

2013

The front cover of our 2013 Annual Report is a replica of Arts Law's first annual report in 1983 designed by James de Vries

Arts Law – Celebrating 30 years

CONTENTS

2013 - Our Year	4
About Us	11
Our Achievements	12
Legal Advice Services	14
Telephone Legal Advice Services	16
Document Review Service	18
Top 12 Legal Problems	20
Range Of Problems	22
Case Study – Christian Thompson	23
Mediation	24
Referrals	25
Legal Resources	26
Website	29
Professional Development Program	30
Artists In The Black	32
Wills Project	36
Adopt A Lawyer	37
Artists In The Black Case Studies	38
Advocacy	42
Issues We Worked On In 2013	43
Case Study – Pandanus	47
Our Organisation 2013	48
The Board	48
Staff Members	49
Council Of Patrons	50
Volunteers And Pro Bono Assistance	53
Pro Bono Awards 2013	53
Thank you	54
Finances	62
Supporter (Funders)	70

2013 - OUR YEAR

by Robyn Ayres, Executive Director and Justice Margaret Beazley, President

The Arts Law Centre of Australia (Arts Law) was established 30 years ago. Our original objective was to be a legal resource centre dedicated to educating Australian artists in respect of their rights and responsibilities, ensuring Australian arts communities have access to expert legal advice and assistance. That objective remains as important, fresh and innovative today as it was 30 years ago. As the Hon Michael Kirby AC CMG wrote in the first Annual Report in 1984:

“Artists, in whatever discipline, tend (apart from a few tall poppies) to be less well off than other sections of the community. Without falling

into the stereotype of portraying the modern day artist as a latter-day participant in La Boheme, the fact remains that many, perhaps most, do not have the funds to secure legal advice and assistance. In these circumstances they have often failed to protect themselves, to assert their legal rights and to so organise their affairs to maximise their rewards and minimise their problems. Arts Law aims to provide a facility that will bring advice about the law to artists in all parts of Australia.”

One only has to review the most recent statistics on artists’ incomes to appreciate that many artists are still unable to afford legal assistance

at commercial rates. Many would be unable to secure legal advice and protect their rights, including property rights, without a dedicated legal service such as Arts Law. Providing free or affordable legal services to such artists remains at the heart of everything Arts Law does and has informed the services we have developed during this time, including the establishing of a national network of lawyers willing to help the Australian arts community.



The Hon. Justice Margaret Beazley AO and Robyn Ayres photo taken by Tom Groves 2012 Reproduced with permission

OUR SERVICES

Arts Law aims to ensure that its services are continuously improved and adapted so as to better and more effectively meet the needs of artist communities. Here are some of the highlights from our 2013 year.

Legal advice and community education

A core part of Arts Law's work is empowering artists to protect their own rights and property through the provision of legal advice and education. There is never any down time at Arts Law with the ever increasing demands for the legal services we provide. In 2013, Arts Law provided 2444 telephone advice services, of which 619 were for AITB clients. We undertook 866 Document Review Services, of which 402 were for AITB clients, including wills. We

provided 100 educational sessions to 2381 participants, including 895 Indigenous participants. In total we provided services to nearly 5000 artists and arts organisations over the year.

We continue to expand and improve our extensive range of publications and materials to empower artists to better understand and protect their legal rights. Most of these publications are available online through our website.

Legal services to Aboriginal and Torres Strait Islander artists

Arts Law has operated the highly successful Artists in the Black (AITB) service for Aboriginal and Torres Strait Islander artists and their

communities since 2004. Arts Law leverages over \$1 million in pro bono support for the Indigenous art sector. In 2013, we examined how to provide a greater level of support to Aboriginal and Torres Strait Islander artists. We established a new initiative, the 'Adopt a Lawyer' program, whereby an Indigenous arts centre 'adopts' a law firm to foster a one-on-one relationship to facilitate access to timely legal advice. At the end of 2013 three art centres and law firms have agreements in place for the next three years.

Advocacy and law reform campaigns

An important part of the work of Arts Law is advocacy and law reform campaigns. It is often years before this work produces results.

However, the impact of the changes achieved are significant. Arts Law was a strong advocate for moral rights for artists (introduced in 2000) and resale royalty rights (introduced in 2009). In 2013, Western Australian intestacy laws, which discriminated against Aboriginal people, were repealed. Arts Law had campaigned for reform of these laws over many years. Our work was instigated by the effect we saw the law had on artists and their families, particularly in remote regions, where access to legal advice is limited. The changes effected by the reform have benefited the broader Aboriginal community in Western Australia. The need for Indigenous artists to ensure that their succession wishes are lawfully protected has led Arts Law, with the assistance of a committed group of pro bono lawyers, to engage in its

Wills project. Travelling to remote communities regions, our lawyers have drafted the wills of members of these isolated but artistically vibrant communities. The communities have adopted the slogan "where there's a will there's a way". This is truly rewarding work.

Special Projects

In 2012, the Personal Property Securities Act (PPSA) came into operation. This legislation, which affects all visual artists and craftspeople who sell their work through galleries, requires artists and art centres to register the works they have on consignment in order to protect the artist's interest in their works if the gallery goes into liquidation. Indigenous art centre managers, in particular, struggled with the new registration

scheme. During 2013, Arts Law worked closely with Gadens Lawyers to develop the National Indigenous Art Registration Service to assist art centres with the registration process. The service was launched at Gadens' office on 26 November 2013 with an exhibition of Aboriginal art works and fabulous music from Aboriginal performer Casey Donovan.

OUR SUSTAINABILITY

2013 saw the introduction of a national funding agreement, under which Arts Law received funding from all State and Territory Governments as well as the Australia Council. Executive Director Robyn Ayres worked hard to secure this agreement, which significantly contributes to the sustainability of Arts Law.

We also appreciate the ongoing support from Screen Australia, the Department of Aboriginal Affairs WA, the Copyright Agency, the Phonographic Performance Company Australia (PPCA) and Film Victoria.

In July 2013, Arts Law was faced with the unexpected news that we had lost our operational funding from the Federal Government for the Artists in the Black service. Whilst reduced Artists in the Black funding was finally secured, the vulnerability of

funding generally poses challenges to our ongoing ability to deliver our services, including to some of the most remote and disadvantaged communities in the country.

In this financial climate, the Board of Arts Law has recognised that fundraising is of increasing importance to Arts Law. To that end, the Board has initiated a series of projects, utilising the synergy Arts Law has with the arts communities to assist in maintaining our viability. In addition, under the guidance of Arts Law's President, a young lawyers group, the Hearts for Arts Law Committee, has been established. Their first fundraising event was a screening of a documentary film, *The Crossing* (winner of the Audience Award for Best Documentary), which raised \$13,000. Arts Law plans to maintain an ongoing program of such fundraising activities. This fundraising

has provided us with an opportunity to showcase some amazing talent, to give our wonderful supporters an evening of fun and entertainment, and to find new supporters in the community for our work. However, fundraising has placed its own burden on our already overstretched staff and we will need significant pro bono input into this activity for it to be sustainable.

We also wish to again recognise the incredible pro bono support that we receive from the legal community, valued at approximately \$2 million per year. Arts Law could not sustain or improve our programs without this contribution. The pro bono support comes from all parts of the legal community – large international law firms, in-house counsel, Government lawyers, boutique practices and sole practitioners. In 2013, we had a secondee from DLA Piper

and rolling secondments from the Australian Government Solicitor. We had lawyers from Gadens, DLA Piper, Telstra and the Copyright Agency accompany us on the "wills" trips to remote communities, as well as lawyers assisting with law and policy reform work and co-presenting educational seminars for Arts Law. We thank everyone who joined us for their time and efforts.

OUR PEOPLE

Arts Law is only able to achieve as much as it does through the enormous dedication of its staff. They are committed to ensuring that artists and arts organisations receive high quality and practical legal advice and resources. In 2013, Arts Law staff donated over 1000 hours of work time to Arts Law. Our important work could not continue without their generosity.

Arts Law has also benefited from the support provided by our talented and dedicated voluntary Board of Directors. In 2013, we farewelled three board members, the Hon George Palmer AM QC, Megan Brownlow and Pauline Clague, who we would like to thank for their generous service. We also warmly welcome our newest board member, Anita Jacoby.

We look forward to your continuing support and trust that you will

become frequent attendees at our fundraising activities.

Robyn Ayres and Justice Margaret Beazley AO



Photo by Delwyn Everard 2010 reproduced with permission

ABOUT US

Arts Law is Australia's independent national community legal centre for the arts, a not-for-profit company limited by guarantee. It provides 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.

VISION

Arts Law envisages a society that promotes justice for artists and values their creative contribution.

MISSION

To empower all Australian arts communities to understand and protect their legal rights and have sufficient legal and business skills to achieve financial security and carry out their arts practice in a non-exploitive and culturally aware environment.

VALUES

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

OUR ACHIEVEMENTS

- 4825** Australian artists and arts organisations benefitted from our services
- 2444** Legal advices
- 866** Document Review Services (DRS)
- 2381** Participants in our professional development program for those in the arts community
- 186** Pro Bono lawyers gave legal advice to artists in 2013. (Arts Law provides invaluable advice to artists. As well as the funding we receive from the Federal Government, the pro bono legal services negotiated by Arts Law provided an additional \$2 million in assistance to the creative industry.)
- 619** Legal advices to Indigenous clients
- 402** Document Review Services to Indigenous clients
- 27** Matters requiring ongoing casework assistance through the Artists in the Black service
- 895** Indigenous participants at our Educational Workshops
- 7** Indigenous languages are available to clients on our Solid Arts Website



Delwyn Everard with Matumilli artists photo taken by Gabrielle Sullivan 2013 reproduced with permission

LEGAL ADVICE SERVICES

Goal: Empower artists to deal with business and legal issues throughout their careers

WHY WE DO IT

Arts Law values the creative and cultural contribution that Australia's arts communities make to our society. Our mission is to ensure that Australia's artists are properly acknowledged and fairly rewarded for their creative work and to build their capacity to deal with the legal and business matters arising from their arts practice. Arts Law does this primarily through the provision of free or low cost legal advice services which provide artists and arts organisations access to timely, practical, quality and specialised advice and information on a wide range of arts related legal and business matters.

