

ARTS LAW CENTRE
OF AUSTRALIA
**ANNUAL
REPORT**
2019

ARTS
LAW



**The Arts Law Centre of Australia acknowledges the
Gadigal people of the Eora Nation and all Traditional Owners of 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 past, present and emerging.

**Aboriginal and Torres Strait Islander readers are warned that this document may contain images
and names of deceased persons.**

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 Aboriginal and Torres Strait Islander 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 artist's 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.





Roxanne Lorenz at Inkuntji Art Centre. Photo by Donna Robinson 2019

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PRESIDENT & CEO REPORT

As 2019 was drawing to a close, both the staff and board of the Arts Law Centre of Australia (Arts Law) gathered over a weekend to examine Arts Law's purpose – the reason for our very existence. It was clear that after 35 years the need for Arts Law remains as strong as ever and we will continue to serve Australia's artists and creative communities as expressed through our new purpose:

Strengthening value and respect for arts and culture to make a better world.

We do this every day by advising artists such as Carmel Metcalf, a photographer in Moonbi, NSW who discovered her photos were being sold as canvas prints online without permission with the business owner crediting himself as the creator of her work. Carmel received advice through Arts Law's Document Review Service with the pro bono lawyer explaining both her copyright and moral rights. Carmel received advice about sending a letter to the other side which resulted in having her works removed from the website. Read more about Carmel's story and other artists like her throughout this report.

Arts Law's high quality, practical legal advice is provided by both our small in-house team of lawyers together with the fantastic contribution of pro bono lawyers across the country. The pro bono panel is comprised of 255 lawyers

who expand exponentially what we can do for Australia's creators. Each year we recognise these lawyers and other professionals through our Pro Bono Awards. On 30 April 2019, global law firm, Dentons, generously hosted the awards where we recognised the special contribution of 34 lawyers and other professionals who went above and beyond for Arts Law and our clients. See the full list of Pro Bono Awards winners at page 21.

We note that Government funding accounts for only 60% of what's needed to run Arts Law so fund-raising is an important component of our income. In 2019 our fundraising efforts included the annual artwork raffle with stunning works from artists Danie Mellor, Bronwyn Bancroft and Trevor Richards. In October, 6 St James Chambers kindly hosted our biennial Art Sale where we presented a selection of incredible artworks from across Australia.

The Hearts for Arts Law (HFAL) committee also raised money for Arts Law through three successful fundraising events and we are also grateful for the fund-raising efforts of the grads at Colin Biggers & Paisley and LAWSKI who made Arts Law their charity in 2019. We recognise the contribution of all of our donors and Guardian Angels because without your support we would not be able to deliver such high quality legal services for the Australian arts community.

Whilst in 2019 Arts Law farewelled our outgoing President, Her Excellency the

Honourable Margaret Beazley AO QC Governor of New South Wales, we were delighted to receive her Vice Regal Patronage. We were also pleased to welcome Justice John Sackar as the incoming President as well as Jared Thomas and Emma Hicks, our newly appointed Aboriginal Board members. We also farewelled Board member Bronwyn Bancroft and thank both Her Excellency and Bronwyn for their outstanding service to Arts Law and the Australian arts community.

In 2019 we continued to build strong partnerships and note in particular our relationship with the Australian Society of Authors, Desart, and an exciting new partnership with First Languages Australia through which we will help strengthen the important contribution made to protection, maintenance and revitalisation of Aboriginal and Torres Strait Islander languages by Indigenous language centres in Australia.

Whilst continuing to deliver a broad range of legal services and resources to Australia's artists and creative communities, a significant part of our programs are the services provided through the Artists in the Black program. In 2019 this included an extensive outreach program to 20 Aboriginal communities; the finalisation of the Digital Dillybag project with the Artist Art Centre 'talking contract' video now being available in 17 Aboriginal and Torres Strait Islander languages; establishing a total of 7 Adopt A Lawyer relationships; and the ongoing progress of the Fake

Arts Harms Culture advocacy work which seeks to stop the distribution and sale of inauthentic Aboriginal and Torres Strait Islander arts and crafts.

At the end of 2019 we commenced planning for the next five years as 2020 marks the final year of the successful multipartite funding agreement between Arts Law and 10 State, Territory and Commonwealth Government arts funding bodies. The reduction in red-tape and multiple funding applications and acquittals, has enabled Arts Law to focus on other avenues for support and developing stronger relationships and partnerships across the legal, arts and corporate communities.

At the time of writing this report our world is in upheaval as the COVID-19 pandemic wreaks havoc which means our ambitions for the future must be all the more strongly focussed on helping as many in the arts community as possible; developing stronger technological capability; and continue our work to build a strong and financially sustainable organisation. We thank Arts Law's staff, the Board and all our supporters who work with us to achieve a stronger Arts Law and a stronger arts and creative sector.

