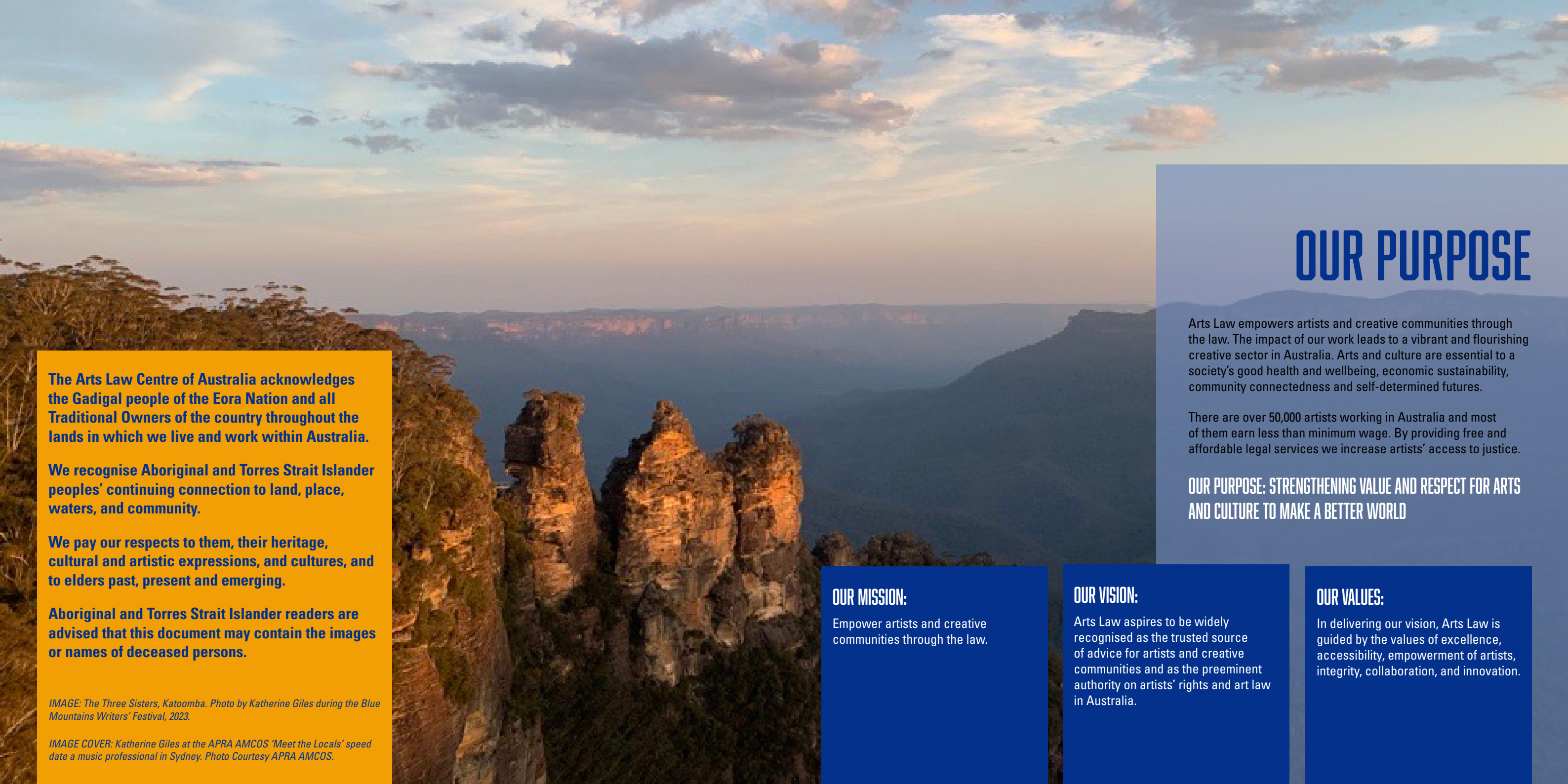




2023 ANNUAL REPORT





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, cultural and artistic expressions, 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.

