



# ANNUAL REPORT

2018

# The Arts Law Centre of Australia is Australia's only national community legal centre for the arts.



*Arts Law CEO, Robyn Ayres with Susannah 'Nakamarra' Nelson  
and Yoana Mynah from Barkly Arts  
Photo by William Thomson (Barkly Regional Arts)*

The Arts Law Centre of Australia acknowledges the Gadigal people of the Eora Nation and all Traditional Owners of the country throughout Australia.

We recognise Aboriginal and Torres Strait Islander peoples' continuing connection to land, place, waters, and community.

We pay our respects to them, their heritage, and cultures, and to elders both past and present.

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# Our Mission, Vision & Values

The Arts Law Centre of Australia (Arts Law) is Australia's only national community legal centre for the arts. We provide free or low cost specialised legal advice, education, and resources to Australian artists and art 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 First Nations artists, their communities and organisations nationally.

## Mission

Empower artists and creative communities through the law.

## Vision

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

## Values

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

## Highlights for 2018

**2,234** ▲ Legal advices given to clients

**509**

Services to Artists  
in the Black  
clients

**2,404**

Education  
attendees

**237**

Pro bono lawyers  
on our panel

**15**

Outreach trips  
to First Nations  
communities

**87**

Wills drafted

**1,148**

Referrals

## 2018 Our Year



Australia's creators are the soul of our country. They tell our stories through writing, music, dance, film, visual arts, and other creative art forms which enrich us all.



However, 60% of artists earn \$10,000 or less<sup>1</sup> and are often unable to seek legal advice at commercial rates. Arts Law is the only community legal centre for the arts in Australia, so it is little surprise that in 2018 we continued to experience overwhelming demand for our services. We worked hard towards meeting this demand and achieving our mission of empowering artists and creative communities through the law. We are proud to say that over the course of the year our efforts helped 4,638 artists across Australia better understand and protect their rights.

An important part of Arts Law's work is advocating for policy and law reform for the benefit of artists and creative communities. Arts Law prioritised the Fake Art Harms Culture campaign in 2018, which we championed together with the Indigenous Art Code and Copyright Agency. This included appearing before the House of Representatives parliamentary inquiry into the growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products, and merchandise for sale across Australia. Arts Law will continue to campaign for stronger laws to address the issue of ongoing appropriation of First Nations cultures.

Arts Law also made numerous submissions on issues affecting Australia's artists. This included reviewing the terms and conditions of 10 competitions and prizes, using a five-star rating system based on the fairness of the prize in dealing with the artists' rights. We also made a number of submissions in relation to copyright and electoral laws as they affected arts organisations, and the City of Sydney's

Busking Policy.

Our education program continues to empower and engage artists and arts organisations, with over 2,404 individuals attending 139 workshops, seminars, and clinics delivered across Australia in 2018. Some highlights included the Desert conference in March, the Audiocraft Podcast Festival in June, and the Law for Creatives Forum with the City of Sydney in November. We also continued to expand and improve the extensive range of publications and materials available on our website including the development of the 'Talking Contract' video for First Nations artists with a voice-over in 17 Aboriginal and Torres Strait Islander languages.

We have continued to strengthen our resilience and sustainability by growing the revenue from earned income and fundraising. In 2018, our earned income increased by 4% (\$9,595) and our donation and fundraising income by 21% (\$27,440). Our fundraising efforts were significantly bolstered by invaluable partnerships with law firms including Colin Biggers & Paisley Lawyers, King & Wood Mallesons, and Ashurst. The importance of realistic levels of government funding cannot be over-emphasised but the additional revenue raised enhances our services and supports our artists, including contributing towards the employment of an additional lawyer.

Throughout 2018, Arts Law has focused on strengthening our wide array of partnerships which enable us to deliver on our commitments. These take many different forms and are all extremely important to us. These include partnerships

with Desart to reach the art centres in Central Australia; the Australian Society of Authors to provide a contract review service for writers; APRA AMCOS to enable more musicians to benefit from our services; and law firms to extend not only our legal advice services, but also our publications, education and advocacy work.

We extend our gratitude to the individuals and organisations who continue to support Arts Law. We are supported by an invaluable team of generous pro bono lawyers and professionals whose support allows us to provide free or low-cost legal advice to artists. This support is valued at approximately \$1,000,000. We are particularly grateful to the Australian Government Solicitor for the ongoing secondment of a full-time lawyer to Arts Law throughout 2018. Of course, Arts Law can only achieve what it does through the tireless efforts of its staff, volunteers, interns, and our volunteer Board of Directors.

Arts Law would like to extend a huge thank you to The Hon Justice Margaret Beazley AO QC, who has been our President for the past eight years and has guided the organisation through a time of considerable change, leaving us a stronger organisation. Whilst we lose our current President, the State of NSW gains an amazing woman as its next Governor and we wish her every success in that role.

We look forward to continuing to support our rich and diverse creative communities into the next year, guided by our values of excellence, accessibility, empowerment of artists, collaboration, and innovation.

**Robyn Ayres**  
Chief Executive Officer

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<sup>1</sup> Making Art Work: An economic study of professional artists in Australia © David Throsby and Katya Petetskaya, 2017.

# Services



## Top 10 Legal Problems for Artists in Australia

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

## Telephone Legal Advice Service

The Telephone Legal Advice Service (TLA) provides a standalone legal advice session for clients whose legal query does not involve the review of any documents.

This service is means tested and is provided to the majority of our clients for free. In 2018, we provided 1,606 TLAs with 95% of clients who received legal advice over the phone rating the service 'Very Good' to 'Excellent' and 98% of clients reporting that the service was useful for them.



Arts Law is an **extremely valuable resource** for filmmakers and artists alike to use when in need of legal advice.

I now feel far more confident and far less stressed about addressing legal issues related to my project.

