

**ARTS LAW CENTRE  
OF AUSTRALIA  
ANNUAL REPORT**



**2017**



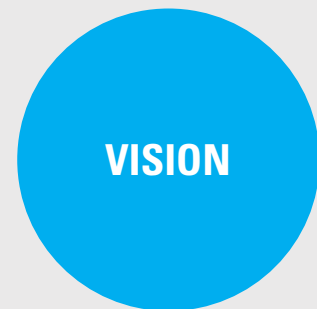
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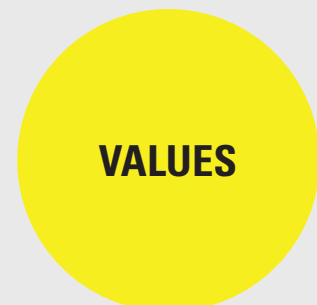
ARTS LAW IS AUSTRALIA'S ONLY NATIONAL COMMUNITY LEGAL CENTRE FOR THE ARTS. WE PROVIDE FREE OR LOW COST SPECIALISED LEGAL ADVICE, EDUCATION AND RESOURCES TO AUSTRALIAN ARTISTS AND ARTS ORGANISATIONS ACROSS ALL ART FORMS, ON A WIDE RANGE OF ARTS-RELATED LEGAL AND BUSINESS MATTERS. ARTS LAW'S ARTISTS IN THE BLACK PROGRAM DELIVERS TARGETED SERVICES TO ABORIGINAL AND TORRES STRAIT ISLANDER ARTISTS NATIONALLY.



Empower artists and creative communities through the law.



Arts Law aspires to be widely recognised as the trusted source of advice for artists and creative communities and as the preeminent authority on artists' rights and arts law in Australia.



In delivering our vision, Arts Law is guided by the values of excellence, accessibility, empowerment of artists, integrity, collaboration and innovation.

## HIGHLIGHTS FOR 2017

<b>2314</b>	Legal advices given to clients
<b>3062</b>	Education attendees
<b>236</b>	Pro bono lawyers on our panel
<b>13</b>	Outreach trips to Aboriginal and Torres Strait Islander communities
<b>745</b>	Legal advices and education attendees as part of Artists in the Black
<b>65</b>	Wills drafted
<b>760</b>	Referrals

# 2017 OUR YEAR

## **There is no shortage of vulnerable artists and arts organisations who are in desperate need of legal advice.**

Too often artists enter into arrangements without proper contractual documentation or enter into contracts in which their rights are not adequately articulated or protected. Arts Law has developed a highly skilled document review and advice service to assist artists to better protect their rights. One-quarter of artists in Australia say they have experienced some copyright infringement, and one in five artists say they have experienced some moral rights infringement.<sup>1</sup> Unsurprisingly, there was overwhelming demand for our services in 2017. Arts Law worked hard towards meeting this demand and achieving our mission of empowering artists and creative communities through the law. We are proud to say that through our efforts we helped over 5,300 artists across Australia better understand and protect their rights in 2017.

Part of Arts Law's role is to advocate for policy and law reform for artists across Australia. This includes the ongoing development of the 'Fake Art Harms Culture' campaign. In February 2017, the campaign gained the support of Bob Katter MP who introduced a bill into Parliament. In August 2017, the House of Representatives' Standing Committee on Indigenous Affairs established an inquiry into the growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia. Arts Law lodged a submission to the inquiry arguing that a prohibition on the sale of inauthentic products would be the most effective way to address the

problems caused by the growing prevalence of inauthentic Indigenous arts and crafts. We also finalised and released a position paper on the recognition of the rights of artists in prison in August 2017. This work will be ongoing in 2018.

Our education program continued to empower and engage artists and arts organisations, with over 3,000 individuals attending 96 workshops, seminars and clinics delivered across Australia in 2017. We also continued to expand and improve the extensive range of publications and materials available on our website.

Responding to feedback that our online resources don't adequately meet the needs of Indigenous artists and arts organisations, Arts Law received funding from the Attorney-General's Department's Innovation Fund for the Digital Dilly Bag Project in 2017. This project involves improvements to our Artists in the Black digital resources including the development of an audio-visual 'talking contract' translated into seven Indigenous languages together with Central Australian Aboriginal Media Association (CAAMA). These resources will be made available later in 2018.

Funding for both the arts and community legal centres is a perpetual struggle. We continued to experience overwhelming demand for our services from artists and art organisations that might not otherwise have access to legal advice without Arts Law and were forced to suspend new legal advice enquiries for legal advice intermittently throughout the year. We regret that during these periods artists and arts organisations were unable to receive

legal advice, increasing their vulnerability to exploitation. However, our fundraising initiatives continue to prove increasingly successful. We raised \$130,237 in 2017, an increase from \$81,411 in 2016. We also established a major partnership with the Colin Biggers & Paisley Foundation. This invaluable partnership allowed us to better meet the demand for legal advice by enabling the employment of an additional lawyer at Arts Law.

We extend our gratitude to the individuals and organisations who continue to support Arts Law. We are supported by an invaluable team of generous pro bono lawyers and professionals who allow us to provide free or low cost legal advice to more artists. We are particularly grateful to the Australian Government Solicitor for the ongoing secondment of a full-time lawyer to Arts Law. Of course, Arts Law can only accomplish what it does through the tireless efforts of its staff, volunteers, interns, and our volunteer Board of Directors. We look forward to continuing to support artists and arts organisations into the next year, guided by our values of excellence, accessibility, empowerment of artists, collaboration, and innovation.

*Robyn Ayres and The Hon. Justice Beazley AO*

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1 Throsby D. and Zednik A. 2010, "Do you really expect to get paid? An economic study of professional artists in Australia"; The Australia Council for the Arts, p. 10.

# SERVICES

We offer a variety of legal advice services to support the differing needs of our clients.

These services include:

- Telephone Legal Advice Service (TLA)
- Document Review Service (DRS)
- Face to face legal advice clinics
- Alternative Dispute Resolution (ADR)
- Referrals to expert legal, accounting, taxation and other professionals

## TELEPHONE LEGAL ADVICE SERVICE

The Telephone Legal Advice Service (TLA) is provided as a standalone legal advice session for clients whose legal query does not involve any documents. This service is means tested and is provided to the majority of clients for free. 95% of clients who received legal advice over the phone rated the service 'Very Good' to 'Excellent'. 98% of clients said that the service was useful for them.

## TOP 10 LEGAL PROBLEMS FOR ARTISTS IN AUSTRALIA

1. Copyright
2. Contracts
3. Moral Rights
4. Defamation
5. Estate Planning
6. Trade Marks
7. Consumer Protection
8. Business Structures
9. Indigenous Cultural and Intellectual Property
10. Confidentiality

'My dealings with Arts Law have been brilliant—the advice has been outstanding and explained in a manner that my non-legal brain can mostly grasp! Honestly, I can't fault Arts Law at all. Outstanding.'