We offer a range of legal advice services in order to cover the differing needs of our clients:

- Telephone legal advice service (TLA)
- Document Review Service (DRS)
- Mediation Service
- Referral Service to expert legal, accounting, taxation and other professionals

HOW WE ARE GOING

In 2013, 2,444 artists and arts organisations accessed Arts Law's legal advice services.

In the period between October and December of 2013, Arts Law sent out surveys to clients who had received a Telephone Legal Advice session, with overwhelmingly positive results. 100% of respondents said that they found the advice useful, and that their legal knowledge had increased as a result of this advice and again, 100% of our clients said they would refer others to Arts Law's services.

The Document Review Service (DRS) has grown significantly over the last 5 years (370 DRS in 2009 to 866 in 2013). This is indicative

of the success Arts Law has had in developing the professionalism of the arts community by educating artists and arts organisations to use contracts and to make sure that any issues are clarified before signing documents (eg contracts, leases, licenses). Feedback about our DRS Service in 2013 included comments such as "This has eased my mind considerably and given me a confident base to start to move forward", "I would definitely consider using it (the DRS service) again in the future" and "at all times Arts Law has been very clear and communicative".

WHAT NEXT?

In 2014 Arts Law is focused on increasing capacity to deal with the increase in demand for the telephone advice and document review service. The DRS is resource intensive and it places substantial pressure on Arts Law staff to keep up with the demand. Arts Law is trialling an intern position to help manage the DRS. We will continue to try to increase the use of pro bono lawyers to help deliver this service.

In 2014 Arts Law will also be building on our face to face legal advice clinics, partnering with five of the arts funding agencies in the States and Territories to provide one-on-one legal advice to local artists and

arts organisations. These clinics will encourage local artist participation and engagement and will help increase Arts Law's profile nationally, so that artists in all states and territories know where to go for legal assistance.

TELEPHONE LEGAL ADVICE SERVICES

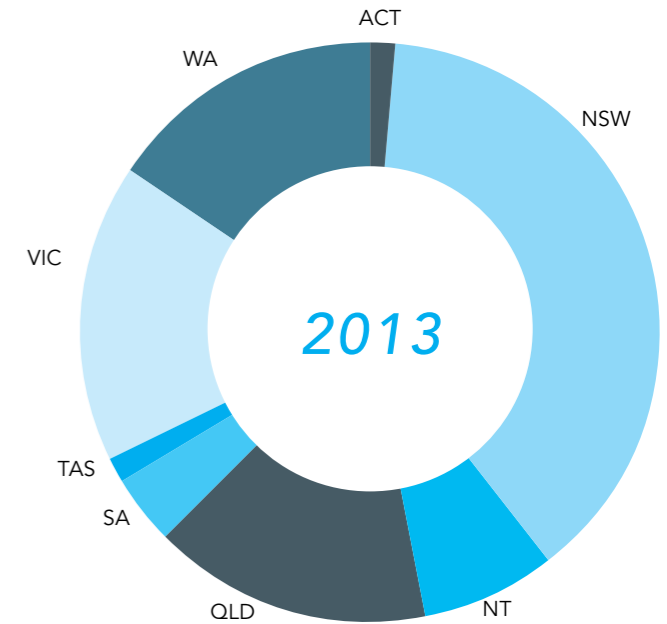
The telephone legal advice service is the cornerstone of Arts Law's legal advice services. This is a free service for most Australian artists and available to subscriber arts organisations. Arts Law lawyers (in-house or external volunteer lawyer or law firm acting on behalf of Arts Law) provide telephone legal advice where the enquiry does not involve the review of any document.

The telephone advice provided by Arts Law is becoming increasingly complex due to the many legal issues affecting our clients. This coupled with high demand for our service means that in order to keep the same high quality of

advice, fewer clients are able to be advised. To reach our targets without diminishing quality Arts Law needs additional resources. This is partially addressed through working with pro bono lawyers who assist with the Offsite Telephone Advice Assistance (OTAA).

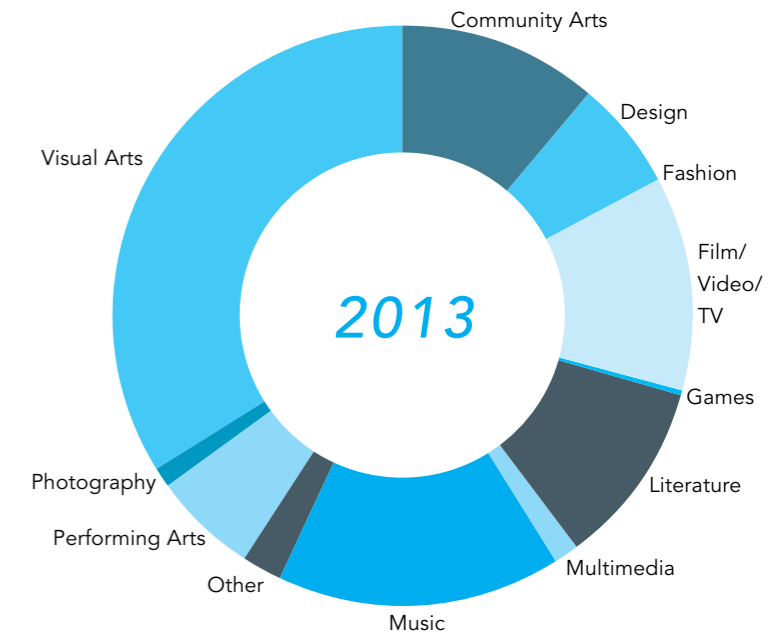
LEGAL ADVICE BY STATE

State	2013	2012
ACT	36	39
NSW	931	1001
NT	185	190
QLD	380	299
SA	93	139
TAS	35	31
VIC	402	465
WA	380	290
OS	2	-
TOTAL	2,444	2454



LEGAL ADVICE BY ART SECTOR

Art Sector	2013	2012
Community Arts	273	230
Design	149	112
Fashion	2	n/a
Film/Video/TV	293	295
Games	4	n/a
Literature	253	232
Multimedia	37	51
Music	384	568
Performing Arts	144	145
Photography	27	n/a
Visual Arts & Crafts	822	796
Other	56	25
TOTAL	2444	2,454



DOCUMENT REVIEW SERVICE

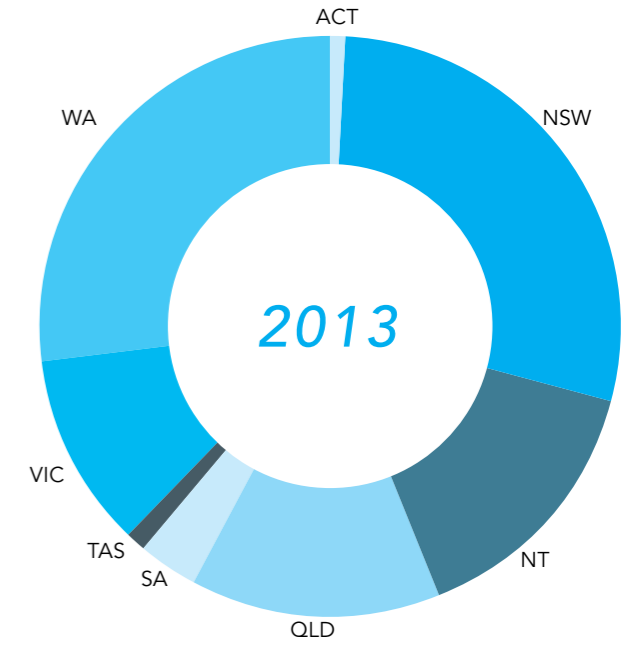
Subscribers to Arts Law can obtain a Document Review Service (DRS) either face-to-face or through a telephone consultation for up to two hours with experienced specialist lawyers who are on Arts Law's panel. The DRS is a unique service to Arts Law and it dovetails with our sample legal agreements which clients are able to purchase, adapt to their requirements and then have the document/s reviewed through the DRS.

This service is delivered in partnership with:

- Lawyers from large corporate and boutique firms.
- Government and in-house lawyers.
- Other volunteers on our National Pro Bono panel.

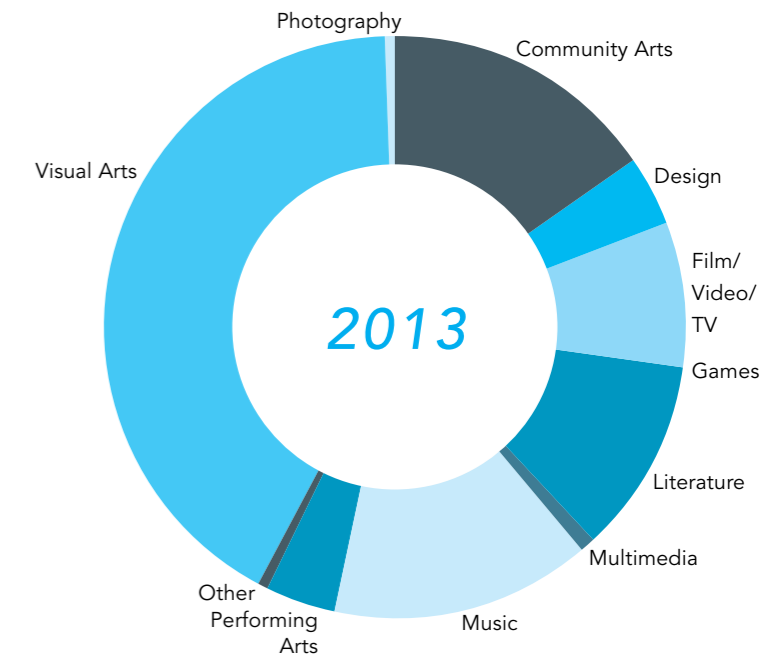
DOCUMENT REVIEW SERVICE BY STATE

State	2013	2012
ACT	8	11
NSW	245	262
NT	128	126
QLD	119	95
SA	29	77
TAS	11	5
VIC	92	99
WA	233	166
OS	1	2
TOTAL	866	843



DOCUMENT REVIEW SERVICE BY ART SECTOR

Art Sector	2013	2012
Community Arts	134	97
Design	34	23
Film/Video/TV	68	65
Games	1	n/a
Literature	93	62
Multimedia	8	13
Music	125	247
Performing Arts	34	48
Photography	5	n/a
Visual Arts & Crafts	360	284
Other	4	4
TOTAL	866	843

