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**ARTS LAW CENTRE OF AUSTRALIA**

**ANNUAL REPORT**

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# Company Particulars

## Board

President	The Hon. Justice George Palmer
Vice President	The Hon. Justice Peter Heerey
Honorary Treasurer	Steven Miller

## Directors

Megan Brownlow (elected July 24 2006)  
Peter Griffin (elected October 18 2006)  
Shauna Jarrett  
Professor Vivien Johnson  
Associate Professor Andrew Kenyon  
(resigned May 8 2006)  
Professor Jill McKeough  
Robynne Quiggin

## Company Secretary

Robyn Ayres

## Registered Office

The Gunnery  
43-51 Cowper Wharf Road  
Woolloomooloo NSW 2011

## Accountants

Steven J Miller & Co  
PO Box 635  
Leichhardt NSW 2040

## Auditors

WalterTurnbull  
Level 17  
55 Clarence Street  
Sydney NSW 2000

### Arts Law Centre of Australia

ABN 71 002 706 256 / ACN 002 706 256

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

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# Contents

4	President's Report
5	Executive Director's Report
6	Arts Law
	Vision
	Mission
	Values
	Goals
8	Funding
10	Achievements
11	Staff
13	National Legal Advice, Referral and Mediation services
16	Arts Law Subscribers
17	Information and Referrals
19	Education Program
20	Artists in the Black
23	Case Studies
25	Advocacy and Law Reform
26	Volunteer and Pro Bono Assistance
31	Governance
33	Financial Report for Year Ended December 31 2006
34	Directors' Report
38	Auditor's Independence Declaration
39	Independent Audit Report
41	Directors' Declaration
42	Income Statement
43	Balance Sheet
44	Statement of Changes in Equity
45	Cashflow Statement
46	Notes to the Financial Statements

# President's Report

The Hon. Justice George Palmer



2006 saw an increase in the demand for, and delivery of, Arts Law services on a national basis, the details and statistics of which are within this report. That this level of service and commitment is possible given the resources with which Arts Law operates is truly remarkable.

Suffice to say this is made possible in the first instance by the support of its funding stakeholders to whom we are most grateful. However, we live in an age of uncertainty with no guarantees of future funding levels or increases for operations or projects such as Arts Law's hugely successful Indigenous service – Artists in the Black.

Given that uncertainty coupled with the demands on the public purse, the Board recognizes the need to identify and pursue strategies to increase the revenue base, to assist in meeting its obligations from any future growth.

To that end, the launch of the inaugural Arts Law Week Sydney in July – generously hosted by Minter Ellison at their splendid premises - provided an appropriate platform to announce Arts Law's Guardian Angels, a philanthropic scheme to encourage individuals and or corporations to become 'protectors' of Arts Law in the first instance, and the arts and law in a broader sense. To date I am pleased to announce there are (10) such Angels, each having made a significant financial commitment to the work of the organization.

Arts Law Week Sydney was the result of efforts to obtain new funding and we acknowledge the City of Sydney in its foresight and support of local artists and organizations. After much lobbying by Robyn Ayres (Executive Director) the Victorian Government has recognized the contribution Arts Law makes to the Victorian cultural scene and has indicated its support in 2007.

Further, in order to broaden and or increase the range of skills and knowledge base available to the Board, 2006 saw the appointment of (2) new Board members namely Megan Brown – Marketing Director of Abbott Tout – and Melbourne based Peter Griffin - Corporate Manager, Public Affairs of Toyota Australia.

In welcoming them to Arts Law, I pay tribute to Andrew Kenyon (Director, Centre for Media & Communication Law, University of Melbourne), who leaves us after 7.5 years, with the thanks of the Board and staff for his contribution over that period, and for his ongoing commitment to us through the Victorian Advisory Council. My sincere gratitude to my fellow Board members for their contribution during 2006.

The challenges for Arts Law in 2007 are many, not least being its ability to continue a service delivery to Australian artists and organizations. As I indicated earlier funding is vital to providing our services, but the level of, and commitment to, this provision is entirely due to the human resources at Arts Law's disposal.

Foremost is the management and staff who once again demonstrate how much one can achieve with so little. To do so would be impossible without the pro bono assistance from Australia's top legal firms and minds, volunteer lawyers and note takers, and legal and administrative students who selflessly support staff & management in myriad ways.

As President I feel privileged to lead, to represent Arts Law, and in so doing commit the Board to supporting its aims, its goals, and people, and to meet the challenges of the future.

*Justice George Palmer*  
*President*

# Executive Director's Report

Robyn Ayres



**2006** was another big year for Arts Law with our legal advice services reaching 2700 artists and arts organisations, and 1364 referrals.

Artists in the Black (AITB), the Indigenous service of Arts Law continued to grow in 2006. Whilst we were sorry to lose Samantha Joseph after three years, we are pleased to have Patricia Adjei join us in the Indigenous solicitor's role. The number of cases AITB was able to take on increased with many major law firms supporting this work. I note the contributions of Freehills, Allens Arthur Robinson, Blake Dawson Waldron, Clayton Utz, DLA Phillips Fox, TressCox, Jackson McDonald and Gilbert + Tobin.

AITB views education as a key component in its service delivery to Indigenous artists throughout Australia and acknowledges the outstanding support of the Copyright Agency Limited (CAL) in this regard. The education and training program has been massive not only for AITB but across all art sectors. Over the year Arts Law's education training program reached nearly 4000 people of whom 1000 were Indigenous, at 140 sessions, in 45 different geographical locations.

Arts Law is also extremely fortunate that so many lawyers (approximately 200) give to the arts community through their pro bono legal work. We could not do it without them. In addition to the legal advice nights, the AITB casework, in another new development, the DLA Phillips Fox team have also been assisting in the provision of our telephone advice service. Thanks also to the other volunteers, students and professionals who extend the Centre's capacity.

In 2006, two new directors joined Arts Law's board: Megan Brownlow, the former Marketing Director at Abbott Tout and Peter Griffin, Corporate Manager Public Affairs at Toyota. We also acknowledge the contribution of Assoc Professor Andrew Kenyon who resigned after 7.5 years.

Arts Law was very pleased that the Victorian Government indicated it will provide some funding to Arts Law in recognition of the services we provide to the Victorian arts community. Arts Law also acknowledges the significant support of the Australia Council for the Arts, Arts NSW, the Australian Film Commission, the Copyright Agency Limited and the Phonographic Performers Company of Australia. All of our partners are listed in the funding section of this report.

During Sydney Arts Law Week 2006, we launched our Guardian Angels – Protectors of the Arts scheme. Arts Law has 10 Guardian Angels who have each made a substantial donation to the work of the Centre.

Much of the advocacy efforts of Arts Law have been directed towards issues affecting Indigenous artists and communities. Arts Law not only provided a submission to the Senate Committee inquiring into the Indigenous visual arts and craft sector, but also gave evidence focussing on the need for better regulation of the art market.

Part of the need to provide better protection of Indigenous culture and intellectual property includes the introduction of adequate Indigenous Communal Moral Rights legislation, and better protection of ancient Indigenous heritage such as the rock carvings in the Pilbara.