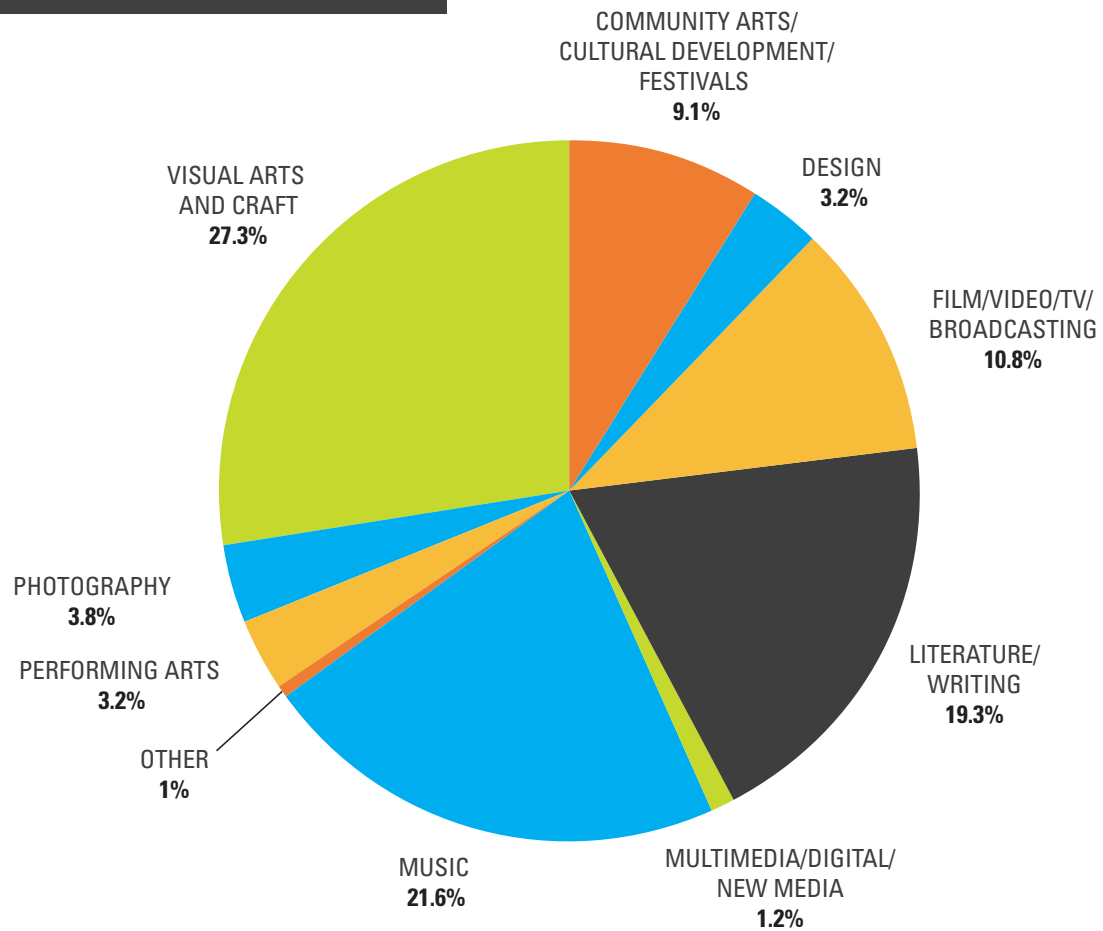
ARTS LAW CLIENT

'Great service and resource—thank you. I am an independent artist trying to do the right thing in a collaborative project, and it is essential to have a service like this on almost zero budget.'