IMAGE: The Three Sisters, Katoomba. Photo by Katherine Giles during the Blue Mountains Writers’ Festival, 2023.

IMAGE COVER: Katherine Giles at the APRA AMCOS ‘Meet the Locals’ speed date a music professional in Sydney. Photo Courtesy APRA AMCOS.

OUR PURPOSE

Arts Law empowers artists and creative communities through the law. The impact of our work leads to a vibrant and flourishing creative sector in Australia. Arts and culture 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 earn less than minimum wage. By providing free and affordable legal services we increase artists’ access to justice.

OUR PURPOSE: STRENGTHENING VALUE AND RESPECT FOR ARTS AND CULTURE TO MAKE A BETTER WORLD

OUR MISSION:

Empower artists and creative communities through the law.

OUR 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 art law in Australia.

OUR VALUES:

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

FROM THE PRESIDENT

2023 represents a landmark year for Arts Law and for the Australian arts sector more broadly. After a decade without a national cultural policy, the Government released Revive – a detailed commitment from lawmakers to the sector. While the last three years have been incredibly tough for Australia’s creative communities, we have seen demand return to pre-pandemic levels. This is an indication to us that while there are still challenges, a cost of living crisis, the threat of generative AI and the collapse of the live music sector, artists are finding ways to continue their work and flourishing. It is artists, of course, who guide us through trying times and help us to understand our world through creative expression.

This rise in demand has resulted in a 53% increase in delivery across all of our services compared to 2022. Our Document Review Service continues to grow as a result of our concerted efforts to educate both artists and those engaging artists on the importance of good contracting.

Artists in the Black services, in particular, are so in demand that we have doubled our expected number of legal services to Aboriginal and Torres Strait Islander artists and arts organisations. This is unsurprising considering the scale of our outreach program in 2023. Our lawyers visited 41 regional and remote communities to deliver professional development workshops and on-the-ground legal advice. This service, while increasingly expensive to deliver, is essential for these communities where artists often speak English as a second language, have little to no internet connectivity and no practicable access to other legal services.

The Revive National Cultural Policy reflects many of the areas in which we have been calling for reform, a positive indication that Arts Law truly has its finger on the pulse of artists’ needs. Our law reform work draws on our depth of experience working within the arts community to advocate for meaningful legislative change to protect artists’ rights. Employment rights for artists are vitally important as so many live and work within the “gig economy” where exploitation of their labour is rife. We are pleased to see this as a core pillar of the Revive policy.

Most significant is the Government’s commitment to developing stand-alone legislation to protect Indigenous Cultural Intellectual Property and amendments to stamp out the proliferation of “fake” First Nations arts and craft products. Arts Law, along with the Indigenous Art Code and Copyright Agency, established the Fake Art Harms Culture campaign back in 2016 to lobby government about these very issues. It is heartening to see action in this arena after our years of active campaigning.

Our advocacy does not end at home. Our Artists in the Black Coordinator, Jo-Anne Driessens, is an active participant in the Indigenous Caucus at the World Intellectual Property Organization intergovernmental committee on genetic resources, traditional knowledge, traditional cultural expressions and folklore. Having a seat at the table of international discussions around the protection of Indigenous Culture and Intellectual Property and First Nations Knowledge and Culture is a privilege that Arts Law does not take lightly.

This year also represents a turning point for Arts Law. Not only are we about to embark on our 40th year in 2024 but longstanding CEO, Robyn Ayres, announced in 2023 that she would be stepping down from the role. Since Robyn was appointed CEO in 2002, the Arts Law Centre of Australia has experienced significant growth and influence, shaping the legal landscape of the arts sector. I would like to thank Robyn, on behalf of the Board, for her commitment to promoting the rights of artists, protecting their intellectual property, and ensuring fair and ethical practices within the arts sector.

