



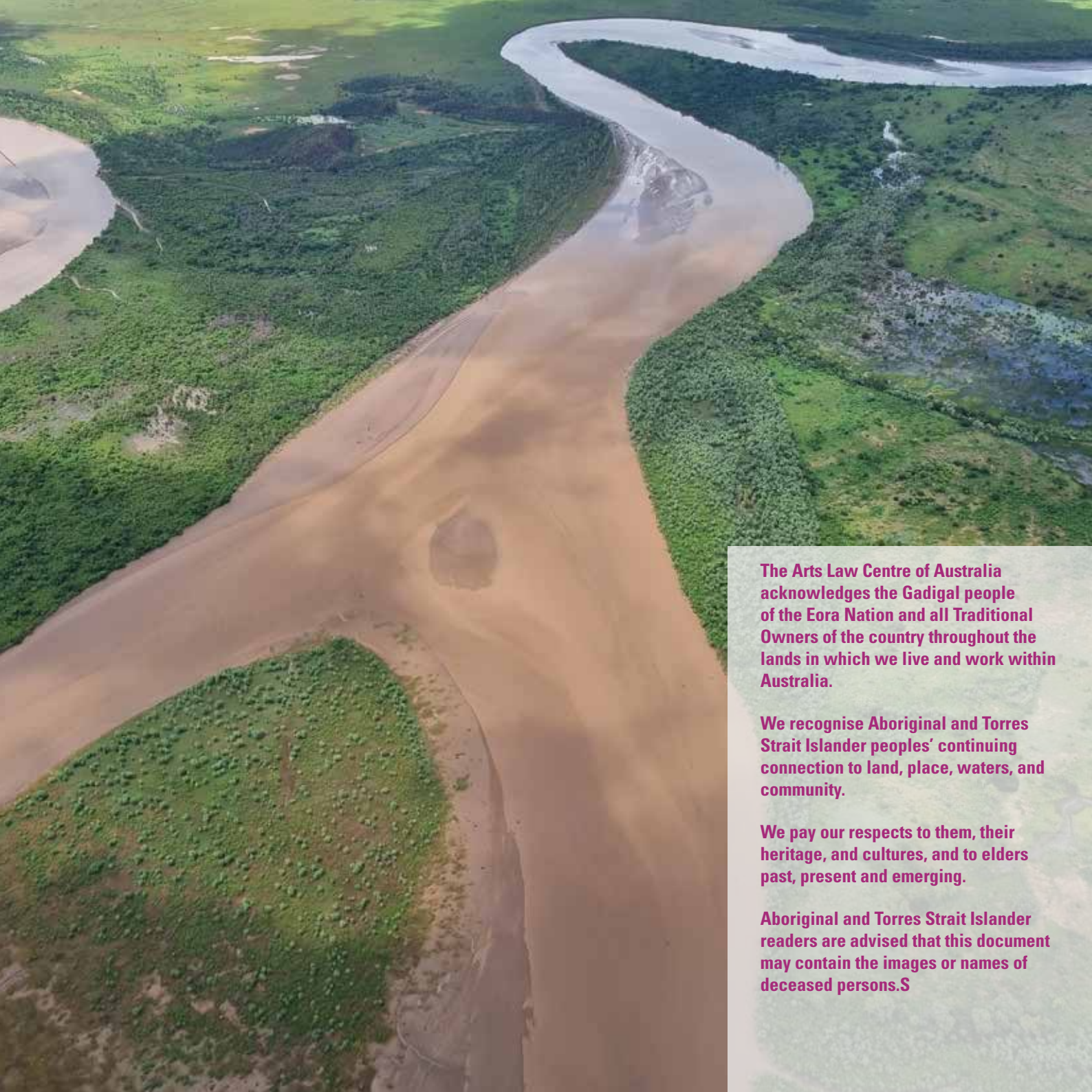
ARTS
+
LAW

2022

ANNUAL REPORT

COVER: Indigenous Fashion Projects at Sydney
Fashion Week. Photo by Robyn Ayres.

RIGHT: Photo by Donna Robinson.



The Arts Law Centre of Australia acknowledges the Gadigal people of the Eora Nation and all Traditional Owners of the country throughout the lands in which we live and work within 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 advised that this document may contain the images or names of deceased persons.S

PRESIDENT & CEO REPORT

Reading through this annual report it becomes apparent that 2022 was a big year for Arts Law.

One of our huge successes was the inclusion of recommendations to develop standalone Indigenous Cultural Intellectual Property (ICIP) legislation in the Productivity Commission report into the Aboriginal and Torres Strait Islander Art Market. Arts Law have advocated for change in this area for many years and we have been proactively involved in lobbying the Government and generating grass roots support with the Fake Arts Harms Culture campaign. The Government's commitment to standalone legislation in the new National Cultural Policy is real progress.

Our staff have travelled to every State and Territory, and even made it all the way to Geneva, Switzerland to participate in WIPO negotiations for a treaty to protect Traditional Knowledge and Traditional Cultural Expressions. Our Adopt-a-Lawyer Program has grown with 13 art centres adopting law firms throughout the year. We presented 45 face-to-face workshops and another 38 webinars to empower more artists to know their rights.

2022 also saw us partnering with Darwin Aboriginal Art Fair Fashion Projects to develop a series of resources for artists and designers working in the Indigenous Fashion space. This is an exciting and fast growing market for artists to showcase their work and have financial success. We were able to complete this work with support from the Thyne Reid Foundation.

We have continued to find success with philanthropic partnerships and I would like to thank our partners Impact100 WA, the Besen Foundation, the James Kirby Foundation, the Nelson Meers Foundation and the Thyne Reid Foundation.

Increased philanthropic funding saw us dramatically increase our service delivery in WA, NT and SA, all areas we had been unable to visit due to travel restrictions. We were also able to expand our Wills project, delivering 248 Wills to Aboriginal and Torres Strait Islander people. A truly remarkable result and possible through support from Impact 100 WA.

We have also embraced new ways of working with the Arts Law team expanding and our remote workforce growing. In 2022 we had staff working remotely across four States and the Sydney-based staff continuing a hybrid office/WFH model.

Boots on the ground have proved successful in driving engagement with local artists, communities and legal professionals. We are continuing our pilot program in WA, in partnership with HBA Legal, to continue a Perth-based lawyer who will build on the work and relationships forged in 2022. This work will also be supported by Lotterywest in 2023.

Thank you to our Vice Regal Patron, The Hon. Justice Margaret Beazley AO, who hosted us for a very special event at Government House in November. It was wonderful to be able to share such a beautiful evening with so many people who support us and believe in our work as much as we do. Thank you also to our wonderful Allies who joined us that evening, and those who were unable to make it.

We are extremely grateful for the ongoing support of the legal community. Thank you to all the legal professionals who offer their time and expertise to our pro bono panel and to the Australian Government Solicitor, Hall & Wilcox, Allens and Ashurst for their assistance in providing secondment of lawyers to Arts Law.

And lastly, thank you to the amazing Arts Law staff for all your hard work. Thank you to our Board for your guidance and support. As always thank you to Australia's artists who are the reason Arts Law exists and who enrich our lives with their work.

The Hon Justice John Robertson Sackar
Arts Law President

Robyn Ayres
Arts Law CEO



Justice Sackar and Robyn Ayres at the 2022 Pro Bono Awards. Photo by George Zeaiter.

OUR PURPOSE AND IMPACT



STRENGTHENING VALUE AND RESPECT FOR ARTS AND CULTURE TO MAKE A BETTER WORLD.

Our purpose drives our organisational vision, our mission, our operating values and the behaviours that will reflect these values.

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 pre-eminent 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.