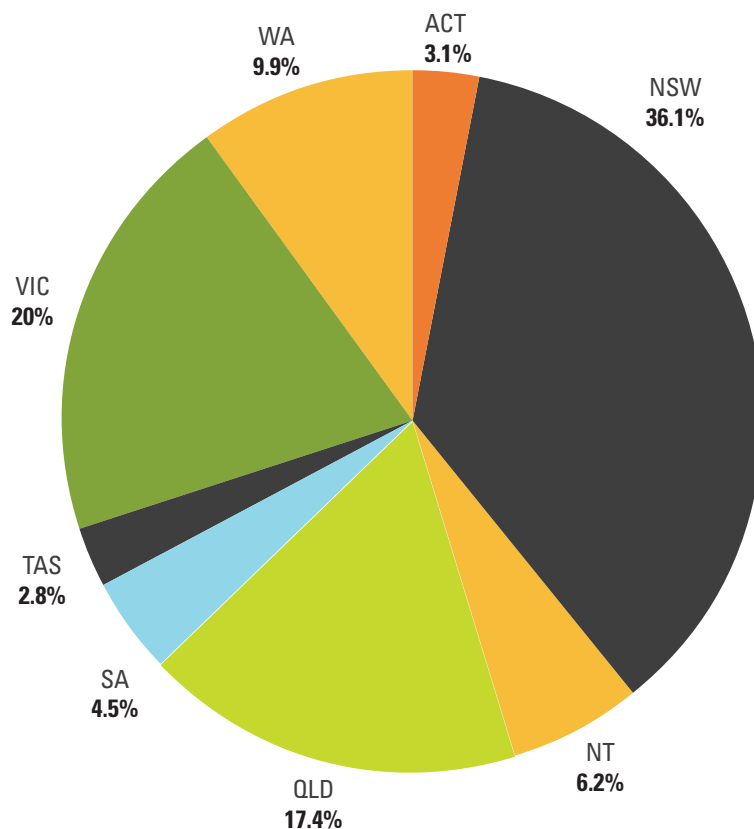
ARTS LAW CLIENT



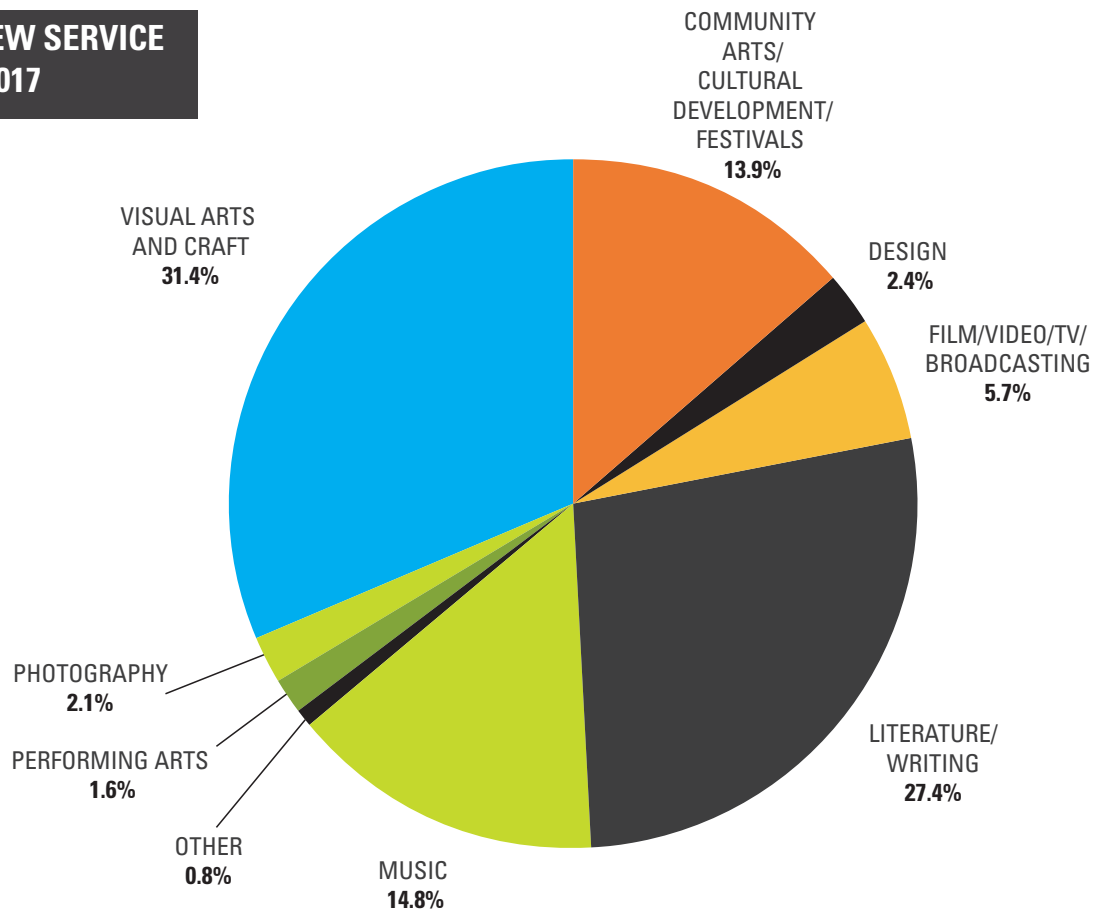
## LEGAL ADVICE BY ART SECTOR 2017



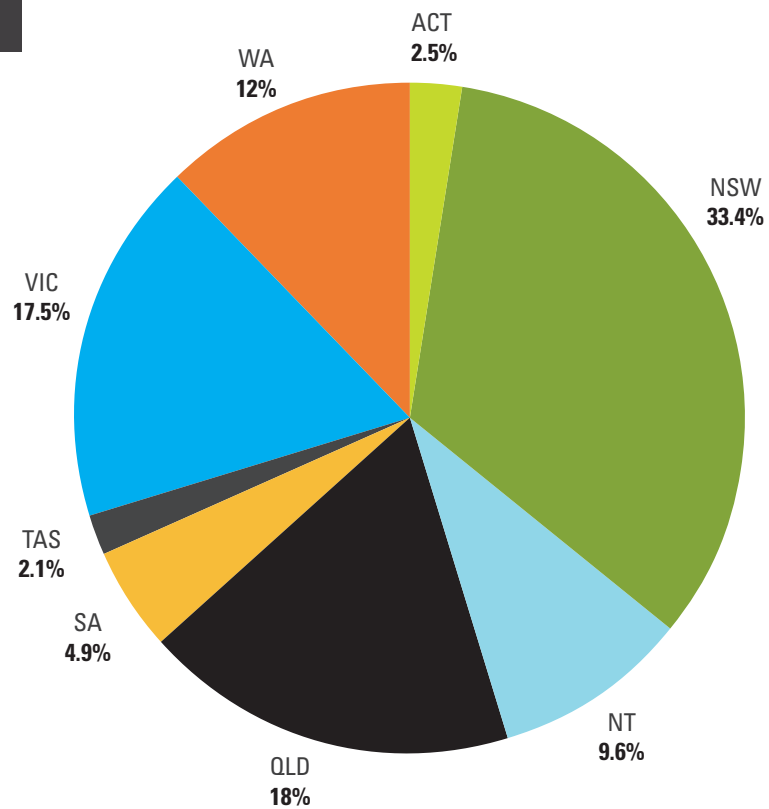
## LEGAL ADVICE BY STATE 2017



## DOCUMENT REVIEW SERVICE BY ART SECTOR 2017



## DOCUMENT REVIEW SERVICE BY STATE 2017



## DOCUMENT REVIEW SERVICE

The Document Review Service (DRS) is available to clients who need advice on a document such as a contract or correspondence. To access the DRS, artists and arts organisations must subscribe to Arts Law. The service is delivered as a telephone consultation with one of the experienced volunteer lawyers on our panel.

This service has continued to grow each year, indicative of the demands on artists to be more business-like, as well as the success Arts Law has had educating Australian artists and arts organisations on the benefits of using contracts and the importance of understanding and clarifying issues before signing any documents.

95% of clients rated the service as 'Good' to 'Excellent'. 100% of clients said the service was useful.

'The service you provided for the cost of the membership was seriously amazing! The people who set up the call were totally on the ball, and the lawyer provided exactly what I needed, saving me thousands of dollars—actually, I would never have been able to access such a specialist.'

ARTS LAW CLIENT

## CASE STUDY

An Indigenous artist was commissioned to paint a large mural. The commission contract set out the terms of the agreement to design, create, and install the artwork. The artist felt that he needed some legal advice, so he approached Arts Law. The artist wanted assurance that the contract did not include any unusual or unfair terms. In particular, the artist wanted to know whether he would be responsible for damage caused during installation, and who was responsible for paying for the materials. The artist had already agreed to pay for paints and other materials and wanted to ensure that this was reflected in the contract.

The artist accessed Arts Law's Document Review Service. The process of sending through the contract for review was straightforward and quick. Lucinda Edwards, one of Arts Law's pro bono solicitors, reviewed the contract and found it to be fair

and balanced. She thought that the contract made reasonable requests and had adequate protections for the artist. She determined that even though the artist would supply his own materials to complete the work, the fee provided for in the contract was generous. She suggested that a clause should be included in the agreement to make it clear that the artist would not be responsible for any damage caused during installation.

After receiving this legal advice, the artist could confidently ask for that clause to be included in the contract. The contract now clearly states that the artist is not responsible for damage and allows the artist to supervise the installation of the work. The artist told us that he was happy with the service provided by Arts Law. Arts Law empowered the artist to go ahead with the project, safe in the knowledge that his rights and interests were protected.

## **BEST PRACTICE ADVICE**

We see the enormous benefit of providing 'artists first' advice to arts organisations in relation to their dealings with individual creatives to improve the standard of contracts and ensure fair terms and conditions. Arts Law provides best practice advice to arts organisation that drafted a template agreement for artists they intend to work with, organisations running competitions, and on general legal matters. We provided best practice advice to 24 artists and arts organisations in 2017.

## **ALTERNATIVE DISPUTE RESOLUTION**

Alternative Dispute Resolution (ADR) refers to processes, other than judicial determination, where an impartial person assists parties to a dispute to resolve the issues between them. The creative industries are no exception when it comes to disputes. People who work within the creative industries often need, or desire, to work together on projects in the future and don't want that opportunity sabotaged by a dispute over a current project. Often the parties to the dispute, or at least one of them, can't afford the expense of lawyers and going to court.

ADR can provide a relevant, cost effective, fair and timely means of resolving disputes in a manner which, to the extent possible, preserves the relationships of involved parties and maximises the opportunity for projects to be realised and completed. Arts Law offers several ADR processes including mediation, expert determination and non-binding evaluation. To access this service, the client must either be a subscriber to Arts Law or, alternatively, if the client does not wish to subscribe, each party must pay a \$100 administrative fee.

Arts Law referred seven clients to ADR in 2017. We will continue to encourage our clients to attempt to resolve their disputes without having to go to court.

## CASE STUDY

**T**he election of US President Trump has undoubtedly generated a buzz on the Internet. Almost every day there is something new in digital form about Trump and his latest comment in relation to another person or a tweet from him causing controversy.

Moses McCabe is a solo musician who created the song 'Trumpocalypse' that includes samples of Donald Trump's voice. Moses wanted to publish the song, but felt he needed some legal advice about the samples.

Generally, you need to seek permission from the copyright owner to use their work without infringing their copyright. However, there are exceptions to this rule where the copied part is not substantial or where the use is considered fair dealing.

