135,448
TOTAL	51,282	150,045	302,805	537,503

Chart 2: Website Hits



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.

In 2002 Arts Law responded to a range of issues that arose as well as continuing with the advocacy work planned in response to the needs of the creative sector.

Submissions

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

- Submission on the NSW Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2001;
- Submission on the Review of Copyright and Contracts;
- Submission to Screenrights on the Distribution Policy for Royalties collected under the retransmission scheme;
- Submission to Government on need for public ruling on the meaning of carrying on a business as a professional practising artists 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 2002 were with

- NAVA on behalf of the arts community on the taxation issues;
- Communications Law Centre on censorship and classification issues culminating in the censorship seminar co presented in November; and
- Arts Law became an inaugural member of the Australian Coalition for Cultural Diversity which is comprised of key membership and service organisations across the cultural sector which are lobbying to ensure that Australian culture is kept off the table in international trade negotiations.

Lobbying

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

- Meeting with Dept of Communications Information Technology and the Arts in relation to the Contemporary Visual Arts and Craft Inquiry (the Myer Inquiry);
- Participation in the Inquiry into the NSW Classification Bill;
- Meeting with Senator Rod Kemp (Minister for the Arts) on taxation issues (Elizabeth Beal for Arts Law). Also participating in the meeting were advocacy partner NAVA (Michael Keighery), tax consultant Judy Sullivan from Mallesons and Delia Browne of Mitchell Sillar (former executive director Arts Law).
- Further meeting with Senator Rod Kemp (Minister for the Arts) and Senator Helen Coonan (Minister for Finance) on taxation issues. Also participating in the meeting were advocacy partner NAVA (Tamara Winikoff) and tax consultant Judy Sullivan.

Advocacy Subcommittee and Future Issues

At the end of 2002 Arts Law established an advocacy subcommittee comprised of Board and staff members which put in place advocacy policies and procedures as a means of ensuring the ongoing advocacy goals of Arts Law are met. This subcommittee is responsible for the planning of Arts Law future advocacy priorities. The advocacy issues that have been identified as priorities for Arts Law and the artists and creative sectors we represent include:

- Indigenous cultural and intellectual property
- Indigenous moral rights
- Taxation
- Insurance
- Moral rights
- Sculptures and craft works on public display
- Issues arising from the Myer Inquiry
- Estate planning
- Fair dealing provisions
- Remuneration of copyright owners and equitable remuneration for creators
- Resale royalties
- Collecting societies codes of conduct
- Performers' rights
- Trading the arts issues

REPORT OF SECONDED KPMG LAWYER

Thank God its Friday has another meaning.....

I have had the amazing opportunity to be on secondment to the Arts Law Centre for 6 months. The opportunity came as a bit of a shock after I sent in an application to be considered for future LAN note taking. It quickly snowballed into being involved in the annual music seminar and then an offer of secondment, which KPMG Legal initially accepted for 3 months, and then graciously extended for a further 3 months.

Primarily I have been involved in providing telephone advice to Arts Law clients on Fridays. Arts Law has probably been the most beneficial activity to my law career thus far and I would highly recommend any junior with an interest in the arts pursuing such an opportunity. I have been able to increase my working knowledge on many and varied areas of law, as well as providing practical and commercially astute legal advice. This has had a huge beneficial affect on my working life at KPMG Legal. It has improved my advising, drafting and client liaison skills, as well as boosting my self-confidence on the working application of law and my skills to deliver such advice.

I have been involved in the organisation of the annual music seminar by providing topic and content structure and proposing potential panellists and hope to be able to be involved again in 2003. I have also contributed to the *Art+Law* newsletter, which I also plan on continuing contributing to after the secondment comes to an end.

But it's the people of Arts Law that have made the secondment the added bonus. Everyone is willing to help and is genuinely into the ethos of the service at every level. And I might add they are happy to indulge me in music related law issues at a whim.

Naomi Messenger
KPMG Lawyer on Secondment at Arts Law

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 and other professionals

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 2002 include:

- Simpson's Solicitors is continuing to assist in the updating and review of Arts Law sample contracts in the visual arts area. Simpsons also sponsored the 2002 Arts Law Music Seminar
- KPMG Legal has seconded one of their lawyers, Naomi Messenger, to Arts Law for 6 months, to provide telephone legal advice and other services to Arts Law, one day per week.
- Allens Arthur Robinson provided Arts Law with advice on one of our funding agreements.
- Clayton Utz hosted the joint Arts Law and Communications Law Centre Seminar on Censorship.
- Brett Oaten Solicitors provided advice on the new band partnership agreement that Arts Law developed in 2002.