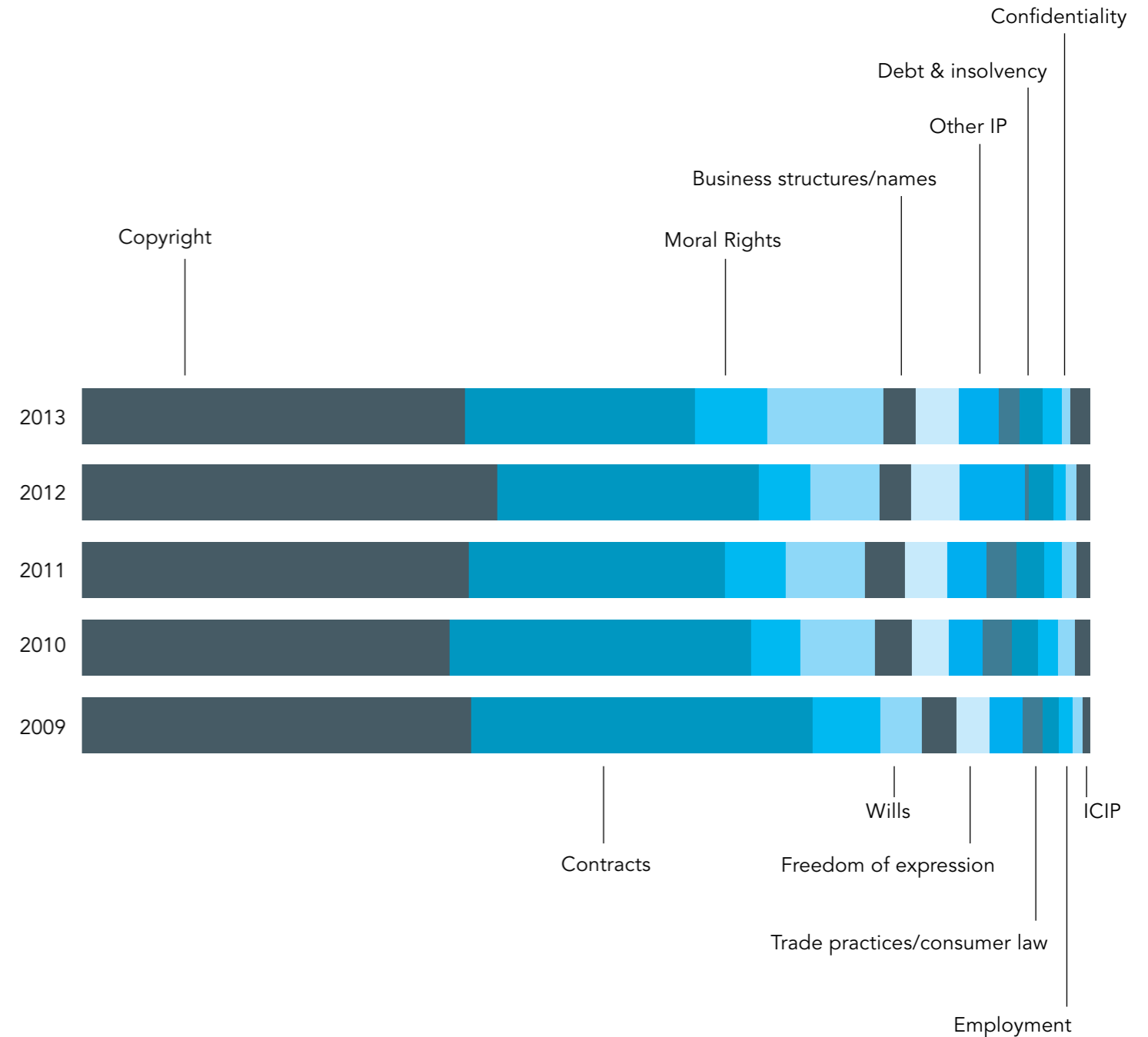


TOP 12 LEGAL PROBLEMS

	2013	2012	2011	2010	2009
Copyright	1487	1604	975	943	799
Contracts	892	1013	645	775	704
Moral rights	281	199	152	125	139
Wills	452	266	201	193	84
Business structures/names	126	123	100	93	72
Freedom of expression	169	187	107	95	68
Other IP	155	253	98	87	68
Trade practices/consumer law	80	13	77	77	42
Debt & insolvency	90	98	69	67	33
Employment	74	45	44	51	27
Confidentiality	32	42	37	43	22
ICIP	78	54	35	39	15
Total	3916	3897	2540	2588	2073

Freedom of expression includes: Defamation, privacy, censorship, classification, sedition

Other IP includes: Trade marks, Design, Performers rights, patents, PPCA, Character merchandising



RANGE OF PROBLEMS

Agency & Management	27	Indigenous Art Code	19
Bailment	9	Insolvency	2
Business Name	25	Insurance	55
Business Structures: For Profit	62	Lease	14
Business Structures: Not for Profit	35	Local Government	5
Censorship and Obscenity	3	Mediation	12
Character Merchandising	4	Moral Rights	281
Competition and Consumer or Fair Trading	80	Other	77
Confidentiality	32	Patents	4
Contracts	892	Performers' Protection	24
Copyright	1487	Personal Property Securities Act	47
Debt	88	PPCA input agreement or direct licensing	19
Defamation	111	Privacy	55
Designs	28	Prizes & Competitions	15
Domain Names	4	Resale Royalty	70
Employment-Discrim, Super, Worker Comp	74	Social Media	7
Estate Planning incl Wills and Intestacy	452	Tax incl GST, Income, Sales, Stamp Duty	27
Funding incl Government and Private	9	Torts incl Negligence, Trespass	26
ICIP	78	Trade Marks	76
		Grand Total	4,335

CASE STUDY

CHRISTIAN THOMPSON

Christian Thompson is a well-known contemporary Australian Aboriginal artist. Thompson has shown his photographs, videos and performance pieces in numerous solo and group exhibitions in Australia and abroad. For example, his video project 'Heat' (2010) was included in the National Gallery of Australia's National Indigenous Art Triennial in 2012.

For about 7 years, Thompson had an agency agreement with a Sydney art gallery that had been displaying and selling his artwork to the public. In 2012, Thompson approached the gallery management regarding an outstanding balance of over \$29,000 that he was owed for the sale of his artwork. After the gallery admitted to Thompson that they were not in a financial position to pay him in full, Thomson graciously agreed to a monthly payment plan. However,

the gallery failed to honour this plan. When Thompson continued to pursue the money he was owed, the gallery terminated its agency agreement with Thompson, while still owing him a substantial amount of money.

Due to fears that the gallery would go under before Thompson was paid his money, a friend of Thompson's contacted Arts Law for help. Arts Law then worked with Thompson to draft a formal letter of demand to the gallery's management, asking for the outstanding balance of what he was owed to be paid immediately. Despite dragging its feet, the gallery did eventually respond to Thompson's letter by paying the artist in full.



Trinity II
from Christian Thompson's Polari series

MEDIATION

Mediation is a process of dispute resolution which encourages the parties in dispute to isolate the issues, develop possible settlement options, and negotiate a resolution which is acceptable to them with the assistance of an impartial person – the mediator – to facilitate the process.

When legal advice is provided to a client, Arts Law will assess whether the matter might be suitable for mediation. Arts Law can set up the process organising a mediator from its panel of mediators. The mediators offer their services for the purpose of providing a low cost mediation service to artists and

art organisations. Mediation offers our clients many advantages, in particular it is:

- cost and time effective;
- voluntary;
- informal;
- controlled by the parties;
- private and confidential;
- "privileged";
- an opportunity for the parties to preserve or resurrect their relationship and;
- a means of dispute resolution which is additional to going to court

Arts Law referred only one matter to mediation in 2013. This is indicative of the power imbalance that often exists between our clients and the other party. In 2014, we aim to increase the uptake of our mediation service through improving our processes and ensuring effective mediation clauses in our sample agreements.

REFERRALS

Arts Law is able to provide artists with referrals to suitably qualified lawyers from our national referral panel. We also refer artists to other organisations and services appropriate to their needs, including to arts industry bodies, other advisory services, collecting societies, other community legal centres or legal aid services.

Arts Law is not always able to provide legal services to a client, so offers to assist the client through our free referral service. These situations include:

- The artist is not eligible for Arts Law services;

- The matter being beyond the limits of Arts Law's advice service,
- The matter requires a solicitor to act on behalf of the artist or
- There may be a conflict of interest or policy conflict.

In 2013, in addition to referring clients to our own website, reflecting the wealth of information and resources available there, referrals were mainly to lawyers on our referral panel, collecting societies, arts industry bodies or legal or government services.

Arts Law made a total of 880 referrals in 2013.

LEGAL RESOURCES

WHY WE DO IT

Arts Law has an extensive range of publications that provide information on a broad range of legal issues affecting the arts community nationally. These resources supplement our legal advice services, providing very useful reference material for clients, and empower them to take the next step. They are accessible via our websites, either for free or at a low cost.

HOW WE ARE GOING

Our resources continue to be updated and expanded throughout the year, in order to provide the most practical, relevant and up to date information. Our publication range includes information sheets, checklists and guides, sample agreements, seminar papers, books and eBooks. In 2013, we changed the format of our quarterly e-newsletter 'Art+LAW' to a monthly publication. 'Art+LAW' has articles by Arts Law's legal staff, volunteers, and expert pro bono

lawyers on current arts-related legal issues, which aims to be accessible to both artists and lawyers.

Arts Law also continues to add case studies, audio and audio visual material to our three websites. (www.artslaw.com.au; www.solidarts.com.au and www.aitb.com.au).

INFORMATION SHEETS

Arts Law's information sheets are available on the website free of charge, enabling arts practitioners throughout Australia to easily access up-to-date legal information. We currently have 68 information sheets published online which can be accessed at www.artslaw.com.au/legal/information-sheets. 12 new information sheets were created in 2013, including 6 specialised film, digital and game resources.

SAMPLE AGREEMENTS

Arts Law produces a range of sample agreements with explanatory notes that are available for a small fee to download and may be adapted to the user's requirements. There are currently 65 sample agreements published, covering a broad range of arts sectors including agreements for the visual arts and crafts, low budget film/video, community broadcasting and music. In 2013 we created 19 new sample agreements.