Arts Law was also active in relation to the sedition laws and their potential impact on freedom of expression. We also raise the need to improve sculptors' rights so that the exception to copyright for sculptures in public places is removed at least in regards to commercial uses.

Despite all this fine work we were most disheartened to learn at the end of 2006 that the Australia Council was reducing its funding to Artists in the Black. It is essential that AITB's staff are able to get out to communities for this service to work. With insufficient support from Federal Government, once again we are left scrabbling to find the means to deliver to Indigenous people. Given the high level of need, it can only be hoped that this shortfall will be addressed sooner rather than later.

*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 Arts NSW
- The Australian Film Commission
- The State of Western Australia through Arts WA in association with the Lotteries Commission
- Arts SA
- Copyright Agency Limited (CAL) for its grant to run the national Artists in the Black education program
- Phonographic Performers Company of Australia (PPCA) for funding support



PHONOGRAPHIC PERFORMANCE  
COMPANY OF AUSTRALIA LTD



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

- Lexis Nexis for sponsoring Arts Law's subscription to their online publications.
- City of Sydney for support of Arts Law Week Sydney 2006
- Arts Northern Rivers & Tweed Shire Council for funding Arts Law Week Northern Rivers 2006
- Coffs Harbour City Council for funding Arts Law Week Mid North Coast 2006
- Victoria Law Foundation for support of Arts Law Week Victoria 2006
- Victorian Multicultural Commission for support of Multicultural Arts Law Week 2006
- Federal Court (Melbourne) for sponsorship of launch of Arts Law Week Victoria 2006
- DLA Phillips Fox for pro bono support of telephone advice service
- Minter Ellison for sponsorship of launch of Arts Law Week Sydney 2006
- WalterTurnbull for pro bono accounting advice.
- Broadway Accountants for pro bono accounting advice
- Steven J Miller & Co for the continued provision of advice and assistance on tax related matters to Arts Law

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

## 2006

- Provision of **2422** telephone legal advices by Arts Law legal staff for the period January to December 2006
- Provision of **287** face-to-face legal advice night (LAN) consultations by pro bono panel lawyers for the period January to December 2006
- Maintenance of a panel of approximately **200** pro bono lawyers willing to provide advice and other assistance to clients of Arts Law
- **Artists in the Black** has now completed three years of highly successful service delivery Australia-wide
- **Artists in the Black** developed a sample will for Indigenous artists which is freely available on the Arts Law website [www.artslaw.com.au](http://www.artslaw.com.au)
- DLA Phillips Fox has worked with Arts Law in piloting a new pro bono service whereby the law firm assists with the delivery of the telephone advice service. Commencing in September 2006, this highly successful initiative resulted in DLA Phillips Fox delivering 56 advices.
- Partnering by accounting firms WalterTurnbull and Broadway Accountants in the provision of pro bono tax and accounting advice
- The national coverage of the Legal Advice Night service with lawyers providing pro bono services in Sydney, Melbourne, Adelaide, Hobart, Canberra, Darwin and Perth.
- Arts Law Weeks held in Victoria, Perth, Sydney and the Northern Rivers region of NSW
- Inaugural Multicultural Arts Law Week in Melbourne in partnership with Multicultural Arts Victoria, City of Yarra, Victorian Multicultural Commission
- Seminar on Defamation and sedition in partnership with Frankel Lawyers and UTS attracting a crowd of 300 people
- A comprehensive education program which delivered 140 seminars or workshops in 40 different geographical locations which reached over 4000 participants Australia-wide, Including 1000 Indigenous participants.
- The third Arts Law Print Commission, a limited edition of 25 prints by Melbourne artist, Elaine Chew, was awarded to lawyers who had made a significant pro bono contribution to Arts Law during 2006.
- Launch of our Guardian Angels - Protector of the Arts scheme. To date 10 people or organisations have become Guardian Angels of Arts Law.

# Staff

## 2006

Executive Director

Robyn Ayres

Senior Solicitor

Alida Stanley  
(commenced May 1 2006)

Solicitor

Katherine Giles

Solicitor

Alison Patchett

Indigenous Solicitor

Patricia Adjei  
(commenced November 27 2006)

Administration Manager (Part time)

Garey Campbell

Financial Manager (Part time)

Mary Egan

Aboriginal Information/Liaison Officer

Blanch Lake

Administrative Officer

Melanie Donat

Administrative Officer

Naomi Jacobs  
(commenced October 30 2006)

### Other Staff

Aboriginal Solicitor

Samantha Joseph (until September 22 2006)

Part-time Legal Officer

Mandy Chapman

Administrative Officer

Leah Domanski (until October 4 2006)



### Arts Law Staff

*Standing: (L to R)*

Katherine Giles, Mel Donat, Patricia Adjei,  
Garey Campbell, Blanch Lake, Naomi Jacobs,  
Alison Patchett

*Sitting: (L to R)*

Alida Stanley, Robyn Ayres

Photo: Sarah Powell

## Council of Patrons

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

The members of the Council are:

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

## Victorian Advisory Council

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

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

## Guardian Angels

These are people or organisations providing a significant financial contribution to Arts Law to assist in the delivery of services to the Australian arts community.

Delia Browne	Alec Christie
Ian Enright	Kate Harrison
The Hon. David Levine RFD QC	The Hon. Justice Kevin Lindgren
Professor Jill McKeough	MTV Networks Australia
The Hon. Justice George Palmer	Shane Simpson

# National Legal Advice, Referral and Mediation Services

Arts Law has as its primary focus ensuring that Australia's artists, arts workers and arts organisations 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. In addition Arts Law provides subscribers with an 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 2006 the number of occasions on which telephone advice was provided was **2422**. The number of telephone advices is set out in Tables 1 and 2 below, being:

**Table 1: Telephone Advice by Arts Sector**

Telephone Advice	2005	2006
Film / Video/TV/broadcasting	420	361
Community Arts	80	54
Literature	270	225
Performing Arts	134	137
Music	489	394
Multi Media	45	50
Visual Arts and Crafts	720	590
Design	35	37
Miscellaneous	105	594
<b>TOTAL</b>	<b>2298</b>	<b>2422</b>

**Table 2: Telephone Advice by State/Territory**

Telephone Advice	2005	2006
ACT	33	41
NSW	1256	1328
NT	63	59
NZ	-	-
OS	1	-
QLD	140	120
SA	104	87
TAS	61	51
VIC	492	515
USA	1	-
WA	150	176
<b>Total</b>	<b>2298</b>	<b>2422</b>

## Range of Problems

Arts Law deals with a significant number of legal problems presented by each caller. In 2006, of the 2422 legal advices provided the solicitors dealt with **3228** different legal problems. Table 3 sets out the number and range of legal problems dealt with in 2006.