Moses received advice from a solicitor volunteering for Arts Law, Elizabeth Burrows, Director of Influence Legal, in relation to whether his work fit within the scope of those exceptions and whether it would infringe the rights of copyright owners.

Moses' second query related to defamation. The song included well known phrases spoken by Trump. We could not advise Moses on this query because it's a question of defamation law in the United States and Arts Law only provides advice on the law in Australia. Elizabeth advised Moses of Australian defamation law principles including whether his song could be alleged to contain defamatory imputations. Satires and parodies can sometimes be defamatory if a reasonable audience member could believe they are statements of fact.

Elizabeth said, 'In many examples of satire or parody, defamatory imputations are alleged to arise because of the way that a person's words have been changed or juxtaposed to give a different meaning – such as in the well-known Pauline Pantsdown songs. In this song, however, Donald Trump's own words were used without being changed or juxtaposed, creating an interesting twist on previous situations.'

Moses' proactivity in seeking advice allowed him to better understand his legal rights to commercially exploit his song.

# ADVOCACY

## FAKE ART HARMS CULTURE

Responding to representations by the Indigenous community and artists, the Arts Law Centre of Australia, Indigenous Art Code, and Copyright Agency launched the 'Fake Art Harms Culture' campaign in 2016. The campaign was created to address the widespread sale of works that have the 'look and feel' of Indigenous art but actually have no connection to Aboriginal and Torres Strait Islander communities. We called for the Government to tackle the problem of fake Indigenous arts and craft being sold in Australia and harming Aboriginal and Torres Strait Islander cultures and incomes.

In 2017, Arts Law continued to develop the 'Fake Art Harms Culture' campaign. In February 2017, Bob Katter MP joined our campaign and

introduced a private member's bill to stop the sale of fake art. In August 2017, the House of Representatives Standing Committee on Indigenous Affairs established an inquiry into the growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia. Arts Law lodged a submission to the inquiry arguing that a prohibition on the sale of inauthentic products at each level of the supply chain is the easiest and most efficient approach to address the problems caused by the growing prevalence of inauthentic Indigenous art.

Thank you to Andrew Wiseman, Lovelle D'Souza, Kon Stellios, Ted Hill, Kate Fitzsimons, Theo Souris, and Isobel Rosenstreich of Allens Linklaters who provided invaluable pro bono support for Arts Law's submission to the inquiry.



Bob Katter MP delivers a press conference pledging his support to the 'Fake Art Harms Culture' campaign.  
Image: Arts Law Centre of Australia



## **COPYRIGHT AND DESIGN**

Controversy over changes to copyright law continued in 2017. The Productivity Commission released its Final Report on the Inquiry into Intellectual Property Arrangements in December 2016. Arts Law lodged a submission in response to the report in February 2017. We concluded that the recommendations in the report favoured consumers over creators and remained detrimental to the protection of Indigenous Cultural and Intellectual Property (ICIP). We also supported the Free Is Not Fair campaign alongside APRA AMCOS, NAVA, Screen Producers Australia, and Copyright Agency.

## **ART IN PRISONS**

For some time, Arts Law has been concerned with State and Territory legislation, regulations, and policies that govern the rights of prisoners creating artistic work whilst in prison. Although the rules differ from state to state, the rights held by prisoners across Australia fall short of the rights granted to artists under the Copyright Act. In August 2017, Arts Law published the position paper 'Recognising Artists in Prison: A Review of the Law and Policy in Australia' which argued that the recognition and encouragement of involvement by prisoners in creative activities is beneficial to prisoners and society. Such activities have educational value as well as therapeutic benefits. In addition, the research paper supported the view that prisoners should be entitled to benefit from the sale and/or reproduction of their artwork while they are in prison in the same way as they are entitled to benefit from other work. Thanks to Jennifer Goh and Emma Lutwyche at Landers & Rogers for their assistance with this work.

## **DEDUCTIBLE GIFT RECIPIENTS**

On 15 June 2017, the Treasury released a consultation paper to consider possible reforms to the Deductible Gift Recipient (DGR) tax arrangements. Arts Law made a submission on the DGR consultation paper. Thanks to Jennifer

Williams and Hannah Rose at Sparke Helmore for their expertise and assistance in drafting the submission.

## **PRIZES AND COMPETITIONS**

Arts Law continues to advocate on behalf of artists through our prizes and competitions reviews. We reviewed the terms and conditions of four competitions and provided information to organisers and artists through our website. Our advocacy work in this area is being noticed with organisations and artists contacting Arts Law directly to ensure their prizes and competitions meet our best practice standards and are fair to entrants.

## **JUSTICE PROJECT SUBMISSION**

Arts Law welcomed the opportunity to submit a response to the Law Council of Australia's Justice Project Consultation Paper. The Justice Project is a comprehensive national review into the state of access to justice in Australia and focuses on justice barriers facing those with significant social and economic disadvantage. Our focus was on the barriers of access to justice for artists, particularly Aboriginal and Torres Strait Islander artists, and on championing the work done by community legal centres.

## **COMMUNITY ENGAGEMENT**

We also participated in events with the broader community legal centre community. We joined the Community Legal Centres NSW (CLC NSW) float at the Mardi Gras Parade, and participated in a rally against funding cuts to community legal centres.

# EDUCATION

Our education program provides targeted educational sessions to Australian artists and arts organisations to help increase understanding and awareness of the many legal and business issues affecting the creative community.

Facilitated by strategic partnerships with arts and cultural organisations across Australia, Arts Law travels across the country to directly contribute to the development of sustainable arts businesses and empower artists by imparting a level of understanding about their legal rights and obligations.

Those who attend our education programs are overwhelmingly positive in their feedback. 93% of attendees of our education sessions said the workshop was 'Very Good' to 'Excellent'.

Thank you to YCG Accounting for their support in our workshops for the City of Sydney and Holding Redlich for their support of our series of workshops for ArtsWest.

## RESOURCES FOR ARTISTS

We make our information sheets, books and contract templates available through our website for free or at a low cost as part of our commitment to empowering artists through the law. Our resources were accessed more than half a million times in 2017. New publications published this year include a collaboration toolkit for use in Indigenous art projects, a book to stage template contract for writers, a best practice volunteer consent form, and information sheets around the use of plants and animals in artworks.

'Information was clear and well explained. It made me more aware of the legal issues I wasn't aware were relevant to my practice.'

PARTICIPANT OF OUR WORKSHOP  
FOR ARTS TASMANIA



“The workshop provided succinct, on point information. It was professional yet funny and I found it very easy to absorb the material.”

PARTICIPANT OF OUR WORKSHOP FOR THE CITY OF SYDNEY



Suzanne Derry from Arts Law delivering a workshop at Face the Music 2017.  
Image: **Little Giant Agency**

# ARTISTS IN THE BLACK

Artists in the Black (AITB) is an Arts Law service specifically tailored for Aboriginal and Torres Strait Islander artists, communities, and organisations that offers access to free or low cost, culturally appropriate, and professional legal advice and resources. AITB was established in 2004 in response to the overwhelming need to protect Aboriginal and Torres Strait Islander artists from exploitation regarding their arts practices and to educate these artists about their rights under Australian law.

In 2017, Arts Law made the difficult decision to realign the level of service delivery and

outreach to AITB clients with the level of funding received for the service. This meant that there was a reduction in the number of education sessions and outreach trips to Aboriginal and Torres Strait Islander communities in 2017. This is the unfortunate result of the ongoing funding challenges facing Arts Law and arts communities across Australia. Despite this reduction in resources, Arts Law was still able to support 745 Aboriginal and Torres Strait Islander artists with legal advice and education in 2017.