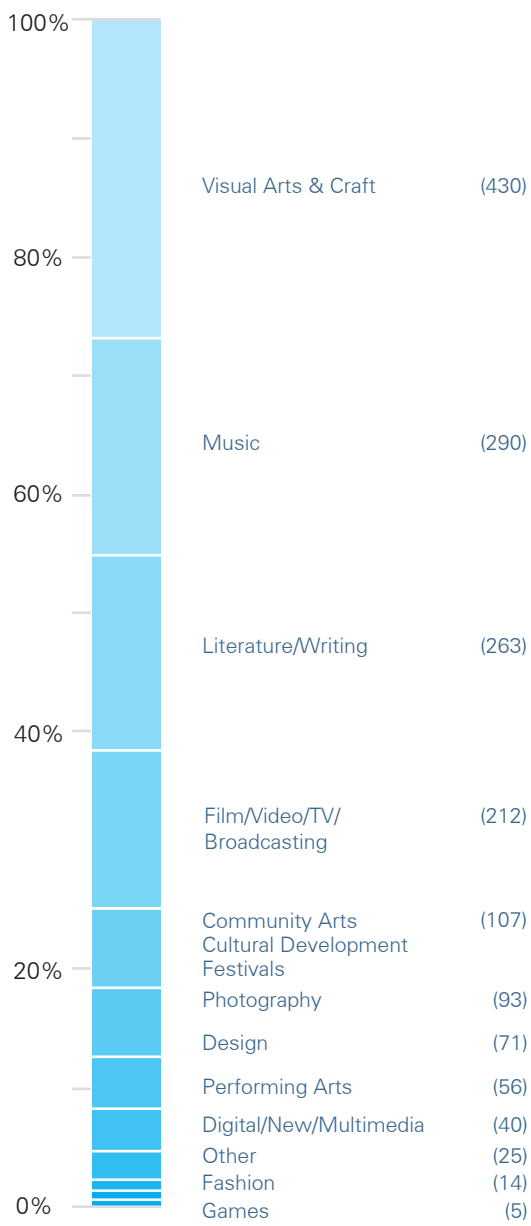


**I received detailed yet understandable advice**

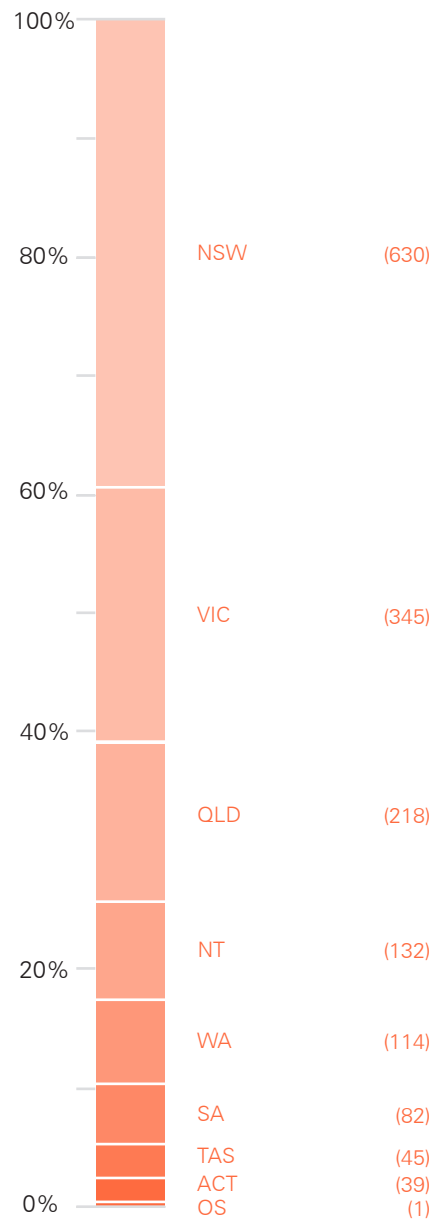
and the lawyer went out of his way to direct me to further information and equip me with the confidence to deal both with my specific legal issues and general and ongoing best legal practices to do with my growing visual arts career. I'm incredibly grateful for your support of artists like me, who have no one else to turn to for advice of this nature other than yourself.



### Legal Advice by Art Sector



### Legal Advice by State



## + Services

### Alternative Dispute Resolution

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

ADR provides a relevant, cost effective, fair and timely means of resolving disputes in a manner which, to the extent possible, preserves the relationships of involved parties and maximises the opportunity for projects to be realised and completed. Arts Law offers several ADR processes including mediation, expert determination, and non-binding evaluation.

### Best Practice Advice

Whilst Arts Law works with an 'Artists First' policy in the delivery of our advice services, we often receive requests from arts organisations for advice on standard terms and conditions for working with artists.

Considering the potential benefit to a group of artists in advising the arts organisation, Arts Law can provide best practice advice where the organisation agrees to our Best Practice Guidelines and becomes a subscriber.

Best practice advice is focused on situations where organisations are developing standard or template agreements for artists.

Arts Law considers best practice advice to be an important aspect of our services as it helps ensure artists benefit from the arts organisation providing fair and equitable agreements. It also allows the organisations to learn about, implement, and embed Best Practice into their relationships with individual artists. In 2018, we provided 30 best practice advices.

## + Case Study

### Navigating filmmakers through the complicated (but possible!) music licensing process.

Tanya Hendy is a filmmaker who approached Arts Law for advice about including an excerpt of an instrumental version of a very well-known 80's pop song in her film.

Arts Law provided general advice about copyright in music and that filmmakers need to be aware that in a song there exists a separate copyright in the composition, in the lyrics and in any specific sound recordings of that song. Filmmakers need to seek permission to use each of these in a film (known as a synchronisation licence). Even the use of short excerpts of a song in a film may require permission if it amounts to a 'substantial part' (which may be considered a distinctive, important or essential part). In fact, just a few notes of music have been found by Australian courts to be a substantial part.

So, who do you get permission from?

Typically, a well-known artist or band will have a publisher and record label who controls the rights to their music. It is not always a given that a publisher will agree to grant a synchronisation licence.

Ultimately, Tanya decided she did not want to use a specific sound recording of the song, but rather commission her own instrumental version of the music only. She obtained this permission from the major publisher of the song. Arts Law was thrilled to hear that the publisher did not refuse the client's request and promptly sent the client a licence

setting out the fee for use of the music. Under Tanya's Arts Law subscription, we arranged for the licence to be reviewed by a volunteer lawyer on Arts Law's pro bono panel, Moira McKenzie of Sanicki Lawyers. Before Tanya signed the dotted line, the lawyer went through the licence and flagged what she needed to be aware of.

This case illustrates that it is often a cheaper and faster option for filmmakers to get permission to create their own sound recording, rather than use an existing sound recording (as you then only need the copyright permission for the music). Further, by commissioning a musician to make a recording of the song, a filmmaker may have more control over the use of the new sound recording.

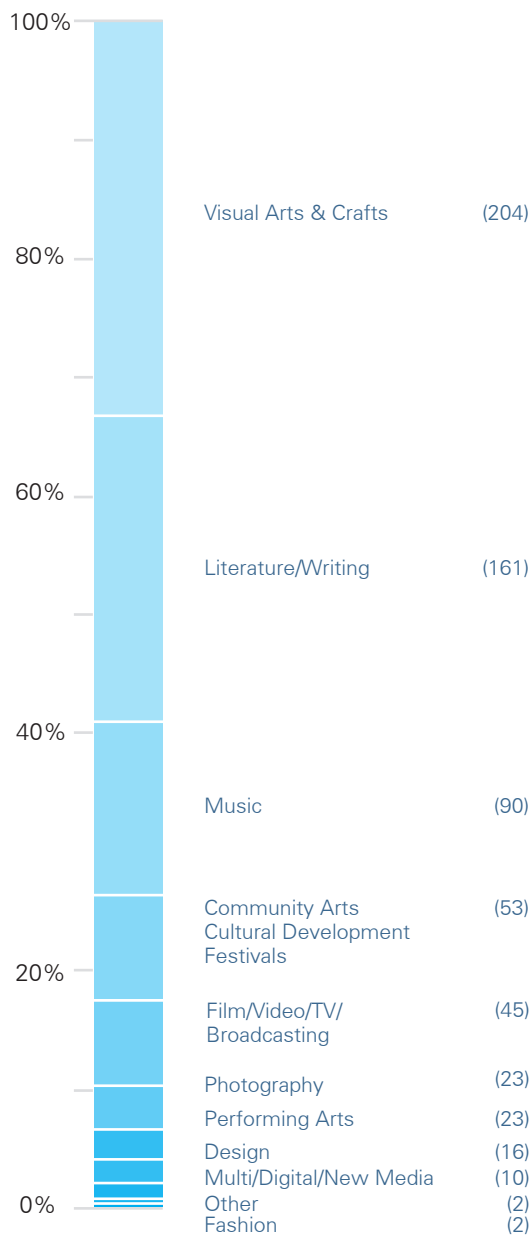
Tanya was pleased with Arts Law's assistance in navigating the music licensing process and emphasised how helpful it was. As Tanya said: 'I was very happy with the service provided by ArtsLaw. They provided me with legal advice that allowed me to understand music rights and alleviate my anxiety around entering into a contract. In addition to this, I was provided with excellent practical advice that allowed me to take my next steps and source an instrumental.'



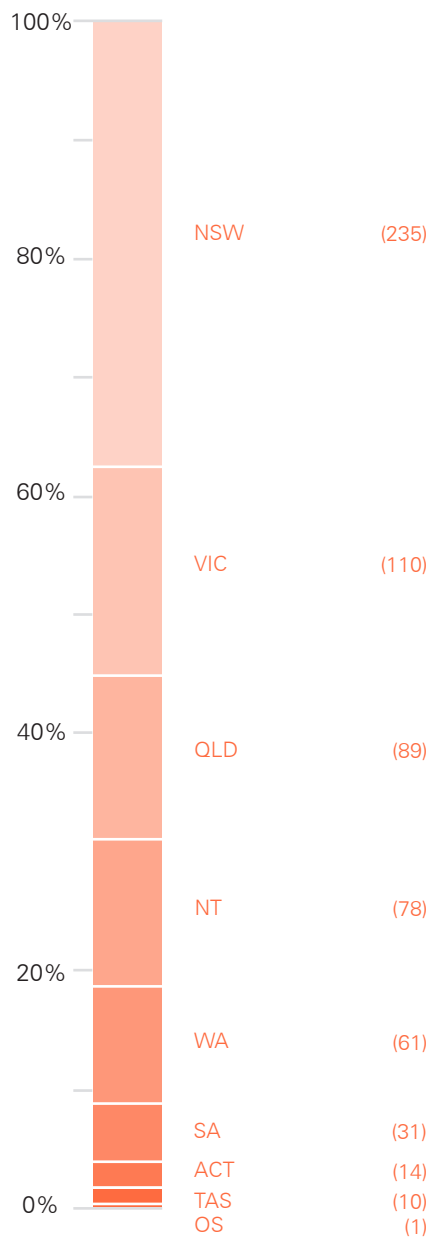
Tanya is currently distributing her film to film festivals and is confident in the knowledge that she has addressed the music licensing requirements.