**Table 3: Legal Advice by Category**

Description	Totals
Agency	6
Bailment	14
Business Name	42
Business Structure incl. assns, charities, corps	57
Business Structure: Partnership	51
Censorship & Obscenity	24
Character Merchandising	1
Commercial Lease	1
Confidentiality	56
Contract: General	480
Contract: Infringement	77
Contract: Review	230
Copyright: Collecting Societies	93
Copyright: General	664
Copyright: Infringement	249
Copyright: Licensing	236
Debt	65
Defamation	80
Employment incl. discrim, super, workers comp	63
Estate Planning/Wills	8
Funding incl. government, private	14
ICIP	56
Insolvency	4
Insurance	65
IP: Design Registration	19
IP: Patent	5
IP: Trade Mark	82
Local Government	6
Mediation	8
Moral Rights	146
Other	108
Performers' Rights	42
Personal Property	12
Privacy	27
Remedies	3
Sale of Goods incl. droite de suite	1
Tax incl. GST, income, sales, stamp duty	30
Torts incl. negligence, trespass	15
Trade Practices & Passing Off incl. misleading	84
<b>Total</b>	<b>3228</b>

## Legal Advice Nights

Subscribers to Arts Law can attend Legal Advice Nights for face-to-face advice, or telephone consultations for up to two hours with experienced specialist lawyers who are on Arts Law's panel. Lawyers from large corporate and boutique firms, as well as government and in-house lawyers, volunteer for the national Legal Advice Nights panel. In 2006 Arts Law had an extensive national panel of approximately 200 pro bono lawyers.

## Coverage

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

In 2006 the number of Legal Advice Night face-to-face consultations provided was **287**.

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	2005	2006
ACT	5	12
NSW	262	190
NT	13	7
QLD	2	3
SA	5	9
TAS	11	3
VIC	44	50
WA	23	13
<b>TOTAL</b>	<b>365</b>	<b>287</b>

**Table 5: LANS by Arts Sector**

Legal Advice Nights	2005	2006
Broadcasting	3	-
Film / Video/TV	50	50
Community Arts	17	14
Design	-	6
Literature	60	36
Performing Arts	17	15
Music	84	78
Multi Media	7	3
Visual Arts and Crafts	104	75
Miscellaneous	17	10
<b>TOTAL</b>	<b>365</b>	<b>287</b>

# Arts Law Subscribers

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

**Table 6: ALCA subscribers by State & Type**

State	Totals	Commercial	Individual	Non Profit
ACT	29	-	22	7
NSW	470	22	383	65
NT	84	-	19	63
QLD	66	2	50	14
SA	56	2	38	16
TAS	20	-	17	3
VIC	129	7	96	26
WA	92	6	57	29
<b>TOTALS</b>	<b>947</b>	<b>41</b>	<b>683</b>	<b>223</b>

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.

Arts Law also has a significant number of Indigenous subscribers (**224**) who are supported through the Artists in the Black service.



# 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

The issues raised through Arts Law's continual contact with artists and arts organisations highlights 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*  
*Classification and Censorship*  
*Contracts: An Introduction*  
*Copyright Collecting Societies*  
*Debt Recovery: Letter of Demand (all States/Territories)*  
*Debt Recovery: Small Claims Procedure (all States/Territories)*  
*Defamation: for publication published before 1 January 2006*  
*Defamation: for publications published after 1 January 2006*  
*Do I Need a Film Location Release*  
*Mediation Service*  
*Performers' Rights*  
*Privacy and the Private Sector*  
*Protecting Your Designs*  
*Protecting Your Ideas: the law of confidential information*  
*Protecting your Professional Name*  
*Sedition*  
*Superannuation and Contract for Services*  
*Trade Marks*  
*Unauthorised Use of Your Image*

## Checklists and Guides

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

*Business Partnership Checklist*  
*Live Music Performance – Booking gigs*  
*Music Management Checklist*  
*Music Publishing Checklist*  
*Music Recording Agreements Guide*  
*Short Film Competition – Producer's guide*  
*Sponsorship Agreements Guide*

## Sample Contracts

Arts Law also produces a range of sample contracts, which come with explanatory notes. There are currently **24** 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. The updating process is ongoing as is the development of new agreements. Arts Law is likely to launch 5 new agreements together with 6 updated and revised agreements in 2007.

## New Publications

No new publications were launched in 2006.

In 2007 Arts Law will be publishing information sheets for culturally and linguistically diverse artists in community languages (Chinese and Arabic) and a guide to business structures for the arts.

## ART+law

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

In 2006 ART+law covered topics including:

- The Good, the Bad and the Ugly of Competition Conditions (March 06, Alison Patchett)
- Sedition and the Arts (March 06, Deborah Doctor)
- Introducing Creative Commons (March 06, Nick Sweeney)
- Unauthorised Photography on the Internet (June 06, Katherine Giles)
- Taxation of Artists (June 06, Judy Sullivan)
- Moral Rights and Indigenous Communities (September 06, Samantha Joseph & Erin McKay)
- Copyright: Hip Hop, Producers & File Sharing (September 06, Ryan McConville)
- Trade Mark Protection and ICIP: How does Australia fare (December 06, Ros Stein)

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

## External Publications

Arts Law regularly contributes articles to legal and arts periodicals including the *Media and Arts Law Review*, *Australian IP Bulletin*, *IF (Inside Film) Magazine*, *Free Range* and various newsletters for arts organisations eg *Screenrights*, *Museums and Galleries NSW*.

## Website

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

In 2006, Arts Law's website recorded 470,229 visits and 1,192,246 hits.

2006	Visits	Hits (.gif)
January - March	97,315	263,666
April - June	124,841	320,176
July - September	121,533	322,385
October - December	126,540	277,019
<b>TOTAL</b>	<b>470,229</b>	<b>1,192,246</b>

# Education Program

In 2006 Arts Law again focussed on developing and delivering a professional development program to Australia's arts communities. Staff from Arts Law also participated in seminars and conferences organised by other agencies. Arts Law again sought to reach artists and organisations from Indigenous, regional and multicultural communities.

In all Arts Law reached over 4,000 creative people around Australia, including over 1,000 Indigenous participants. We visited 40 different geographical locations, provided 140 seminars, of which 37 were for Indigenous artists. Arts Law held Arts Law weeks in Sydney, Melbourne, the NSW Northern Rivers, and Perth.

## Lectures and Seminars for Tertiary Institutions

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

- SAE College NSW
- National Arts School NSW
- Sydney College of the Arts NSW
- UWS Nepean NSW
- Australian National University ACT
- UNSW College of Fine Arts NSW
- Southern Cross University Byron Bay NSW
- Curtin University WA

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

## National Seminar Program

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

- Multicultural Arts Law Week
- Sydney Arts Law Week
- Victoria Arts Law Week
- Northern Rivers Arts Law Week
- Mid North Coast Law Week
- Perth Arts Law Week
- Sony Tropfest Filmmakers Briefing – Sydney
- Seminar on censorship and defamation laws – Sydney
- *Artists in the Black* ANKAAA NT Workshops
- *Artists in the Black* Desert Workshops
- *Artists In the Black* WA Workshops (*Broome, Carnarvon and Perth*)

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

# Artists in the Black

In 2004 Arts Law received funding from the Australia Council to trial an Indigenous Project to improve service delivery to Indigenous artists and their organisations across Australia. The service is called **Artists in the Black (AITB)**. *AITB* has now been running for three years and continues to provide an important role in providing legal advice; information and education to Aboriginal artists, communities and their organisations.