Arts Law works to strengthen value and respect for arts and culture to make a better world. Arts Law's purpose is our reason for existing and inspires us with a call to action. It is aspirational, big picture and long term, and allows our organisation to create value way beyond financial metrics.

Our mission is to empower artists and creative communities through the law. All forms of art, whether it be traditional or emerging, visual or performing, are essential to a society's good health and wellbeing, economic sustainability, community connectedness and self-determined futures.

There are over 50,000 artists working in Australia and most of them make less than minimum wage. By providing free and affordable legal services we make it easy and accessible for artists to know their rights and protect their creative practice.



Our year in review. In 2022 Arts Law:



Empowered 1756 artists and arts organisations to know their rights.

95% of people tell us that getting legal advice has left them better equipped to handle situations in the future. Another 96% report Arts Law supported and assisted their overall wellbeing.



Delivered 2487 legal advices.

That's 2487 questions, disputes and legal problems that artists and arts organisations were supported through. This includes telephone legal advice and our document review service.



Visited 32 remote Aboriginal and Torres Strait Islander communities.

Access to legal services supports artists in developing sustainable arts businesses and incomes that benefit the whole community.



Prepared 248 wills for Aboriginal and Torres Strait Islander people.

These clients are able to make sure their wishes are carried out. Every will can impact between 4 and 20 family members when an artist passes away, that's 4,960 people.



Educated 2414 webinar and workshop attendees to support their professional development.

Our professional development program empowers artists and arts organisations with confidence and practical knowledge of the law.



Supported 34 artists with pro bono referrals.

For artists with complex legal issues we connect them with top legal firms and experts who offer in depth legal support and representation at no cost to the client.

LEGAL ADVICE SERVICES

Arts Law's legal advice services make sure artists don't get ripped off.

Understanding their rights and knowing how the law affects them allows creators to build sustainable arts businesses. All Australians benefit from a thriving cultural sector – whether they are enjoying live music, a gallery exhibition, the cinema, a festival or reading a good book at home.

“The support and advice I was given during the appointment was easy to understand and provided a lot of clarity on what agreements to use for the areas I work in, additional information to support my knowledge and understanding of the matters to relay back to commissioners around copyright and agreements. I feel confident and more empowered in myself and the delivery of my art business. Thank you for the support”

- Arts Law Client

Photo by Donna Robinson.



1754

**Telephone
Legal Advices**



733

**Document
Reviews**

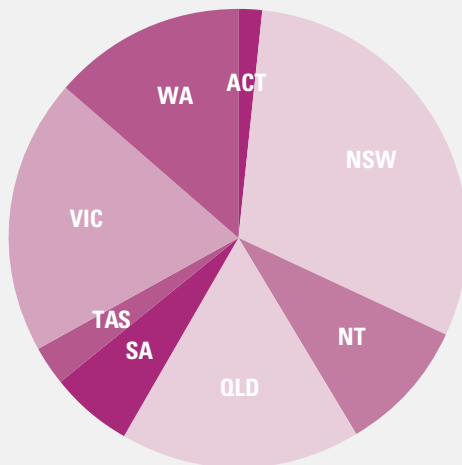
Telephone Legal Advices by Art Sector



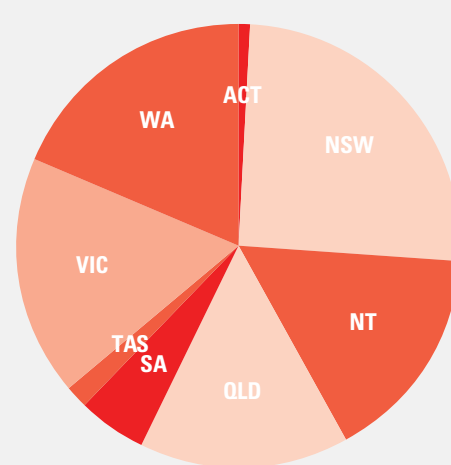
Document Reviews by Art Sector



Telephone Legal Advices by State



Document Reviews by State



ARTISTS IN THE BLACK

Artists in the Black (AITB) delivers focused services to Aboriginal and Torres Strait Islander artists, communities, and organisations nationally. We offer access to free or low-cost, culturally appropriate professional legal advice and resources.

For nearly 20 years, Arts Law has been working to empower Aboriginal and Torres Strait Islander artists, to protect them from exploitation regarding their arts practice and to educate these artists about their rights under Australian law. Artists in the Black helps build a world where:

- More artists understand their legal and cultural rights and have the confidence to assert their own rights, which in term will strengthen culture. Artists will feel more empowered and have the capacity to use the legal system for their benefit.
- More arts and cultural organisations have stronger legal processes in place, increasing their sustainability as organisations.
- There is greater engagement with Government about the need to initiate lasting change to Indigenous Cultural Intellectual Property protection at a national level through legislative action.

Below: Roxanne Lorenz Senior Solicitor Arts Law and Elisabeth Sandbach Lawyer at Allens with artists at Canteen Creek. Photo by Lara Dykun Desart.

Right: Rob Bitmead, Brendan and artist, Marlene Harold in WA. Photo by Donna Robinson.





714

Aboriginal and Torres Strait Islander artists and arts organisations empowered to know their rights



530

AITB Telephone Legal Advices



302

AITB Document Reviews

ADOPT-A-LAWYER

Arts Law's Adopt-a-Lawyer program provides vital legal support for Aboriginal and Torres Strait Islander art centres. We partner art centres with a single law firm for a three-year partnership. These relationships are designed to streamline our existing support model by providing continuity and a meaningful relationship between the art centre and the firm.



King & Wood Mallesons (KWM) are one of the law firms who are part of our Adopt-a-Lawyer program. In 2022 KWM hosted a program called Wake Up. This included a week of professional development workshops in collaboration with Arts Law and an exhibition of works from its 6 adoptive art centres across Australia. KWM flew representatives from each art centre, including Board members, arts workers and artists, to Melbourne for the event. Opportunities for remote artists to meet and collaborate is rare and this initiative by KWM is an example of the ongoing added value our adopt-a-lawyer relationships give to art centres.

Artists and art centre workers at the KWM Wake Up event, Melbourne. Photo by Jane Timbs.

2022 Adopt-a-Lawyer partnerships

Mowanjum Art & Cultural Centre, WA	Ashurst
Maningrida Arts & Culture NT	Allens Macquarie Group
Babbarra Women's Centre NT	Allens Macquarie Group
Hermannsburg Potters NT	Colin Biggers & Paisley
Wik & Kugu (Aurukun) QLD	Hall & Willcox
Girringun Art Centre QLD	Holding Redlich
Jilamara Aboriginal Arts & Crafts NT	King & Wood Mallesons
Moa Arts QLD	King & Wood Mallesons
Bula'Bula Arts NT	King & Wood Mallesons
Waringarri Arts WA	King & Wood Mallesons
Erub Arts QLD	King & Wood Mallesons
Tangentyere Artists, NT	King & Wood Mallesons
Warmun Art Centre WA	Lander & Rogers





OUTREACH

In 2022 we visited 32 art centres across four States and Territories:

- Nyirika Nyunyu Art & Cultural Centre, Tennant Creek NT
- Gapuwiyak Culture and Arts Centre, Gapuwiyak, NT
- Mimi Aboriginal Art & Craft, Katherine NT
- Merrepen Arts Centre, Daly River NT
- Barkly Regional Arts, Tennant Creek, NT
- Djilpin Arts, Katherine NT
- Maruku Arts, Uluru NT
- Walkatjara Art, Uluru NT
- Marrawuddi Arts & Culture, Jabiru NT
- Injalak Arts, Gunbalanya NT
- Bula' Bula Arts, Ramingining, NT
- Warakurna Artists, Warakurna WA
- Papulankutja Artists, Blackstone WA
- Mangkaja Arts, Fitzroy Crossing WA
- Spinifex Hill Studio, South Hedland, WA
- Juluwarlu Art Group, Roebourne, WA
- Yinjaa-Barni Art, Roebourne, WA
- Roebourne Art Group, Roebourne, WA
- Spinifex Arts Project, Tjuntjuntjara WA
- Laverton Aboriginal Art Gallery, Laverton, WA
- Cheeditha Art Group, Roebourne, WA
- Yamaji, Geraldton, WA
- Northampton Old School Community Initiative, Northampton WA
- Yalgoo Art Centre, Yalgoo WA
- Bidyadanga, WA
- Mowanjam Aboriginal Art & Culture Centre, Kimberley Derby WA
- Nagula Jarndu Aboriginal Women's Art and Resource Centre, Broome WA
- Kaltukatjara Art/Tjarliri, Docker River NT/Tjukurla WA
- Ku Arts, Coober Pedy, SA
- Tjala Arts, APY Lands SA
- Arts Ceduna, Ceduna SA
- Erub Arts, Torres Strait QLD

"I understand more about how to proceed and protect myself in the the artistic endeavours I am trying to embark on. I feel really supported, and am motivated to keep going, knowing I have support that will prevent me from getting ripped off."

- Arts Law Client

WIPO

Arts Law continues to advocate for the rights of Indigenous people on not only a domestic platform, but also a global one. In October we attended the World Intellectual Property Organisation's 44th Intergovernmental Committee (IGC) on Cultural Expressions (like Indigenous songs, performances and art) and Traditional Knowledge (like languages, and Indigenous knowledges of plants and medicines).

Arts Law staff members, Suzanne Derry and Jo-Anne Driessens attended the IGC as observers along with Patricia Adjei (Australia Council for the Arts) who also represented Arts Law.

Throughout the five day meeting, Arts Law were able to share key feedback with the global community about its experience working with Indigenous artists to help to protect Indigenous Cultural and Intellectual Property (ICIP) and update the global IP community around the recent Productivity Commission draft report about the visual arts industry and the Fake Art campaign. During the WIPO assembly, Jo-Anne participated in the selection committee for the voluntary fund selections.

The voluntary fund was recently donated by Germany to support the attendance of Indigenous representatives at the IGC in future years. It focuses on supporting representatives who are committed to their communities and have strong focus towards Traditional Knowledge & Traditional Cultural Expressions in the WIPO assembly discussions.

Licensing the Right Way

Now in its third year, the Licensing the Right Way project continues with funding from the Australian Government's Indigenous Visual Arts Industry Support (IVAIS) program. As ever, the project provides additional resources to complete internal reviews of copyright licensing agreements, ensuring best practice and better deals for First Nations artists.

In 2022, we delivered 115 advices under the Licensing the Right Way project, ranging from preliminary advice to introduce the concept of licensing to artists, through to review of licensing agreements to ensure the artist is receiving a fair deal. We continue to be encouraged by the number of artists who return for subsequent advice, as well as the broad and unique range of licensing opportunities that our clients are receiving.

Banjima Wills Project

In 2022, Arts Law was engaged by the Banjima Native Title Aboriginal Corporation to prepare Wills for Banjima people in Western Australia. Arts Law CEO Robyn Ayres, Director of AITB Legal, Donna Robinson, and Perth-based AITB Solicitor Rob Bitmead prepared wills for 78 beneficiaries to the Banjima Native Title Trust during visits to Geraldton, Carnarvon, South Hedland, Karratha, Onslow, Roebourne, Tom Price and Perth between May and July. Our team created a number of resources for the project, including new wills and instruction templates and a new version of the A Tale of Two Families video voiced by Yingjibarndi man and Banjima speaker Shaka Cook.

We would also like to acknowledge and thank Lavan, Perth, for their assistance in accomodating Rob Bitmead in their offices during his employment with Arts Law, and for providing pro bono assistance throughout the project. We would also like to thank Solicitor Kerri Evangelista, also from Lavan, who travelled with Robyn Ayres to South Hedland and Roebourne.





ADVOCACY & LAW REFORM

Arts Law is a trusted advocate for artists' rights and we recommend changes to the law to benefit the arts sector. Our goal is to improve the rights of artists and their access to justice. We also aim to ensure recognition and better protection and respect for Indigenous Cultural and Intellectual Property (ICIP).

As Australia's only community legal centre for the arts we are in a unique position to connect the arts world and legal community. Arts Law's powerful voice comes from our experience working with Australian artists for nearly 40 years.

"I don't feel like I am navigating a tricky law situation on my own with no expertise. Knowing I can call on Arts Law makes me feel like I have a team."

- Arts Law Client

PRIZES & COMPETITIONS

Prizes and competitions can provide significant professional exposure and financial income for artists. Our work in this area has a huge impact as we actively work with prize organisers to improve terms and conditions to create artist-friendly outcomes. By implementing best practice terms and conditions all artists who enter these competitions benefit.

NFTs & AI ART

With NFTs gaining popularity, they represent uncharted territory for many artists. Similarly, AI art has been under the microscope for both using artists' work in the generation of images and the potential to replace paid work available to artists. These are growing concerns for our client base and we have noticed an increase in enquiries in these areas.

Arts Law is monitoring developments in this space in relation to artists and intellectual property and has been educating artists on some of the legal issues they need to consider through our legal advice services, education sessions and publication resources.

COPYRIGHT REFORM

In 2022 Arts Law made a submission to the Department of Infrastructure, Regional Development and Communications on the exposure draft of the Copyright Amendment (Access Reform) Bill 2021 and corresponding discussion paper.

Our submission focuses generally on the lack of protection for ICIP and the adverse impacts on Aboriginal and Torres Strait Islander artists, and the tendency of the reforms to undercut the economic interests of copyright owners. We're watching this space carefully for further updates and pleased to see the Attorney General's department announcing further consultation in 2023

ARTS FUNDING & ARTIST CONDITIONS

The importance of advocacy in this area was highlighted during the pandemic where the majority of artists were impacted by cancellations and many were ineligible for Government financial relief programs such as JobKeeper. Arts Law has been advocating for higher levels of funding support for the arts sector and fairer working conditions for artists. This includes spreading awareness to the sector of superannuation and Fair Work entitlements and obligations.

In 2022 we made a submission to the Labor government as part of their consultation on the National Cultural Policy. Our submission focused on the need to address the immense financial hardship faced by artists (through direct funding and legal protection of their revenue streams); and accessible, low-cost options for creators to enforce their rights. We also highlighted funding shortfalls in some sectors, the need for local content quotas for screen and urgent reform needed to address issues posed by digital distribution and misappropriation of artists' work.

HANDLING OF ESTATES BY THE PUBLIC TRUSTEE

Arts Law has been advocating for better treatment of estates and beneficiaries by the public trustee's offices across Australia. Ongoing issues around delays, the lack of transparency and mismanagement of estates by public trustees has come up frequently and has a particularly adverse effect on First Nations artists.

This ties into our Wills project that drafts wills for Aboriginal and Torres Strait Islander artists to ensure their wishes can be enacted once they pass away.

USING PLANTS & ANIMALS IN ARTWORK

Laws relating to the use of plants and animals are different for each State and Territory and can be quite technical and complex.

Issues experienced by artists indicate that there are problems with the impact of some laws on the cultural practices of Aboriginal and Torres Strait Islander artists. We have published a number of free information sheets on our website to help inform and educate Aboriginal and Torres Strait Islander artists and arts organisations on the legal issues involved in using certain plants and animals in their artwork. Work in this area is ongoing.