+ Services

Document Review Service by Art Sector



Document Review Service by State



## Document Review Service

In 2018, Arts Law staff, assisted by our panel of pro bono lawyers, completed 628 Document Review Services (DRS). This service is available to clients who need advice on documents such as a contract or legal correspondence.

To access the service, artists and arts organisations must subscribe to Arts Law. This service is delivered as a telephone consultation and its continued growth is indicative of the demands on artists to be more business-like. It also reflects Arts Law's success in educating Australian artists and arts organisations on the benefits of using contracts, and the importance of understanding and clarifying issues before signing any documents.

100%

of clients said the service was useful to them.

92%

of our clients rated the service as 'Good to excellent'



It's an **affordable, personal service** where you can speak to a real, kind, helpful, knowledgeable human being.

What a blessing, because the creative industries generally do not earn huge money, and legals are SO expensive. Having clarity about legals makes you so much more confident in your business.

## + Case Study

### A visual artist discovers another artist is copying parts of her artwork – how should you react?

Arts Law was approached by an artist who instructed us that she had discovered parts of her artwork were copied and incorporated into the artwork of another artist and made available for sale online. Further, she understood that the other artist was going to exhibit these artworks.

Arts Law's Senior Solicitor Trudie Sarks explained that an artist's copyright means that an artist's permission must be obtained before their work, or an important or distinctive part of it is reproduced or communicated to the public (eg online) or published for the first time. There are, however, exceptions where permission is not required. For example, where there is fair dealing such as for criticism, review or research. An artist also has moral rights, which encompass the rights to be credited as the creator of the work and to not have the work altered/treated in derogatory ways.

Our client was very distressed but did not wish for the situation to escalate into a legal dispute. Rather, her preferred approach was to send a letter explaining her concerns and requesting that the other artist cease copying, remove the works, and not exhibit them. Arts Law suggested appropriate language to include in the letter, with the goal of resolving the matter quickly and without having to commence legal proceedings. Arts Law suggested that the client include a deadline for a response, and to further point out to the other artist that they should consider their own artistic integrity.

We were thrilled to hear from our client that the other artist responded immediately, agreeing to remove the artworks and not to exhibit them.

The client was very happy with the other artist's response,

which was very apologetic and in the spirit of resolution. The client informed us that she felt it was the choice of language in her letter which assisted in this favourable response.

This is an example of the kind of outcome Arts Law strives to assist our clients to reach. It is all the more pleasing because the client did not have to resort to legal action. Sometimes a simple letter in the appropriate tone can assist in achieving a positive outcome. Indeed, the client has informed us that the two artists have now ended up on friendly terms.

Arts Law has encouraged the client to continue to be proactive in protecting her copyright in her artworks and reminded her that Arts Law is always here to provide legal advice, not just for copyright concerns but for a wide range of other legal queries relating to her arts practice. For example, we advised that having agreements in place with galleries, or with anyone wishing to use her art, would assist in protecting her copyright. Arts Law has a number of artist agreements for sale on our website at [artslaw.com.au](http://artslaw.com.au). We also encouraged the client to consider the importance of protecting her artworks online by informing her of different strategies such as watermarks, locks, and low-resolution images.

It is very rewarding for Arts Law to hear the client's satisfaction with our advice and the resolution of the matter.



I wanted to thank you for your help with my copyright query earlier in the week. Your advice helped me reach a successful outcome with the artist in question withdrawing her work and apologising. Your information on what to and not to include and suggestions for phrasing my letter gave me the confidence to proceed carefully and understand my rights more clearly.

Thank you for help and to Arts Law for providing a great service.

# Artists in the Black

Artists in the Black is an Arts Law service tailored to First Nations artists, communities, and organisations and offers access to free, or low cost, culturally appropriate and professional legal advice and resources. For the past 14 years, Arts Law has been working to protect First Nations artists from exploitation regarding their arts practice and to educate these artists about their rights under Australian law.

Raising awareness of the legal and cultural issues that affect First Nations artists is a key focus area for Arts Law. In 2018, Arts Law and Artists in the Black participated in the 37th Session of the International Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC) of the World Intellectual Property Organisation (WIPO) in Geneva, Switzerland. IGC aims to develop a new international instrument to better protect the Indigenous Cultural and Intellectual Property (ICIP) of the world's Indigenous peoples. It is crucial that Australia's First Nations artists are represented in this process and that Arts Law uses such opportunities to highlight the importance of protecting First Nations artists' rights both within Australia and internationally.

Demand for Artists in the Black services continues to grow, so there is an increased need for more funding and support. Much of Arts Law's fundraising efforts goes towards supporting Artists in the Black so that, despite the inadequacy of Government support, we were still able to provide support and services to 1,125 First Nations artists, arts organisations and communities across Australia.

Our outreach trips to First Nations communities continue to be particularly valuable to artists and art centres. This year we presented 43 education sessions on 15 separate outreach trips to 20 remote and regional communities and towns across Australia. Our outreach program would not have reached this many First Nations artists without the support of peak bodies, art centres, and pro bono law firms.

We were also involved in some important events enabling Arts Law to reach many artists and art centres at once. Throughout the course of 2018, Arts Law and Artists in the Black attended the National Indigenous Languages Convention in Queensland, Desert Conference and Indigenous Art Centre Alliance conference, to name a few. These events gave Arts Law the opportunity to engage with many people involved in the First Nations arts sector, provide pop-up legal advice clinics, and gauge interest in potential future outreach and education.



*Bibi Barba and Robyn Ayres at WIPO, Photo by Arts Law*

## Arts Law presents at World Intellectual Property Organisation

Robyn Ayres, CEO of Arts Law, and Bibi Barba, Artists in the Black Coordinator, travelled to Geneva for the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore ('IGC') that addresses traditional knowledge and cultural expressions.

## + Artists in the Black



*Arts Law CEO, Robyn Ayres, and Nick Testro, Solicitor at King & Wood Mallesons, with Waringarri Aboriginal Arts artists and arts workers Kitty Malarvie, Lindsay Raymond, Peggy Griffiths & Chris Griffiths, Photo by Arts Law*

As part of the IGC program, Artists in the Black Coordinator, Bibi Barba, was invited to take part in and co-chair the Indigenous Caucus along with Frank Ettawageshik, USA Chairperson of National Congress of American Indians.

Throughout the week, the Indigenous Caucus was assisted by Robyn Ayres and Patricia Adjei, the Arts Practice Director First Nations Arts and Culture of the Australia Council, who helped the Caucus understand the legal aspects of the draft articles and the level of protection they provided for the Traditional Knowledge and Traditional Cultural Expressions of Indigenous communities across the globe.

It is clear that more work needs to be done to further develop understanding and awareness of WIPO's work amongst First Nations artists and communities in Australia and to provide adequate protection for Indigenous Cultural Intellectual Property.

### Outreach Languages – Digital Dillybag

The Digital Dillybag Project, funded by the Federal Attorney-General Department's Innovation Fund, was developed in response to client feedback that Arts Law's digital resources did not fully meet the needs of First Nations artists and art organisations. The project involves integrating our Artists in the Black website into the Arts Law website to streamline access to resources.

It also involves the development of a simple and easy to understand video about artists' contracts. This 7-minute video, translated from English into 17 Indigenous languages, works as a 'talking contract', explaining the 'artist's contract' to artists and art centres. The video explains the fundamentals of the legal relationship between the artist and the art centre and sets out the roles and responsibilities artists have when selling and distributing their work in an ever-changing and growing Indigenous art market. This project will be finalised in 2019 and the video made available through the Arts Law website and on social media.

### Wills Project

It is extremely important for First Nations artists to have a will that allows them to choose how the income from their artwork will be passed down to their family. Australian laws do not adequately take into account Indigenous family structures and having a will ensures that the artist's art, copyright and income is distributed in a culturally appropriate way within their family and community.

In 2018, Artists in the Black prepared 87 wills for First Nations artists across Australia. This initiative was supported by several law firms who provided their expertise and time to assist with the delivery of the Wills Project.



# Education



Our education program provides targeted educational sessions to Australian artists and arts organisations on legal and business issues affecting the creative community.

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

Those who attend our education programs are overwhelmingly positive in their feedback with 97% of the attendees who take part in our education sessions rating the workshops 'Very Good' to 'Excellent'.