Our outreach trips to Aboriginal and Torres Strait Islander communities continue to be particularly valuable to artists and art centres. This year we



Artist Nyinta Donald at Tangentyere Artists in Central Australia with Philipa Collins from Dentons.  
Image: **Arts Law Centre of Australia**





Arts Law Solicitor Roxanne Lorenz and Artists in the Black Coordinator Bibi Barba with artist Glenn Farmer at the 2017 Darwin Aboriginal Art Fair. Image: **Arts Law Centre of Australia**

presented 22 education sessions on 13 separate outreach trips to 16 remote and regional cities, communities, and towns across Australia. In combination with visiting remote communities, Arts Law also focused on delivering legal advice and education to urban Aboriginal and Torres Strait Islander artists. For example, our lawyers conducted well received workshops and education sessions for the first time at Baluk Arts on the Mornington Peninsula near Melbourne. Our outreach program would not have been able to reach this many Indigenous artists without the support of external bodies, art centres, and pro bono law firms.

We were also involved in many important events that bring artists, art centres and art lovers together. In 2017, Arts Law and AITB attended the Cairns Indigenous Arts Fair, Desert Mob in Alice Springs, the Darwin Aboriginal Art Fair, the Our Mob Symposium in Adelaide, and the Blak Arts Markets in Sydney. These events give Arts Law the opportunity

to engage with many people involved in the Aboriginal and Torres Strait Islander arts sector, provide pop-up legal advice clinics, and offer invaluable networking opportunities for future outreach and education possibilities.

In 2017, Arts Law and AITB also delivered cultural awareness training to Colin Biggers & Paisley and Macquarie Bank that was extremely well received. We plan to expand this program in 2018.

## WILLS PROJECT

It's extremely important for Aboriginal and Torres Strait Islander artists to have a will that allows them to choose how the income from their artwork will be passed down to their related and adopted family. In 2017, AITB prepared 65 wills for Aboriginal and Torres Strait Islander artists across Australia. This initiative was supported by several law firms who kindly donated their expertise and time to the delivery of the Wills Project.

## CASE STUDY

**P**ormpuraaw Arts and Culture Centre (PACC) is an Indigenous arts centre in a remote community between Karumba and Weipa on Cape York in far north Queensland. Artists at the centre work across a range of mediums including wood carving, traditional weaving, lino-cut printing, etching, painting, and ghost net weaving. Ghost net weavers collect old fishing nets that wash ashore and use them to create incredible sculptures and artworks.

For the 2016 NAIDOC Week, the Department of Foreign Affairs and Trade (DFAT) arranged for a collection of ghost net sculptures to be displayed at DFAT in Canberra. Three of the sculptures were destroyed by the removalists who had been sub-contracted to transport the goods back to Pormpuraaw. The removalist's insurer only offered a small amount of compensation that did not represent the true value of the works, and their removalist's contract did not specify the value of the sculptures. PACC managed to negotiate a slightly better offer, but this was still not enough to cover the loss.

Paul Jakuboswki, PACC Manager, contacted Arts Law to seek a review of the contracts

between the removalist, PACC, and DFAT. Paul wanted advice about the insurance policy and PACC's rights. One of Arts Law's pro bono lawyers with expertise in insurance law and litigation drafted an email for PACC to send to the insurer. However, the insurer refused to negotiate with PACC unless PACC had a private lawyer. In the meantime, DFAT had given PACC an ex gratia payment to cover part of the loss. PACC weighed up the pros and cons of time-consuming and expensive legal proceedings and decided to accept the insurer's offer.

The loss and stress experienced by PACC in this situation is concerning. The insurer's approach reflects a lack of understanding of the value of Indigenous artworks and cultural property. The insurer's valuation was done by an expert in 'fine art' who only considered photos of the damaged artworks to assess their value. The insurer also refused to have a valuation done by an expert in 'ghost net' arts. Pormpurraw's experience demonstrates the importance of having a comprehensive insurance policy that covers all aspects of an exhibition and that reflects the true value of the artworks.

Feedback from the communities we visited indicates that the trips are extremely valuable. The manager of one arts centre said, 'Everyone seemed happy to have the opportunity to draft and sign a will in a trusted environment with experienced, culturally aware lawyers.' Every art centre we visited said they had a better understanding of the legal and business issues affecting the art centre. Another manager of an arts centre said, 'The workshop was an eye opener for all artists and provided substantial information that will provide correct direction for the artists, art centre management and staff, directors and the art centre to follow.'

We would like to thank the following lawyers and law firms for their assistance in our outreach trips and their commitment to the AITB Wills Project in 2017:

LAWYER	TRIP
<b>Philipa Collins</b> Dentons	Central Australia, NT
<b>Sonia Lamba</b> Dentons	Central Australia, NT
<b>Timothy Seton</b> Colin Biggers & Paisley	Central Australia, NT
<b>Melanie Thomas</b> Telstra	Pilbara Region, WA

## ADOPT A LAWYER

Aboriginal and Torres Strait Islander Community Art Centres are an integral part of many communities. Not only do they nurture artistic talent by providing artists a place to create their art, they also provide crucial services such as financial and business advice, as well as facilitating access to many other services such as family assistance, child care, and even food.

We established the Adopt a Lawyer Program in 2013 to facilitate partnerships between art centres and law firms over a period of three years. This allows art centres to receive timely and relevant advice from their adopted law firm.

In 2017, the program supported seven partnerships:

ART CENTRE	LAW FIRM
<b>Warmum Art Centre</b> Warmum, WA	<b>Lander &amp; Rogers</b> Melbourne, VIC
<b>Ngurratjuta Iltja Many Hands Art Centre</b> Alice Springs, NT	<b>Clayton Utz</b> Sydney, NSW
<b>Hermannsburg Potters</b> Hermannsburg, NT	<b>Colin Biggers &amp; Paisley</b> Brisbane QLD
<b>Ikuntji Artists</b> Haasts Bluff, NT	<b>Colin Biggers &amp; Paisley</b> Melbourne, VIC
<b>Papulankutja Artists</b> Blackstone, WA	<b>Jackson McDonald</b> Perth, WA
<b>Mowanjum Art &amp; Culture Centre</b> Derby, WA	<b>Ashurst</b> Sydney, NSW
<b>Yamaji Art</b> Geraldton, WA	<b>MinterEllison</b> Perth, WA

The program is designed to facilitate strong relationships between an art centre and a single law firm. Joanna Renkin from Lander & Rogers said this about the firm's partnership with Warmun Art Centre:

'I have really valued the experience of getting to know Warmun Arts Centre and the community... It challenged how I viewed Aboriginal people/communities in a remote context and also gave me incredible insight into the relationship with the land and the complexities of living in a town such as Warmun. Some of the history of the people was confronting too. I was really challenged to understand my entrenched desire to "solve" problems and change outcomes for people I met. I began to understand the importance of listening, respect, dignity and empowering people. It became apparent to me that we could really build new understanding and capabilities in a two-way relationship. This is really the most exciting thing professionally and personally – we have really built a strong two-way connection.'