"It was so much more thorough than I expected. My lawyer went above and beyond to ensure I was fully informed and made me feel so comfortable- I was really nervous coming up to the meeting but it was a fantastic experience."

- Arts Law Client



6

Submissions to Government



8

Prize & competition reviews



ALEX'S STORY

Arts Law has received funding from the Indigenous Visual Arts Industry Support (IVAIS) for our Licensing the Right Way project. Licensing the Right Way aims to help artists with copyright licensing agreements. Arts Law is working with artists and organisations to make sure licensing deals are fair for artists and follow best practice. Our work has connected us with dozens of Indigenous artists and arts organisations across the country.

One of these artists, Alex*, is an Indigenous artist, designer, musician, actor and model based in Melbourne. Passionate about fashion and design, they have had several recent opportunities to work in this space. One opportunity included new licensing arrangements for their designs.

It is important for emerging artists to understand and protect their rights in the early stages of their career. It is also crucial for Aboriginal and Torres Strait Islander artists to protect and control the cultural knowledge that informs their practice.

Alex approached Arts Law for help with an exciting new project. They were collaborating with a clothing brand to

produce hoodies using one of Alex's designs. Principal Solicitor Suzanne Derry explained the various legal issues at play. Arts Law also helped Alex draft responses as they negotiated the licence. Arts Law made sure the licence was fair and that Alex got paid a good rate for their work. Importantly, Alex also continues to hold the rights in their original artwork. We were also able to ensure that they fully understood the terms of the licence agreement. This includes finer details like their obligations in the promotion of the hoodies.

"My first experience with Arts Law was great as I was able to ask simple questions about my rights as an individual artist and was assisted with licensing arrangements. This was important as I had been told stories of Indigenous artists having their artworks unknowingly copied/replicated and used in privatised spaces domestically and internationally. I wanted to make sure that the organisations I was working with were aware and informed of what all parties was entitled to within the arrangement. Overall it was great learning experience for myself to develop an awareness in this space and know that there's people I can ask questions too."

Alex*, artist

FAKEART
HARMS CULTURE
SHOW YOUR SUPPORT
T-shirts \$20
Tote bags \$20



FAKEART
HARMS CULTURE
SHOW YOUR SUPPORT
T-shirts \$20
Tote bags \$20



FAKEART
HARMS CULTURE
SHOW YOUR SUPPORT
T-shirts \$20
Tote bags \$20



FAKE ART HARMS CULTURE

Arts Law has been advocating for laws to protect Indigenous Cultural Intellectual Property (ICIP) for decades. In more recent years we have focused on this issue more extensively and put significant resources into this work. The 'Fake Art Harms Culture' campaign was created to address the concern of widespread sale of works that have the 'look and feel' of being Indigenous but actually have no connection to Aboriginal and Torres Strait Islander communities.

In late 2021 Arts Law made a detailed submission to the Productivity Commission Study on the Aboriginal and Torres Strait Islander Art Market. This submission was prepared jointly by Arts Law, the Indigenous Art Code and Copyright Agency with extensive consultation carried out with First Nations artists. The submission provides analysis to the government on proposed amendments to the Australian Consumer Law, separate ICIP protections and commentary on whether a mandatory code of practice for the Aboriginal and Torres Strait Islander art market should be put in place. In late 2022 the Productivity Commission released a draft report which Arts Law submitted a further response to.

The full Productivity Commission report was released in December 2022. We support some of the findings made by the Commission, including:

- Recognising the cultural and social significance and financial benefits of Aboriginal and Torres Strait Islander visual arts and crafts.
- The negative effects of inauthentic visual arts and crafts.
- The difficulties Indigenous artists face in accessing legal and support services.
- A recommendation for the introduction of standalone legislation to protect ICIP.

The report recommends labelling of inauthentic product which is an inadequate solution as it ignores the harm done by inauthentic products and preferences consumer choice over cultural harm. Our view is that a permanent ban on the sale of inauthentic art should be included in the Australian Consumer Law.

Following decades of Arts Law advocacy for specific legislation to protect ICIP, it's a great success that the Productivity Commission supported this in their report. We have proactively contributed to further discussions and consultation around this topic. In November 2022, Arts Law made a submission to IP Australia in response to their 'Interim Scoping Study Consultations' in relation to standalone legislation for Indigenous Knowledge. In December 2022, we also made a submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade's inquiry into Australia's tourism and international education sectors. In our submission we drew attention to the fact that despite foreign visitors seeking authentic Indigenous experiences while in Australia, they will likely encounter imitation and fake Aboriginal or Torres Strait Islander art and cultural items, with up to 75% of the Indigenous-style consumer products sold in Australia not being produced by an Aboriginal or Torres Strait Islander person.

We continue to advocate and contribute to consultations for the introduction of standalone legislation to protect ICIP. We are pleased to see our advocacy efforts have been recognised by the Productivity Commission and a commitment for specific ICIP legislation has been made in the 'Revive' National Cultural Policy announced in early 2023.

PROFESSIONAL DEVELOPMENT

In 2022 we travelled to every State and Territory around the country to empower artists about their rights and give them the tools to build their creative practice. We hosted 39 face-to-face workshops and 44 webinars, that's three sessions every two weeks of 2022!

Feedback from attendees at Arts Law workshops and webinars is overwhelmingly positive. In 2022 99% of attendees agreed that they learnt something useful to their arts practice, 73% rated the session they attended as Excellent and 25% rated it Good.

"It was both interesting and understandable without talking down to us on complex topics! Excellent balancing act."

"Excellent real-life examples used of creatives work and situations that can arise. Suzanne's knowledge and explanations of the law combined with her obvious experience in the creative space provides artists with a wealth of information and easy to understand examples which we can then apply to our own creative work. WOW!"

"The information was clear, relevant and accessible. It was particularly helpful to hear the ICIP information - we will definitely follow this up by consulting further with our Indigenous artists to improve our practices and documentation in this area. We had made a start by I'm now aware that we need to do more."

"Easy to understand complex and overwhelming legal stuff. I feel more confident about how to protect my rights as a result."



83

Workshops & Webinars



2414

Artists educated & empowered to know their rights



FEEDBACK FROM PROFESSIONAL DEVELOPMENT ATTENDEES



Robyn Ayres with staff and artists at Revealed Artists Workshop, Fremantle Arts Centre. Photo by Cole Baxter photography

RESOURCES FOR ARTISTS

NEW INFO SHEETS

- AI and Copyright
- Signing Legal Documents
- Street Art
- NFTs
- Fashion & Textiles – for artists and designers
- Story Telling – legal issues
- Mandating the COVID-19 Vaccine

NEW CONTRACT TEMPLATES

- Artwork Commission and Licence Agreement
- Indigenous Consultancy Agreement
- Storyteller Agreement
- Sub-contractor Agreement
- Fashion – Artist and Designer Agreement
- Songwriting Collaboration Agreement
- Manufacturing Agreement – Fashion
- Mentoring Agreement

AITB WEBSITE

Just weeks before the end of the 2022 we launched our new Artists in the Black webpages. A UX design and development team from Code for Australia helped us develop the new pages following two intense rounds of user-testing.

The new pages are mobile first, accessibility friendly and respond to feedback directly from users and clients. We also engaged a First Nations Consultant who assessed the content and process for cultural safety.

Initial feedback has been overwhelmingly positive. The new video-optimised website features information on Wills, a hub for Indigenous Art Centres and an interactive resources page. The flexible design also gives us more control and allows us to build new content to respond to further feedback and changes in the sector. We have built the website with a view to increasing the number of Aboriginal and Torres Strait Islander voices on the page and featuring client stories wherever possible.