ARTISTS IN THE BLACK RESOURCES

We currently we have 31 information sheets, 20 sample agreements and 4 information comics on the AITB website. In 2013 we created 17 new resources including the Art Centre IP Toolkit, developed specifically for Indigenous Art Centres. The IP Toolkit includes 1 information sheet, 4 policies & procedures, 1 fee schedule and 6 sample agreements covering licensing and Indigenous Cultural and Intellectual Property (ICIP).

BOOKS AND EBOOKS

In 2013 Arts Law published our first eBook, a completely revised and updated third edition of Shane Simpson's seminal book, *The Visual Artist and the Law*. This 3rd edition is by Annabel Clemens and is being released chapter by chapter in three different formats – PDF, MOBI and EPUB. This publication joins a range of different books that may be purchased on our website.

WHAT NEXT?

Arts Law is committed to maintaining the currency of all our publications, and in 2014 we are looking to increase and develop our range of our legal resources in order to meet the needs of the arts community which is constantly evolving.

In particular we are continuing to build upon our resources in relation to screen activities, including games and cross media platforms, as well as for the Artists in the Black clients.

WEBSITE

ABOUT

Arts Law has three websites – Arts Law (www.artslaw.com.au), Artists In The Black (www.aitb.com.au) and Solid Arts (www.solidarts.com.au). These websites are constantly updated with news, events and resources providing artists with access to valuable information about their legal rights and developments in the law. In 2013 the Arts Law website had 349,423 visits and 637,842 page views. The Artists in the Black website had 6,869 visits and 18,151 page views.

SOCIAL MEDIA NETWORKS

In addition to our websites, Facebook and Twitter provide Arts Law and Artists in the Black with an opportunity to communicate with the arts and legal communities about news and events that are relevant to people who are interested in the arts and the law. By the end of 2013 Arts Law had 1994 people like us on Facebook and 1659 followers on Twitter (@ArtsLawOz).

WHAT NEXT?

Arts Law is redeveloping its websites to improve and update these important platforms for communicating with artists and our many other stakeholder groups. Arts Law will also be further developing our social media strategies to increase our engagement with our artist communities.

PROFESSIONAL DEVELOPMENT PROGRAM

WHY WE DO IT

The aim of our professional development program is to provide worthwhile and well-targeted educational sessions to Australian artists and arts organisations to help increase awareness and understanding of the many legal and business issues affecting the creative community. This contributes to the development of sustainable arts businesses.

HOW WE ARE GOING

2013 was a particularly busy year for Arts Law's professional development program for the arts community. We delivered 100 sessions nationally which were attended by 2381 participants of whom 895 were Indigenous.

In 2013, the program covered issues such as copyright, moral rights, contracts, business structures, digital, gaming and multiplatform

issues, wills and Indigenous cultural and intellectual property and was delivered in 39 locations nationally.

Feedback on Arts Law's 2013 education activities was overall extremely positive. Surveys sent out to the participants who attended seminars, workshops and clinics, showed that 99% of respondents now felt more confident in dealing with legal issues arising in their arts

practice; 100% of respondents said that the information provided was either excellent, very good or good, and again 100% of respondents said that the presenter was excellent, very good or good.

WHAT NEXT?

Arts Law is researching and trialling different methods of education delivery in 2014. In particular Arts Law is developing educational packages for tertiary institutions and local government, as well as our capacity to deliver webinars to the arts community more broadly.

ARTISTS IN THE BLACK

WHY WE DO IT

Artists in the Black is a specialised service for Aboriginal and Torres Strait Islander artists, communities and arts organisations. The Artists in the Black service aims to provide Aboriginal and Torres Strait Islander artists with access to legal advice and information in a culturally appropriate way.

Artists in the Black aims to:

- Increase access by Indigenous artists, arts organisations and Indigenous communities to legal advice on arts law issues, including Indigenous Cultural and Intellectual Property (ICIP).
- Increase access to legal information about arts law issues and develop appropriate publications.
- Increase the understanding and awareness of Indigenous artists and communities of arts law issues through an education programme.
- Provide informed advocacy work on ICIP issues and other arts law issues affecting the Indigenous community.
- Work with Aboriginal and Torres Strait Islander organisations, including peak bodies such as ANKAAA, Desart, Ananguku Arts, AACHWA and IACA, to ensure the protection of Indigenous artists' rights.



Wampana Band photo taken by Oliver Eclipse reproduced with permission

COMMUNITIES VISITED BY ARTS LAW IN 2013



HOW WE ARE GOING

Since its establishment, Artists in the Black has been very successful and has continued to grow. In 2013, the provision of legal services to Aboriginal and Torres Strait Islander artists comprised approximately 25% of Arts Law's legal work.

- In 2013 the following services were provided:
- 619 Telephone Legal Advices
 - 402 Document Review Services
 - 160 Wills

- 59 Educational workshops
 - 895 Aboriginal and Torres Strait Islander participants in education sessions
- In 2013, lawyers from Arts Law visited many regional and remote areas of Australia providing legal information and advice to Aboriginal and Torres Strait Islander artists and arts organisations (see map).

WILLS PROJECT

Since 2006, Arts Law has been drafting wills for Indigenous visual artists in remote and regional areas across Australia. Through its casework service, Artists in the Black also assists many Indigenous families to manage intestate estates. The wills project has become a very important part of the Artists in the Black program, with nearly 800 wills drafted to date.

Over the past 7 years, Artists in the Black has campaigned tirelessly for amendment to the discriminatory Western Australian legislation which took the right to manage the estate of a deceased Aboriginal person away from the family and vested it in the Public Trustee. In response to Arts Law's extensive advocacy efforts, the Western Australian government repealed the unfair laws in 2012

and they finally came into effect in August 2013. This was a great victory for Arts Law and Aboriginal people in WA!

Pr Bono Lawyer Stephanie Surm, Delwyn Everard and Donna Carstens and Warmun Artists: Patrick Mung Mung and Mabel Juli



ADOPT A LAWYER

In April 2013, Arts Law launched its "Adopt a Lawyer" pro bono program which partners Aboriginal and Torres Strait Islander community arts centres with a law firm for a three year partnership. The Adopt a Lawyer program aims to strengthen the existing Artists in the Black support of Indigenous art centres by facilitating a relationship between an art centre and an individual law

firm. Through this program, the art centre can contact their adopted law firm directly for advice on issues and lawyers will develop a more detailed understanding of the art centre's operations, with the art centre receiving relevant, commercial and timely advice.

In 2013 the following relationships have been established:

- Mowanjum Arts – Ashurst
- Warakurna Artists – Allens
- Warmun Art – Lander & Rogers

PPSA REGISTRATION SERVICE

In November 2013, Arts Law and Gadens law firm launched a new Pro Bono program, the National Indigenous Art Registration Service. Under the National Indigenous Art Registration Service, Indigenous art centres can complete a simple registration form hosted on Arts Law's website. This form is then sent to Gadens, where a lawyer

completes all aspects of registering both the art centre and the individual artworks. This service assists Aboriginal and Torres Strait Islander artists in ensuring that their artworks are correctly registered under the Personal Property Securities Register.

CASE STUDIES

ARTISTS OF AMPILATWATJA: DEALING WITH AN OVERSEAS GALLERY

Artists of Ampilatwatja Corporation is an Aboriginal Community Art Centre that supports local Alywarr artists of the Ampilatwatja community. Ampilatwatja is located in a remote part of the Northern Territory, about four hours North East of Alice Springs (see map page 33). Ampilatwatja artists draw on their relationships with the country to paint the vibrant, finely dotted landscape paintings distinctive of Central Australia.

In 2012, the Artists of Ampilatwatja had a very successful overseas exhibition where most of the paintings were sold. However, Ampilatwatja contacted Artists in the Black after a dispute arose over the amount owed to the artists and the return of unsold works. This is any Aboriginal art centre's worst nightmare – paintings are sold but the artists aren't paid.

In most cases, Artists in the Black can provide very little help to artists in dispute with galleries or businesses located overseas, as we can only advise on Australian law and it is extremely difficult to recover money or property from overseas. However, on this occasion, Artists in the Black was able to persuade international law firm DLA Piper to provide the services of a lawyer based in the United Kingdom on a pro bono basis. Their UK lawyer was able to successfully negotiate payment for the artists and the return of the remaining unsold artworks.

The outcome might have been very different were it not for Arts Law's successful Artists in the Black service and our excellent pro bono relationships across Australia and the world.



Ampilatwatja Artists, photo by Joe Sykes, reproduced with permission



Yvonne Bonney, Ampilatwatja Artists photo by Joe Sykes, reproduced with permission

MOWANJUM ARTISTS – COPYRIGHT AND COMMUNITY ARTS CASE STUDY

Mowanjum Artists commissioned the production of a film by Tim Mummery of Yeah Right Productions. The film was produced to be played at the art centre and Mummery assigned all of his rights over to the art centre. Following the screening of the video, many wanted to purchase a copy. Whilst this was supported by Mummery, he was concerned that not all of the copyright clearances had yet been obtained.

The film contained under a minute of footage from a film by Malcolm Douglas called "Beyond the Kimberley Coast". Mummery was given oral consent by Douglas but Douglas had since passed away. The film also showed footage of the television broadcast of the Sydney Olympic Games Opening Ceremony, filmed by Channel 7. This was recorded at home by a member of the Mowanjum community. The footage was included

in the video because it contained images of an artwork by Donny Woolagoodja of a Wandjina (or spirit) rising.

Mowanjum Artists contacted Artists in the Black for assistance in obtaining the proper clearances to use the footage. Artists in the Black secured the pro bono support of Herbert Smith Freehills, who worked to negotiate clearance for the two pieces of footage. In order to use the footage from "Beyond the Kimberley Coast" it was necessary to identify and seek the permission of the copyright holders of that film. The relevant copyright holders were identified and an agreement for use of the footage in Mummery's film was reached.

To use the footage from the Opening Ceremony, it was first necessary to determine whether the copyright to the footage was owned by Channel 7, who aired the ceremony footage in

Australia, or by a body associated with the Olympic Games. After determining that the copyright to the footage was not owned by Channel 7 and that clearance would need to be given by the International Olympic Committee, an agreement was reached for the use of the footage in the film.

This case demonstrates the importance of obtaining proper copyright clearances before releasing work that incorporates works of others. This can be difficult where it is not known who holds the copyright or where relevant copyright holders have passed away leaving their rights to their beneficiaries but is no less important in these situations. The case also demonstrates the importance of support from pro bono lawyers and firms, in this case Herbert Smith Freehills, in providing legal services to Artists in the Black clients.