CEO of Arts Law Robyn Ayres with artist Kaye Warrie during an outreach trip to Cheeditha just outside of Roeburne in north-western Western Australia. Image: Arts Law Centre of Australia

## DIGITAL DILLY BAG PROJECT

Responding to feedback that our online resources don't adequately meet the needs of Indigenous artists and arts organisations, Arts Law received funding from the Attorney-General's Department's Innovation Fund for the Digital Dilly Bag Project in 2017. This project involves improvements to our Artists in the Black (AITB) digital resources including the development of an audio-visual 'talking contract' together with Central Australian Aboriginal Media Association (CAAMA).

In 2017, Arts Law engaged CAAMA to develop the 'talking contract' — an informative video, translated into seven Indigenous languages, that explains to artists, art centres, dealers, and galleries the 'artist contract'. This contract is central to an artist's interaction with the dealer

or art centre that represents them and protects their rights to their intellectual and financial property in selling and distributing their work in an ever-growing market for Indigenous art. The video will provide an audio-visual explanation of the contract in a range of Indigenous languages so that all parties can feel confident that the terms are properly understood. It provides an innovative method of communicating contractual terms to Indigenous clients for whom English is not their first language and will provide a precedent for other contracts which Indigenous people are required to sign. We have developed a script in consultation with Indigenous artists and organisations and will continue working on this exciting project in 2018.

# PRO BONO SUPPORT

Arts Law could not survive without the enormous contribution from the lawyers on our pro bono panel who donate countless hours and expertise to advise artists across Australia. Each year we acknowledge this contribution at our Pro Bono Awards. We recognised 34 lawyers or professionals who went above and beyond for Arts Law at the 2017 Pro Bono Awards. Each winner received a print by Melbourne based artist Brett Mallon. We would like to thank All Our Exes Live in Texas for their performance on the night, and Dentons for generously hosting and helping to organise the event.



Performance by All Our Exes Live in Texas at the 2017 Pro Bono Awards.  
Image: Jay La



## COLIN BIGGERS & PAISLEY FOUNDATION PARTNERSHIP

Arts Law and the Colin Biggers & Paisley Foundation established a major partnership in 2017. This partnership has been extremely beneficial to Arts Law through their pro bono support of clients, particularly Aboriginal and Torres Strait Islander artists, and their outstanding fundraising efforts.

In July 2017, the Colin Biggers & Paisley Foundation held a series of art exhibitions in Sydney, Melbourne, and Brisbane to showcase

and sell the stunning work of artists from Ikuntji Arts.

In August 2017, Robyn Ayres, CEO of Arts Law, and 12 staff from Colin Biggers & Paisley took part in a six-day trek through Kakadu National Park in the Northern Territory known as the Top End Challenge.

Their support raised over \$60,000 and enabled Arts Law to employ an additional lawyer for our team. The Colin Biggers & Paisley Foundation amplifies our voice and impact and is an invaluable champion for Arts Law and Artists in the Black.



Nick Crennan (Managing Partner at Colin Biggers & Paisley), Eunice Napanangka and Keturah Zimran (artists from Ikuntji Arts), Robyn Ayres (CEO of Arts Law), and Dan Creasey (former Head of Pro Bono & Responsible Business of Colin Biggers & Paisley) at the Ikuntji Art Exhibition in Melbourne. All proceeds went to Ikuntji Arts.

Image: **Colin Biggers & Paisley**





Robyn Ayres (CEO of Arts Law), Nick Crennan (Managing Partner at Colin Biggers & Paisley), Dunstin de Souza (Senior Partner at Colin Biggers & Paisley), and the team from Colin Biggers & Paisley during the Top End Challenge in the Northern Territory.  
Image: Arts Law Centre of Australia

## PRO BONO ASSISTANCE WITH PUBLICATIONS

We would like to acknowledge the lawyers and law firms who contributed to developing and reviewing our resources throughout the year.

- Michael Easton
- Jennifer Goh, Aaron Goonrey, and Rob Neely from Lander & Rogers
- Daria McLachlan, Sally Gooch, Paul Gabrynowicz, and Victoria Lecky from Sparke Helmore
- Michael Naphthali
- Gordon Finlayson
- Dan Pearce from Holding Redlich

## PRO BONO PANEL LAWYERS AND PROFESSIONALS

Thank you to the law firms, legal practitioners and professionals who were part of our panel in 2017.

<b>ACT</b>			
William McCarthy	Bradley Allen Love	Emma Cameron	Bird & Bird
<b>NSW</b>		Emma Gorrie	Allens/Linklaters
Adam Simpson	Simpsons Solicitors	Eva Lu	Sainty Law
Albert Khouri	MinterEllison	Frances Drummond	Norton Rose Fulbright
Alexandra Heysen	Macquarie Group Limited	Garry Beath	MinterEllison
Amalia Stone	Herbert Smith Freehills	Georgia Milne	Holding Redlich
Amanda Ryding	Colin Biggers & Paisley	Grant McAvaney	Copyright Council
Amy Grondal	Simpsons Solicitors	Guy Narburgh	Herbert Smith Freehills
Andrew Cameron	Brett Oaten Solicitors	Hai-Van Nguyen	Clayton Utz
Anna Liao	TK Legal	Hamish Fraser	Bird & Bird
Anna Nodrum	Allens/Linklaters	Hannah Pelka-Caven	Holding Redlich
Ashleigh Fehrenbach	MinterEllison	Hannah Rose	Sparke Helmore Lawyers
Ben Kay	Kay & Hughes	Ian James McDonald	Simpsons Solicitors
Brent Michael	Sixth Floor/Selborne Wentworth Chambers	Isabel Burraston	Allens/Linklaters
Brooke Spain	Dentons	Ishan Karunanayake	IshanLaw
Caitlin Lee	Webb Henderson	Jacqueline Winters	McCabes Lawyers
Caroline A Verge	Verge Whitford and Co	Jaimie Wolbers	K & L Gates
Christopher Chow	Christopher Chow Creative Lawyers	Jake Blundell	Banki Haddock Fiora
Claire Campbell	Landers and Rodgers	James Lawrence	Mills Oakley
Clare Young	Simpsons Solicitors	Jenny Smith	Norton Rose Fulbright
Connie Ye	Allens/Linklaters	Jeremy Storer	ABC, Legal Services
Damian Rinaldi	Sonic Lawyers	Jim Lennon	Norton Rose Fulbright
Danny Adno	Silberstein & Associates	Joel Barrett	Allens/Linklaters
Deborah Yates	JLL Australia	Jonathan Adamopoulos	Allens/Linklaters
Derek Baigent	Griffith Hack Lawyers	Jules Munro	Simpsons Solicitors
Edward Lyons	Landers and Rodgers	Julia Taylor	Allens/Linklaters
Edwina Blight	Dentons	Julian Hewitt	Media Arts Lawyers
Elaine Wong	Sole Practitioner	Julie Robb	Banki Haddock Fiora
Eleanor Grounds	Holding Redlich	Kaelah Ford	Allens/Linklaters
Eleanor Wheelhouse	Eleanor Wheelhouse	Karen Iles	Colin Biggers & Paisley
Elizabeth Burrows	Influence Legal	Kate Brophy	Australian Government Solicitors
Elizabeth Rogers	Lunatic Entertainment	Kate Morton	Bird & Bird
Emily Martin	Sydney Opera House	Katherine Giles	MinterEllison
		Kelvin O'Keefe	Sole Practitioner
		Kim Leontiev	Thomson Geer
		Kousai Elali	Workers Compensation Commission