Arts Law employs 2 Indigenous staff, lawyer Trish Adjei (who replaced Samantha Joseph in December 2006), and Blanch Lake, as the information/liaison officer, to provide services tailored to the Indigenous community. The service aims to mirror all services provided by Arts Law but delivered in a culturally sensitive way. Services include:

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

**Artists in the Black** is designed to:

- Address the structural disadvantages that some Indigenous people may encounter in having their needs for legal advice, information and education met;
- Be non-threatening and responsive to the special circumstances of some Indigenous artists and their communities;
- Consult with Indigenous artists and organisations as to the best methods of delivering legal advice and information services to Indigenous artists;
- Further develop the resources needed by Indigenous artists and organisations
- Develop the skills of Indigenous staff employed on by Artists In the Black so they become a future resource for Indigenous artists and their communities;

## Legal Service Provision

The Indigenous staff work with the other Arts Law staff to provide enhanced services to the Indigenous community. In 2006 *AITB* increased its legal advice services and provided 171 legal advices, face-to-face consultations and casework services (compared to 114 in 2005). In order to provide an appropriate service, it is noted that many of the advices provided to Indigenous clients are significantly more resource intensive than other legal advices. This is in view of number of contacts as well as time spent with the client.

### Casework assistance

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

The following firms provided pro bono assistance to *AITB* in 2006:

- Allens Arthur Robinson
- Baker & McKenzie
- Blake Dawson Waldron

- Clayton Utz
- DLA Phillips Fox
- Freehills
- Gilbert + Tobin
- Jackson McDonald Lawyers
- TressCox Lawyers

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

## Education

We have also continued to provide educational workshops. Over time we have recognized the valuable role education plays in informing artists of their legal rights. In 2006 we provided 37 *AITB* presentations to over 1000 Indigenous attendees.

Delivery locations included:

- Adelaide (SA)
- Alice Springs (NT)
- Arnhem Land (NT)
- Balgo (WA)
- Blacktown (NSW)
- Bourke (NSW)
- Broome (WA)
- Cairns (Qld)
- Carnarvon (WA)
- Coffs Harbour (NSW)
- Darwin (NT)
- Dubbo (NSW)
- Mackay (Qld)
- Newcastle (NSW)
- Perth (WA)
- Port Macquarie (NSW)
- Redfern (NSW)
- Sydney (NSW)
- Tiwi Islands (NT)
- Tweed Heads (NSW)
- Walgett (NSW)

## Advocacy

The education work is also crucial to our advocacy work as visiting communities allows artists to tell us about the Issues which concern them. The level of difficulties involved in the Aboriginal visual arts and craft industry is reflected in the Government's decision to hold a Senate inquiry. Indigenous people around Australia have asked *AITB* to express these concerns and advocate to Government about the changes needed.

Some of these issues include:

- Indigenous Communal Moral Rights legislation (ICMR)
- Resale Royalties
- Need for better protection of Aboriginal cultural heritage eg through *sui generis* legislation
- Protection of ancient rock art in the Pilbara WA
- Submission to Senate Inquiry into the Indigenous visual arts and craft industry
- Need for wills for Indigenous artists
- Input into Codes of conduct and protocols being developed.

## Publications

In addition to the *AITB* comics in 2005, in 2006 *AITB* developed in conjunction with Streetwise Communications a poster about the service.

In response to needs expressed by communities, *AITB* has developed a sample will for Indigenous artists. We were assisted by DLA Phillips Fox in this project.

The *AITB* publications are also available on our website in the Indigenous area.

## Artists in the Black reference group

A Reference Group has been established from the Indigenous community to provide support and guidance throughout the course of the project. In 2006 the members of the group were:

Robynne Quiggin (Chair) NSW  
Kev Carmody QLD  
Kevin Dolman WA  
John Harding VIC  
Carol Innes WA  
Karen Mills NT  
Dr Irene Watson SA

## Case Studies

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

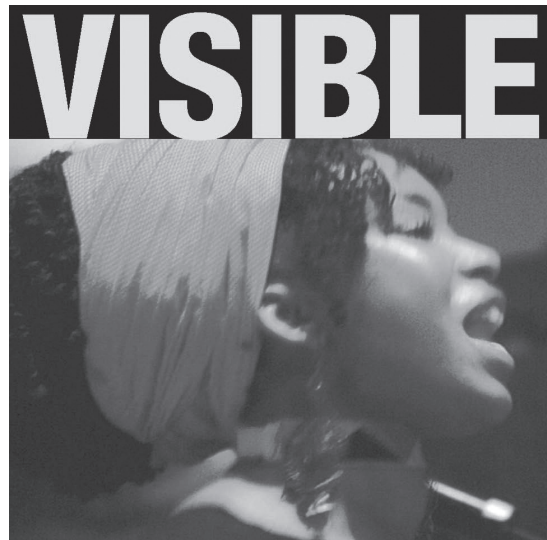
### Nathan Curnow

Writer Nathan Curnow approached Arts Law for legal advice on his screenplay *Disney on Dry Ice*. The screenplay was based on a play Nathan produced for the Melbourne Comedy Festival in May 2006. Arts Law arranged a face to face Legal Advice Night (LAN) for Nathan and he was able to receive advice on the trade mark issues, the potential legal issues surrounding the use of the Disney Corporation's trade mark in relation to entertainment services and the comparative trade mark legal issues. Nathan also received advice on other legal issues including: defamation; use of or reference to specific Disney characters; use of musical works from Disney films/productions; and other general copyright issues.

### Multicultural Arts Victoria Inc (MAV)

Multicultural Arts Victoria Inc (MAV) approached Arts Law for legal assistance with a community cultural development project, aimed at promoting and developing emerging African communities and their cultures in Victoria. The project involved the production of a CD containing the work of migrant and refugee musicians and an accompanying DVD highlighting the musicians involved.

Arts Law assisted by drafting a music compilation licence between MAV and the artists, ensuring that MAV had the necessary rights to make the compilation CD and film, distribute these and sell the CD. The agreement was structured so that the artists could also sell the CD and from every sale, by another artist or MAV, each artist received a royalty.





## Peter Corlett

Through the legal advice night (LAN) service Arts Law assisted sculptor Peter Corlett in relation to his agreement with Variety Children's Charity. Peter was commissioned by Variety to create sculptures of famous 20<sup>th</sup> century entertainers for the "Walk of Fame" public art program located at Waterfront City at Docklands, Melbourne. As part of the commission Variety provided the names of the 20<sup>th</sup> Century entertainers Peter would be depicting in his sculptures. One of these entertainers was Barry Humphries iconic character Dame Edna. Following completion of the sculpture Variety informed Peter that Barry Humphries wanted creative input in the work which raised some difficulties.

Arts Law advised Peter on his moral rights, his rights under the commission agreement with Variety, and Barry Humphries copyright in the character Dame Edna.