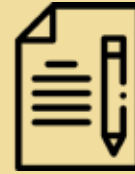
ABOVE: Screenshot from AITB homepage artslaw.com.au/artists-in-the-black/

RIGHT: The landscape around Injalak Arts in Gunbalunya. Photo by Donna Robinson.



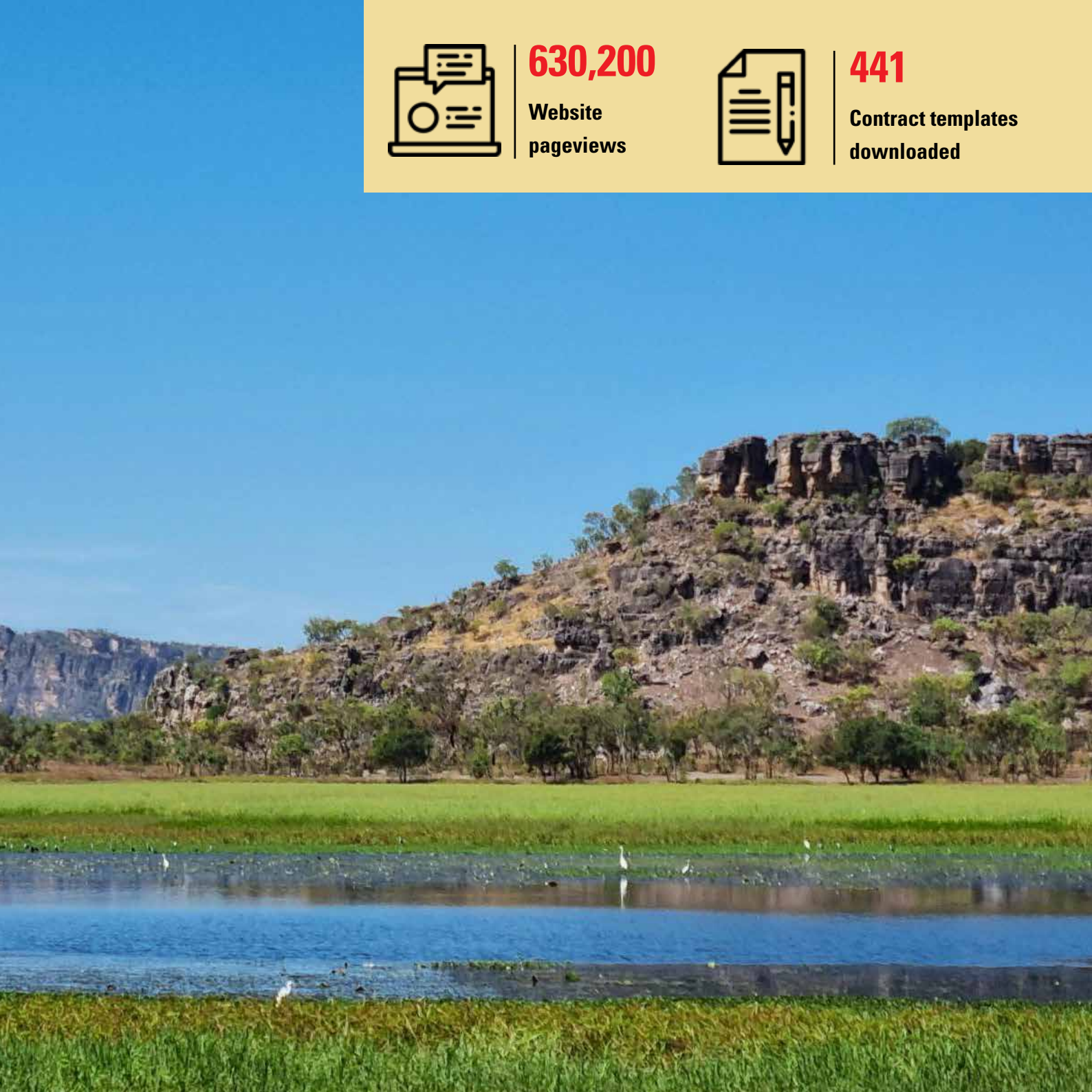
630,200

Website
pageviews



441

Contract templates
downloaded



LEA'S STORY

Lea Taylor is an award-winning Indigenous artist based in Western Australia. Lea approached Arts Law when she was offered a job to complete a public mural for the country Shire, through a subcontracting arrangement. She had difficulties in understanding the contract and wanted advice on whether or not a contract existed, the scope and terms of the agreement and what rights she had under the agreement.

One of Arts Law's pro bono lawyers, was able to help Lea navigate the challenges of the contractual agreement. She advised Lea about the separate contractual relationships that existed between Lea and the subcontractor and then, the subcontractor and the Shire. Through this, Lea gained insight into the features of a legal contract including the importance of having written agreements to strengthen her case should problems arise.

The lawyer further advised Lea that the Shire was bound by certain funding T&Cs in relation to the public mural project. With this knowledge, Lea was able to confidently defend her rights in relation to the contractual agreement. Lea also learnt about the significance of being concise and clear when drafting letters to public bodies.



Lea felt confident enough to write to the Shire to clarify the terms of the contract using legal language. After receiving the letter, the Shire clarified the terms of the contract. This was a great outcome. Lea ended up reinstating the initial agreement, reflecting the importance of good communication when making agreements.

Since formalising the contract, Lea told us she has successfully completed the public mural. She said:

“Contacting Arts Law and then speaking with [my pro bono lawyer] at length gave me the confidence to communicate effectively and actually sound like I knew what I was talking about. I surprised myself with the awesome letter I wrote, which was enough to get their attention and reinstate me to do the job I had originally won.”

PRO BONO SUPPORT



3999

Hours of pro
bono support



\$3,700,000

Commerical value of pro
bono services



Legal professionals, firms, interns and other professionals gave 3999 hours of their time to Arts Law. Pro bono lawyers provide advice to clients through our Document Review Service, accompany Arts Law staff on outreach trips, help draft submissions to government for resources for artists and provide additional capacity as part of a secondment to Arts Law. These relationships magnify our capacity and greatly increase the number of artists we are able to reach.

Erub artists with Arts Legal and KWM legal teams.
Photo by Sarah Cox

THANK YOU



Thank you to our pro bono lawyers who took on document reviews in 2022.

ACT

Ivan Posa IP Australia
Rachel Chua Australian Government Solicitors

NSW

Alexander Mau Corrs Chambers Westgarth
Alexandra George University of New South Wales
Amanda Teoh Allens
Andrew Cameron Brett Oaten Solicitors
Annabel White K & L Gates
Belinda Lin Mills Oakley
Bella Cameron Allens
Bridie Egan King & Wood Mallesons
Brooke Spain Dentons
Candice Hong K & L Gates
Chloe Taylor Hall & Wilcox Lawyers
Christopher Chow Chris Chow Creative Lawyers
Clare Cullen Gadens
Clare Young Simpsons Solicitors
Courtney Parnell Allens
Damian Rinaldi Sonic Lawyers
Daniel Anstey Simpsons Solicitors
Daniel Smith King & Wood Mallesons
Deborah Doctor Muse Legal
Derek Baigent Griffith Hack Lawyers
Elizabeth Burrows Influence Legal
Emilie Blake Marque Lawyers
Emily Martin Muse Legal
Emma Cameron AC3
Eugenia Munoz King & Wood Malleson
Georgia Brigg Allens