Our education program continues to be a key part of the delivery of our services to artists across Australia both in metropolitan and regional and remote communities.



The workshops were great. They were **comprehensive, understandable** and had **relevant** examples to real life situations.

— Participant from our workshop for Moreton Bay Regional Council



Forum with the City of Sydney, Photo by Arts Law

# Resources for Artists

We make our information sheets, books, and contract templates available through our website for free or at a low cost as part of our commitment to empowering artists through the law.

With the rise in the mainstream use and consumption of podcasts, Arts Law created four new publications targeted at this sector in 2018. These were launched at Australia's biggest podcast event, the Audiocraft Festival, which brings together more than 300 audio creatives and fans from across the country to learn more about podcasting.

The publications released in line with this event were:

- Music Commission Agreement for Podcast
- Music Licence for Podcast
- General Copyright Licensing Agreement for Podcast
- Interviewee's Release for Podcast

## Arts Law presents at the Performing Arts Centre in China

Arts Law was invited by the China Association of Performing Arts to attend and present in Beijing at the 2018 China Performing Arts Expo in September 2018, an annual gathering of professionals engaging in performing arts.

The China Association of Performing Arts is an umbrella membership organisation for the performing arts that reports to the Ministry of Culture in China.

Trudie Sarks, Senior Solicitor at Arts Law, presented at the forum on 'Intellectual Property and Exploitation' regarding Performers' Rights Law in Australia to an audience of approximately 250 people.

The aim of the forum was to provide some insights for Chinese performance practitioners into how to protect and exploit Intellectual Property effectively.

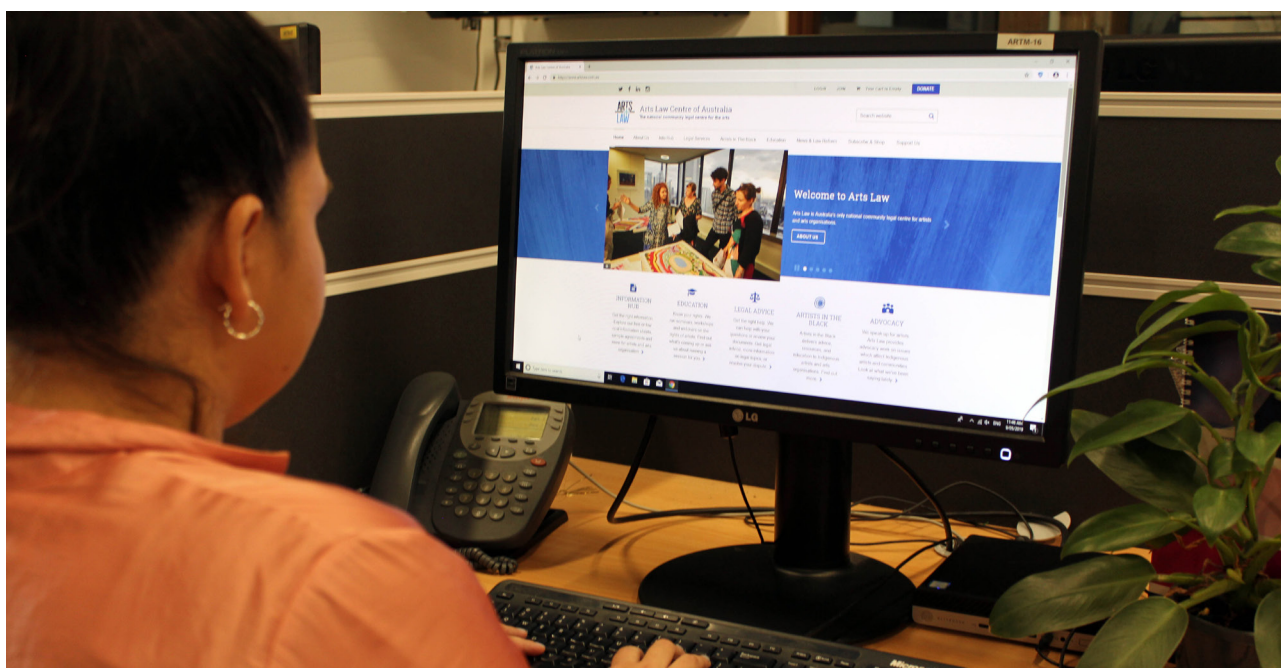


Photo by Arts Law

# Projects

## Adopt a lawyer

First Nations community art centres are an integral part of many communities and play a central role in nurturing artistic talent by providing artists with spaces to create their art. Additionally, these community art centres provide crucial services such as financial and business advice, as well as family assistance, child care, and sometimes even food. They forge key connections between artists, galleries and markets, and these connections allow First Nations artists to share their artworks with the community and beyond.

The Adopt a Lawyer Program was established in 2013 to facilitate partnerships between art centres and law firms over a set period of three years. Both the art centre and the law firm benefit from the partnership. The law firms enjoy closer relationships and understanding of Australia's First Nations cultures, while the art centres gain valuable and prompt advice and assistance from legal professionals.

In 2018, the program supported seven partnerships:

Art Centre	Law Firm
Mowanjum Artists Spirit of the Wandjina Aboriginal Corporation	Ashurst
Hermannsburg Potters Aboriginal Corporation	Colin Biggers & Paisley Lawyers
Warmun Aboriginal Art Corporation	Lander and Rogers
Yamaji Arts	Minter Ellison
Ngurratjuta Iltja Many Hands Art Centre	Clayton Utz
Waringarri Aboriginal Arts	King & Wood Mallesons
Moa Arts	King & Wood Mallesons



*Clara Edwards from Arts Law with Lena Dawson from Warakurna Artists, Photo by Arts Law*

The program is designed to facilitate strong relationships between the art centre and law firm. Nick Testro from King & Wood Mallesons said this about his experience working with Waringarri Aboriginal Arts:



I learnt an enormous amount in three short days and hope that the assistance I provided in that time was able to make at least a small difference to the arts centre's operations and the lives of the artists and staff members working there.

Arts Law is working towards doubling the number of Adopt a Lawyer partnerships between Australian law firms and First Nations art centres in 2019.

# Advocacy

Arts Law continues to provide a voice for Australian creative communities on the legal and policy issues affecting their work.

Arts Law was active on the following issues in 2018:

- Fake Art Harms Culture (Indigenous Cultural and Intellectual Property)
- Copyright Modernisation
- Electoral legislation amendment
- Prizes & Competitions

## Fake Art Harms Culture

In 2016, Arts Law, alongside the Indigenous Art Code and Copyright Agency, launched the Fake Arts Harms Culture campaign. The campaign aims to educate and advocate for law reform to recognise the cultural rights of traditional knowledge holders and communities. It highlighted the need for stand-alone legislation to recognise such rights and the need for an inquiry into the production of inauthentic Aboriginal and Torres Strait Islander arts and craft products across Australia.

As a result of the campaign, the House of Representatives Standing Committee on Indigenous Affairs Inquiry into the

sale of inauthentic Aboriginal and Torres Strait Islander arts and craft products was established. After taking submissions and holding public hearings across Australia, the inquiry came to a close in December 2018 when they handed down their report.

The report recognised the size and urgency of the problem and made several recommendations including that legislation should be developed to recognise and protect Indigenous Cultural Intellectual Property (ICIP) rights.

Arts Law welcomed this inquiry and participated by making a substantial written submission (supported by the Indigenous Art Code and Copyright Agency), which included draft amendments to the Australian Consumer Law that, if implemented, would effectively ban the sale of inauthentic First Nations 'style' art and craft products. Arts Law's CEO, Robyn Ayres, gave evidence at the public hearings in March 2018. The Government is yet to respond to the report.

Arts Law continues to advocate for a ban on the sale of inauthentic First Nations art and craft.

Arts Law received enormous pro bono support from Allens throughout the inquiry process and we continue to work with them on draft legislation to ban the fake products as well as a submission responding to the parliamentary inquiry.



*Delivering a workshop on Outreach, Photo by William Thomson (Barkly Regional Arts)*

## Electoral legislation amendment

Arts Law provided comment on the draft legislation proposed by the government to improve transparency and accountability in relation to political donations. These measures sought to address concerns of foreign interference in Australia's electoral process. Arts Law analysed the proposals and concluded that they had the potential to cover Arts Law's and other arts organisations' legitimate activities, that they might stifle artistic freedom, and that they posed an unnecessary and unjust administrative burden on a sector already running on minimal resources. Strong advocacy from the Not-For-Profit sector resulted in some of our concerns being addressed in further drafts of the legislation.