# Advocacy and Law Reform

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

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

## Advocacy Subcommittee

The Arts Law Advocacy Subcommittee comprised of Board members (Vivien Johnson, Jill McKeough, Andrew Kenyon and Robynne Quiggin) and staff members met on several occasions, and worked in accordance with its 2006 Advocacy Plan.

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

## Submissions

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

- Arts Law/AITB continued to campaign for better recognition of the rights of Indigenous communities whose communal intellectual property is embodied in creative works. This could be done through the enactment of appropriate Indigenous Communal Moral Rights legislation. We met with the Hon. Phillip Ruddock, Attorney-General, Senator Kemp, Minister for the Arts and various other politicians to discuss the issue.
- Submission to the Senate Inquiry into the Indigenous visual arts and craft sector. Arts Law subsequently gave evidence to the Senate hearings.
- Submission to the Australian Law Reform Commission on the Anti Terrorism Act regarding the potential of the sedition laws to have a chilling effect on freedom of expression. Arts Law also held a highly successful forum on this issue in partnership with UTS and Frankel Lawyers
- Submission on privacy issues to the Australian Law Reform Commission. Arts Law raised the concern that a new right of privacy would have a detrimental impact on long standing traditions of street photography and documentary filmmaking.
- Arts Law has continued to lobby the Government and opposition parties on the need to amend section 65 of the Copyright Act which prevents sculptors accessing the same rights to income from commercialisation of their sculptures permanently located in public places and galleries and museums in contrast to other artists.
- Arts Law has raised the need for further tax reform to benefit artists who also work in other jobs to support themselves.

The submissions on the above issues are available on the Arts Law website [www.artslaw.com.au](http://www.artslaw.com.au) in the policy and research section.

# 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, as:

## 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 drafting and reviewing our sample contracts and other publications.

Examples of such assistance in 2006 include:

- Minter Ellison hosting the Launch of Sydney Arts Law Week
- DLA Phillips Fox assisted with the drafting of the sample will for Indigenous artists
- In a new initiative DLA Phillips Fox providing telephone advice on behalf of Arts Law for last 4 months of 2006
- Freehills hosting a cross cultural training session for Arts Law staff
- Numerous law firms hosting Sydney Arts Law week seminars and providing guest presenters
- Holding Redlich hosting a Continuing Legal Education (CLE) session for lawyers on film law
- Allens Arthur Robinson hosting a CLE for lawyers on music issues.
- Numerous law firms providing pro bono assistance with the casework for Artists in the Black

## Panel Lawyers

The lawyers who provide pro bono advice to Arts Law's subscribers at our Legal Advice Nights are referred to as Panel lawyers. In 2006 Arts Law had a panel of approximately 200 lawyers throughout Australia ranging from large corporate law firms, government and in-house counsel, boutique law firms and individual practitioners. The Legal Advice Night (LAN) service is an important part of the legal services provided by Arts Law and we acknowledge the significant contribution made by the legal profession to the arts community in this regard.

Arts Law thanks the law firms and legal practitioners who participated in the Arts Law national face-to-face Legal Advice Night program and other pro bono work and advice.

Adelaide	
Franca Camatta	Camatta Lempens
Bill Morrow	Norman Waterhouse Lawyers
Brisbane	
Andrew Cardell-Ree	Clayton Utz
Alex Griffith	Hillhouse Burrough McKeown Lawyers
Glenys Hodgers	Allens Arthur Robinson
Canberra	
Leonie Kennedy	Bradley Allen Lawyers
Andrew Lu	Minter Ellison
William McCarthy	Bradley Allen Lawyers
Sharon Rowe	DLA Phillips Fox
Alisa Taylor	Bradley Allen Lawyers
Darwin	
Megan Lennie	Cridlands Lawyers
Carolyn Walter	Ward Keller Lawyers

<b>Hobart</b>	
Susan Larsen	Dobson Mitchell & Allport Lawyers
Joan Roberts	Dobson Mitchell & Allport Lawyers
<b>Melbourne</b>	
Anthony Barrington Palmer	Media Arts Lawyers
David Curtain	DLA Phillips Fox
Jerry Gomez	ABC Legal Services
Stephen Grant	Nanscawen Grant
Alfonso Grillo	TressCox Lawyers
Angelo Karamanis	Hart & Sitch Lawyers
Katarina Klaric	Stephens Lawyers & Consultants
James Lahore	Professorial Fellow, University of Melbourne
Inge Lauw	Madgwicks Lawyers
Tony Macvean	Hall & Wilcox
Taryn McCamley	Mallesons Stephen Jaques
Shaun Miller	Marshalls & Dent
Stefano del Monaco	Monaco Lawyers
Sue Morgan - Dethick	Herbert Geer & Rundle
Andrew Panna	Barrister
Charles Power	Holding Redlich
Nicholas Pullen	Holding Redlich
Sam Ricketson	Barrister
Dr Warwick Rothnie	Barrister
James Samargis	Barrister
Darren Sanicki	Marshalls & Dent Lawyers
Peter Seidel	Arnold Bloch Leibler
Chaman Sidhu	Lonely Planet Publications
Gai Steele	Marshalls & Dent Lawyers
Stephen Stern	Corrs Chambers Westgarth Lawyers
Kai-Li Tan	DLA Phillips Fox
Victor Tse	Victor Tse & Associates
Jennifer Tutty	Media Arts Lawyers
David Vodicka	Media Arts Lawyers
Frances Wheelahan	Corrs Chambers Westgarth Lawyers
Dr Mark Williams	jdlegal
Gillian Wong	National Australia Bank
Elizabeth Wright	Mushroom Records
<b>Perth</b>	
Scott Ellis	Freehills
Stephanie Faulkner	Jackson McDonald Lawyers
June Kenny	Dwyer Durack Lawyers
Adam Levin	Jackson McDonald Lawyers
Jamie Lyford	Jackson McDonald Lawyers
Michael Paterson	Michael Paterson & Associates
David Stewart	Minter Ellison Lawyers
<b>Sydney</b>	
Mathew Alderson	Gray & Perkins Lawyers
Charles Alexander	Minter Ellison Lawyers
Troy Anderson	DLA Phillips Fox
Amanda Andreazza	Allens Arthur Robinson
Serena Armstrong	Freehills
Morris Averill	
Dianne Banks	Gilbert + Tobin
Ingrid Barge	Freehills
Penelope Barclay	Allens Arthur Robinson
Melissa Beauford	All At Once
Prue Bindon	Harmers Workplace Lawyers
Sonia Borella	Holding Redlich
Melanie Bouton	Freehills