FEEDBACK

In 2013 Arts Law sought feedback about its services through a stakeholder survey. Almost 85% of respondents agreed with the statement that "Arts Law provides leadership on working with Indigenous artists and communities." When asked what were Arts Law's key strengths, stakeholders responded that Arts Law delivers "specialised expertise, particularly with Indigenous arts issues" and that Arts Law delivers "appropriate, timely advice to Indigenous artists (that is) culturally sensitive and professional."

Feedback from Artist in the Black workshops shows that 100% of participants found the information

was excellent or very good. 100% of participants also said their understanding of their rights and arts related issues increased as a result of the seminar. Comments included:

"The workshop was relevant, discussed our needs and our concerns and was very informative and flexible to our discussions on the day. Participants were given the option of contacting Artists in the Black for further information. Very impressed with the presenters ability to work with the participants. Definitely didn't talk down at us and had some very strong discussions on off the cuff issues."

"All artists should know their rights

and have a service like 'Artists in the Black'. It is so important for us to understand what we can do to protect ourselves and our work in the arts industry."

WHAT NEXT?

In July 2013 Arts Law received the totally unexpected news that we had lost our operational funding for Artists in the Black. Arts Law immediately began to negotiate with various funders and Government representatives and was finally able to announce in September that the service was to be funded by the Attorney General's Department. However, by the end of 2013 we were still waiting for this to be confirmed. It can be extremely disheartening when Arts Law works so hard to deliver the Artists in the Black service nationally, including to some of the most remote and disadvantaged communities in the country, for the funding to be so vulnerable.

In 2014 Arts Law will continue to work to secure reliable funding for the Artists in the Black service from both Government and non-Government sources. In addition, Arts Law will significantly increase our fundraising efforts with the aim of becoming less dependent on Government support.

ADVOCACY

Goal: Influence decision making and increase the valuing of the arts, Indigenous culture, and arts law in the community through advocacy and continuing to increase the profile of Arts Law.

ABOUT ARTS LAW'S ADVOCACY WORK

Arts Law aims 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. development of relationships with the government, media, arts sector and other relevant bodies;
4. work to provide advice and influence the decision making of government and other bodies; and
5. evaluating the impact of our advocacy work

Advocacy is a key element of Arts Law's services as we believe it is vital to provide leadership and give a voice to the Australian arts community. We proactively lobby and respond to policy and law reform issues affecting the cultural sector in order to protect and promote the rights of artists.

At the end of 2013, Arts Law sought feedback from our stakeholders on a range of issues. The majority of our stakeholders said that they 'strongly agreed' that Arts Law shows leadership on a wide range of issues (arts + law).

WHAT NEXT?

In 2014 and beyond, Arts Law will continue to provide leadership to the arts community, providing advice and responding to policy and law reform issues affecting the cultural sector. We will continue to consult and work in partnership with the arts sector on relevant issues and disseminate our research and information on these issues to them. We will endeavour to influence views and policies on issues affecting artists through meeting with key representatives of government and other stakeholders.

ISSUES WE WORKED ON IN 2013

In 2013, Arts Law continued to take the lead in its advocacy work focussing on the following issues:

COPYRIGHT

Arts Law advocates for a fair and effective copyright system that prevents unauthorised use of artists' work and ensures artists receive credit and remuneration for their creative output.

In response to the Australian Law Reform Commission's Review on Copyright and the Digital Economy discussion paper released in May 2013, Arts Law provided a submission arguing against fair use and the expansion of exceptions to copyright infringement. The submission focused on both the economic impact on artists and the detriment to moral rights of artists that would result from permitting

user generated content, sampling, remixes and mashups of copyright protected material, without permission.

Arts Law also provided a submission on the Greens Fair Go Fair Use Bill, arguing against the expansion of exceptions (such as fair use) to copyright infringement, with the submission again focusing on the economic impact to artists and the detriment to their moral rights.

In November Arts Law made a submission to the Advisory Council on Intellectual Property's Review of the Designs System Issues Paper, noting that the copyright/design overlap provisions do not operate

satisfactorily. Arts Law expressed concern that the current system is out of step with technological advancements, for example 3D printing, and is also not reflective of our international counterparts.

INDIGENOUS CULTURAL AND INTELLECTUAL PROPERTY (ICIP)

Executive Director Robyn Ayres attended the 25th meeting of WIPO's Intergovernmental Committee in July 2013, focusing on traditional cultural expression, to advocate on behalf of Arts Law's clients in Indigenous communities. Arts Law is engaged in the discussion and decision making surrounding the protection of traditional cultural expressions because so many of our Aboriginal and Torres Strait Islander clients

have to deal with the issue of lack of protection of their ICIP on a daily basis.

Arts Law also released and distributed, to relevant organisations and bodies, its Solid Arts DVD, a resource providing valuable information and discussion regarding ICIP. This is available on the Solid Arts Website at www.solidarts.com.au.

PROTECTED SPECIES IN ART

Obtaining export exemptions for artists who use protected flora/fauna in their art

In 2013, after more than 12 months of advocacy work by Arts Law and DLA Piper and King & Wood Mallesons, the Federal Government added the native plant, pandanus spiralis, to the List of Exempt Native Specimens. This exemption means that all Aboriginal and Torres Strait Island art centres and artists creating artworks from pandanus fibre are able ship them overseas for international exhibition and sale. See case study on page 45.

COLLECTING SOCIETIES

Collecting societies are bodies which have authority to licence copyrighted works and collect royalties on behalf of artists who are the copyright owners. Arts Law advocates for improved transparency and efficiency in the operation of collecting societies.

In 2013 Arts Law provided a submission to the Review of Collecting Societies Code of Conduct addressing the lack of

transparency around the charging of fees by Copyright Agency and Viscopy for statutory licensing. This issue was addressed in the Collecting Societies Code Reviewer's Report and the collecting societies implemented more transparent measures.

FREEDOM OF EXPRESSION

Arts Law is a strong advocate for freedom of artistic and cultural expression and for legal reforms that create modern and functional safeguards protecting the right to such expression.

Arts Law worked with NAVA throughout the year to raise awareness in the arts community about various aspects of freedom of expression, presenting forums in Brisbane, Perth and Melbourne.

CASE STUDY

PANDANUS

PRIZES AND COMPETITIONS

In 2013 Arts Law provided ongoing advocacy around encouraging best practice with prizes and competitions, particularly as it affects visual artists and photographers. Arts Law implemented a “5 star” system which involves checking competitions monthly and informing the public of the star rating for each competition.

180 competitions were checked and rated over the course of the year. In addition, Arts Law contacted 14 competitions directly to urge them to improve their terms to be fairer to entrants. 10 of those competitions (including the Archibald Prize, Melbourne’s Music Bank promotion

and the Alice Prize) amended their terms on the spot. 3 competitions (including the IPAF ATOM Awards and the Dreamtime at the ‘G competition) worked with Arts Law to create fairer terms for their 2014 competitions.

REPEAL OF UNFAIR WA INTESTACY LAWS COMES INTO FULL EFFECT

Over the past 7 years, Artists in the Black has campaigned tirelessly for amendment to the discriminatory Western Australian legislation which took the right to manage the estate of a deceased Aboriginal person away from the family and vested it in the Public Trustee. In response to Arts Law’s extensive advocacy efforts, the Western Australian government repealed the unfair laws in 2012 and they finally came into effect in August 2013. This was a great victory for Arts Law and Aboriginal people in WA!

Indigenous Australian weaving techniques have existed and evolved over thousands of years. Aboriginal woven fibre art, made from various natural fibres including native pandanus, has garnered widespread national and international acclaim. However, efforts to build international awareness and reputation have been hampered by restrictive export laws governing the overseas shipment of items created from native plant species.

Back in 2011, Arts Law was contacted by the Elcho Island Arts Centre who had been notified by the Department of Sustainability and Environment that artworks containing the native Australian plant, pandanus spiralis (pandanus) could not be sent overseas for an upcoming exhibition. Under federal legislation, it is an offence to export a regulated native specimen and significant penalties apply.

Arts Law, through its Artists in the Black casework service, secured pro bono legal assistance for the Elcho Island artists from law firm DLA Piper who managed to secure an exceptional circumstances permit to allow a one-off exception for the art centre to export the works by the deadline. Although the permit was granted in that particular instance, it became apparent that a longer-term solution was required.

Arts Law worked with Elcho Island Arts to lodge an application to the Minister to amend the List of Exempt Native Specimens (LENS) by adding pandanus fibre. After more than 12 months, this species has finally been classed as an exempt species under the EPBC act and no longer needs a permit to be exported. This clears the way for all Aboriginal and Torres Strait Island art centres and artists creating artworks from pandanus

fibre to ship them overseas for international exhibition and sale.

Arts Law remains concerned that there may be other native plants and animals used by Indigenous artists in Australia that need to be considered for inclusion on the LENS. Arts Law looks forward to further engagement with Indigenous arts organisations as well as the relevant government agencies on this issue.



Artist, Elizabeth Djuttara, weaving pandanus, with Kyas Sherriff

OUR ORGANISATION 2013

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).

THE BOARD



The Hon Justice
Margaret Joan
Beazley AO
(President)



The Hon Peter
Heerey AM QC
(Vice President)



Steven J Miller
(Honorary Treasurer)



Tania Chambers



The Hon Justice
Andrew Greenwood



Peter Griffin



Anita Jacoby



Kimberlee Weatherall



Andrew Wiseman



Megan Brownlow
(Until April 2013)



The Hon George
Palmer AM QC
(Until March 2013)



Robyn Ayres
(Company Secretary)



STAFF MEMBERS

Executive Director Robyn Ayres

Deputy Director Delwyn Everard

Senior Solicitors Suzanne Derry
Morris Averill (until August 2013)

Solicitors Anika Valenti
Jennifer Arnup (Solicitor from July 2013.
Jennifer was Legal Administration officer until
June 2013)
Trudie Sarks (From August 2013)
Jasmine McHenry (Until June 2013)
John Berg (Secondee until March 2013)
Ella Dalrymple (Secondee from February
to August 2013)

Solicitors

Peter Kidd (Secondee from April to
September 2013)

Denis Stokes (Secondee from September
to November 2013)

Donna Robinson (Secondee from
November 2013)

Artists in the Black
Coordinator

Donna Carstens (Until December 2013)

Administration and
Finance Manager

Mary Egan

Legal Administrations
Officer

Isabella Street (From July 2013)

Marketing and
Communications
Administration Officer

Fiona Bell (From July 2013)
Jayne Anderson (Until May 2013)

Administrative
Assistants

Gemma Williams
Victoria Wills

COUNCIL OF PATRONS

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



Torres Strait Islands photo taken by Donna Carstens 2012 reproduced with permission



Arts Law Pro Bono Awards photo taken by Claire Louise Laing 2013 reproduced with permission

VOLUNTEERS AND PRO BONO ASSISTANCE

Volunteers and pro bono lawyers are integral to the provision of Arts Law's services. In order to successfully deliver its Document Review Service to artists and arts organisations nationally, Arts Law relies on a panel of 220 dedicated volunteer lawyers. Without the commitment and generosity of our volunteer lawyers, Arts Law would not be able to provide the same legal assistance to the many artists who approach us for advice every year. In 2013, the pro bono assistance received by Arts Law was valued at more than \$2 million. Legal assistance was provided throughout Australia by large corporate law firms, government and in-house counsel, boutique law firms

and sole practitioners.