The Board’s mission for 2023 was to find a visionary leader capable of stepping into Robyn’s shoes and leading Arts Law into the future. After a rigorous recruitment process, we appointed Dr Louise Buckingham to the role. Throughout her career, Louise has been a champion for artists’ rights in Australia and we are thrilled she will continue to carry on this work as our CEO.



IMAGE: Justice John Sackar, Arts Law President, at the 2023 Art Auction event at New Chambers. Photo by George Zeaiter, 2023.



IMAGE: Dr Louise Buckingham, Arts Law Centre of Australia CEO. Photo by Jeremy Heddle, 2024.

FROM THE CEO

Having taken the reigns of Arts Law in 2024, I am very conscious of the extraordinary history that underpins where the organisation is today, and that the bulk of this annual report reflects the efforts, commitment and vision of Robyn Ayres, the outgoing CEO, amazing Arts Law staff, and the Board over the course of 2023.

As we look forwards in 2024, it is clear that Arts Law is not alone as an organisation made up of passionate and dedicated staff and stakeholders who are feeling the pressures of our environment in all respects. It is a time of hardship for so many in our sector (cost of living pressures, political upheaval, impact of climate change and so on). In a philanthropic and funding environment in which many worthy causes are operating under financial strain and have genuine needs, articulating Arts Law's purpose is critical. Our mission of empowering artists through the law is more important than ever. Ongoing uncertainty in the sector and cultural economic analyses

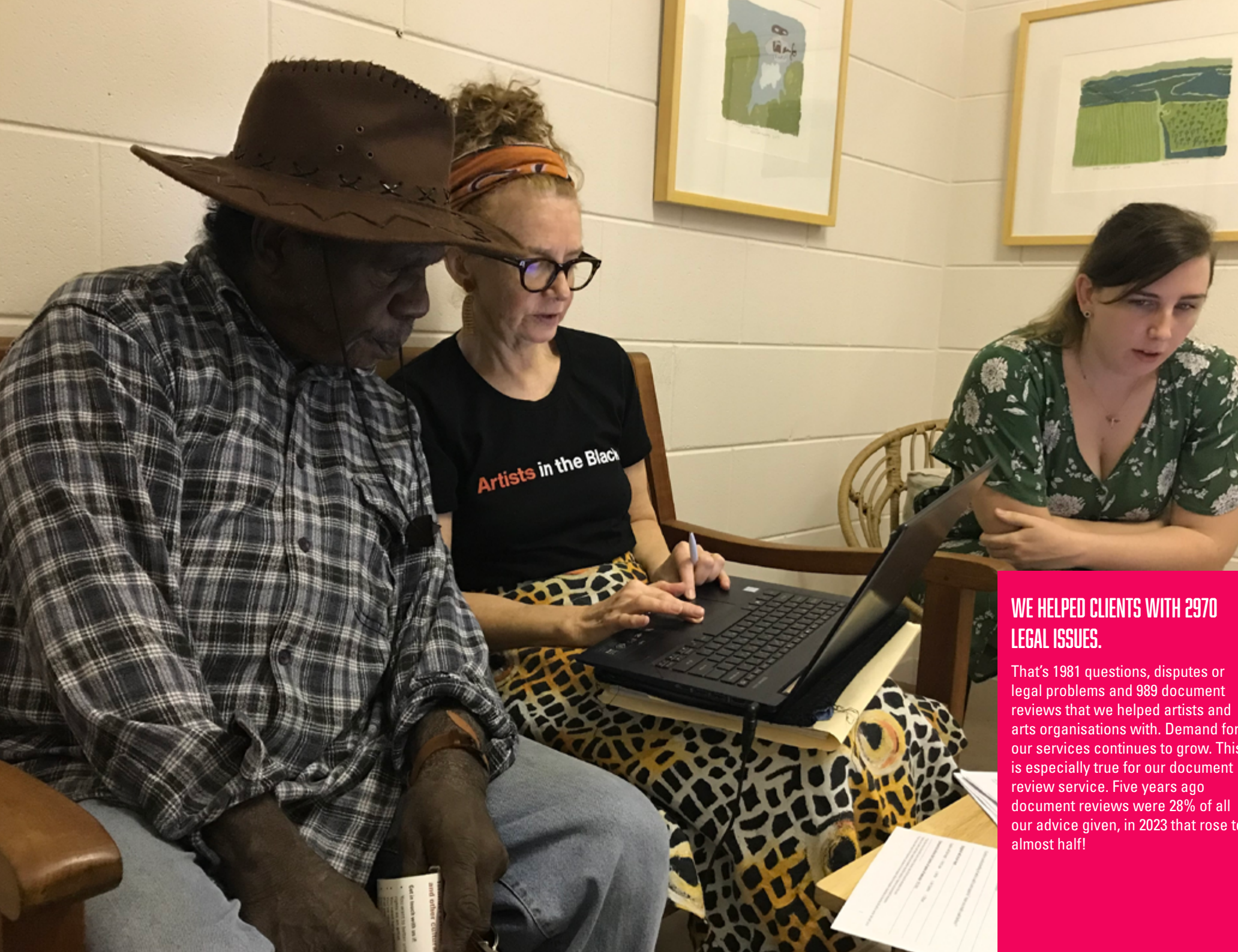
that indicate that most artists are not able to earn a living wage from their practice. In addition, the development of technologies like generative-AI have led to widespread anxiety in the sector because of the perceived existential threat posed by systems' abilities to produce inauthentic content cheaply and undercut artists' work, along with their capacities to infringe copyright and moral rights on an incredible scale and pace. Arts Law staff have continued to engage with artists, First Nations communities and legal professionals across Australia on these and other topics, and ultimately, this has benefitted artists and Australia's creative culture overall.