Stephen Boyle	Australian Film Commission
Simone Brandon	Hutchison Telecom
Tracy Brook	MacMillan Publishing Australia
Rob Brown	DLA Phillips Fox
Delia Browne	Copyright Advisory Group
Penny Champion	Energy Australia
Alan Chalmers	MET Law
Alec Christie	DLA Phillips Fox
Nicholas Cole	DLA Phillips Fox
Tureia Corr	SBS Legal
Khai Dang	Blake Dawson Waldron Lawyers
Carla Degenhardt	Allens Arthur Robinson
Michelle Eadie	Minter Ellison Lawyers
Michael Easton	Brett Oaten Solicitors
Kasey Ekert	Simpsons Solicitors
John Fairbairn	Clayton Utz
Angus Fotheringham	Deacons Lawyers
Marcus Fowler	ABC Legal Services
Michael Frankel	Michael Frankel Lawyers
Dragan Gasic	Barrister
Rob Gibson	Allens Arthur Robinson
Kate Gilchrist	ABC Legal Services
Craig Glazier	Canon Australia
Daniel Gleeson	DLA Phillips Fox
Adrian Goss	Beyond International Limited
Matthew Griffin	Gilbert + Tobin
Matthew Hall	Swaab Attorneys
Kate Harrison	Gilbert + Tobin
Luke Hastings	Freehill
Calum Henderson	Deacons
Sara Hofman	Allens Arthur Robinson
Joydeep Hor	Harmers Workplace Lawyers
Ant Horn	MTV/Nickelodeon
Alicia Howlett	Freehills
Kate Ingber	Gray & Perkins
Terri Janke	Terri Janke & Company
Peter Karcher	Gray & Perkins
Richard Lancaster	Barrister
Peter Le Guay	Cowley Hearne
Raena Lea-Shannon	Michael Frankel Lawyers
Jim Lennon	Middletons Lawyers
Carolyn Lidgerwood	Gilbert + Tobin
Bronwyn Maynard	Harmers Workplace Lawyers
Sally McCausland	SBS Legal
Catherine McDonnell	Fox Studios Australia Ltd
Ross McLean	Baker & McKenzie
Cass Matthews	AUSTAR Entertainment
Bronwyn Maynard	Harmers Workplace Lawyers
Naomi Messenger	Freehills
Judith Miller	DLA Phillips Fox
Clare Mirabello	TressCox Lawyers
Peter Mulligan	Henry Davis York
Jules Munro	Simpsons Solicitors
Justine Munsie	Mallesons Stephen Jaques
Michael Naphthali	Swaab Attorneys
Andrew Nolan	Thompson Playford
Maureen Noonan	
Danh Nguyen	Westpac Banking Corporation
David Orwell	Brett Oaten Solicitors

Gibson Owen	Clinch Neville Long Lawyers
Zero Partos	Barrister
Jocelyn Paterson	CSIRO
Shane Paterson	Home Wilkinson Lowry Lawyers
Gary Penny	Gary Penny Lawyers
Shannon Platt	DLA Phillips Fox
James Pomeroy	Gilbert + Tobin
Roone Richardson	Roone Richardson Lawyers
Phillip Roberts	P C Roberts
Toby Roberts	Macquarie Bank
Gary Rogers	Blueprint Law Pty Ltd
Abigail Shelley	Gilbert +Tobin
Gulley Shimeld	Beyond Productions Pty Ltd
Adam Simpson	Simpsons Solicitors
Shane Simpson	Simpsons Solicitors
Veronica Siow	Allens Arthur Robinson
Clare Stanwix	DLA Phillips Fox
Kristin Stammer	Freehills
Nina Stevenson	Nina Stevenson and Associates
Barry Stewart	Ebsworth & Ebsworth
Amalia Stone	Freehills
Simone Tierney	DLA Phillips Fox
Deborah Tobias	Hillman Laxon Tobias
Brendan Tomlinson	Gilbert + Tobin
Mandy Van Den Elshout	ABC Legal Services
Stephen Von Muenster	Von Muenster Lawyers
Claudia Wallman	Allens Arthur Robinson
Hamish Watson	Stevenson Watson
Janine Wilson	Henry Davis York
Albert Yuen	Gilbert + Tobin

## REFERRAL SERVICES

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

Arts Law gratefully acknowledges the support of the following.

### Accountants

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

## 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 2006 there were **20** LAN assistants, and our gratitude extends to:

Amanda Andreazza	Monica Massoud
Mandy Chapman	Melody Ng
Mike Clarke	Andrew Noble
Alexandra Cunningham	Caroline Roppolo
Kate Erman	Marie Sheriff
Angela Frisni	Roderick Smith
Mitch Grainger	Nick Sweeney
David Hamilton	Ros Stein
Albert Iwanowski	Katrina Tesoriero
Alison McManus	Stephanie Wigan

## 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 2006 there were **7** day time volunteers, and our thanks go to:

Deborah Doctor	Brent Salter
Jason Dullow	Marcello Saponaro
James Ellis	Nick Sweeney
Mary Jane McKerihan	

## Student Placements

Arts Law has a well-established student placement program with the law school at University of Sydney. 2004 saw the implementation of a similar program with University of New South Wales and in 2006 we took placements from University of Wollongong and La Trobe (Victoria). Students are required to work at least one day per week or for several weeks fulltime 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 or Victorian Supreme Court.

In 2006 Arts Law had **7** student placements.

Jenny Kaldor	Law, University of Sydney
Erin McKay	Public Interest (Law), UNSW
Ryan McConville	Law, University of Wollongong
Daniela Simone	Law, University of Sydney
Marie Sheriff	Practical Legal Training, Leo Cussen Institute Melbourne
Ros Stein	Public Policy (Law), University of Sydney
Stephanie Wigan	Arts/Law, University of NSW

# 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 2006 the following subcommittees met regularly to assist Arts Law in its work:

Advocacy Subcommittee (combined board and staff committee)	2 meetings with Board 6 meetings with staff only
Board representatives	Vivien Johnson Andrew Kenyon Jill McKeough Robynne Quiggin
Finance Subcommittee (combined board and staff committee)	4 meetings
Board representatives	Steven Miller (Hon Treasurer) Shauna Jarrett
Indigenous Reference Group	2 meetings
Board representative	Robynne Quiggin (Chair of Reference Group)
Marketing/Fund raising subcommittee	1 meeting
Board representatives	Jill McKeough Shauna Jarrett Megan Brownlow Peter Griffin





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## **FINANCIAL REPORT**

# **ARTS LAW CENTRE OF AUSTRALIA**

ABN 71 002 706 256

FOR THE YEAR ENDED  
31 DECEMBER 2006

# DIRECTORS' REPORT

The directors of the Arts Law Centre of Australia Ltd present their financial report on the company for the financial year ended 31 December 2006.

## Directors

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

Peter C Heerey	Jill P McKeough
Shauna Jarrett	Steven J Miller
Vivien J Johnson	George A Palmer
Andrew Kenyon (resigned 8/5/06)	Robynne Quiggin
Megan Brownlow (joined 24/7/06)	Peter G Griffin (joined 18/10/06)

## Company Secretary

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

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

## Principal Activities

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

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

## Operating Result

The net surplus of the company for the financial year amounted to \$9,013 (2005: surplus of \$5,282)

## Dividends and Options

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

## Review of Operations

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

## Significant Changes in State of Affairs

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

## After Balance Date Events

No matters or circumstances, other than that referred to in the financial statements or notes thereto, have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the company, the results of those operations, or the state of affairs of the company in future financial years.