**The Hon Justice John Robertson Sackar,
Arts Law President**

**Robyn Ayres,
Arts Law CEO**



Hon Justice John Robertson Sackar and Robyn Ayres at the 2019 Pro Bono Awards.
Photo by Jay La Photography 2019

HIGHLIGHTS OF 2019

2596

Legal advices
given to clients

911

Services to
Artists in the Black clients

255

Pro bono lawyers
on our panel

1558

Referrals

6



"This was not my area of expertise. I wanted to know where I stood. Arts Law helped me understand my rights and their advice gave me the confidence to ask for what I wanted and to stand my ground. Moving forward, I feel comfortable in further exploring business opportunities involving my art. Arts Law answered my questions and is a wonderful low cost service which I will continue to use and recommend to other artists and designers."

- Chris Taylor, Cartoonist and Arts Law client

Reconciliation Action Plan

In 2019 Arts Law implemented our Innovate Reconciliation Action Plan (RAP). This plan builds on the successful progress of our first RAP and aims to achieve access to justice for Aboriginal and Torres Strait Islander artists, organisations and communities.

Disability Action Plan

2019 also saw Arts Law implement our first Disability Action Plan (DAP). With assistance from Accessible Arts this plan was developed to identify and remove barriers that may prevent or impede anyone with disability from engaging with Arts Law in any way.

Top ten legal issues for Artists in Australia

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



1724

Telephone
Legal Advices



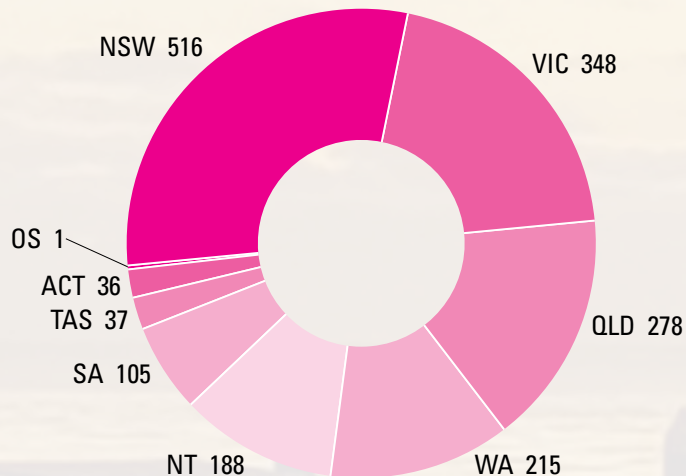
872

Document
Review Services

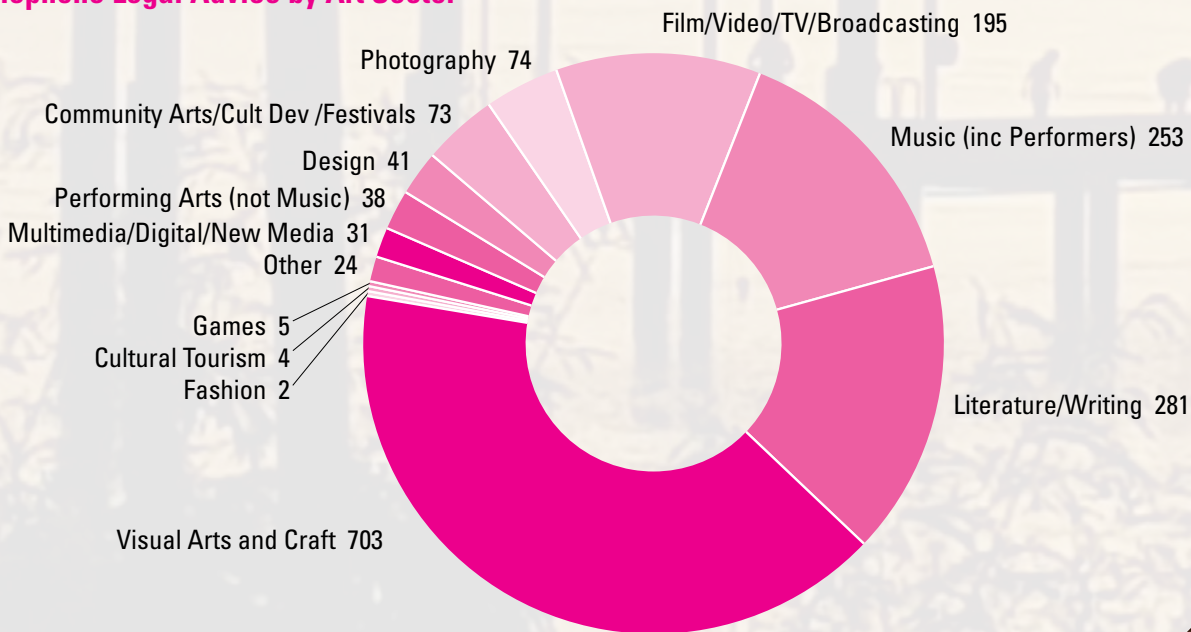
TELEPHONE LEGAL ADVICE

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. Artists who meet our means testing threshold can access this service for free.