## Copyright Modernisation

2018 marked the 50th anniversary of the passage of the Copyright Act 1968. The Copyright Act provides legal rights to copyright owners and balances this with the public's need to access copyright materials. In a rapidly evolving sector, copyright continues to be one of the key areas about which artists of all mediums contact Arts Law. Copyright queries represented 42% of all legal advice sought from Arts Law by creators in 2018. This is an increase from 36% in 2017.

In July 2018, Arts Law made a formal submission as part of the Copyright Modernisation Consultation managed by the Department of Communications and the Arts. The issues raised as part of this consultation have been the subject of previous copyright policy reviews by the Commonwealth, broadly dealing with the operation and scope of fair dealing exceptions in Australia, the ability for parties to contract out of the exceptions in the Copyright Act and how orphan works may be dealt with.

Arts Law continues to support a copyright framework that is fair to creators and those who wish to access content. Through its submission, Arts Law advocated for the maintenance of the fair dealing exceptions with support for an additional exception allowing for appropriately attributed quotations.

Arts Law also supported the proposal that the Copyright Tribunal be provided with powers to develop new exceptions in line with established principles which would provide both flexibility and certainty to copyright owners and users alike. There has yet to be any further update or response to the submissions.

## Prizes and competitions

We continue to advocate for artists' rights through our prizes and competitions reviews. We reviewed the terms and conditions of 10 competitions from across Australia, and subsequently provided information to organisers and artists through our website and social media profile. Our advocacy work in this area is being noticed with organisations and artists directly contacting us to ensure the terms and conditions for their prizes and competitions meet our best practice standards and are fair to entrants.

Arts Law continues to prepare reviews, and to work with the organisations and groups administering competitions to develop fairer terms and conditions for all participating artists and arts practitioners, with the aim of improving the overall standard of prizes and competitions for Australia's creators.

## + Case Study

### Arts Law works with Australian Book Review to improve the terms of its “2018 Calibre Essay Prize”

Arts Law regularly reviews the terms and conditions (Ts & Cs) of competitions and rates them out of 5, for their fairness to artists. For example, Arts Law reviewed Australian Book Review’s “2018 Calibre Essay Prize”. This was a competition for a single non-fiction essay of 3,000 to 6,000 words in English, with cash prizes and publication opportunities. These Ts & Cs are no longer available online, although the Ts & Cs of the current 2019 Calibre Essay Prize are, and we are pleased to see they are essentially the same as those Arts Law reviewed.

Trudie Sarks, Senior Solicitor at Arts Law, contacted Australian Book Review (ABR) and suggested ways its Ts & Cs could be improved to make them more artist friendly. Arts Law’s suggestions aimed to strike a fair balance between ABR’s needs and those of the entrants/writers.

ABR was very receptive to Arts Law’s suggestions, and promptly made changes to its Ts & Cs. In particular, the Ts & Cs dealing with copyright and moral rights were improved, to remove ambiguities, clarify obligations and reflect best practice.

Regarding copyright, the Ts & Cs were amended to expressly state that the winner and the runner-up retain copyright in their entries. The language was tightened around the copyright licence the winner and runner-up grant ABR, to expressly state that it is a 3 month exclusive licence. In this time, the winner and runner-up are restricted

from publishing elsewhere – which Arts Law considers to be fair and reasonable. It was made clear that under the licence ABR can only use the winning works in certain of its online and print editions (the dates of those editions were inserted into the Ts & Cs), with the writer’s consent required for further uses. It was also made clear that after the 3 month period, the licence becomes non-exclusive and indefinite – this was also considered sensible and fair.

The moral rights terms were significantly improved to go beyond merely consulting with a writer when editing his/her work, to obtaining the writer’s prior written consent before publishing the edited work. It was also expressly stated that ABR will credit the author.

Arts Law rated the amended Ts & Cs a perfect 5 out of 5 for fairness to artists!

Arts Law was very impressed with ABR’s attitude, which clearly demonstrated ABR’s respect for writers. Arts Law’s engagement with ABR and the positive outcome reflects Arts Law’s mission to empower artists in practice. Here Arts Law assisted an organisation with the end result being a positive impact on writers and their rights. As Peter Rose, ABR’s Editor and CEO informed Arts Law:



These changes will inform all future literary prizes at ABR.

The magazine – deeply committed to the welfare of its writers – is committed to transparency in all its programs.

Peter Rose,  
Editor & CEO of Australian Book Review

# Pro Bono Support and Partnerships



*2018 Pro Bono awards – Arts Law President The Hon. Justice Margaret Beazley AO QC, Photo by Jay La*

Pro bono support is an integral part of delivering services to our clients. In 2018, we worked with 237 lawyers from across Australia who delivered countless hours and much expertise to advise artists across Australia. This is valued at approximately \$1,000,000.

There are many ways lawyers and their firms provide pro bono support. A primary way is directly providing legal advice to Arts Law's clients, through Document Review Services, Telephone Advice and pro bono referrals. However, it also includes assisting Arts Law with its Artists in the Black outreach trips, the delivery of educational workshops, drafting and updating Arts Law's publications, as well as work on advocacy campaigns and submissions. Each year, we acknowledge this support at our annual Arts Law Pro Bono Awards. In 2018, we recognised the 34 professionals who went above and beyond in support of artists' legal rights.

Each winner received a photographic print by Cairns-based Artist, Narelle Nicol. We would like to thank vocalist Liz Martin and accompanist, violinist Michael Bridges, for their performance on the night, and Dentons for generously hosting and helping organise the event.

## + Pro Bono Support and Partnerships

### Colin Biggers & Paisley Foundation Partnership

Arts Law and the Colin Biggers & Paisley (CBP) Foundation established a major partnership in 2017. This partnership has been extremely beneficial to Arts Law through CBP's pro bono support of clients, particularly First Nations artists, and their outstanding fundraising efforts.

Following on from the success of last year's fundraising efforts, Arts Law CEO Robyn Ayres and Managing Partner at CBP Nick Crennan, along with 13 other trekkers from CBP, undertook a six-day trek. The trek spanned across Uluru-Kata Tjuta and Watarrka to raise funds for our Artists in the Black service. Each participant in the trekking challenge made a commitment to raise \$3,000.

In total, the trek raised over \$40,000 for Arts Law and Artists in the Black, contributing towards the employment of an additional lawyer to help deliver this outstanding service for First Nations artists across the country.

### Holding Redlich Partnership

In partnership with Holding Redlich, Arts Law delivered two seminars in March focusing on the issues surrounding arts and entertainment law. Held in Sydney and Melbourne, Louise Rumble (Special Counsel) and Charles Power (Holding Redlich Partner) led the seminars focusing on the rights of employees versus contractors in the arts. All proceeds from the event went to Arts Law.

### Dentons Partnership

Arts Law and Dentons have been working together to assist First Nations art centres to register with the Personal Property Securities Register (PPSR) to ensure that artists' assets are protected from liquidation.

Under Personal Property Securities law, any artist who has a commercial consignment arrangement with a gallery or dealer has what is known as a 'security interest' in that art and once registered with the PPSR the artist's assets and works will be covered if the gallery or dealer goes bankrupt.

In 2018, Arts Law and Dentons worked with Desart to help art centres put consignment agreements in place and register with the PPSR.



*Special Counsel, Louise Rumble, presenting at the Holding Redlich Education seminar, Photo by Arts Law*





*Solicitor Roxanne Lorenz and Arts Law CEO, Robyn Ayres with Nyinkka Nyunyu artists,  
Photo by Carmel Young (Desart)*

## Australian Government Solicitor Secondment Report

*By Roxanne Lorenz (AGS Solicitor on secondment to the  
Arts Law Centre of Australia, 2016 – 2018)*

Throughout 2017-2018, the Australian Government Solicitor (AGS) supported Arts Law with the appointment of a full-time secondment solicitor at Arts Law, a role I had the pleasure of being employed in.

With Arts Law having a small team of lawyers, the impact of the AGS secondee role makes a huge contribution to the services that Arts Law can provide. In my role over two years, I provided over 380 legal advices to artists, updated publications, contributed to Arts Law's advocacy work, and delivered seminars and workshops across Australia as part of the education program.

One of the highlights of my time with Arts Law was a trip to Central Australia with Arts Law's CEO, Robyn Ayres, in November 2018. The trip was part of the Artists in the Black service which delivers legal advice to Indigenous artists and arts organisations across Australia and worked in collaboration with Desart (the Association of Central Australian Aboriginal Arts and Crafts Centres).