We would also like to thank Steven Miller of Steven J. Miller & Co, Chartered Accountants, for his significant contribution to Arts Law in 2002.

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 170 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

Franco Camatta
Sally Glover
John Kelly
Robert Lempens
Anthony Lisacek
Bill Morrow
Rachel Spencer
Michael Steele

Camatta Lempens
Thomson Playford
Kelly & Co.
Camatta Lempens
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Norman Waterhouse
School of Law, Flinders University
Hunt & Hunt

Canberra

Lisa White
Jonathan Kenna

National Museum
Deacons

Hobart

Richard Atkins
Susan Larsen
Joan Roberts
Jason Samec
Malcolm Schyvens

University of Tasmania
Dobson Mitchell & Allport
Dobson Mitchell & Allport
Piggott, Wood & Baker
Jennings Oglivv

Melbourne

Georgina Cuppaidge
Jeff Bergmann
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Trudi Lodge
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Patricia Drum
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Alistair Jennings
Samantha Kennedy
Katerina Klaric
Inge Lauw
Briony Le Duc
Robert Macey
Tony Macvean
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Hugh De Kretser
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Frances Wheelahan
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Allens Arthur Robinson
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Deacons Graham James
Herbert Geer & Rundle
Mason Sier Turnbull Solicitors
Holding Redlich
IT & Law Consultancy
Aitken Walker & Strachan
Baker & Mckenzie
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Stephens Lawyers & Consultants
Madgwicks Lawyers
Deacons Graham James
Blake Dawson Waldron
Hall & Wilcox
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Logie Smith Lanyon
Herbert Greer & Rundle
Joan Rosanove Chambers
Maddocks Lawyers
Lonely Planet Publications
Lander & Rogers
Victor Tse & Associates
Media Arts Lawyers
Victorian Aboriginal Legal Service
Corrs Chambers Westgarth
Logie Smith Lanyon

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Healy Pynt

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Louise Baker
Dianne Banks
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Susan Darmopil
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Kathryn Everett
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Mark Friedgut
Robert Gibson
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Craig Glazier
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Tara Gutman
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Calum Henderson
Fleur Hinton
Joydeep Hor
Terri Janke
Margaret Johnson
Tom Jones
Mary Karekos

Gray & Perkins
Minter Ellison
Energee Entertainment
Freehills
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Price Waterhouse Coopers Legal
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Hutchison Telecommunications
Allens Arthur Robinson
Allens Arthur Robinson
Cutler Hughes Harris

Allens Arthur Robinson
Malleon Stephen Jaques
Allens Arthur Robinson
Westpac Banking Corporation
Blake Dawson Waldron
Coudert Brothers
Freehills
Gilbert & Tobin
Allens Arthur Robinson
Freehills
Minter Ellison
Brett Oaten Solicitors
Freehills
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Gilbert & Tobin
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Allens Arthur Robinson
Freehills
ABC
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Minter Ellison
Malleon Stephen Jaques
Gray & Perkins
Phillips Fox
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Harmers Workplace Lawyers
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Blake Dawson Waldron
Malleon Stephen Jaques
P W Turk & Associates

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Jim Lennon
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Acuiti Legal
Gilbert & Tobin
SBS
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Gadens Lawyers
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Simpsons Solicitors
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Gilbert & Tobin

Sydney cont

Elizabeth Wright
David Yates
Albert Yuen
Debbie Zeigler

Brett Oaten Solicitors
Allens Arthur Robinson
Coudert Brothers
Freehills

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 2002 there were 22 LAN assistants.

Thanks goes to:

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Simone Flanigan
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Melbourne

Amy Carroll
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Day time Volunteers

Arts Law also has a day time 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 2002 there were 9 day time volunteers. Thanks goes to:

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Anne Farr
Claire Featherston
Helen Galitsky
Ant Horn

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 2002 Arts Law had 3 student placements.

Robyn Metledge
Katrina Harry
Michelle Borg

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