Leah Wickman	Allens/Linklaters
Lena Balakrishnan	Allens/Linklaters
Lishan Ang	Fedrick Jordan Chambers
Louise Lau	Allens/Linklaters
Lucinda Edwards	SBS
Luke Hawthorne	King & Wood Mallesons
Madeleine Stevens	Holding Redlich
Mandy Chapman	Beyond International Ltd
Mandy van den Elshout	ABC Legal Services
Mark L W Matulich	Matulich Lawyers
Martin Slattery	Carroll & O’Dea Lawyers
Mathisha Panagoda	Carroll & O’Dea Lawyers
Matthew Morosin	Hewlett Packard Enterprise
Megan West	Sole Practitioner
Melanie Bouton	Herbert Smith Freehills
Meryl Remedios	Dentons
Michael Easton	Michael Easton Legal
Michelle Bakhos	Sole Practitioner
Michelle Eadie	Simpsons Solicitors
Olivia Lanchester	Australian Society of Authors
Patricia Monemvasitis	Carroll & O’Dea Lawyers
Paul Dabbagh	Sole Practitioner
Paul Ippolito	Ippolito Lawyers
Peter Karcher	ClarkeKann Lawyers
Philiippa Bergin-Fisher	Herbert Smith Freehills
Philipa Collins	Dentons
Priscilla Blackadder	Emprise Legal
Rachel Chua	Australian Government Solicitors
Rebecca Currey	Bird & Bird
Rebekah Gay	Herbert Smith Freehills
Richard Potter	153 Phillip Barristers
Rob Clark	5 Wentworth Chambers

Rob Silberstein	Silberstein & Associates
Rohan Higgins	153 Phillip Barristers
Sally McCausland	Sole Practitioner
Sarah Butler	Holding Redlich
Sarah Christie	Media Arts Lawyers
Sarah McKeith	Spruson & Ferguson
Shariqa Mestroni	Bird & Bird
Sonya Veltman	Sole Practitioner
Stephen Coudounaris	Webb Henderson
Stephen Digby	Digby Von Muenster Law
Sumer Dayal	Clayton Utz
Tiernan Christensen	Allens/Linklaters
Timothy Seton	Colin Biggers & Paisley
Tom Bridges	Webb Henderson
Tracy Lu	Allens/Linklaters
Troy Gurnett	Bird & Bird

#### QLD

Danielle Barry	Allens/Linklaters
Jamie Doran	Clayton Utz
John Lunny	Workplace Resolve
Jon Meadmore	Colin Biggers & Paisley
Mark Harley	Boss Lawyers
Michael Finney	Colin Biggers & Paisley
Nicole Murdoch	Bennett & Philp Lawyers
Rhett Oliver	Colin Biggers & Paisley
Sophie Bradshaw	Elgin Legal
Tony Butler	Mills Oakley Lawyers

#### SA

Paul Gordon	NDA Law
Robert Lempens	Camatta Lempens

#### TAS

Andrew Walker	Derwent & Tamar Chambers
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Jason Samec	Butler, McIntyre and Butler Lawyers
Susan Larsen-Scott	M + K Dobson Mitchell & Allport Lawyers

## VIC

Adrian Chang	Allens/Linklaters
Andrew Komesaroff	Colin Biggers & Paisley
Craig Smith	Castan Chambers
Dan Pearce	Holding Redlich
Daniel Creasey	King & Wood Mallesons
Darren Sanicki	Sanicki Lawyers
David Bennett	Allens/Linklaters
David Vodicka	Media Arts Lawyers
Evelyn Tadros	Owen Dixon Chambers West
Fiona Galbraith	Davies Collison Cave Law
Georgina Hoy	Herbert Smith Freehills
Georgina O'Farrell	By George Legal
Harrison Ottaway	Griffith Hack Lawyers
Jeff Bergmann	Solubility
Jennifer Tutty	Studio Legal
Jesse Gordes	Solubility Pty Ltd
Lisa Archbold	Sharon Givoni Consulting
Marcus Walkom	Media Arts Lawyers
Moira McKenzie	Sanicki Lawyers
Sally Whiteman	Owen Dixon Chambers West
Savannah Hardingham	K & L Gates
Shea Wilding	Corrs Chambers Westgarth
Stephen King	Media Arts Lawyers
Suzy Wood	Studio Legal
Tim Guy	Funtastic Limited
Tony Grujovski	Studio Legal
Tony Middleton	MinterEllison
Warwick Rothnie	Owen Dixon Chambers East

Yasmin Naghavi	Media Arts Lawyers
Yi-Ling Ng	Allens/Linklaters

## WA

Adam Levin	Jackson McDonald Lawyers
Angela Hayward	Department of Community Services Western Australia
Chris Rimmer	Sparke Helmore Lawyers
Jamie Lyford	Elevation Partners
Michael Tucak	Creative Legal
Sam Wong	Elevation Partners



## VOLUNTEERS AND INTERNS

We are also extremely grateful for the many volunteers and interns who are invaluable to the operation of Arts Law.



Volunteers Johanna Bear, Isabella Penna, and Jeffrey Chung at the 2017 Volunteer Christmas Party.  
Image: Arts Law Centre of Australia

### VOLUNTEERS

Aaron Perera
Alexander Mau
Amelia Healy
Amrita Saluja
Angus Blyth Nicholas
Betty Fei
Blake Motbey
Charlie Carpenter
D'Arcy Price
Emily Marsh
Gabriella Pesantz-Laharnar
Georgina Hannam
Isabella Boag Taylor
Isabella Penna
Jason Xu
Jeffrey Chung
Johanna Bear
Joshua Gacutan
Karl Rieschieck

Kerrie Pieri
Laura Curtis
Lauren Mclean
Lee McDermott
Libby Eckersley
Madeline Connolly
Martin Imrie
Max Morrison Smith
MG Moyo
Michelle Wang
Nicolette Tyras
Paolo Remati
Ruby Munsie
Sarah Broughton Stalbow
Shon Ho
Sophie Afaras
Sophie-Anais Barbeau-Scuria
Yen Luo
Yvette Wajon

### INTERNS

<b>Cyrus Nasser</b> Harvard University
<b>Angelina Yurlova</b> University of New South Wales
<b>Sara de Cruz</b> Macquarie University
<b>Alexandra Glancy</b> Harvard University

# OUR ORGANISATION

The Arts Law Centre of Australia is a not-for-profit company limited by guarantee. We are recognised by the ATO as a Public Benevolent Institution (PBI) and a Deductible Gift Recipient (DGR). We are endorsed as a Tax Concession Charity. Arts Law is registered with the Australian Charities and Not-for-profits Commission (ACNC).