During this trip to Central Australia, we visited the Tennant Creek region where we met with artists from Barkly Regional Arts, Nyinkka Nyunyu Arts and Culture Centre and other artists who had travelled hours into town from the wider region. We provided a series of workshops for artists and art centre staff and facilitated one-on-one legal advice to artists and art centre managers. We offered advice to artists on copyright licensing agreements they had been offered and drafted wills for several artists. It was an incredibly rewarding experience that marked the final chapter of my AGS secondment at Arts Law.

*Arts Law are very grateful for the support of AGS and look forward to sharing further stories as they continue their mission of empowering artists and creative communities through the law.*

## + Pro Bono Support and Partnerships

### Desart

As part of our three-year partnership, Arts Law worked with Desart to help deliver specialised legal services to Desart members (Aboriginal arts centres). The partnership provides practical legal support and advice from Arts Law and its Artists in the Black service. In 2018, Arts Law participated in two Desart conferences/training events and together we provided outreach to the remote communities of Warakurna, Papulankutja in Western Australia and to Walkatjara, Docker River, and Tennant Creek in the Northern Territory.

### Public Gallery Association Victoria

In partnership with the Public Gallery Association of Victoria, Arts Law CEO, Robyn Ayres, and Artists in the Black Coordinator, Bibi Barba, travelled to Victoria to conduct Artists in the Black workshops for 48 First Nations artists in Warrnambool, at the Koorie Heritage Trust in Melbourne, at Kaiela Arts in Shepparton and at Bendigo Art Gallery. The workshops focused on developing an understanding of the legal issues First Nations artists face in association with their creative work.

### KWM Final Hour Appeal

As part of their annual fundraising, King & Wood Mallesons (KWM) partnered with Arts Law to fundraise for Arts Law and the Artists in the Black service.

Raising \$21,165.86, KWM partners and staff directly donated a proportion of their pay to Arts Law and KWM matched each dollar donated, doubling the contribution received.

This funding will be matched by Creative Partnerships Australia as part of their Plus One Grant program in 2019.

### Legal Leg Up

With the support of the Western Australian Government, Arts Law delivered four 'Legal Leg Up' workshops covering key issues such as Indigenous Cultural and Intellectual Property (ICIP), governance, engaging contractors, employment issues, copyright, and legal issues regarding marketing and social media for small-to-medium arts organisations. We also provided individual face-to-face mentoring sessions for the arts organisations involved, helping them build a stronger understanding of the issues relating to arts and the law.

### Australian Society of Authors

Arts Law has continued to provide access to quality legal advice to authors through its ongoing partnership with the Australian Society of Authors (ASA). This year saw the delivery of 93 advices to members of the Australian Society of Authors. The advice service includes the review of publishing agreements, literary agency agreements and other related documents including making suggestions for how these contracts could be negotiated for a better deal for the author involved.

### APRA AMCOS

2018 was the first of a three-year partnership between Arts Law and APRA AMCOS, with workshops and advice clinics being delivered around the country. The workshops were part of the broader 'Meet the Locals' event, hosted by APRA AMCOS annually. Composers, performers and audio technicians attended the sessions to learn more about copyright and music and how collaborating, being in a band, and being in a studio can be made better by getting their legal issues resolved. The advice clinics, which followed, allowed musicians to have one-on-one sessions with an Arts Law lawyer so that they could discuss the finer details of their specific issues.

# Fundraising and Events



*Major fundraiser with Brandenburg Quartet, Photo by Matt Teague from Social Focus*

Fundraising is increasingly important for Arts Law, contributing to our sustainability as an organisation. This income supports our legal service delivery, as well as our advocacy work, particularly in relation to Artists in the Black. Our fundraising income comes from events, raffles, and donations. We work with individual donors and supporters as well as corporate partners, helping to ensure the long-term viability of all our programs.

In 2018, Arts Law raised \$157,677 through donations and fundraising events. Our fundraising income contributed to supporting over 4,000 Australian artists, arts practitioners and art centres through legal advice, advocacy, and educational services.

## Guardian Angels

Guardian Angels are a dedicated group of individual and corporate donors who donate \$1,000 or more to Arts Law. This group understand the enormous value of artists having access to affordable legal support in order to access their fundamental rights as artists.

Our Guardian Angels are listed in our monthly e-newsletter art+LAW, our annual report on page 42 and on Arts Law's website.

## + Fundraising and Events

### Events

Fundraising events play a key role in diversifying our income stream and developing ongoing relationships with individuals and organisations.

In 2018, Arts Law was involved in seven fundraising events. These ranged from Arts Law staff running in the City2Surf, individually raising funds for Arts Law, and the spectacular sold-out performance by the Australian Brandenburg Orchestra.

The annual Pro Bono Awards continue to be a chance to highlight the incredible work that Arts Law's pro bono lawyers and other volunteers do within the arts law community and, equally, a chance to fundraise through a raffle of three artworks. Sydney-based artist Ben Quilty donated the never-before-seen artwork 'The Chaos of Men' as the first prize. The second prize was provided by Gwenneth Blitner and third prize by Katrina Tjitayi. The raffle raised \$13,895 in support of Arts Law's services.

In partnership with Ashurst, Arts Law held a beautiful fundraising concert featuring the Australian Brandenburg Orchestra. The event was attended by over 250 people. Dr Andrew Lu kindly donated Gosia Wlodarczak's artwork, 'A Kiss' for the evening's raffle prize. The raffle and concert helped raise \$47,708 in support of Arts Law's services.

We would particularly like to thank Ashurst, Macquarie Bank, and the College of Law whose support of this event was greatly appreciated.

Arts Law is thankful to the NSW Law Society Young Lawyers for having us as their nominated charity for 2018. They raised over \$10,000 for Arts Law and held a Charity Ball fundraising event in September 2018. Special thanks to David Turner, Jessica Norgard, Victoria Graves, Amanda Lauder and Samantha Newman for making this possible.

The Hearts for Arts Law (HFAL) committee continued to organise fantastic fundraising events throughout 2018. Hearts for Arts Law produced both a thought-provoking Film, TV and Law Panel and a hilarious comedy night at the Sydney venue, Giant Dwarf. Combined, these events raised \$7,732. Special thanks to HFAL chairs, Tom Lynch and Shariqa Mestroni who continue to advocate and work alongside Arts Law both through HFAL and on our pro bono lawyer panel.



*Lineup from the HFAL Comedy Night, Photo by Tom Lynch*

## Partnerships

Partnerships with law firms and arts organisations are an essential part of our fundraising. Both pro bono legal support by lawyers from firms, as well as individual fundraising efforts, ensure that this essential part of our revenue continues.

Colin Biggers & Paisley (CBP) Lawyers and Arts Law held a fundraising trek through remote Northern Territory raising \$40,625 led by 13 employees. This was the second trek that Arts Law and CBP held after the first in 2017.

King & Wood Mallesons (KWM) continue to work with Arts Law in both pro bono support and through their own individual efforts such as internal fundraising activities. In 2018, KWM held two fundraising events in support of Arts Law. These were the KWM Workplace Giving which raised \$6,308.45 and the KWM Final Hour Appeal which raised \$21,165.86 (to be matched by Creative Partnerships Australia).

Holding Redlich also worked alongside Arts Law to deliver a seminar for lawyers and clients raising \$3,845.45. Lawyers were able to take part in this seminar while gaining CPD points. This event demonstrated how law firms can deliver professional services while raising funds for a worthy cause.

Special thanks for all their fundraising and advocacy efforts are extended to Dan Creasey of KWM, Montana Linkio of Ashurst, trekkers Patrick Tuohey, Douglas Prime, Karen Iles, Olivia Boyages, Marlo Perry, Jack Hamilton, Nick Crennan, Linda Branton, Rikki Borsato, Pam McKenzie, Tori Luxford and Vijay Edwards from CBP. Thank you to Theo Dorizac from SBS, Sheila Jayadev from Emerald Productions, and Michael Easton for joining our Hearts for Arts Law panel and sharing their knowledge on film and television law. Thank you to Anthony Faisandier, David Meirendorff, Floyd Alexander-Hunt, Tom Ballard, Wyatt Nixon-Lloyd, Bridie Connell and Songtourage for performing at the comedy night.