Telephone Legal Advice by State

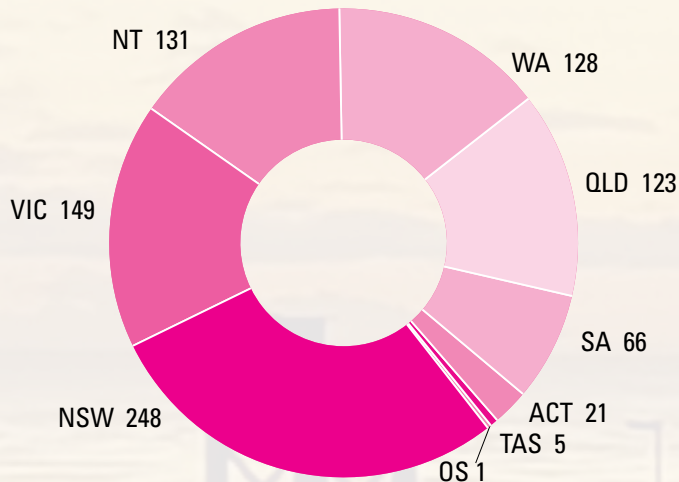


Telephone Legal Advice by Art Sector



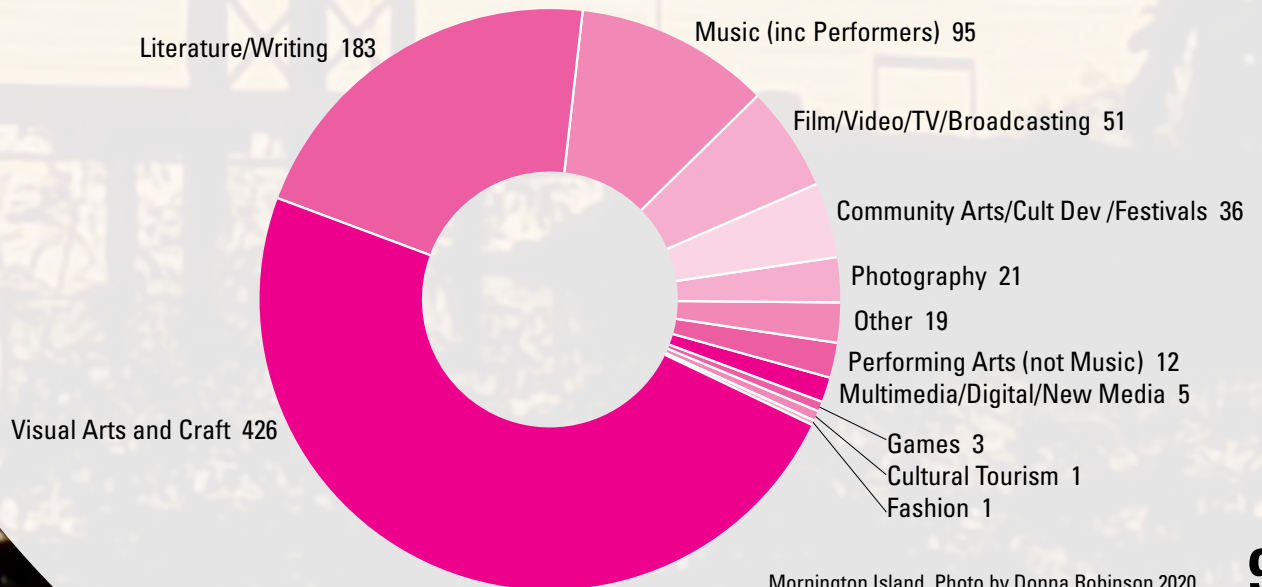
DOCUMENT REVIEW SERVICE

Document Review Service by State



The Document Review Service (DRS) is available to Arts Law subscribers who need advice on documents such as contracts, licensing agreements or letters of demand. Continued growth and demand for this service is indicative of a trend for artist's to increase their business knowledge. This also reflects Arts Law's success in educating the arts sector on the importance of using contracts and the benefits of fully understanding and clarifying issue before signing any documents.

Document Review Service by Art Sector



ARTISTS IN THE BLACK



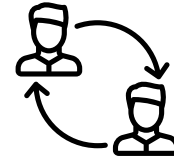
533

Telephone
Legal Advices



378

Document
Review Services



56

Pro Bono Referrals



20

Visited art centres



178

Wills drafted

Outreach

In 2019 Artists in the Black (AITB) continued its significant engagements with art centres throughout Australia as part of its outreach program to advise and educate artists and art centre staff on artists' legal rights and issues. AITB recognises that Aboriginal and Torres Strait Islander artists are increasingly branching out into merchandise, fabric and fashion which brings with it the need for advice on licensing, copyright and other business contracts.

Art Centres we visited in 2019

Jilamara Arts & Crafts Association
Munupi Arts & Crafts Association
Bula'bula Arts Aboriginal Corporation
Mangkaja Arts Resource Agency Aboriginal Corporation
Nagula Jarndu Women's Arts & Resource Centre
Ikuntji Artists
Maningrida Arts & Culture
Bábbarra Women's Centre
Wik and Kugu Arts Centre, Aurukun
Yarrabah Arts & Cultural Centre
Keringke Arts
Children's Ground
HopeVale Arts & Cultural Centre
Yalanji Art Centre
Warlayirti Artists
Waringarri Aboriginal Arts
Ernabella Arts
Keringke Art Centre
Mimili Maku Arts
Iwantja Arts & Crafts Centre, Indulkana

"I appreciate all the help from the Arts Law team. I expect us to be operating within the best practice guidelines and continually seeking the most beneficial outcomes to artist and art centre."