## Future Developments and Results

There are no likely developments in the operations of the company and the expected results of those operations in financial years subsequent to the year ended 31 December 2006 that require disclosure in this report.

## Environmental Issues

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

## Information on Directors

### Peter Cadden Heerey

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

### Shauna Jarrett

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

### Professor Vivien Johnson

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

### Professor Jill McKeough

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

### Steven John Miller

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

### The Hon Justice George Palmer

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

### Robynne Quiggin

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

### Megan Brownlow

- Qualifications BA(Hons) MBA
- Experience Marketing Director, Abbott Tout Lawyers
- Special Responsibilities Marketing subcommittee

### Peter Gerard Griffin

- Qualifications BBus
- Experience Corporate Affairs Manager, Toyota Australia
- Special Responsibilities Marketing subcommittee

## Meetings of Directors

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

	Directors Meetings	
	Eligible to attend	Number attended
Andrew T Kenyon	1	-
Peter C Heerey	4	2
Shauna Jarrett	4	3
Vivien J Johnson	4	4
Jill P McKeough	4	3
Steven J Miller	4	4
George A Palmer	4	3
Robynne Quiggin	4	1
Megan Brownlow	2	2
Peter G Griffin	1	1

## Indemnification of Officers or Auditor

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

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

with the exception that the company has paid premiums to insure each director against liabilities for costs and expenses incurred by them in defending any legal proceedings arising out of their conduct while acting in the capacity of director of the company, other than conduct involving a wilful breach of duty in relation to the company. The amount of the premium for this cover was \$500.

## Proceedings on Behalf of Company

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

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

## **Auditor's Independence Declaration**

The lead auditor's independence declaration for the year ended 31 December 2006 has been received and can be found on page 4 of the directors' report.

Signed in accordance with a resolution of the directors.

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

Steven Miller  
Sydney, March 2007  
Director

# AUDITORS'S INDEPENDENCE DECLARATION

## UNDER SECTION 307C OF THE CORPORATIONS ACT 2001

## TO THE DIRECTORS OF THE ARTS LAW CENTRE OF AUSTRALIA LTD

I declare that, to the best of my knowledge and belief, during the year ended 31 December 2006 there have been:

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



Don Walter  
Sydney, March 2007  
Executive Director  
WalterTurnbull

# INDEPENDENT AUDIT REPORT

## TO THE MEMBERS OF THE ARTS LAW CENTRE OF AUSTRALIA LTD

### Scope

The financial report comprises the income statement, balance sheet, statement of changes in equity, cash flow statement, accompanying notes to the financial statements and the directors' declaration for the Arts Law Centre of Australia Limited ("The Company") for the year ended 31 December 2006.

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

### Audit Approach

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

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

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

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

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

### Independence

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

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

## **Audit Opinion**

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

- (a) the Corporations Act 2001 including:
  - (i) giving a true and fair view of the Company's financial position as at 31 December 2006 and of its performance for the financial year ended on that date; and
  - (ii) complying with Accounting Standards and the Corporations Regulations 2001; and
- (b) other mandatory professional reporting requirements.



Don Walter  
Sydney, March 2007  
Executive Director  
WalterTurnbull



# DIRECTORS' DECLARATION

The directors of the Company declare that:

1. the financial statements and notes, as set out on pages 8 to 19 are in accordance with the Corporations Act 2001:
  - (a) comply with Accounting Standards and the Corporations Regulations 2001; and
  - (b) give a true and fair view of the financial position as at 31 December 2006 and of the performance for the period ended on that date of the Company;
2. in the directors' opinion there are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.

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



Steven Miller  
Sydney, March 2007  
Director

# INCOME STATEMENT

## FOR THE YEAR ENDED 31 DECEMBER 2006

	Note	2006 \$	2005 \$
Revenue	2	755,100	665,243
Administration and overheads		(210,811)	(159,512)
Staff and related costs		(496,558)	(461,363)
Education and publications		(31,125)	(27,072)
Promotion		(7,593)	(12,014)
Profit before income tax expense	3	9,013	5,282
Income tax expense	1(a)	-	-
Surplus attributable to members of Arts Law Centre of Australia Ltd		9,013	5,282

The accompanying notes form part of these financial statements.

# BALANCE SHEET

## AS AT 31 DECEMBER 2006

	Note	2006 \$	2005 \$
CURRENT ASSETS			
Cash and cash equivalents	4	293,197	322,904
Trade and other receivables	5	6,924	2,753
Inventories	6	9,029	13,055
TOTAL CURRENT ASSETS		309,150	338,712
NON-CURRENT ASSETS			
Leasehold improvements, plant and equipment	7	32,400	37,023
Intangible assets	8	6,495	11,808
TOTAL NON CURRENT ASSETS		38,895	48,831
TOTAL ASSETS		348,045	387,543
CURRENT LIABILITIES			
Trade and other payables	9	169,766	227,153
TOTAL CURRENT LIABILITIES		169,766	227,153
NON-CURRENT LIABILITIES			
Provisions - Long Service Leave		8,876	-
TOTAL NON-CURRENT LIABILITIES		8,876	-
TOTAL LIABILITIES		178,642	227,153
NET ASSETS		169,403	160,390
EQUITY			
Retained earnings		169,403	160,390
TOTAL EQUITY		169,403	160,390

The accompanying notes form part of these financial statements.

# STATEMENT OF CHANGES IN EQUITY

## FOR THE YEAR ENDED 31 DECEMBER 2006

	Note	2006 \$	2005 \$
Balance at 1 January		160,390	155,108
Profit for the period		<u>9,013</u>	<u>5,282</u>
Balance at 31 December		<u>169,403</u>	<u>160,390</u>

The accompanying notes form part of these financial statements.

# CASH FLOW STATEMENT

## FOR THE YEAR ENDED 31 DECEMBER 2006

	Note	2006 \$	2005 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from government and customers		711,675	664,587
Payments to suppliers and employees		(692,546)	(703,664)
Interest received		18,634	16,342
Net GST (paid) / recovered from the ATO		(55,361)	17,674
Net cash (used in) operating activities	10	(17,598)	(5,061)
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of property, plant and equipment		(12,109)	(19,061)
Net cash (used in) investing activities		(12,109)	(19,061)
Net (decrease) in cash held		(29,707)	(24,122)
Cash at the beginning of the financial year		322,904	347,026
Cash at the end of the financial year	4	293,197	322,904

The accompanying notes form part of these financial statements.

# NOTES TO THE FINANCIAL STATEMENTS

## FOR THE YEAR ENDED 31 DECEMBER 2006

### **Note 1: Statement of Accounting Policies**

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

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

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

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

#### **Basis of Preparation**

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

#### **Reporting Basis and Conventions**

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

##### **(a) Income Tax**

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

##### **(b) Cash and Cash Equivalents**

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within short-term borrowings in current liabilities on the balance sheet.

##### **(c) Inventories**

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

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

##### **(d) Employee Benefits**

Provision is made for the Company's liability for employee benefits arising from services rendered by employees to balance date. Employee benefits expected to be settled within one year have been measured at amounts expected to be paid when the liability is settled, plus related on-costs. Employee benefits payable later than one year have been measured at the present value of the estimated future cash outflows to be made for those benefits.