Arts Law is privileged to be welcomed into creative spaces. Thank you to artists and participants in the various creative sectors we function to support, and especially to Australia's First Nations artists, communities, clusters and art centres. Working with you all deepens our organisational understanding of our sector

and the most critical issues facing it, and your work enriches Australia's and the world's heritage. We are so appreciative of the efforts of all of our volunteers from within and outside Australia's terrific, collegial legal community: pro bono lawyers on our panel, firms who continue to support us in providing these services, in hosting Arts Law lawyers for education and training, and also through our Corporate Allies funding initiative, Adopt-a-Lawyer program and in delivering advice and wills drafting services in remote communities. Thank you to organisations that have seconded professionals to us including Allens, McCullough Robertson, Australian Government Solicitor and HBA Legal.

Very importantly, we need to thank our many partners who help us, financially, to achieve our purpose to strengthen arts and culture to build a better world. It's not always appealing to donors that we describe their funds going towards our rent, to lawyers' and administrative staff's salaries that enable

us to provide excellent, accurate legal advice; undertake outreach to remote communities; and for updating our website and other communication platforms sufficiently so that people can readily access our quality, free and low-cost information and resources. And yet, these are essential costs for critical work. To all of our funders, philanthropic partners, donors and Arts Law Allies I would like to thank you for your vital support that allows us to do our important work. Thank you to staff, present and past, for your incredible creativity, passion and commitment to Arts Law, and for your hard work implementing our shared vision of empowering artists through the law, closer to a reality for so many. Thanks also to Arts Law Boards, past and present, for guidance, governance and wonderful support. To current staff and board members especially on a personal note, I would like to extend thanks for assisting me transition into this new role.



LEGAL ADVICE SERVICES

Arts Law's legal advice services help artists to avoid getting 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.

WE HELPED CLIENTS WITH 2970 LEGAL ISSUES.

That's 1981 questions, disputes or legal problems and 989 document reviews that we helped artists and arts organisations with. Demand for our services continues to grow. This is especially true for our document review service. Five years ago document reviews were 28% of all our advice given, in 2023 that rose to almost half!

WE'VE HELPED 95 ORGANISATIONS IMPLEMENT BEST PRACTICES WHEN WORKING WITH ARTISTS.