- Arts Law art centre client





Donna Robinson with Julie Wallaby. Photo by Robyn Ayres 2019

Adopt-a-Lawyer

Arts Law conducts an Adopt a Lawyer program which partners Aboriginal and Torres Strait Islander Community Arts Centres with a single law firm for a three-year partnership. This program is designed to streamline our existing support of art centres by facilitating a strengthened relationship between an art centre and a single law firm. The art centre can contact pro bono lawyers at the firm directly for advice on issues and the firm's lawyers will develop a more detailed understanding of the art centre's operations which will position it to provide relevant and timely commercial advice.

Art Centre	Law Firm
Wik & Kugu Art Centre Aurukun, QLD	Hall & Wilcox
Warmun Art Centre Warmun, WA	Lander & Rogers, Melbourne, VIC
Waringarri Kunururra, WA	King & Wood Maleson, National (Perth)
Moa Arts Moa Island, QLD	King & Wood Maleson, National (Sydney)
Jilamara Art Centre Tiwi Islands, NT	King & Wood Maleson, National (Brisbane)
Babbarra Womens Centre Maningrida, NT	Allens Linklaters and Macquarie Group
Maningrida Art Centre Maningrida NT	Allens Linklaters and Macquarie Group

DIGITAL DILLY BAG PROJECT

English
Luritja
Wik Mungkan
Alywarre
Kuku Yalanji
Warumungu
Torres Strait Island Creole
Gurindji
Kriol
Yolngu
Tiwi
Pitjantjatjara
Eastern Arrente
Western Arrente
Warlpiri
Ngaanyatjarra
Martu Wangka
Nyangumarta



In July 2019, Arts Law distributed the Digital Dillybag "Talking Contract" video which is available in 17 Aboriginal languages.

The project was developed in partnership with Central Australian Aboriginal Media Association (CAAMA) and was funded by The Attorney-General's Department and The Department of Communications and the Arts, Australian Government. Arts Law worked with CAAMA to produce a video that explains our template Artist & Art Centre Agreement in English and language. We hope this video will become a useful part of any Art Centre's toolkit for both current and new artists.

Art Centre Feedback:

"Nice to have something comprehensive and easily accessible for First Nations people."

"Friendly, accessible video - has a touch of humour that the artists will really enjoy."

EDUCATION

This year we worked with a range of education partners to deliver workshops and seminars covering every state and territory, on a range of legal topics and art forms. A special thanks to APRA AMCOS for their ongoing commitment to help us deliver legal education to musicians and performers, Desert whose support allowed us to travel to remote communities and art centres and Holding Redlich who continue to provide support for our education program.

Client Feedback:

“Content was very interesting and had been specifically tailored to our needs and was particular to our individual interests and situations.”

“The presentations were straight forward and easy to understand. I was able to retain a lot of the info and presenters were excellent.”

“Clear, honest, upfront answering of questions. No jargon :)”



92
education session



2097
participants



40
locations



8
states & territories

A group of people, including a man in a white shirt and a woman with glasses, are looking at a piece of art. The scene is dimly lit, suggesting an art gallery or museum setting. A large white semi-circle is overlaid on the bottom half of the image, containing the text.

CASE STUDY - MICKY BARLOW

A gallery sells your work on consignment but won't pay – what do you do?

We all want to get paid for our work, right? Imagine you have given your artworks to a gallery to sell and they don't pass on the proceeds. This is sadly a very common experience. What do you do when the gallery won't give you your money?

Micky Barlow has had this experience. Micky is a successful Aboriginal artist from South Australia. She creates beautiful artworks and woven baskets. Not too long ago Micky had a large number of artworks on display in a gallery for an exhibition. At those exhibitions, eleven pieces of her artwork were sold by the gallery. Micky and the gallery had agreed that the artworks would be on consignment, and that the gallery would receive an agreed commission for each artwork sold. Upon receiving her invoice, however, the gallery failed to pay. Micky personally followed up with the owner multiple times but didn't

receive any money. Without an income from her work, Micky was forced to rely on her partner to support her.

Frustrated and not knowing what to do next, Micky contacted Arts Law. Arts Law reviewed the contract between Micky and the gallery under our Document Review Service. Arts Law advised Micky to send a letter of demand to the art gallery. Micky used Arts Law's template Letter of Demand for Debt Recovery.

A letter of demand serves two purposes. First, it warns the debtor of your intention to commence legal proceedings unless payment is made and gives the debtor one more opportunity to pay. Secondly, the letter is a document which may be tendered in evidence during court proceedings as written proof of your claim of the debt owed and your attempt to settle the matter.

Arts Law assisted Micky in drafting the letter of demand and we are pleased to hear that Micky was successful in ultimately obtaining payment in full from the gallery. It is excellent that Micky was able to avoid legal proceedings.

If you are entering into an agreement with an art gallery, make sure you have an agreement in place which will allow you to enforce your rights. Arts Law has a number of useful templates available online, including an Artwork Consignment for Sale Agreement. If the art gallery has their own agreement which they would like you to sign, Arts Law can review it for you. Finally, if an art gallery fails to pay you, contact Arts Law for free or low-cost advice on how to recover the money owed to you, just like Micky did.