Arts Law are grateful to have so many generous supporters in our community. We greatly appreciate every offer of support, whether financial or advisory, to our service and look forward to working with all our partners, funders, donors and individuals again in 2019.

## PRO BONO LAWYERS AND PROFESSIONALS

Thank you to the law firms, legal practitioners and professionals who contributed pro bono support in 2018.

NAME	COMPANY	GNAME	COMPANY
<b>ACT</b>		Amy Ward	AvSuper
William McCarthy	Bradley Allen Love	Andrew Cameron	Brett Oaten Solicitors
<b>NSW</b>		Anna Liao	TK Legal
Aaron Hayward	Herbert Smith Freehills	Anna Vandervliet	Herbert Smith Freehills
Adam Simpson	Simpsons Solicitors	Annabel Clemens	Patron Legal
Alexander Edwards	Level 22 Chambers	Anson Pang	Dentons
Alexandra George	UNSW	Ashleigh Fehrenbach	MinterEllison
Alexandra Heysen	Macquarie Group Limited	Ashley-Benjamin Raiz-Symon	ABC Legal Services
Alice Williams	Allens	Ben Kay	Kay & Hughes Art & Entertainment Lawyers
Alicia Bray	Holding Redlich	Brent Michael	Sixth Floor Selborne & Wentworth Chambers
Alison Beaumer	Allens	Brooke Spain	Dentons
Amalia Stone	Herbert Smith Freehills	Caitlin Babington	King & Wood Mallesons
Amanda Ryding	Colin Biggers & Paisley Lawyers	Capucine Hague	Webb Henderson
Amy Grondal	Simpsons Solicitors	Caroline Verge	Verge Whitford & Co

NAME	COMPANY	NAME	COMPANY
Chloe Johnco	King & Wood Mallesons	Liz Rogers	Brett Oaten Solicitors
Christopher Chow	Chris Chow Creative Lawyers	Elizabeth Burrows	Influence Legal
Clara Edwards	Holding Redlich	Emma Lutwyche	Lander & Rogers
Clare Young	Simpsons Solicitors	Emily Martin	Sydney Opera House
Connie Ye	Allens	Emily Cossgrove	King & Wood Mallesons
Damian Rinaldi	Sonic Lawyers	Emma Butler	Ashurst
Daisy Johnson	Colin Biggers & Paisley Lawyers	Emma Cameron	Bird & Bird
David Cross	Norton Rose Fulbright	Emma Gorrie	Allens
David Robb	Macquarie Group Limited	Emma Maple-Brown	Herbert Smith Freehills
David Sibtain	Four St James	Eva Lu	Sainty Law
Deborah Jackson	Allens	Garth Tinsley	Ashurst
Deborah Yates	JLL Australia	Georgia Milne	Holding Redlich
Derek Baigent	Griffith Hack	Georgia Murphy-Haste	Sparke Helmore Lawyers
Delwyn Everard	Everard Advisory	Gordon Babe	13th Floor St James Hall
Edward Lyons	Lander and Rogers	Grant McAvaney	Australian Copyright Council
Elaine Wong	Ernst & Young	Guy Narburgh	Herbert Smith Freehills
Eleanor Wheelhouse	Vodafone	Hai-Van Nguyen	Clayton Utz
Eli Fisher	HWL Ebsworth	Hamish Fraser	Bird & Bird

## + Pro Bono Lawyers and Professionals

NAME	COMPANY	NAME	COMPANY
Hanaan Indari	Carroll & O’Dea Lawyers	Jim Lennon	Norton Rose Fulbright
Hannah Pelka-Caven	Holding Redlich	Jodie Wauchope	Dentons
Hannah Rose	Sparke Helmore Lawyers	Joel Barrett	Allens
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Ian Robertson	Holding Redlich	Josh Gittoes	Macquarie Group Limited
Ishan Karunanayake	Ishan Law	Jules Munro	Simpsons Solicitors
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Jaimie Wolbers	K & L Gates	Julian Hewitt	Media Arts Lawyers
Jake Blundell	Banki Haddock Fiora	Julie Robb	Banki Haddock Fiora
James Lawrence	Mills Oakley	Kaelah Ford	Allens
Janey Nestadt	Allens	Karen Iles	Colin Biggers & Paisley Lawyers
Jason Symons	HWL Ebsworth	Kate Barrett	King & Wood Mallesons
Jacqueline Yates	Australian Government Solicitor	Kate Brophy	Australian Government Solicitors
Jennifer Arnup	ABC Legal Services	Kate Eastman	New Chambers
Jenny Smith	Norton Rose Fulbright	Kate Gillingham	Baker McKenzie
Jeremy Storer	ABC Legal Services	Katherine Giles	MinterEllison
Jilly Field	Ashurst	Kelvin Nguyen	MinterEllison



NAME	COMPANY	NAME	COMPANY
Kelvin O'Keefe	Sole Practitioner	Mathisha Panagoda	Carroll & O'Dea Lawyers
Kim O'Connell	King & Wood Mallesons	Matthew Morosin	Hewlett Packard Enterprise
Kousai Elali	Workers Compensation Commission	Megan West	Sole Practitioner
Leah Wickman	Allens	Melanie Bouton	Herbert Smith Freehills
Lena Balakrishnan	Allens	Meryl Remedios	Dentons
Lisa Soo	Herbert Smith Freehills	Michael Easton	Michael Easton Legal
Lisa Wright	Dentons	Michael Gonski	Herbert Smith Freehills
Liz Georgiou	Holding Redlich	Michelle Bakhos	Sole Practitioner
Lucille Hughes	Macquarie Group Limited	Michelle Eadie	Simpsons Solicitors
Lucinda Edwards	SBS	Nathan Kennedy	Hall & Wilcox
Luke Hawthorne	King & Wood Mallesons	Nicole Winton	Sole Practitioner
Maddalena Russel	Colin Biggers & Paisley Lawyers	Nicky Friedman	Allens
Madeleine Stevens	Holding Redlich	Nupur Sanchdev	HWL Ebsworth
Mandy Chapman	CJZ / Beyond International	Olivia Lanchester	Australian Society of Authors
Mandy van den Elshout	ABC Legal Services	Olivia Mailian	Carroll & O'Dea Lawyers
Mark Matulich	Matulich Lawyers	Patricia Monemvasitis	Carroll & O'Dea Lawyers
Marlo Perry	Colin Biggers & Paisley Lawyers	Paul Ippolito	Ippolito Lawyers
Martin Slattery	Carroll & O'Dea Lawyers	Peter Karcher	ClarkeKann Lawyers

## + Pro Bono Lawyers and Professionals

NAME	COMPANY	NAME	COMPANY
Philippa Bergin-Fisher	Herbert Smith Freehills	Samantha Kinsey	King & Wood Mallesons
Philipa Collins	Dentons	Sara Lane	Ashurst
Philipa Thompson	Dentons	Sarah Butler	Holding Redlich
Priscilla Blackadder	HWL Ebsworth	Sarah Kim	Ashurst
Rachel Chua	Australian Government Solicitors	Sarah McKeith	Spruson & Ferguson
Rachel Walker	Dentons	Savitha Swami	Frederick Jordan Chambers
Rebecca Currey	Bird & Bird	Seb Tonkin	Simpson Solicitors
Rebecca Hughes	Ashurst	Shariqa Mestroni	Bird & Bird
Rebekah Gay	Herbert Smith Freehills	Sonya Veltman	Blueprint Law
Renee Boundy	Allens	Stephen Boyle	Stephen Boyle Media & Entertainment Law
Richard Potter	153 Phillip Barristers	Stephen Coudounaris	DVM Law
Rob Clark	5 Wentworth Chambers	Stephen Digby	DVM Law
Rob Glass	Media Arts Lawyers	Stephen Dodd	Dentons
Rob Silberstein	Silberstein & Associates	Stephen Somerville	Herbert Smith Freehills
Robert McRobbie	Macquarie Group Limited	Stephen Thompson	Colin Biggers & Paisley Lawyers
Rohan Higgins	153 Phillip Barristers	Talitha Fishburn	Wardell Chambers Sydney
Ruthana Klawansky	Kay & Hughes Art & Entertainment Lawyers	Tiernan Christensen	Allens