Harry Chapman
Harry Knight
Howard Adams
Ishan Karunanayake
Jaimie Wolbers
Jake Blundell
Jamee Bender
Jennifer Arnup
Jennifer Goh
Jennifer Johannesen
Jeremy Storer

Jessica Horn
Jessica Iuliano
Joel Parsons
Joseph Abi-Hanna
Jo Teng
Jules Munro
Juliet Evans
Kaelah Ford
Kai Nash
Kate Gilchrist

Katherine Giles
Kirk Simmons
Lee Elsdon
Liam Webb
Lucinda Edwards
Luke Hawthorne
Lynette Ladhams
Lyn Kemmis
Mandy van den Elshout

Allens
Xero
Corner Soul
IshanLaw
MinterEllison
Banki Haddock Fiora
King & Wood Malleson
ABC
Landers & Rogers
Marque Lawyers
Australian Broadcasting Corporation
King & Wood Mallesons
Media Arts Lawyers
Bird & Bird
Gadens
SBS
Simpsons Solicitors
Griffith Hack Lawyers
Canva
King & Wood Mallesons
Australian Broadcasting Corporation
MinterEllison
Canva
Simpsons Solicitors
Allens
SBS
King & Wood Mallesons
Macquarie Group Limited
SBS
ABC

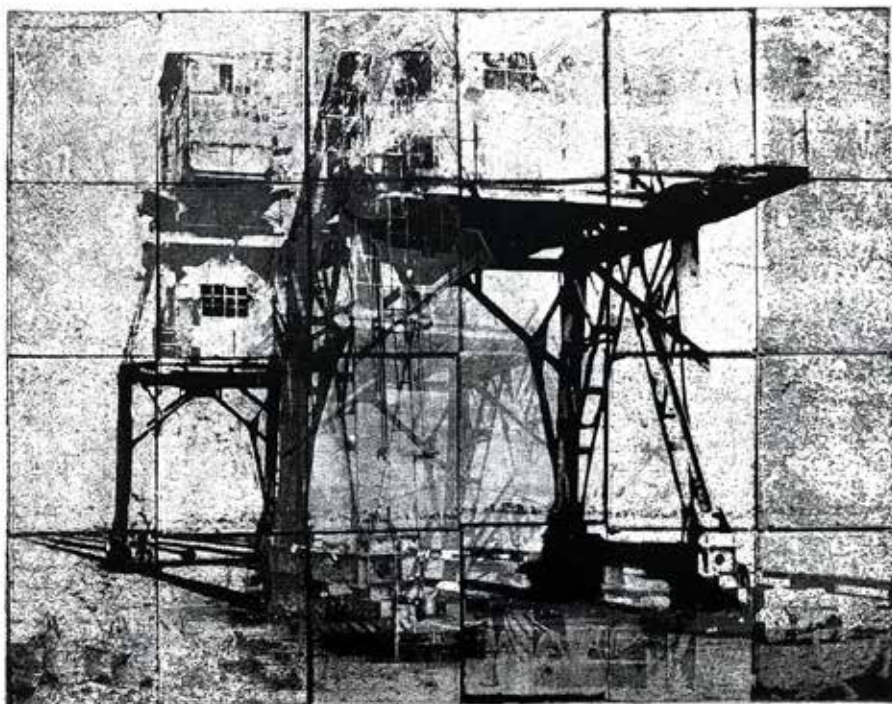
Michael Easton Michael Easton Legal
Max Henshaw King & Wood Mallesons
Max Jones Allens
Nam Nguyen K & L Gates
Nicholas Smith Nicholas Smith IP and Litigation

Olivia Henderson Allens
Parisa Hart Selborne Chambers
Patricia Monemvasitis Carroll & O'Dea Lawyers

Paul Mersiades Allens/Linklaters (NSW)
Raghav Iyer Sonic Lawyers
Rebecca Stanley King & Wood Mallesons
Rebekah Gay Herbert Smith Freehills
Rebekah O'Sullivan Tribeth Group Pty Ltd
Richard Potter SC 153 Phillip Barristers
Robert Neely Landers & Rogers
Rohan Higgins 153 Phillip Barristers
Sam Berry Chris Chow Creative Lawyers
Sarah Woolcott BMG Australia
Seb Tonkin Simpsons Solicitors
Shariqa Mestroni Bird & Bird
Sharna White Gadens
Sheenae LeCornu Allens
Shon Ho Simpsons Solicitors
Siao Sun Hoon ABC
Sophie Ciuffo Marque Lawyers
Stephanie Rawlinson Gadens
Stephanie Scott Media Arts Lawyers
Stephen Boyle Stephen Boyle Media and Entertainment Law
Stephen Digby DVM Law

Stephen Dodd	Dentons	Antoine Pace	Gadens
Tamar Shifroni	Allnes	Darren Sanicki	Sanicki Lawyers
Therese Catanzariti	Wentworth Chambers	Dudley Kneller	Gadens
Thomas Lynch	Kay & Hughes	Emma Berry	Dentons
Tom Bridges	Webb Henderson	Eshani Kandaneeratchy	Gadens
Tommy Chen	Allnes	Eve Lillas	Gadens
Valiant Warzecha	DLA Piper Australia	Fiona Galbraith	Davies Collison Cave Law
Vincent Floro	Gilbert & Tobin	Georgina O'Farrell	By George Legal
QLD		Ian James McDonald	Simpsons Solicitors
Colin Hanns	Macpherson Kelley Lawyers	Jacqui Ward	Melbourne Racing Club
Hema Berggren	King & Wood Mallesons	James Beavis	Corrs Chambers Westgarth
Jack Collings	Griffith Hack Lawyers	James Pavlidis	Hall & Wilcox Lawyers
James Aldridge	King & Wood Malleson	Jeff Bergmann	Solubility Pty Ltd
Jamie Doran	Clayton Utz	Jesse Gordes	The University of Melbourne
Joe Ko	King & Wood Malleson	Jessica Bell	Gadens
Johnathon Hall	King & Wood Mallesons	Marcus Walkom	Media Arts Lawyers
Judy Zhu	EagleGate Lawyers	Melissa Wingard	Phillips Ormonde & Fitzpatrick Lawyers
Kai Nash	King & Wood Malleson	Moira McKenzie	Moira McKenzie Legal
Jamie Doran	Clayton Utz	Monica La Macchia	King & Wood Mallesons
Rebecca Slater	King & Wood Mallesons	Nikkie Xu	Federal Court of Australia, Melbourne
Tegan Tucker	King & Wood Mallesons	Peter Ryan	MinterEllison
SA		Stephanie Rocher	Gadens
Elliott Sarre	Denton	Talia Le Couteur Scott	K & L Gates
Nicholas Linke	Dentons	Tony Grujovski	By George Legal
William Mellor	Nexus Chambers	Wendy Ng	Emeis Cosmetics Pty Ltd
		Yasmin Naghavi	Media Arts Lawyers
VIC		WA	
Amy Grondal	Simpsons Solicitors	Delwyn Everard	Everard Advisory
Anne-Marie Arabatzis	Corrs Chambers Westgarth	June Kenny	JDK Legal Services
Antoine Pace	Gadens	Marie Wong	Wrays Lawyers Pty Ltd
Arisha Arif	King & Wood Mallesons		

PRO BONO AWARDS 2022



KWM again hosted the Pro Bono Awards event at their Sydney office. Rebecca Stanley, Senior Associate, welcomed us to the celebration and also shared with us KWM's new five-year strategy for Community Impact Standing Strong and Tall Together. Arts Law is proud to be a small part of the work that KWM are doing to support communities around Australia.

Without the ongoing contribution of pro bono lawyers' time, expertise and skill we would not be able to achieve so much. The generosity of Australia's legal community is what makes our work possible.