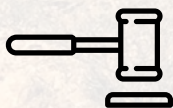
ADVOCACY

Advocacy Areas:

- Fake Art Harms Culture
- Art in Prisons
- Using plants and animals in artwork
- Prizes and Competitions
- Artists' Employment Rights

This year we updated our 2017 position paper on Artists' Rights in Prison, consulted with NAVA around planned advocacy for artists' income and employment rights, and lobbied the government for changes to the Personal Property Securities Act to exclude artists. We have also made submissions to government including:

- ACCC Digital Platforms Inquiry
- City of Sydney's proposed changes to busking policy
- Joint submission with Indigenous Art Code and Copyright Agency to Senate Committee about the Greens Party's Competition and Consumer Amendment (Prevention of Exploitation of Indigenous Cultural Expressions) Bill 2019
- Joint response from Arts Law, Indigenous Art Code and Copyright Agency to House of Representatives Standing Committee on Indigenous Affairs report into the growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise for sale across Australia



6

Reviews of art prizes and competitions published



9

New case studies published



2

Policy changes



1000

Post cards sent from Darwin Aboriginal Art Fair to the PM as part of the Fake Art Harms Culture campaign

*"Keep doing what you are doing.
You are helping people here."*

- Arts Law client



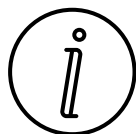
Best Practice Advice

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 provides best practice advice to subscriber organisations who agree to our Best Practice Guidelines.

This is an important aspect of Arts Law's work as it helps ensure artists benefit from the arts organisation providing fair and equitable agreements.

RESOURCES FOR ARTISTS

As part of our commitment to empowering artists through the law, Arts Law publishes information sheets, contract templates, books and audio/video content to our website. All of our publications are available free or at low-cost.



278,237

Visits to the Info Hub



663,788

Website Pageviews

Top Ten Info Sheets

1. Street photographers' rights
2. Copyright
3. Filming with a smartphone or hidden camera
4. Unauthorised use of your image
5. Moral rights
6. Defamation law
7. Debt recovery
8. Disclaimers, exclusion clauses and risk warnings
9. Protecting your designs

Top Ten Contract Templates

1. Copyright Licensing Agreement
2. Commissioning Agreement: Public Visual Artwork
3. Photographer's Model Release
4. Commissioning Agreement: Private or Commercial Visual Artwork
5. Image Reproduction Licence for Merchandise
6. Performers Release Session Musician
7. Artwork Consignment for Sale Agreement
8. Debt Recovery: Letter of Demand
9. Business Structures and Governance: A Practical Guide for the Arts
10. Film Cast & Crew Agreement



CASE STUDY - CARMEL METCALF

A photographer discovers her photos are being sold online without permission

Carmel Metcalf, an amateur photographer based in Moonbi, NSW, approached Arts Law for help when she discovered, to her dismay, that her photos were being sold as canvas prints online without her permission. By way of background, Carmel had previously been asked by this third party if he could use her photos for non-commercial use in relation to his business. Carmel gave permission for that, subject to being credited, but certainly not for the commercial use which she discovered he was doing. It was particularly distressing when she saw that the third party was crediting himself as the creator of her work, and that changes had also been made to the colours of her work.

Carmel used Arts Law's Document Review Service to review the unauthorised use of her works and obtain advice. Arts Law arranged for one of its pro bono Document Review Lawyers, Thomas Lynch, to advise the client. It was explained to Carmel that under copyright law her permission must be sought to use the photos in this way. It is copyright infringement to reproduce a photo, including online. (There are however exceptions where permission is not required, for example where the reproduction is a fair

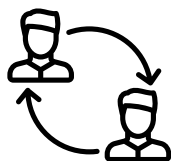
dealing for criticism or review or research.) Creators also have moral rights, which are the rights to be credited, not falsely credited and that their work cannot be altered/treated in certain ways.

Arts Law gave advice about sending a letter to the other side and what to include in it. Such a letter while attempting to resolve a situation can also serve the purpose of being used as evidence in court proceedings to show that a creator has put the other side on notice of their rights.

We are thrilled to hear from our client that as a result of sending her letter, her works were removed from the website in question. In particular, as a result of our advice, Carmel felt she was able to stand up for her rights and send the letter.

"I felt empowered after being given advice by Arts Law. As a result of the advice, I knew how to handle it, I knew to write that letter and I knew what to do to stop what was happening with my work. I found Arts Law to be a wonderful service that got me out of a very distressing situation."

PARTNERSHIPS & PRO BONO SUPPORT



75

Pro Bono referrals



6796

Pro Bono hours

"[My pro bono lawyer] was exceptional. I came away feeling great relief and an increased understanding. I gained a lot of confidence from our discussion. I really cannot speak highly enough of her patience, communication style and approach."

- Arts Law client

Partners and Supporters

We are so grateful for our generous supporters and partners who help us to empower artists through the law.