**(e) Leasehold Improvements, Plant and Equipment**

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

**Plant and Equipment**

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

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

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

**Depreciation**

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

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

**(f) Intangibles**

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

**(g) Revenue**

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

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

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

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

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

**(h) Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the Amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

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

**(i) Financial Instruments**

**Recognition**

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

**Loans and Receivables**

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are stated at amortised cost using the effective interest rate method.

**Financial Liabilities**

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

**Impairment**

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

**(j) Comparative Figures**

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

**(k) Members Guarantee**

The company is a company limited by guarantee. If the company is wound up, the constitution states that each member of the company is required to contribute a maximum of \$100 each towards meeting any outstanding obligations of the company.



	2006 \$	2005 \$
<b>Note 2: Revenue</b>		
Operating activities:		
- Grants	557,050	520,936
- Memberships	78,400	79,962
- Publication sales	28,169	26,214
- Interest Received	18,792	16,342
- Other Revenue	72,689	21,789
	<hr/>	<hr/>
Total Revenue	755,100	665,243

### **Note 3: Profit for the Year**

Profit for the year has been determined after:

#### **Expenses:**

Cost of sales	7,939	4,957
Depreciation and amortisation	21,170	16,022
Loss on sale of assets	875	2,035
	<hr/>	<hr/>

### **Note 4: Cash and Cash Equivalents**

Cash at bank and in hand	134,243	163,950
Term deposits	158,954	158,954
	<hr/>	<hr/>
	293,197	322,904

### **Note 5: Trade and Other Receivables**

#### **CURRENT**

Trade receivables	1,924	1,218
Accrued revenue	1,693	1,535
Net GST receivable	3,307	-
	<hr/>	<hr/>
	6,924	2,753

### **Note 6: Inventories**

#### **CURRENT**

Finished goods at cost:		
- held for sale	5,633	6,640
- held for distribution	3,396	6,415
	<hr/>	<hr/>
	9,029	13,055

2006  
\$

2005  
\$

## Note 7: Leasehold Improvements, Plant and Equipment

Plant and equipment		
At cost	70,936	70,281
Accumulated depreciation	(52,198)	(49,297)
	<hr/>	<hr/>
Total plant and equipment	18,738	20,984
	<hr/>	<hr/>
Leasehold improvements		
At cost	21,390	21,390
Accumulated amortisation	(7,728)	(5,351)
	<hr/>	<hr/>
Total Leasehold Improvements	13,662	16,039
	<hr/>	<hr/>
Total Leasehold Improvements, Plant and Equipment	32,400	37,023
	<hr/>	<hr/>

### (a) Movements in Carrying Amounts

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

Carrying amount at the beginning of the year	37,023	37,283
Additions	12,109	13,652
Disposals	(875)	(2,036)
Depreciation during the year	(15,857)	(11,876)
	<hr/>	<hr/>
Carrying amount at the end of the year	32,400	37,023
	<hr/>	<hr/>

## Note 8: Intangible Assets

Website at cost	15,954	15,954
Accumulated amortisation	(9,459)	(4,146)
	<hr/>	<hr/>
	6,495	11,808
	<hr/>	<hr/>

## Note 9: Trade and payables

### CURRENT

Trade creditors and accruals	29,663	43,952
Employee benefits	54,134	39,567
Unexpended grants and grants received in advance	56,000	107,500
Unearned membership income	38,845	36,134
	<hr/>	<hr/>
	178,642	227,153
	<hr/>	<hr/>

2006  
\$

2005  
\$

## Note 10: Cash Flow Information

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

Profit from ordinary activities after income tax	9,013	5,282
<i>Non-cash flows in profit from ordinary activities:</i>		
- Depreciation and amortisation	21,170	16,022
- Loss on sale of assets	875	2,035
<i>Changes in assets and liabilities:</i>		
- (Increase) / decrease in receivables	(4,171)	46,865
- Decrease / (increase) in inventories	4,026	(6,075)
- Increase / (decrease) in payables	278	(7,609)
- (Decrease) in unexpended grants	(51,500)	(55,631)
- Increase / (decrease) in unearned income	2,711	(5,950)
	<u>(17,598)</u>	<u>(5,061)</u>

## Note 11: Auditors Remuneration

Remuneration of the auditor of the Company for:

- Audit fees	4,500	4,000
- AIFRS compliance	900	-
	<u>5,400</u>	<u>\$4,000</u>

## Note 12: Segment Reporting

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

## Note 13: Company Details

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

## Note 14: Financial Instruments

### (a) Financial Risk Management

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

The Company does not have any derivative instruments at 31 December 2006.

#### (i) Risk Management

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

#### (ii) Financial Risks

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

#### Liquidity risk

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

### (b) Interest Rate Risk

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

	Weighted Average Interest Rates		Floating Interest Rates		Non-Interest Bearing		Total	
	2006	2005	2006	2005	2006	2005	2006	2005
<i>Financial assets</i>	%	%	\$	\$	\$	\$	\$	\$
Cash Assets	5.13	4.00	293,197	322,904	-	-	293,197	322,904
Receivables	-	-	-	-	6,924	2,753	6,924	2,753
			293,197	322,904	6,924	2,753	300,121	325,657
<i>Financial liabilities</i>								
Payables	-	-	-	-	178,642	227,153	178,642	227,153

### (c) Credit Risk

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

### (d) Net Fair Values

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

## Note 15: Key Management Personnel

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

Key Management Person	Position
Peter C Heerey	Director – Non-executive
Shauna Jarrett	Director – Non-executive
Vivien J Johnson	Director – Non-executive
Andrew Kenyon (resigned 8/5/06)	Director – Non-executive
Jill P McKeough	Director – Non-executive
Steven J Miller	Director – Non-executive
George A Palmer	Director – Non-executive, President
Robynne Quiggin	Director – Non-executive
Megan Brownlow	Director – Non-executive
Peter G Griffin	Director – Non-executive
Robyn K Ayres	Executive Director

- (b) Key Management Personnel Compensation

	Short-term benefits			Post Employment Benefits	Total
	Salary & Fees	Super-annuation	Bonus	Other	
	\$	\$	\$	\$	\$
2006					
Total Compensation	81,330	7,165	-	-	88,495
2005					
Total Compensation	72,900	6,300	-	-	79,200

## Note 16: Related Party Transactions

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

## **DISCLAIMER**

The additional financial data presented on pages 21 to 22 is in accordance with the books and records of the company, which have been subjected to the auditing procedures applied in our statutory audit of the company for the year ended 31 December 2006. It will be appreciated that our statutory audit did not cover all details of the additional financial data. Accordingly, we do not express an opinion on such financial data and we give no warranty of accuracy or reliability in respect of the data provided. Neither the firm nor any member or employee of the firm undertakes responsibility in any way whatsoever to any person in respect of such data, including any errors of omissions therein however caused.



Don Walter  
Sydney, March 2007  
Executive Director  
WalterTurnbull