## + Pro Bono Lawyers and Professionals

NAME	COMPANY	NAME	COMPANY
David Vodicka	Media Arts Lawyers	Sarah Christie	Media Arts Lawyers
Dusan Stevic	King & Wood Mallesons	Savannah Hardingham	K & L Gates
Evelyn Tadros	Owen Dixon Chambers West	Stephen King	Media Arts Lawyers
Fiona Galbraith	Davies Collison Cave	Tony Grujovski	Studio Legal
Georgina O'Farrell	By George Legal	Tony Middleton	MinterEllison
Georgina Hoy	Herbert Smith Freehills	Trent Taylor	Holding Redlich
Greg McCann	Colin Biggers & Paisley Lawyers	Vijay Edwards	Colin, Biggers & Paisley Lawyers
Guy Donovan	Holding Redlich	Warwick Rothnie	Owen Dixon Chambers East
Harrison Ottaway	Norton Rose Fulbright	<b>WA</b>	
Jacqui Ward	Melbourne Racing Club	Angela Hayward	Department of Local Government and Communities WA
Jeff Bergmann	Solubility Pty Ltd	Chris Rimmer	Sparke Helmore
Jennifer Tutty	Studio Legal	Jamie Lyford	Elevation Partners
Jesse Gordes	Solubility Pty Ltd	Michael Tucak	Creative Legal
Maddalena Rinaldi	Sanicki Lawyers	Miriam D'Souza	Norton Rose Fulbright
Lisa Archbold	Sole Practitioner	Sam Wong	Elevation Partners
Marcus Walkom	Media Arts Lawyers	<b>NT</b>	
Michael Russel	Colin Biggers & Paisley Lawyers	Timothy Quadrio	Royal Australian Navy
Moira McKenzie	Sanicki Lawyers		
Sally Whiteman	Owen Dixon Chambers West		

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

## Volunteers

Sophie-Anais Barbeau-Scuria  
Johanna Bear  
Hannah Beaven  
Jemima Bissett  
Charlie Carpenter  
Charmaine Cheung  
Eugene Cheung  
Jeffrey Chung  
Daniel Cullen  
Laura Curtis  
Daniel Gallagher  
Carmen Gawthorpe  
Avnoor Guron  
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Eloise Howard  
Martin Imrie  
Caelin Kramer  
Alex Leal-Smith  
Queenie Liu  
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Blake Motbey  
Christopher Parker  
Isabella Pearson  
Kerrie Pieri  
D'Arcy Price  
Raveena Randhawa  
Abi Robertson  
Adeline Technitis  
Jane Thomas  
Jason Xu

## Interns

Ferdous Bahar  
The University of Sydney Law School  
  
Amy Russell  
The University of Sydney Law School  
  
Sharna White  
University of Technology Sydney

# Our Organisation

The Arts Law Centre of Australia is a not-for-profit company limited by guarantee.

We are recognised by the Australian Taxation Office 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).

We would like to thank Create NSW who provide us with subsidised rent.

## 2018 Board



The Hon. Justice  
Margaret Joan Beazley  
AO QC President of  
the Supreme Court of  
NSW

President



Andrew Wiseman  
Vice President



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Dr Andrew Lu OAM

Photos by Stephen Oxenbury  
\*Photo by Kent Johnson

## 2018 Staff



*Arts Law staff at the 2018 Pro Bono Awards, Photo by Jay La*

**CEO** – Robyn Ayres

**General Manager** – Mary Egan

**Director, National Partnerships and Programs** |

**Senior Solicitor** – Suzanne Derry

**Senior Solicitor** - Trudie Sarks

**Senior Solicitor** – Morris Averill

**Senior Solicitor** – Adam Flynn (until February 2018)

**Solicitor** – Zoë Rodriguez

**Solicitor** – Daniel Roe

**Solicitor on Secondment** – Roxanne Lorenz, Australian Government Solicitor (full-time);

**Artists in the Black Coordinator** – Bibi Barba

**Artists in the Black Paralegal** – Lee Elsdon

**Paralegal** – Hannah Muller

**Communications and Marketing Coordinator** – Patrick McCarthy

**Administration Officers** – Michael Bridges, Rose Ayres (until August 2018), Latifa Tasipale (from July 2018)



# Finances

While Arts Law finished the year with healthy reserves and in a strong financial position, providing the financial resources to meet the growing demand for our services continues to be a challenge. 2018 was the second year of our four-year National Funding Agreement (signed by eight States and Territories and two federal funders) and we have really seen the benefit of the efficiencies created by that and the certainty of funding has helped us to plan service delivery and maximise the use of our resources.

We have also received several project grants to enhance service delivery including the Digital Dillybag grant (part of the Attorney-General's Department Innovation Funding) assisting us to develop digital resources for First Nations artists and arts organisations. This funding, worth \$150,000, spans 2017-2019. The Department of Communications and the Arts also provided additional funding, extending our outreach services.

Phonographic Performance Company (PPCA) continues to provide support allowing their members additional access to our legal services, and APRA AMCOS now provides us financial support to provide their members targeted legal education and advice nationally. Desart, the peak arts body for over 40 Central Australian Aboriginal Art Centres, have committed to a three-year service agreement to enhance services to their members.

We continue to grow earned income with subscriptions, publication sales and education income providing over \$238,000 in 2018. Arts Law will continue to pursue other revenue sources to reduce our reliance on government income.

Fundraising efforts, with the help of our many supporters, raised \$157,677 in 2018. Particular thanks go to Colin Biggers & Paisley Lawyers and King & Wood Mallesons for their fundraising efforts, and to Ashurst for hosting a fundraising concert with the Brandenburg Quartet, and Macquarie Bank and College of Law for their support of the event.

For full details of our 2018 financial reports, please see our audited accounts published as a separate document on our website:

[www.artslaw.com.au/about/annual-financial-reports](http://www.artslaw.com.au/about/annual-financial-reports)

## + Finances

### Guardian Angels and Donors

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

Arts Law's Guardian Angels are a special group of donors committed to ensuring Australia's arts community can thrive with the right legal support. Arts Law would like to thank our 2018 Guardian Angels for their meaningful contributions. All donations help us continue to provide vital services to Australia's creators.

### 2018 Guardian Angels

Adam Casselden SC  
 Alison Leslie  
 Ashurst  
 Ben Quilty Studio  
 Bernard Coles QC  
 Carol Webster SC  
 Carroll & O'Dea Lawyers  
 Charles Alexander  
 Colin Biggers & Paisley Foundation  
 College of Law  
 Daniel Creasey  
 David and Judith Minty  
 Dr Andrew Lu OAM  
 Edward Crennan  
 Ezekiel Solomon AM  
 Georgia Carter  
 Jackie O'Brien  
 Jeremy Storer  
 Karen Iles  
 King & Wood Mallesons  
 Linda Branton  
 Macquarie Bank Limited  
 Mark Dempsey SC  
 Martin Place Chambers  
 Mary Hill  
 Michael Cranitch  
 Michael Gill  
 Norma Leslie  
 Olivia Boyages  
 Richard Lancaster SC  
 Sparke Helmore Lawyers  
 St George Bank  
 The Hon David Levine AO RFD QC  
 The Hon. George Palmer AM QC  
 The Hon. Justice Francois Kunc SC  
 The Hon. Justice Margaret Beazley AO QC  
 The Hon. Peter Heerey AM QC

2018 Funders

 <p><b>Australian Government</b> Department of Communications and the Arts</p>	 <p><b>Australian Government</b> Indigenous Visual Arts Industry Support</p>
  <p><b>Australian Government</b></p>	 <p><b>Australian Government</b> Attorney-General's Department</p>
<p>Supported by</p>  <p><b>ACT</b> Government</p>	<p>Proudly funded by the NSW Government in association with Create NSW and Arts Law Centre of Australia</p>  <p><b>Create NSW</b> Arts, Screen &amp; Culture</p>
<p>Proudly sponsored by</p>  <p><b>NORTHERN TERRITORY</b> GOVERNMENT</p>	 <p><b>Queensland Government</b></p>
 <p><b>Government of South Australia</b> Arts South Australia</p>	<p>PROUDLY SPONSORED BY</p>  <p><b>Tasmanian Government</b></p>
<p><b>CREATIVE VICTORIA</b></p>	  <p><b>VICTORIA</b> State Government</p> <p><b>FILM VICTORIA</b> AUSTRALIA</p>
 <p><b>Department of Local Government, Sport and Cultural Industries</b></p>	 <p><b>APRA AMCOS</b></p>
 <p><b>ppca</b> PHONOGRAPHIC PERFORMANCE COMPANY OF AUSTRALIA LTD</p>	 <p><b>LexisNexis™</b></p>

We would like to thank **Create NSW** who provide us with subsidised rent.

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



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