We are also incredibly grateful for the organisations who fundraised on behalf of Arts Law. Colin Biggers & Paisley held a Graduate Fundraising Challenge in support of Arts Law's Artists in the Black program. LAWSKI, an annual three-day skiing and social event for lawyers, nominated Arts Law as the 2019 charity partner. Arts Law was also thrilled to take part in the live fundraising event organised by The Funding Network.

Our 2019 Partners

Allens Linklaters
APRA/AMCOS
Ashurst
Australian Government Solicitor
Australian Society of Authors
Baker McKenzie
Banki Haddock Fiora
Carroll & O'Dea Lawyers
Colin Biggers & Paisley
Dentons
Desart
First Languages Australia
Hall & Wilcox
Herbert Smith Freehills
Holding Redlich
Jackson McDonald
King & Wood Malleson
Lander & Rogers
Lexis Nexis
Macquarie Group
Minter Ellison
Sparke Helmore
The Funding Network



2019 PRO BONO AWARDS

Photo by Jay La Photography 2019

In April, we held our annual Pro Bono Awards at Dentons to recognise the outstanding contribution of the volunteer lawyers and professionals on our pro bono panel.

Winners received a specially commissioned print by emerging artist Kim Ah Sam, featured on the cover of this publication.

We also held a fundraising raffle with stunning works from artists Danie Mellor, Bronwyn Bancroft and Trevor Richards.

Individual Winners:

Richard Potter	153 Phillip Chambers	Darren Sanicki	Sanicki Lawyers
Dauid R Sibtain	4 St James Chambers	Moira McKenzie	Sanicki Lawyers
Mandy van den Elshout	ABC	Lucinda Edwards	SBS
Rachel Chua	AGS	Ian McDonald	Simpsons
Shariqa Mestroni	Bird & Bird	Jules Munro	Simpsons
Mandy Chapman	CJZ	Seb Tonkin	Simpsons
Michael Tucak	Creative Legal	Kelvin O'Keefe	Sole Practitioner
Delwyn Everard	Everard Advisory	Lisa Archbold	Sole Practitioner
Derek Baigent	Griffith Hack	Megan West	Sole Practitioner
Holding Redlich	Guy Donovan	Damian Rinaldi	Sonic Lawyers
Eli Fisher	HWL Ebsworth	Garey Campbell	Outstanding admin and accreditation support
Elizabeth Burrows	Influence Legal		
Ben Kay	Kay & Hughes		
Ruthanna Klawansky	Kay & Hughes	Awards for Firms:	
Tom Lynch	Kay & Hughes	Allens Linklaters	
Luke Hawthorne	KWM	King & Wood Mallesons	
Julian Hewitt	Media Arts Lawyers	Community Award Winner:	
Yasmin Naghavi	Media Arts Lawyers	Nicholas Linke	Fisher Jeffries
Michael Easton	Michael Easton Legal		
Katherine Giles	MinterEllison		

PRO BONO LAWYERS

ACT

William McCarthy

Bradley Allen Love

NSW

Alexandra George

University of New South Wales

Alexandra Heysen

Macquarie Group Limited

Allison Costigan

Macquarie Group Limited

Amy Grondal

Simpsons Solicitors

Amy Pun

Holding Redlich

Dentons

Andrew Cameron

Brett Oaten Solicitors

Ashleigh Fehrenbach

MinterEllison

Ashley-Benjamin Raiz-Symon

Australian Broadcasting Corporation

Ben Kay

Kay & Hughes

Christopher Chow

Chris Chow Creative Lawyers

Danny Aldo

Silberstein & Associates

Damian Rinaldi

Sonic Lawyers

Daniel Roe

Australian Broadcasting Corporation

David Cross

Norton Rose Fulbright

Deborah Yates

JLL Australia

Derek Baigent

Griffith Hack Lawyers

Edward Thompson

5 Wentworth Chambers

Eli Fisher

HWL Ebsworth

Elizabeth Burrows

Influence Legal

Emilie Blake

Marque Lawyers

Emily Martin

Martin Law and Sydney Opera House

Emma Cameron

Bird & Bird

Emma Gorrie

Guy Donovan

Harry Knight

Ian James McDonald

Ian Robertson AO

Ishan Karunanayake

Jake Blundell

James Ellsmore

Jennifer Arnup

Jess Millner

Joel Parsons

Jules Munro

Julia Taylor

Juliet Evans

Justin Sadikoen

Katherine Giles

Kelvin O'Keefe

Lauren John

Lucinda Edwards

Luke Hawthorne

Lyn Kemmis

Mandy Chapman

Mandy van den Elshout

Mark L W Matulich

Martin Slattery

Megan West

Allens Linklaters

Holding Redlich

PwC Australia

Simpsons Solicitors

Holding Redlich

IshanLaw

Banki Haddock Fiora

Dentons

Australian Broadcasting Corporation

Minter Ellison

Bird & Bird

Simpsons Solicitors

Allens Linklaters

Griffith Hack Lawyers

Macquarie Group Limited

Minter Ellison

Sole Practitioner

Allens Linklaters

SBS

King & Wood Mallesons

SBS

CJZ

Sole practitioner

ABC Legal Services

Sole practitioner

Matulich Lawyers

Carroll & O'Dea Lawyers

University of Woollongong

THANK YOU

Michael Easton
Michelle Eadie
Patricia Monemvasitis
Paul Ippolito
Peter Allsopp
Rachel Chua
Richard Potter
Rob Glass
Rob Silberstein
Ruthanna Klawansky
Sam Berry
Seb Tonkin
Shariqa Mestroni
Sophie Ciufu
Stephen Boyle
Stephen Digby
Thomas Lynch
Wayne Timms