In addition to the national Document Review Service, five firms assisted in the delivery of Arts Law's free telephone legal advice service: Allens Linklaters, Finlaysons, Herbert Smith Freehills, Holding Redlich and Minter Ellison.

Other lawyers assisted with advocacy work, helping in our engagement with the Government, particularly on issues affecting Aboriginal artists and art centres. Some lawyers also participated in our education program providing seminars to the arts community.

PRO BONO AWARDS 2013

Arts Law celebrates the enormous contribution that our pro bono supporters make and in recognition of our appreciation we hold our annual Pro Bono awards. For the last 9 years, Arts Law has commissioned a print to award to 30 lawyers celebrating their significant pro bono work in the arts community. This year's lino print titled "Dancing brolga" was created by Aboriginal artist Elliot Koonutta from Pormpuraaw Art Centre in Far North Queensland. For the first time, this year in addition to 28 lawyers from Arts Law's pro bono panel, Arts Law also recognised two lawyers nominated by the arts community for their support and contributions.

THANK YOU

ARTS LAW THANKS THE LAW FIRMS AND LEGAL PRACTITIONERS WHO PARTICIPATED IN THE DOCUMENT REVIEW SERVICE PROGRAM IN 2013.

NSW

Adam Flynn	National Film and Sound Archive	Derek Baigent	Griffith Hack Lawyers
Adam Simpson	Simpsons Solicitors	Dhruv Nagrath	Lander & Rogers
Adrian Cannon	Cannon Lawyers	Elaine Leong	The Benevolent Society
Adrian Goss	ACP Magazines	Elizabeth Burrows	Influence Legal (Pro Bono Awards winner)
Alexandra George	Faculty of Law	Emma Roberts	Curwoods Lawyers
Anastasia Hardman	Allens Linklaters	Emily Hawcroft	Minter Ellison (Pro Bono Awards winner)
Annabelle Williams	Allens Linklaters	Francesca Brown	Henry Davis York
Ben Fry	Digby Law	Gary Penny	Gary Penny Lawyers
Ben Kay	Kay & Hughes	Grant McAvaney	ABC Legal Services
Bora Kaplan	6th Floor Wentworth Chambers	Haley McEwan	Henry Davis York
Campbell Davidson	Squire Sanders	Hamish Collins-Begg	Allens Linklaters
Caroline A Verge	Verge Whitford and Co	Hamish Fraser	Truman Hoyle Lawyers
Charles Alexander	Minter Ellison	Ian James McDonald	Simpsons Solicitors
Chris Johnson	Webb Henderson	Ian Robertson	Holding Redlich (Pro Bono Awards winner)
Christopher Chow	Chris Chow Creative Lawyers (Pro Bono Awards winner)	Isabella Bosworth	Allion Legal
Clare Young	Allens Linklaters (Pro Bono Awards winner)	Isabelle Ho	Holding Redlich
Damien Timms	Norton Rose Fulbright	Ishan Karunanayake	Ministry of Sound Australia
Darshini Nanthakumar	Minter Ellison	Janine Pearce	JP Media Law
David Cross	Norton Rose Fulbright		

NSW

Jenny Smith	Norton Rose Fulbright	Melissa Sanghera	Herbert Smith Freehills (Pro Bono Awards winner)
Jenny Thrum	Norton Rose Fulbright	Melody Ng	Telstra Corporation Ltd
Jeremy Storer	Storers Lawyers (Pro Bono Awards winner)	Michael Easton	Michael Easton Legal
Jin Hong (Kenneth Ti)	Phang Legal	Michael Montgomery	HWL Ebsworth Lawyers
Jodie Wauchope	Gadens (Pro Bono Awards winner)	Michael Naphthali	The Premium Movie Partnership
Jose Perez	Perez Varela Lawyers	Michelle Bakhos	
Jules Munro	Simpsons Solicitors	Naomi Messenger	Swaab Attorneys
Julie Robb	Banki Haddock Fiora	Nicholas Rozenberg	Addisons Lawyers
Junichi Horie	Advantage Partnership Lawyers	Nicholas Smith	
Justine Munsie	Addisons Lawyers	Oliver Smith	Truman Hoyle Lawyers
Kate Harrison	Gilbert + Tobin	Peter Karcher	ClarkeKann
Kate Hughes	Kay & Hughes	Peter Kidd	Arts Law Centre of Australia
Kate Morton	Truman Hoyle Lawyers	Raena Lea-Shannon	Entertainment Media Technology (Pro Bono Awards winner)
Katherine Giles	ABC Legal Services (Pro Bono Awards winner)	Rebekah Gay	Shelston IP Lawyers (Pro Bono Awards winner)
Khai Dang	Ashurst	Rene Steffanetti	Herbert Smith Freehills
Kristin Stammer	Herbert Smith Freehills	Renu Menon	Gadens
Lishan Ang	Frederick Jordan Chambers	Rob Glass	Simpsons Solicitors
Lucinda Edwards	Terri Janke & Company	Robert Reed	Minter Ellison
Mandy Chapman	Beyond International Ltd	Roderick Smith	Evescourt Legal
Mandy van den Elshout	ABC Legal Services	Rohan Higgins	
Marcus Walkom	Media Arts Lawyers	Roland Gridiger	Gridiger Lawyers
Marie Foyle	Screenrights	Sally McCausland	SBS
Mark Davidson	Davidson & Associates	Sarah Lux	Allens Linklaters
Mark L W Matulich	Matulich Lawyers	Sheree Hollender	Griffith Hack Lawyers
Megan Edwards	Truman Hoyle Lawyers	Stephen Boyle	Stephen Boyle Media and Entertainment Law
Melanie Bouton	Herbert Smith Freehills (Pro Bono Awards winner)	Stephen Digby	Digby Law (Pro Bono Awards winner)
Melissa Goode	Herbert Smith Freehills		

NSW

Stephen Von Muenster Sydney Birchall	Von Muenster Solicitors & Attorneys Birchall Legal	Troy Gurnett Veronica Siow	K&L Gates AllensLinklaters
---	---	-------------------------------	-------------------------------

QLD

Donnie Harris	Roberts Nehmer McKee Lawyers (Pro Bono Awards winner)	Kristie Swainston Mark Harley	DLA Piper Australia Tucker & Cowen Solicitors
Harold Littler	Clayton Utz (Pro Bono Awards winner)	Matt McCormick	McCormicks Law + Consulting
Jamie Doran	DLA Piper Australia (Pro Bono Awards winner)	Nicole Murdoch	Bennett & Philp Lawyers
Julia Godfrey		Peter Bolam	Bolam Legal
		Rachel Cox	Minter Ellison
		Robert Reed	Minter Ellison

TAS

Abigail Shelley	M+K Dobson Mitchell & Allport Lawyers	Susan Larsen-Scott	M+K Dobson Mitchell & Allport Lawyers
Andrew Walker	M+K Dobson Mitchell & Allport Lawyers	Michael O'Farrell SC Madeleine Ogilvie	Malthouse Chambers Derwent & Tamar Chambers

WA

Adam Levin	Jackson McDonald Lawyers	Stephanie Faulkner	Wrays Lawyers (Pro Bono Awards winner)
Andrew Johnstone	DLA Piper Australia	Stephanie Majteles	Rio Tinto - Legal Dept
David Stewart	Wrays Lawyers	Stephanie Quan Sing	Rio Tinto - Legal Dept
Jamie Lyford	Elevation Partners Pty Ltd	Urszula Cichy	Jackson McDonald Lawyers
June Kenny	Dwyer Durack		
Marie Wong	Wrays Lawyers		

SA

Franco Camatta John MacPhail	Camatta Lempens Finlaysons	John Vozzo Robert Lempens	Camatta Lempens Camatta Lempens
---------------------------------	-------------------------------	------------------------------	------------------------------------

VIC

Andrea Allan	Watermark Intellectual Asset Management	Mark Williams Michael Tucak	Williams Solicitors Creative Legal (Pro Bono Awards winner)
Annette Rubinstein	Phillips Ormonde & Fitzpatrick Lawyers	Moira McKenzie Nico Burmeister	GI & Sanicki Lawyers
Chaman Sidhu Darren Sanicki	GI & Sanicki Lawyers (Pro Bono Awards winner)	Peter Creighton-Selvay	List G Barristers Allens Linklaters
David Curtain David Vodicka	International Power Australia Media Arts Lawyers (Pro Bono Awards winner)	Peter Dominic Ryan Savannah Hardingham	Allens Linklaters K&L Gates
Dhruv Nagrath Edward Heerey Elizabeth Beal	Lander & Rogers	Serena Armstrong	Department of Planning and Community Development
Fiona Galbraith Georgina O'Farrell	Davies Collison Cave Law Corrs Chambers Westgarth	Stephen Rebikoff Tiffany Stephenson	Department of Defence (Pro Bono Awards winner)
Gillian Wong Jeff Bergmann Julian Hewitt	Solubility Pty Ltd Media Arts Lawyers (Pro Bono Awards winner)	Tim Guy Tracey Wren	K&L Gates Orica Australia
Marcus Walkom	Media Arts Lawyers	Victor Tse Yasmin Naghavi	Victor Tse & Associates Media Arts Lawyers