Arts Law operates an Artists First Policy. All the work we do has artists' rights at the heart. Our best practice advice helps organisations implement good contracts and fair practices when they work with artists. Our advice recommends fair terms for artists while also protecting organisations from risk to make sure everyone gets the best out of their relationship.

WE EMPOWERED 1866 ARTISTS AND ARTS WORKERS.

Clients who get legal advice understand their rights better. Knowing their rights helps artists protect their work, stop themselves getting ripped off and allows them to focus on what's important, making art.

IMAGE: Robyn Ayres and a volunteer lawyer from Holding Redlich working with an artist whilst on outreach at Girringun Arts Centre. Photo by Jo-Anne Driessens.

ARTISTS IN THE BLACK

Artists in the Black (AITB) works to empower Aboriginal and Torres Strait Islander artists and to protect them from exploitation regarding their arts practice. AITB helps educate artists about their rights so that they are able to build their capacity to use the legal system for their benefit.

WE SUPPORTED 672 ABORIGINAL AND TORRES STRAIT ISLANDER CLIENTS THROUGH ARTISTS IN THE BLACK.

That means 521 artists understand their legal and cultural rights and have the confidence to assert their own rights, which in turn will strengthen culture. 151 arts workers at Aboriginal and Torres Strait Islander run organisations, art centres and peak bodies have stronger legal processes in place, increasing their sustainability as organisations.

WE HELPED ABORIGINAL AND TORRES STRAIT ISLANDER ARTISTS AND FIRST NATIONS ORGANISATIONS WITH 1164 LEGAL ISSUES.

That includes 456 document reviews and 708 phone conversations, clinics and talks with artists on country. AITB offers legal advice to Aboriginal and Torres Strait Islander artists across the country, whether they live in remote communities, regional towns or in big metropolitan cities.

WE PREPARED WILLS FOR 223 ABORIGINAL AND TORRES STRAIT ISLANDER ARTISTS.

Having a Will allows clients to make sure their wishes are respected and can avoid future conflicts with family and community. Every Will can impact between 4 and 20 family members, that's 4460 people.

IMAGE: Donna Robinson (Director of Artists in the Black Legal) alongside Sarah Oldfield (Solicitor) at Warlayirti Arts Centre, 2023. Photo by Reetika Khanna.





OUTREACH

Accessible legal advice is essential for artists to know and protect their rights. Yet cost and distance makes this help impossible for many. These obstacles are even more pronounced for those living remotely. Arts Law's outreach program strives to address these issues and provides invaluable support to communities that would otherwise not be able to access legal services.

IMAGE: Donna Robinson with artists at Babbarra Women's Centre. Photo by Jess Stalenberg (Babbarra Manager).

ART CENTRES

Anindilyakwa Arts Gallery
Arlpwe Art & Culture Centre
Artists Away From Home
Babbarra Women's Centre
Baluk Arts
Bidyandanga Art Centre Kimberley
Bindi Mwerre Anthurre Artists
Boomalli Aboriginal Artists Co-op
Cherbourg Ration Shed Museum and Art Centre
Girringun Art Centre
Hermannsburg Potters Arts Centre
Kaiela Arts
Kalgoorlie Art Gold
Kira Kiro Artists
Maningrida Arts & Culture
Maruku Arts & Crafts
Mowanjum Art Centre
Mullewa Art Centre
Munimba-ja Arts Centre and Gallery
Ngukurr Arts Centre
Northampton Old School Art Centre
Numbulwar Arts Centre
Tangentyere Artists (Town Camp Artists)
Spinifex Arts Projects
Umbrella Contemporary Arts
Utopia Art Centre
Walkatjara Art
Waringarri Arts
Warlayirti Artists
Warmun Art Centre
Warruyanta Arts Centre
Yamaji Art
Yarliyi Art Centre

LANGUAGE CENTRES

Bundiyarra - Irra Wangga Language Centre
Gidarjil, Central Queensland Language Centre
Goldfields Aboriginal Language Centre
Kimberley Language Resource Centre
Minima Language Centre
Ngukurr Language Centre
Ngunnawal Centre
Noongar Boodjar Language Cultural Corporation
North Queensland Regional Aboriginal Corporation Languages Centre

WE VISITED 41 REGIONAL AND REMOTE ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES

Our outreach trips took us to 32 art centres, 9 language centres and 9 Aboriginal and Torres Strait Islander art fairs, conferences and festivals. We also ran three virtual workshops and clinics with art centres extending our outreach to every state and territory.