QLD

Jack Collings
Jamie Doran
Mark Plunkett
Thomas Honeywill

SA

Nicholas Linke

Michael Easton Legal
Simpsons Solicitors
Carroll & O'Dea Lawyers
Ippolito Lawyers Pty Ltd
Allsopp & Allsopp
Australian Government Solicitors
Sole Practitioner
Media Arts Lawyers
Silberstein & Associates
Kay & Hughes
Chris Chow Creative Lawyers
Simpsons Solicitors
Bird & Bird
Marque Lawyers
Stephen Boyle Media and Entertainment Law
DVM Law
Kay & Hughes
Sole Practitioner

Griffith Hack Lawyers
Clayton Utz
Inns of Court Barristers Chambers
Thomson Geer

Fisher Jeffries

VIC

Alana Kushnir
Angus Groves & Christien Corns
Bianca D'Angelo
Darren Sanicki
Emily Edington
Georgina O'Farrell
Harry Croft
Jacqui Ward
Jaimie Wolbers
Jeff Bergmann
Jesse Gordes
Julian Hewitt
Lisa Archbold
Maddalena Rinaldi
Marco Angele
Marcus Walkom
Moirra McKenzie
Tony Grujovski
Yasmin Naghavi

WA

Delwyn Everard
Eva Lin
Michael Tucak

Guest Work Agency
K&L Gates
K&L Gates
Sanicki Lawyers
Sanicki Lawyers
By George Legal
Hall & Wilcox
Melbourne Racing Club
Minter Ellison
Solubility Pty Ltd
Solubility Pty Ltd
Media Arts Lawyers
Lightbox Legal
Sanicki Lawyers
Marshalls & Dent & Wilmoth Lawyers
Media Arts Lawyers
Sanicki Lawyers
Studio Legal
Media Arts Lawyers

Everard Advisory
Jackson McDonald
Creative Legal



CASE STUDY - ABDUL ABDULLAH

Abdul Abdullah's work labelled "offensive" and removed from exhibition
– how does the artist respond?

Abdul Abdullah's work explores the experience of "the other" in Australian society and often engages empathetically with marginalised groups and minority communities. This is why it came as such a shock when his work came under attack, accused of disrespecting and abusing Australian soldiers and the armed service.

Two artworks from an existing series of Abdullah's were included in the touring exhibition *Violent Salt*, on view at Artspace Mackay in Queensland. Each work depicts an Australian soldier with a large smiling emoticon, a recurring motif in the artist's work, embroidered across it. The exhibition "reflects on the experiences of the marginalised, the underrepresented and the silenced" and Abdullah's works were selected for expressing the emotional and psychological trauma of modern warfare that is often experienced but seldom discussed.

Artspace Mackay is a regional art gallery operated by the Mackay Regional Council. *Violent Salt* opened on 30 August 2019 and had received an audience of roughly 4,500 when the Mackay Council councillors toured the exhibition last month and councillor Martin Bella, took offence at Abdullah's work. These works are part of a larger series of portraits created in 2017 and have been exhibited twice in New Zealand. This was the first time any complaint had been made that the works were offensive.

Councillor Bella turned to the federal member, George Christensen, MP, who also took objection and he and Bella lobbied for removal of the artworks including posts on their Facebook pages complaining about the works and stating that the artworks were an attack on serving soldiers and threatened their mental health. The Mackay local newspaper, the *Daily Mercury* (behind a paywall), reported the artworks were deemed "insulting" and "highly offensive" by the Mackay RSL. A Change.Org petition was started asking for removal of the artworks.

As a result of this political pressure the Mayor of the Mackay Regional Council, Greg Williams, withdrew his support for the artworks and agreed that they be removed from the exhibition. The exhibition is planned to tour Australia through to June 2021. Another of the galleries on the tour, the Toowoomba Regional Art Gallery, has refused to have the two artworks hung as part of the exhibition, but the remaining galleries have no objections.

Abdul Abdullah contacted Arts Law for legal advice because of his concerns about censorship, damage to his reputation and the false impression that was being given about the meaning of his works which was far from his intention when creating them. Arts Law advised him on the various legal issues that arise in respect of the censorship of his work and the statements made by the politicians about its meaning. Art interpretation and offensiveness are of course subjective, and the message being presented to the veterans and soldiers is

one that does not accord with the artist's intention or the artworks themselves. Laws regarding censorship in Australia are limited. However when politicians, or indeed anyone with a public profile, are able to lobby for and succeed in removal of an artwork on the basis that it offends a limited number of people, particularly in circumstances where the message they are given about the artist's intentions can be misleading or even incorrect, then the artist is forced into a difficult situation – whether to just let it all blow over, take legal action, or something in between.