Justice Beazley, Fiona Phillips, Australia Copyright Council and Robyn Ayres at the Arts Law Pro Bono Awards photo taken by Claire Louise Laing 2013

OFFSITE TELEPHONE ADVICE ASSISTANCE PROVIDED BY LAWYERS AND LAW FIRMS IN 2013

Allens/Linklaters

Jonathan Adamopoulos
 Joel Barrett
 (Pro Bono Award Winner)
 Valeska Bloch
 Rob Clark
 Hamish Collins-Begg
 Madeleine Ellicott
 Tim Golder
 James Gonczi
 Chris Govey
 Anastasia Hardman
 Deborah Jackson
 Pip Jones
 Robert Knight
 Tracy Lu
 Sarah Lux
 Adrian McGruther
 Tessa Meyrick
 Lester Miller
 Louise Olsen
 Amanda Parks
 Peter Dominic Ryan
 Nathan Shepherd
 Veronica Siow
 Theodore Souris
 Matthew Tracey
 Matt Vitins
 Clare Young
 (Pro Bono Award Winner)

Herbert Smith Freehills

Claudia Adams
 Shalom Andrews
 Philippa Bergin-Fisher
 Melanie Bouton
 (Pro Bono Award Winner)
 Anita Das
 Daniel Forrest
 Maggie Fung
 Melissa Goode
 Amy Jennings
 Sarah McKeith
 Mark McLennan
 Cameron Patience
 Dan Posker
 Adrian Teh
 Anna Vandervliet
 Heidi Vesper

Finlaysons

Emma Cocks
 Paul Gordon
 Bridget Hobbs
 John MacPhail
 Fiona Tillmann

Minter Ellison

Charles Alexander
 Hugh Bastiaan
 Ella Biggs
 Joseph Cram
 Robert Dearn
 Kylie Diwell
 John Fairbairn
 Amy Gibbs
 Emily Hawcroft
 (Pro Bono Award Winner)
 Paul Kallenbach
 Paul McGinness
 Lucy McGovern
 Zeina Milicevic
 Helen Paterson
 Pinar Ozer
 Dennis Schubauer

Holding Redlich

Sarah Cunyngame
 Ian Robertson
 (Pro Bono Award Winner)
 Linda Rubenstein

ARTS LAW WOULD LIKE TO THANK THE FOLLOWING DAYTIME VOLUNTEERS AND INTERNS

DAYTIME VOLUNTEERS

Christian Allen	Bianca Gallifuoco	Ranga Jayamanne	Jennifer Kwong	Joni Sham
Lisa Duff	Sarah Gee	Praveen Jeetun	Andrew Le	Stephen Sharpe
Kendra Fang	Tom Hakkinen	Neha Kasbekar	Patrick Lin	Marta Smerechuk
Lauren Fong	Tani Hassan (Duke of Ed)	Olivia Kilponen	Katelyn Menzies	Isabella Street
Maddie Frith	Monique Hennessy	Ruthanna Klawansky	Maiko Sentina	Phoebe Wallace

STUDENT INTERNS

Joanne Auyeung	QUT	Scott Gruar	QUT
Alice Beasley	University of Wollongong	Stephanie Lui	UNSW
Hilary Collier	QUT	Sara Shearmur	McGill University
Dhanu Eliezer	UNSW	Marta Smerechuk	UNSW
Tom Hakkinen	Macquarie University	Rosemary Tabuai	Gadens
Ashleigh Heckendorf	QUT		

GUEST LECTURERS WHO CO-PRESENTED SEMINARS WITH ARTS LAW CENTRE LAWYERS

VICTORIAN ARTS LAW CONSORTIUM, 'GETTING UP TO SPEED' 14 JUNE 2013

Judy Buchan	Creative Partnerships Australia	Helen Marcou	SLAM
Fiona Cook	Arts Access Victoria	Brianna Munting	NAVA
Joel Cox	DLA Piper	Jeph Neale	Artery Cooperative
Lisa Difford	Australian Charities and Not-for-profit Commission	Matt Richards	Four Anchor Island
Hazel Edwards	Author	Kirsty Rivers	APRA
Kate Fazio	PilchConnect	Nick Ruskin	DLA Piper
Andrew Fuller	Andrew Fuller Arts & Entertainment Lawyers	Arna Singleton	Hip Hop Dancer
Philip Garvey	Mercantile Services	Emmett Stinson	Lecturer
Sue McCreadie	Media Entertainment Arts Alliance	Marcus Walkom	Media Arts Lawyers
		Matt Weston	Syndicate Films

WRITERS SEMINAR IN VICTORIA, 18 MARCH 2013

Serena Armstrong Stephen Rebikoff

PRO BONO LAWYERS

CASEWORK BY PRO BONO LAWYERS

Anastasia Hardman	Allens/Linklaters	William Oxby	Herbert Smith Freehills
Deborah Jackson	Allens/Linklaters	Lesley Sutton	Herbert Smith Freehills
Robynne Sanders	DLA Piper	Mark Beaufoy	King & Wood Mallesons
Nicholas Tyacke	DLA Piper	Rebekah O'Sullivan	McCormicks Law + Consulting
Lishan Ang	Frederick Jordan Chambers	Garry Beath	Minter Ellison
Tony Joyner	Herbert Smith Freehills – Pro Bono Award Winner	Michael Ward	Minter Ellison
Emma Maple-Brown	Herbert Smith Freehills		
Matt O'Leary	Herbert Smith Freehills – Pro Bono Award Winner		

WILLS TRIPS 2013 – PRO BONO LAWYERS

7-10th April Cairns, Cardwell	Ella Dalrymple, DLA Piper
7-17th May 2013 Tennant Creek, Elliott, Ali Curung, Ampilatwatja, Tangentyere, Alice Springs	Patricia Adjei, Copyright Agency Limited
19-23rd August 2013 Warmun, Halls Creek, Yiyili	Stephanie Surm, DLA Piper
6-10th September 2013 Alice Springs	Jodie Wauchope, Gadens – Pro Bono Award Winner Renu Menon, Gadens
24-28th September 2013 Warakurna, Wanarn, Papalankutja	Alicia Moody, Telstra Patricia Adjei, Copyright Agency Limited
17-18th September 2013 Perth	Samer Aljanabi, Gadens

FINANCES

Goal: Maintain long term viability of the organisation through increasing income independent of government.

ABOUT

Arts Law's service and expertise is unique and vital to the sustainability of the Australian artistic community. Arts Law's ability to meet demand, develop its services and fulfill its goals is hindered by the current limitations in funding and other income sources. This was highlighted in 2013 when funding for Artists in the Black was cut by the Commonwealth Office for the Arts without notice or reasons. Whilst replacement funding was eventually secured, albeit at a reduced rate, delivering services in the interim was extremely difficult in view of already stretched resources. The delay in confirmation of Artist in the Black funding resulted in Arts Law posting a loss of \$40,701 for 2013.

Over the last 4 years, Arts Law has worked with the Australia Council for the Arts, and all States and Territories to develop a National Funding Agreement (NFA) for Arts Law. In 2013 all States and Territories together with the Australia Council contributed to Arts Law's funding base with 5 States/Territories and the Australia Council signing the NFA thus providing the groundwork for a more sustainable funding base.

In 2013 Arts Law also received continued support from Screen Australia, Department of Aboriginal Affairs WA, Copyright Agency, Phonographic Performance Company Australia (PPCA) and Film Victoria.

WHAT NEXT?

In 2014 and beyond, Arts Law's highest financial priority will be working to increase income from a range of sources in order to employ additional staff to meet the demand for Arts Law's services. Importantly Arts Law must maintain a level of funding for Artists in the Black to ensure a sustainable program of activities on a national basis in order to meet the ongoing needs of Aboriginal and Torres Strait Islander artists and the organisations which support them. Arts Law will increase its fund-raising activities through events, donations and philanthropic income to support the work of Arts Law, especially Artists in the Black, to supplement vital Government support.

GUARDIAN ANGELS

Arts Law receives generous donations from many of our supporters, who may be clients, legal professionals, arts organisations or people who are just passionate about justice for artists. These donations help us to continue to empower artists and stand up for their rights. Our supporters who make significant donations of a thousand dollars or more, per annum, become an Arts Law 'Guardian Angel'.

Arts Law's Guardian Angels are an elite group of individuals and businesses committed to ensuring artists and organisations receive correct and excellent information and advice about their rights,

responsibilities and importantly how to secure an income from their creative work.

Our guardian angels for 2013 were:

\$5,000 or more

- The Hon David Levine AO RFD QC
- Mirvac Projects Pty Ltd

\$1,000 - \$4,999

- Jane Needham SC
- Bernard Coles QC
- Electra Frost Accounting
- The Hon Justice Margaret Beazley AO
- The Hon Peter Heerey AM QC

- Andrew Johnstone, Partner DLA Piper
- Alison Leslie
- The Hon G.A. Palmer
- Simpsons Solicitors
- Jeremy Storer



Andrew O'Keefe (MC) on stage at The Crossing screening photo taken by Devris Hasan 2013 reproduced with permission



Hearts for Arts Law committee photo taken by Devris Hasan 2013 reproduced with permission

FUNDRAISING

In 2013 Arts Law sharpened its focus on ways to obtain income from sources independent of government, initially focusing on fund-raising events. It is increasingly important for Arts Law to do this to in order to ensure long term viability of the organisation and all its services.

This resulted in a fundraiser event organised by our Hearts for Arts Law Committee, a special screening of the acclaimed documentary

“The Crossing” at the Chauvel Cinema in Paddington, followed by a Q & A with the evening’s MC, Andrew O’Keefe, and Enzo Tedeschi (Executive Producer), Julian Harvey (Writer/Producer/Director) and Clark Carter (one of the stars of the documentary). The night was a big success, with the event and raffle sales raising more than \$12,500 to support the work of Arts Law.

Arts Law is looking to build on

this success in 2014. We aim to implement a fund-raising plan in order to increase donations, guardian angels and philanthropic income. As part of this plan Arts Law is looking to hold several fundraising events, including a special fundraising Gala Dinner celebrating Arts Law’s 30th Birthday.

HEARTS FOR ARTS LAW

In 2013 the ‘Hearts for Arts Law’ committee was formed in order to help Arts Law in its fundraising efforts. Hearts for Arts Law is a group of young lawyers working to promote and assist Arts Law continue to provide its important legal services to the Australian arts community. Their inaugural fundraising activity, the film screening, proved very successful and they are planning several events for 2014 to raise awareness of and support the Arts Law Centre of Australia and its mission.