DRESSED FOR SUCCESS: NAGULA JARNDU'S STORY

"We have worked with Arts Law for a long time now and have a really good relationship. It has been easy for Nagula Jarndu to obtain information, advice and resources through Arts Law; we do work closely with Arts Law so that our artists rights and our Art Centre rights are understood by everyone."

Nagula Jarndu Designs

Nagula Jarndu Designs is operated by the Yawuru Jarndu Aboriginal Corporation in Broome. It is an Indigenous women's resource centre which specialises in textiles and has diversified into fashion. It also creates homewares and handicrafts. The artists exhibit at various art fairs such as the Darwin Aboriginal Art Fair and Revealed. A visit to the art centre is an exciting opportunity to see the range of beautiful fabrics and meet with the artists working there in a small thriving cool calm work space.

Arts Law has had a long connection with the art centre and we regularly visit the artists and staff as part of our Artists in the Black (AITB) outreach program. This is in addition to advice we can give remotely. Nagula Jarndu uses an extensive range of our contract templates. We also regularly prepare wills for the artists and advise the art centre and families of artists on estate management and ways to continue to promote a deceased artist's legacy.

The artists have always done much of the printing of their textiles at the art centre, a mixture of screen printing and block printing. As their fashion line has expanded, they have had to seek external support and increasingly had the clothing designed, printed and made in collaboration with others.

As Nagula Jarndu has expanded from textiles into fashion and begun collaborating with others, it recognised the need for contracts and legal advice on how to manage those commercial relationships. Arts Law was able to assist by suggesting appropriate contract templates and what needs to go into such contracts with designers and manufacturers. Following this advice, the art centre was able to finalise contracts between manufacturers and designers. These contracts helped to ensure the smooth outsourcing of some of their printing and design work, and to make sure that it's clear to all participants what their rights and obligations are – as well as what they're going to get out of it.

*IMAGE: Haley & Georgia pants,
Nagula Jarndu Designs.
Photo by Michael Torres.*



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 law firm for a three-year period.

Adopt-a-Lawyer streamlines our existing support model by ensuring continuity and meaningful relationships between art centres and law firms. The program is focused on empowering artists and creative communities through the law.

"Supporting First Nations artists is not just a cause; it's a commitment. Artists in the Black and Adopt a Lawyer, driven by the Arts Law Centre of Australia, embody this dedication by working hand-in-hand with First Nations arts centres in a holistic and long term way. These programs are not just advocates; they are champions of the rule of law, working to promote and protect the rights of our First Nations creators - proud to stand with initiatives that ensure cultural heritage is protected, voices are amplified, and artistic legacies endure. We are proud to be a key supporter."

— Dan Creasey, King & Wood Mallesons, current art centre adoptee



ADOPT-A-LAWYER RELATIONSHIPS

ANKA
Gadens

Babbarra Women's Centre
Allens Linklaters & Macquarie Group

Bula'Bula Arts
King & Wood Mallesons

Erub Arts
King & Wood Malleson

Girringun Art Centre
Holding Redlich

Hermannsburg Potters
Colin Biggers & Paisley

Jilamara Arts & Crafts
King & Wood Malleson

Maningrida Arts & Culture
Allens Linklaters & Macquarie Group

Moa Arts
King & Wood Mallesons


Mowanjum Arts
Ashurst

Tangentyere Artists
King & Wood Mallesons

Waringarri Aboriginal Arts
King & Wood Mallesons

Warmun Art Centre
Lander & Rogers

IMAGE: Bush office in Utopia Homelands.
Photo by Lara Dykun, 2023.