## 2017 BOARD



**The Hon Justice  
Margaret Beazley AO**  
President



**Andrew Wiseman**  
Vice President



**Navid Bahadori**  
Treasurer



**Michelle Gibbings**



**Bronwyn Bancroft**



**Debra Camden**



**Dr Andrew Lu OAM**



Arts Law staff at the 2017 Pro Bono Awards.  
Image: Jay La

## 2017 STAFF

### CEO

Robyn Ayres

### General Manager

Mary Egan

### Director – Legal Services

Delwyn Everard (to April 2017)

### Director, National Partnerships and Programs | Senior Solicitor

Suzanne Derry

### Senior Solicitors

Trudie Sarks; Adam Flynn (from May 2017)

### Solicitor

Clara Edwards (from November 2017)

### Solicitors on Secondment

- Roxanne Lorenz, Australian Government Solicitor (full-time)
- Holly Ritson, Australian Government Solicitor (February to May 2017)

- Hemant Vijaykumar, Australian Government Solicitor (May to August 2017)

### Artists in the Black Coordinator

- Leah Flanagan (to February 2017)
- Bibi Barba (from March 2017)

### Artists in the Black Paralegal

Lee Elsdon

### Paralegal

Georgie Leahy

### Communications and Marketing Coordinator

Sophie Byrne

### Administration Officers (Legal)

- Michael Bridges
- Rose Ayres

### Bookkeeper

Sue Potts (from August 2017)

# FINANCES

2017 saw the implementation of the first year of our four-year National Funding Agreement, with eight state and territory funders and two federal government funders signed. Funding from the Attorney-General's Department's remains separate. We are still working with some parties to align funding applications, but this has been a huge step forward in streamlining the efficiency of our grant management processes. Having certainty around our funding also enables us to plan our service delivery accordingly.

We continue to look beyond government for funding with some success. We are growing our earned income through subscription fees and sale of our publications and by increasingly working with a range of partners for delivery of our professional development and education services.

Our fundraising activities are now a part of our annual calendar of events and we have been fortunate to have the support of the Colin Biggers & Paisley Foundation who raised over \$60,000 for us in 2017.

We were also successful in gaining additional grant revenue from both Department of Communications and the Arts (Indigenous Visual Arts Industry Support) and the Attorney-General's Department Innovation Fund. Both grants will run through 2017 and 2018 and support our Artists in the Black service. We also received additional funding through the Department of Local Government, Sport and Cultural Industries – Culture & Arts WA for professional development to a small group of arts organisations in that state.

While we started the year with a break-even budget, we finished the year with a surplus of \$128,338 largely due to the additional funds noted above. This surplus will carry forward to 2018 and it is anticipated that a large part of it will be expended with a planned deficit in 2018. For full details of our 2017 financial reports, please see our audited accounts published as a separate document on our website: <https://www.artslaw.com.au/about/annual-financial-reports/>



# FUNDRAISING

Fundraising is an important source of additional income for Arts Law and continued to be a priority in 2017. In May 2017, we ran a raffle for three outstanding Aboriginal and Torres Strait Islander artworks at our 2017 Pro Bono Awards. In August 2017, we participated in the City2Surf. In November 2017, we held an art sale event with the support of Martin Place Chambers. Over 80 artworks were displayed in their stunning chambers and art experts guided us through the works available for sale. Over \$30,000 was raised for Arts Law with an additional \$30,000 going directly to the artists. We would particularly like to thank Michele Kearns from Martin Place Chambers without whose support this event would not have happened. We would also like to thank Emilia Galatis, Andrew Leslie, and Harriet England for their support and for curating the artworks.

Our fundraising committee of young lawyers, Hearts for Arts Law, continued to produce

fantastic fundraising events, producing both a thought-provoking Music and Law Panel and a hilarious comedy night at the fantastic Sydney venue Giant Dwarf. Thank you to Jules Munro from Simpsons, Chloe Martin-Nicolle from Sony Music, and Duncan Collins from TMRW Music Group for participating in the panel discussion. Thank you to Aaron Chen, Jen Carnovale, Fran Middleton, Suren Jayemanne, Jennifer Wong, Steph Broadbridge, Tom Cashman, and Songtourage for performing at the comedy night.

In total, Arts Law raised \$130,237 through donations and fundraising in 2017. We will continue to develop this crucial revenue stream to ensure the long term viability of the organisation and our services. Arts Law is grateful to have so many generous supporters in our community. We greatly appreciate every offer of support, whether financial or advisory.



2017 Art Sale Fundraiser for Arts Law hosted by Martin Place Chambers.  
Image: Jay La



Suzanne Derry from Arts Law, Duncan Collins from TMRW Music Group, Jules Munro from Simpsons, and Chloe-Martin-Nicolle from Sony Music at the Music & Law Panel presented by Hearts for Arts Law.  
Image: Arts Law Centre of Australia

## **GUARDIAN ANGELS AND DONORS**

Arts Law receives generous donations from many of our supporters, including clients, legal professionals, arts organisations, or individuals who are passionate about justice for artists.

Arts Law's Guardian Angels are a special group of donors committed to ensuring Australia's arts community can thrive with the right legal support. Arts Law would like to thank our 2017 Guardian Angels for their meaningful contributions. All donations help us continue to provide vital services to Australia's creators.

### **2017 Guardian Angels**

- Colin Biggers & Paisley Foundation
- The Hon David Levine AO RFD QC
- Anthony McInerney SC
- Daniel Creasey
- Victoria Walker
- The Hon. Justice Margaret Beazley
- The Hon. George Palmer AM QC
- Colin Kesteven
- Charlotte Cooper
- Susan Badyari
- Ross Blancato
- Greg Keith
- Brett Stiff
- David and Judith Minty
- Adam Casselden SC
- Electra Frost Accounting
- Elizabeth Fox
- The Hon. Peter Heerey QC
- Anthony Kelly QC
- Alison Leslie
- Norma Leslie
- Mark O'Brien
- Shane Simpson AM
- Jeremy Storer
- Carol Webster SC

# 2017 FUNDERS

 <p><b>Australian Government</b> Department of Communications and the Arts</p>	 <p><b>Australian Government</b> Indigenous Visual Arts Industry Support</p>
 <p>Australian Government</p>  <p>Australia Council for the Arts</p>	 <p><b>Australian Government</b> Attorney-General's Department</p>
<p>Supported by</p>  <p><b>ACT</b> Government</p>	 <p><b>Create NSW</b> Arts, Screen &amp; Culture</p>
<p>Proudly sponsored by</p>  <p><b>Northern Territory</b> Government</p>	 <p><b>Queensland</b> Government</p>
 <p><b>ARTS SOUTH</b> AUSTRALIA</p>	<p>SUPPORTED BY</p>  <p><b>Tasmanian</b> Government</p>
<p><b>CREATIVE VICTORIA</b></p>	 <p><b>VICTORIA</b> State Government</p>  <p><b>FILM VICTORIA</b> AUSTRALIA</p>
 <p><b>Department of</b> Culture and the Arts</p> <p>GOVERNMENT OF WESTERN AUSTRALIA</p>	 <p><b>ppca</b> PHONOGRAPHIC PERFORMANCE COMPANY OF AUSTRALIA LTD</p>
 <p><b>LexisNexis®</b></p>	<p>We would like to thank <b>Create NSW</b> who provide us with subsidised rent.</p>

The Arts Law Centre of Australia is assisted by the Australian Government through the Australia Council, its arts funding and advisory body; the Department of Communications and the Arts (Australian Government's Indigenous Visual Arts Industry Support program); and the Attorney-General's Department. We are supported by the ACT Government through artsACT, the NSW Government through Create NSW, the Northern Territory Government through the Department of Tourism & Culture – Arts NT, the Queensland Government through artsQueensland, the South Australian Government through Arts South Australia, the Tasmanian Government through Arts Tasmania, the Victorian Government through Creative Victoria and Film Victoria and the Government of Western Australia through the Department of Local Government, Sport and Cultural Industries – Culture & Arts.

Arts Law also receives support from Phonographic Performance Company of Australia Ltd and Lexis Nexis.



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