We hope that Abdullah will be able to rectify the misleading information given to the veterans and soldiers regarding the meaning behind the artworks so that they can be made aware that there was no disrespect and see the artworks for themselves and form their own views.

As Abdullah writes in the *Violent Salt* catalogue:

"I hope that Australians can recognise our shared societal and individual moral obligations to those who come after us to leave this world a little better off than how we found it".

FUNDRAISING



Art Sale to Support Arts Law

In October, we held our biennial Art Sale at 6 St James Chambers where we presented an exclusive selection of incredible artworks from 18 art centres across Australia, the Australian Design Centre in Sydney and 70 different artists and makers.

From this event Arts Law was able to give back \$27,500 to artists across Australia.



70

artists and makers



\$45,000

value of artwork sold

\$17,000

raised for Arts Law

\$27,500

given back to Australian Artists

Hearts for Arts Law Committee

The Hearts for Arts Law (HFAL) committee were an invaluable asset this year, hosting three successful fundraising events which highlighted the breadth of creative communities that Arts Law supports. These included 'Stage and the Law' an expert industry panel on live stage events, a film screening of Warwick Thornton's 'We Don't Need a Map' and the annual 'Laugh Your Arts Off' comedy night.

2019 HFAL Committee Members:

Shariqa Mestroni (Chair), Tom Lynch, Patrick Hall, Amy Grondal, Patrick McCarthy, Florence Tan, Michelle Lee, Jessica Norgard, Anna Colless, Lauren McLean, Alice Zhou, Sydney Abba, Olivia Back, Lee Elsdon, Samantha Stratton, Emily Phipps



3

events



310

attendees

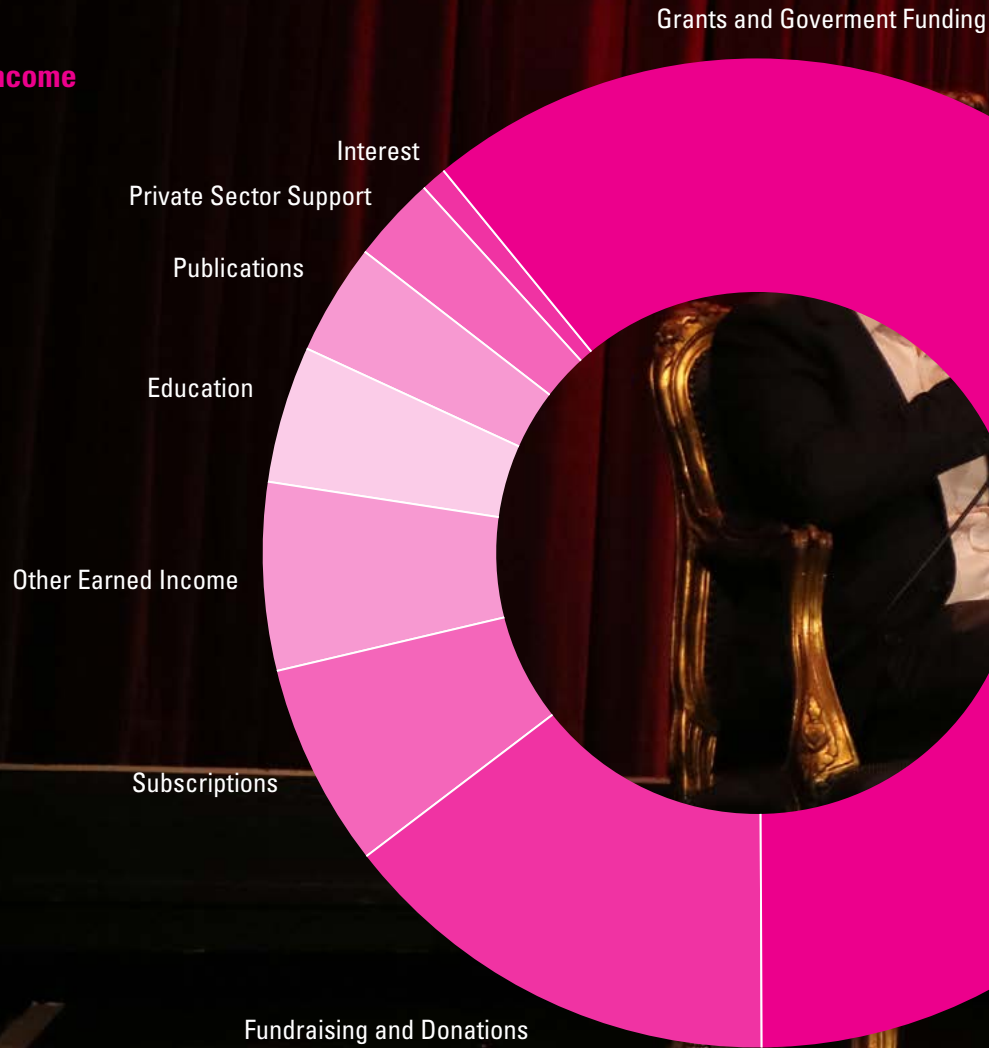


\$6,990

raised

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Income





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Photo by George Zeaiter 2019

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We are endorsed as a Tax Concession Charity.

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

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