Winners were awarded a limited edition print by emerging printmaker Bella la Spina. In 2022 we awarded 31 individuals and 5 firms.

ABOVE: Bella la Spina, Deconstruct (Coffs Harbour), 2022. Print Commission for Pro Bono Award winners.

RIGHT: 2022 Pro Bono Award winners with their certificates. Photo by George Zeaiter

Congratulations to all our 2022 Pro Bono Award winners:

Colin Hanns – Macpherson Kelley Lawyers
Derek Baigent – Griffith Hack
Ed Lyons – Lander & Rogers
Emilie Blake – Marque Lawyers
Emily Martin – Muse Legal
Guy Donovan – Holding Redlich
Harry Knight – Xero
Howard Adams – Cornersoul
Ian McDonald – Simpsons Solicitors
Ivan Posa – IP Australia
Jeff Bergman – Solubility
Jennifer Arnup – ABC
Juliet Evans – Griffith Hack
Katherine Giles – MinterEllison
Luke Hawthorne – King & Wood Mallesons
Mandy Van Den Elshout – Sole Practitioner
Mark Williamson – Quest Legal
Michael Easton – Easton Legal
Moira McKenzie – Moira McKenzie Legal
Nick Linke – Dentons
Rachel Chua – Australian Government Solicitors
Rebecca Stanley – King & Wood Mallesons
Richard Potter SC – 153 Phillip Barristers
Sarah Woolcott – BMG Australia
Shariqa Mestroni – Bird & Bird
Sophie Ciufu – Marque Lawyers
Stephen Dodd – Dentons
Tess McGuire – MinterEllison
Thomas Lynch – Kay & Hughes
Tiernan Christensen – Allens
Vincent Floro – Gilbert + Tobin
Allens
Australian Government Solicitors
King & Wood Mallesons
Lander & Rogers



KENNETH'S STORY

"Arts Law's advice helped me understand my rights and what I would ideally want in my contracts with clients. I have continued to build on that advice for new commissions and it will have a lasting impact on my arts practice."

Kenneth is an award-winning artist located in New South Wales. His works cover digital, film, expanded painting and installation. Kenneth and his partner have also run the creative agency, Ink Project, for the last 20 years. Ink Project delivers intelligent and well-crafted branding, design and content for clients (their work can be seen here).

After successfully running Ink Project, Kenneth began applying his skills to fine art, producing a range of video and multimedia works. In 2021, a large firm wanted to display two of Kenneth's video artworks in the foyer of their business.

As he was new to the fine art world, Kenneth came to Arts Law for advice about setting up a contract for this project and for future projects. He wanted to make sure, for example, his artwork would be displayed in an appropriate way.

Arts Law talked Kenneth through a range of different questions about the project, including:



- how copyright applied to different parts of his multimedia artworks;
- who owned copyright when a video artwork of his was commissioned;
- his moral rights as a creator;
- what type of contracts he needed when he was licensing or loaning his works; and
- how to make sure his artworks weren't used after the end of a loan/licence.

Arts Law was also able to give Kenneth some general guidance on selling digital editions, and the legal impact of non-fungible tokens (or 'NFTs').

Kenneth used that advice to set up a simple contract for his project. But he has also continued to apply that advice to his fine arts practice as he gets more requests for commissions.



Donna Robinson at the State boundary marker while on outreach in the Western Desert. Photo by Jack Howard.



\$149,388

raised from events,
fundraising and donations.

ARTS
+
LAW

02 9356 2566
artslaw.com.au

Freya Morton (Freya Reviews) performs the the HFAL
comedy event, Photo by Marie Boulougouris

FUND RAISING

Hearts for Arts Law Committee

Hearts for Arts Law (HFAL) is a group of young professionals who give their time and expertise to raise money for the Arts Law Centre of Australia. Made up of legal professionals, arts workers and students, HFAL hosts casual events for both lawyers and artists that provide networking opportunities and raise money and support for Arts Law.

"First and foremost, I would like to thank each and every member of the Committee for their work ethic and enormous commitment to supporting the incredible work of the Arts Law Centre of Australia. I was honoured to be appointed Chairperson of the Committee in 2022. Like many in the live events industry, the Committee has faced challenges staging events in a COVID and post-COVID world. I am extremely proud of the Committee members, who did a stellar job at working through those challenges with poise.

In 2022, we staged the Hearts For Arts Law Comedy Night. The Comedy Night is a long running annual event of the Committee, but had been on hiatus during COVID until it made its comeback in 2022. It was an absolute joy to bring people together for laughs and to raise funds for the Arts Law Centre. Many thanks must also go to the comedians who volunteered to join us (in order of the run sheet): David Smiedt, David Mierendorff, Olivia Irvine, Freya Reviews, Sophia Morrison, Antony Faisandier, Emma Wei and Lauren Bonner.

With a strong resurgence of demand for in-person events (along with virtual attendance options) and new vendor relationships established, the Committee has big plans for 2023 and have hit the ground running. This year will see the annual Comedy Night return, along with a range of other events, including a panel talk about AI and the arts. We welcome any and all to attend our events, so please keep an eye out for us in 2023 and come along.

I hope to see you at a Hearts for Arts Law event soon!"

Amy Grondal, HFAL committee chair

2022 HFAL committee members: Chair: Amy Grondal, Gabrielle Hunter, Emily Phipps, Sanjeev Desai, Liam Slabber, Marie Boulougouris, Madeleine Gandhi, Lee Elsdon, Jessica Bird, James Kwong, Isabelle Hazell

2022 Arts Law Auction

Following on from the record success of last year, Arts Law continued running our annual Art Auction online in 2023. Coming close to reaching our goal of \$100,000 yet again this year, the generous support of bidders saw us raise a total of \$82,138 by auction's end. Consequently, 2022 was our second most successful art auction ever. \$49,265 will head directly back to artists with the remaining \$32,843 providing vital support to Arts Law.

Thank you to the bidders, to the art centres, and to the artists. Thank you, also, to our returning sponsors in New Chambers.

Over 100 artworks were up for auction from 23 wonderful arts organisations and 6 independent artists: Australian Design Centre • Bana Yirriji • Boomalli • Bula Bula • Ernabella • Iltja Ntjarra Art Centre • Iwantja • Jilamara • Maningrida Arts & Culture • Martumili • Merrepen • Mirndiyun Gununa • Nagula Jarndu • Papulankutja • Spinifex Arts Project • Studio A • Tangentyere • Tjala Arts • Tjanpi • Tjarlili • Warakurna Artists • Waringarri • Warlayirti Artists • Harry Hummerston • Jeremey Kiwan-Ward • Andrew Leslie • Danie Mellor • Helen Smith • Matthew Wilson



ARTS LAW ALLIES

Thank you to all our Arts Law Allies, a group of passionate advocates who donate \$1,000 or more to help support Arts Law to strengthen value and respect for arts and culture to make a better world. We are excited about sharing the future will you as Arts Law Allies.

Gold Allies **Bronze Allies**

Simpson Michel Foundation

Andrew Wiseman

Adam Casselden SC

Silver Allies

Colin Biggers & Paisley

King & Wood Mallesons

Jeffrey Hilton SC

Ezekial Soloman AM

The Hon. Justice Margaret Beazley AO

Alec Leopold

Broken Yellow

Carol Webster SC

Charles Alexander

David Hooke SC

David Minty

David Studdy SC

Deb Camden

Helen Murrell

Jacqueline McGrath

Justice Francois Kunc

Marion Heathcote

Martin Place Chambers

Mary Hill

Nathan Hepple

Richard Lancaster SC

Wendy Brooks

In November our Vice Regal Patron The Hon. Justice Margaret Beazley AO hosted a special event at NSW Government House in Sydney to extend our gratitude to our Allies and supporters.