Committee Members:

Chairperson: Allegra Day

Vice Chairpersons: Myles Pulsford and Annabelle Williams

Secretaries: Kathryn Barnes and Heather Huddleston

Artistic Director: Alice McClymont

Other committee members include: Anika Valenti, Jennifer Arnup, May Samali, Kayt Hogan, Hadyn Flack, Katherine Giles and Faraz Maghami.

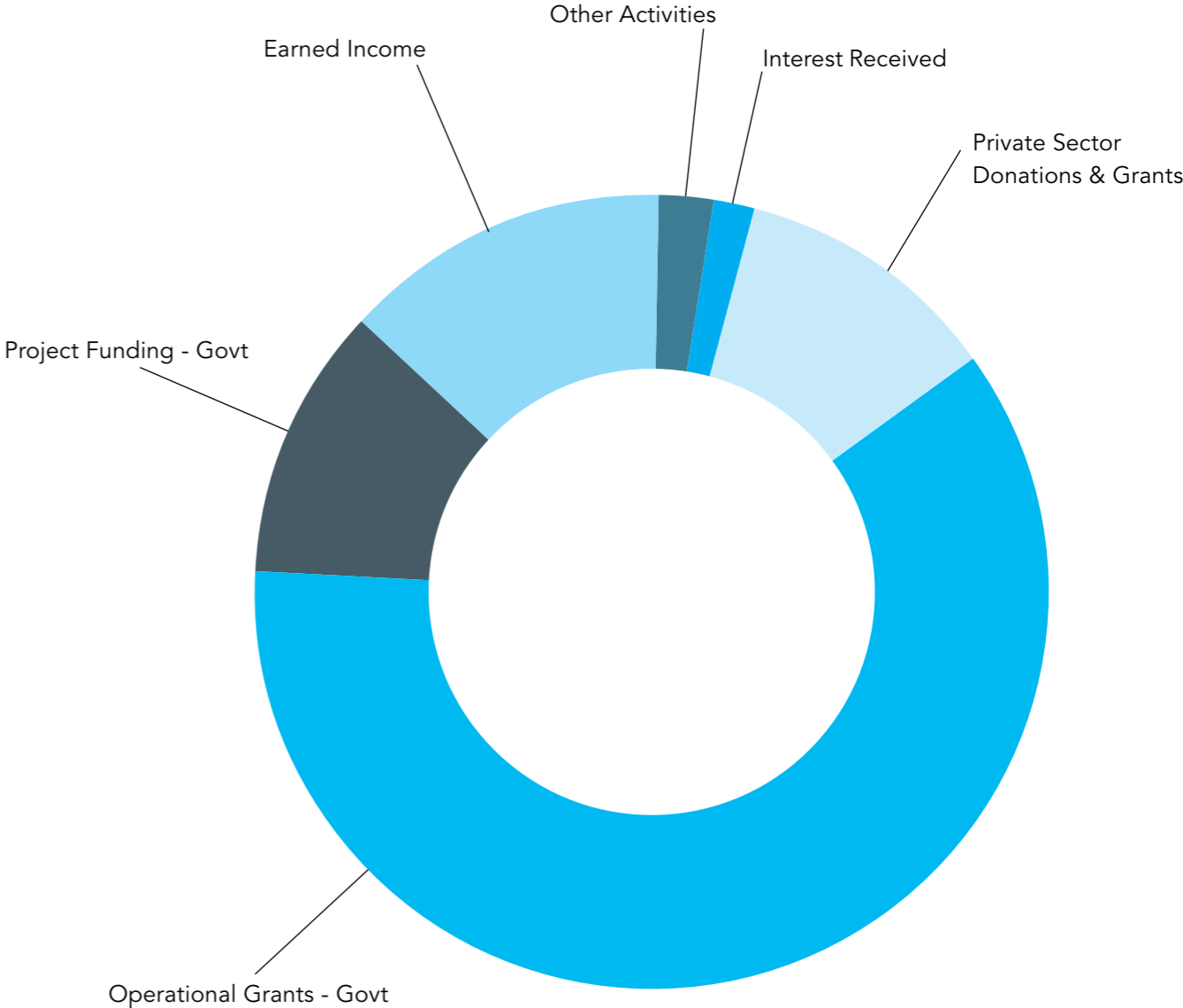
2013 INCOME

Earned Income	\$135,300
Other Activities	\$23,050
Interest Received	\$15,838
Operational Grants - Govt	
Australia Council	\$241,294
Office for the Arts (OFTA) (AITB)	\$50,000
Screen Australia	\$50,000
Arts ACT	\$7,000
Arts NSW	\$125,214
Arts QLD	\$30,000
Arts SA	\$4,335
Arts TAS	\$7,000
Arts VIC	\$50,000
DCA WA	\$15,000
DoAM NT	\$25,000
Film Victoria	\$5,000
Total Operational Grants	\$609,843

Private Sector Income	
Donations	\$32,874
Fundraising	\$13,140
Copyright Agency	\$49,600
Phonographic Performance	\$15,000
Company of Australia (PPCA)	
Total Private Sector Income	\$110,614

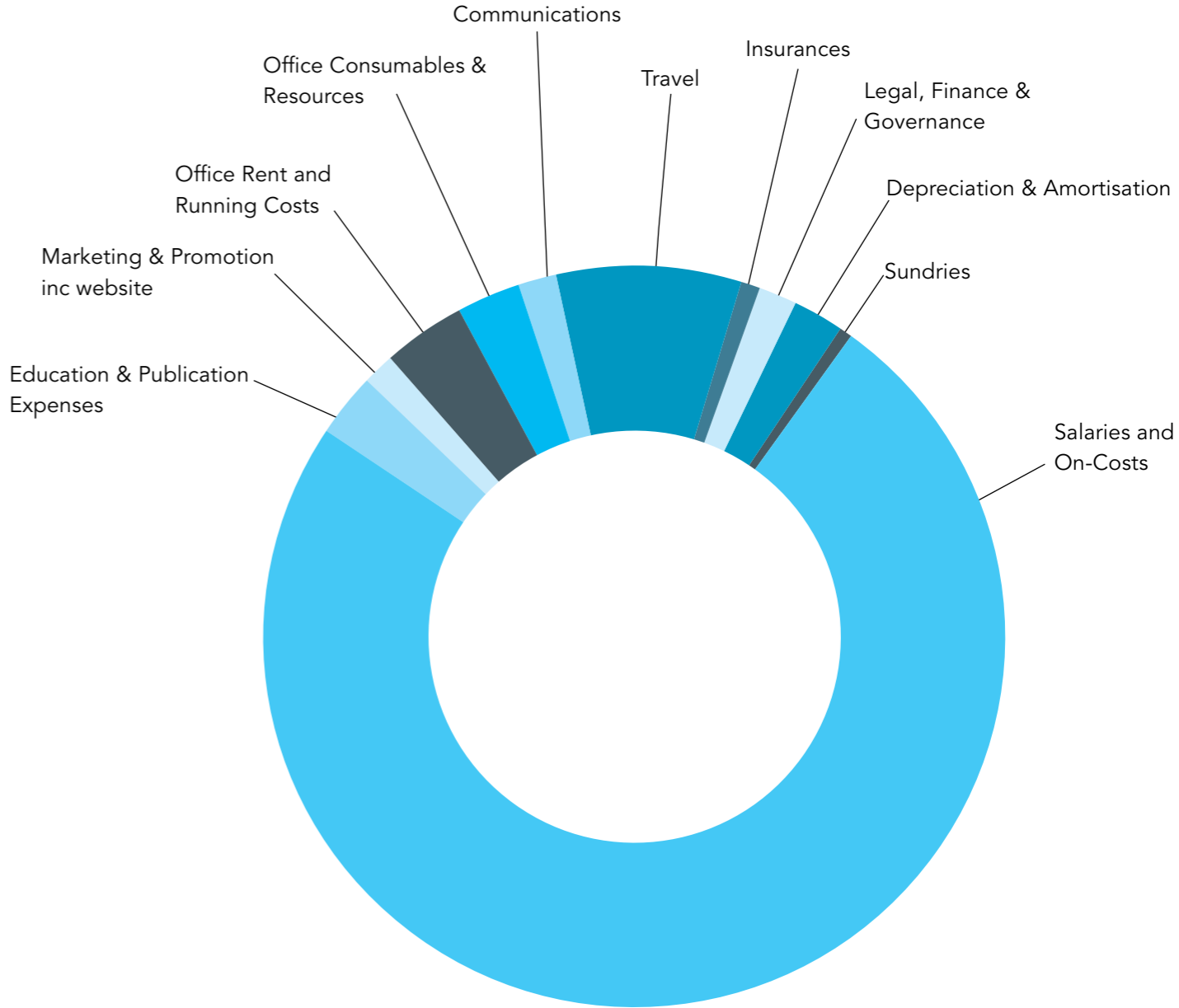
Project Funding	
OFTA (Solid Arts)	\$12,490
OFTA (AITB Wills & Casework)	\$35,000
OFTA (AITB Licensing)	\$7,070
Arts QLD (AITB)	\$20,000
Dept of Aboriginal Affairs WA (AITB Wills)	\$36,000
Total Project Funding	\$110,560

Total Income	\$1,005,207
---------------------	--------------------



2013 EXPENDITURE

Salaries and On-Costs	\$780,155
Education & Publication Expenses	\$29,368
Marketing & Promotion inc website	\$13,601
Office Rent and Running Costs	\$39,370
Office Consumables & Resources	\$29,253
Communications	\$16,415
Travel	\$84,739
Insurances	\$9,178
Legal, Finance & Governance	\$14,850
Depreciation & Amortisation	\$25,919
Sundries	\$3,058
Total Expenditure	\$1,045,908
Net Profit/(Loss)	(\$40,701)



SUPPORTERS (FUNDERS)



Government of Western Australia
Department of Aboriginal Affairs



Government of South Australia
Arts SA





ARTS LAW CENTRE OF AUSTRALIA

Web: www.artslaw.com.au

Ph: 02 9356 2566 or 1800 221 457

Fax: 02 9358 6475

Email: artslaw@artslaw.com.au

43-51 Cowper Wharf Rd

Woolloomooloo NSW 2011

ACN: 002 706 256