The Governor welcomed us and spoke passionately about the work Arts Law does and the impact we have on both the arts community and for Australian's more broadly. Arts Law President Justice John Sackar also addressed the crowd to offer our deepest thanks for the continuing support we have from both the arts and legal communities.

The formalities were concluded with a moving performance by singer David "Radical Son" Leha of an original and personal song in language. It was a privilege to share that moment with our closest supporters and friends of Arts Law.

Our Allies have been keen advocates of Arts Law and their contribution greatly extends the work that we are able to do. We could not do so much and reach so many artists and arts communities without their continued support.

OUR PEOPLE

ARTS LAW'S VICE REGAL PATRON

Her Excellency the Hon Margaret Beazley
AC KC

BOARD

President: The Hon Justice John
Robertson Sackar

Vice President: Andrew Wiseman

Treasurer: Sarah Kwok

Navid Bahadori

Debra Camden

Dan Creasey

Dr Emma Hicks (until June 2022)

Dr Andrew Lu AM

Dr Jared Thomas (until June 2022)

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Board Observer: Elisse Zaramis

STAFF

CEO: Robyn Ayres

Head of Legal and Operations:
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(commenced December 2022)

Head of Innovation, Growth and
Engagement: Suzanne Derry

Director AITB Legal: Donna Robinson

Principal Solicitor: Marie Foyle
(commenced March 2022)

Senior Solicitor: Roxanne Lorenz

Solicitors:
Aditya Vasudevan

Morris Averill

Solitor AITB WA: Rob Bitmead
(April 2022 – Nov 2022)

Paralegals:

Gabrielle Hunter (until October 2022)

Jasmine Derbas
(commenced October 2022)

Georgia Brigg

Artists in the Black Coordinator:
Jo-Anne Driessens
(Commenced June 2022)

Artists in the Black Paralegal:
Jack Howard

Communications Manager:
Emily Phipps

Communications Officer:
Mary Ventura
(until September 2022)

Jeremy Heddle
(commenced October 2022)

Finance and Operations Manager:
Courtney Duddleston

Finance and Administration Coordinator:
Michael Bridges

Administration Officer: Lara Jash

SOLICITORS ON SECONDMENT

Stella Chu (AGS)

Rai Ducret (AGS)

Braydon Poacher (Ashurst)

Natalia Di Stefano (Hall & Wilcox)

Bella Cameron (Allens)

INTERNS

Jane Chew

Ashna Govil

Daanyal Saeed

Andrew Udonvenya

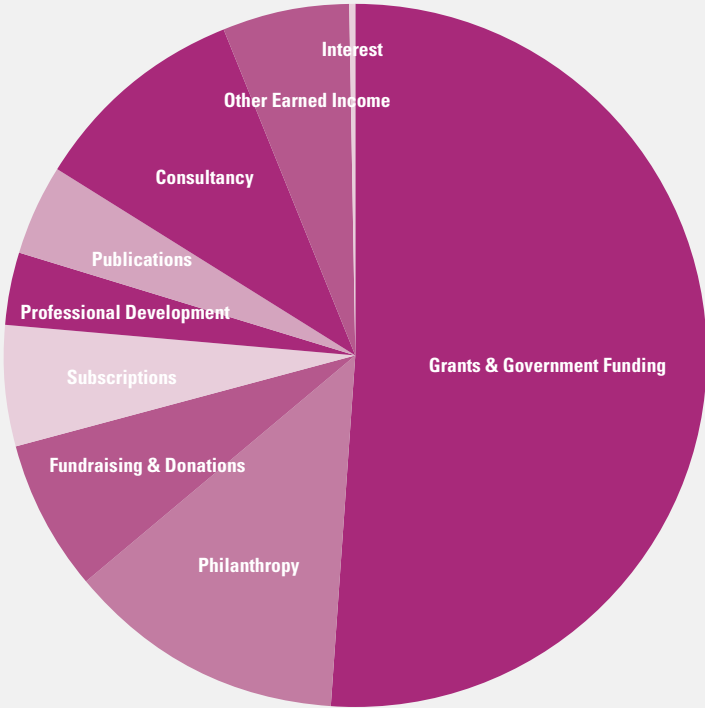


“The booking system and talking to the same lawyer has made me feel confident to ask questions. Building rapport with the lawyer and with Arts Law has enabled me to encourage other artists in my community to use the service that Arts Law provide.”

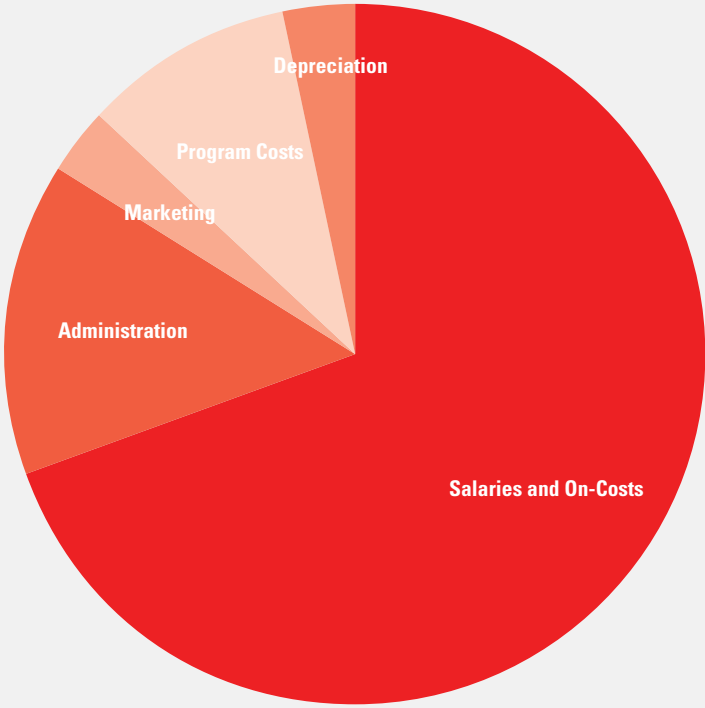
- Arts Law Client

FINANCES

Income



Expenses



CORPORATE SUPPORT & PHILANTHROPY

Arts Law would like to thank our philanthropic partners who have provided their generous support in 2022. Philanthropic support for Arts Law and Artists in the Black allows us to expand the reach of our services and increase our impact for Australia's artists.

Impact100 WA

The Besen Foundation

James Kirby Foundation

Nelson Meers Foundation

Thyne Reid Foundation

We would also like to acknowledge the support of the legal community and the firms and other organisations who continue to support Arts Law. These firms and corporate partners have provided pro bono services, in-kind contributions and other much appreciated support.

Allens

Ashurst

Australian Government Solicitor

Colin Biggers & Paisley

King & Wood Mallesons

Lander & Rogers

Lavan

New Chambers

"This has helped me immensely. This has empowered me to take my legal matters into my own hands, where it would have been much more difficult otherwise."

- Arts Law Client

"I was extremely grateful and happy with the service I received from Arts Law. The solicitor who helped me was clear and clarified all the questions I had. I will be subscribing and I think this is a wonderful service."

- Arts Law Client



Australian Government

Department of Communications and the Arts



Australian Government



Australian Government

Indigenous Visual Arts Industry Support



Australian Government

Attorney-General's Department



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.

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

Arts Law would also like to acknowledge the philanthropic support of Impact100 WA, The Nelsons Meers Foundation, The Thyne Reid Foundation, The Besen Foundation and The James Kirby Foundation.