A photograph of three people standing in a dry, open landscape with sparse vegetation and trees under a clear blue sky. The person on the left is a woman with dark hair, wearing a grey t-shirt with a red graphic and black pants. The person in the middle is a man with dark hair, wearing a blue shirt, a light-colored jacket, and khaki pants. The person on the right is a woman with short dark hair and sunglasses, wearing a black t-shirt with a red graphic and black pants. They are standing on a dirt path with low-lying shrubs and trees in the background.

"[Arts Law staff] were incredibly supportive throughout the process and provided extremely helpful and informative advice, as well as practical solutions for how to move forward with my legal enquiry. Everything was explained clearly to me around what the rights are of the artist and next steps for implementing and asserting these rights. As always I would recommend the services of Arts Law to anyone who is having legal queries or need assistance around contracts and copyright matters."

- Arts Law client

"Culturally safe and respectful practice."

- Arts Law client

"I'm so grateful for the advice [my lawyer] gave me. As a rookie to the world of music copyright she shed light on the areas I needed to be aware of and gave me a list of action items and contacts. A lot of work obviously went into the assistance she gave me and, again, I'm extremely grateful."

- Arts Law client

IMAGE: (L-R) Donna Robinson and Jack Howard (Solicitor) with Janene Bon from Hall & Wilcox. Photo by Olivia Sproull.

RESOURCES FOR ARTISTS

Artists in the Black Videos

In late 2022 we redeveloped the Artists in the Black (AITB) section of our website. We conducted a series of user-testing workshops to find out more about what our clients needed and wanted from Artists in the Black online. Our redeveloped Artists in the Black pages were viewed 13,745 times in 2023. That's a 70% increase from the previous year!

Our user-testing also found AITB clients want to engage with video content. In the second half of 2023 we released 4 videos with information to support Aboriginal and Torres Strait Islander artists in their arts and cultural practice:

- How can Artists in the Black help you?
- How do I use contracts?
- What is Indigenous Cultural & Intellectual Property?
- Wills and Estates

This project has been supported through the Australian Government's Indigenous Visual Arts Industry Support program.

THE ARTS LAW WEBSITE HAD OVER 615,440 PAGEVIEWS.

289,292 people visited the Arts Law website to access free resources, apply for legal advice and find out more about how we can help them. Our website has over 119 free info sheets and 129 low-cost contract templates as well as being the home for legal explainer videos, podcasts, articles about how the law applies to your practice and more.

OUR FREE INFO SHEETS WERE VIEWED 259,730 TIMES.

6771 PEOPLE SUBMITTED A LEGAL QUERY THROUGH OUR ONLINE PORTAL.

2874 PEOPLE SELF-SERVICED WITH OUR LEGAL RESOURCES GATEWAY.

"The team at Arts Law are always fantastic and do an incredible service providing support for artists and their families. Their advice is easy to follow and they have great resources that make the legal steps and processes easy to understand."

- Arts Law client

IMAGE: Jo-Anne Driessens (Artists in the Black Coordinator) taking photographs along the edge of the Todd River, Alice Springs. Photo by Katherine Giles, 2023.



PROFESSIONAL DEVELOPMENT

In 2023 we held webinars, workshops, seminars and in-house training sessions all around the country. Our professional development program sees us working with a diverse range of arts organisations, local councils, galleries, government bodies, businesses and more.

FEEDBACK FROM PROFESSIONAL DEVELOPMENT PARTICIPANTS

"I was very grateful for your workshop because I had to sign a performance contract for a gig... was a bad contract. They used those red light words - perpetual, irrevocable... I remembered them from the workshop. I actually just followed the advice from the last workshop, refused to sign it, and got the contract changed."

"Very clear info. Didn't try to pack too much in. Interaction, quiz questions helped me to keep engaged."

"Concise information and felt very comfortable with presenters and able to ask questions."

"Very informative - clear that the speakers had a lot of knowledge."

IMAGE: Marie Foyle (right), Principal Solicitor, presenting at High Score in Melbourne. Photo by Jacinta Keefe.

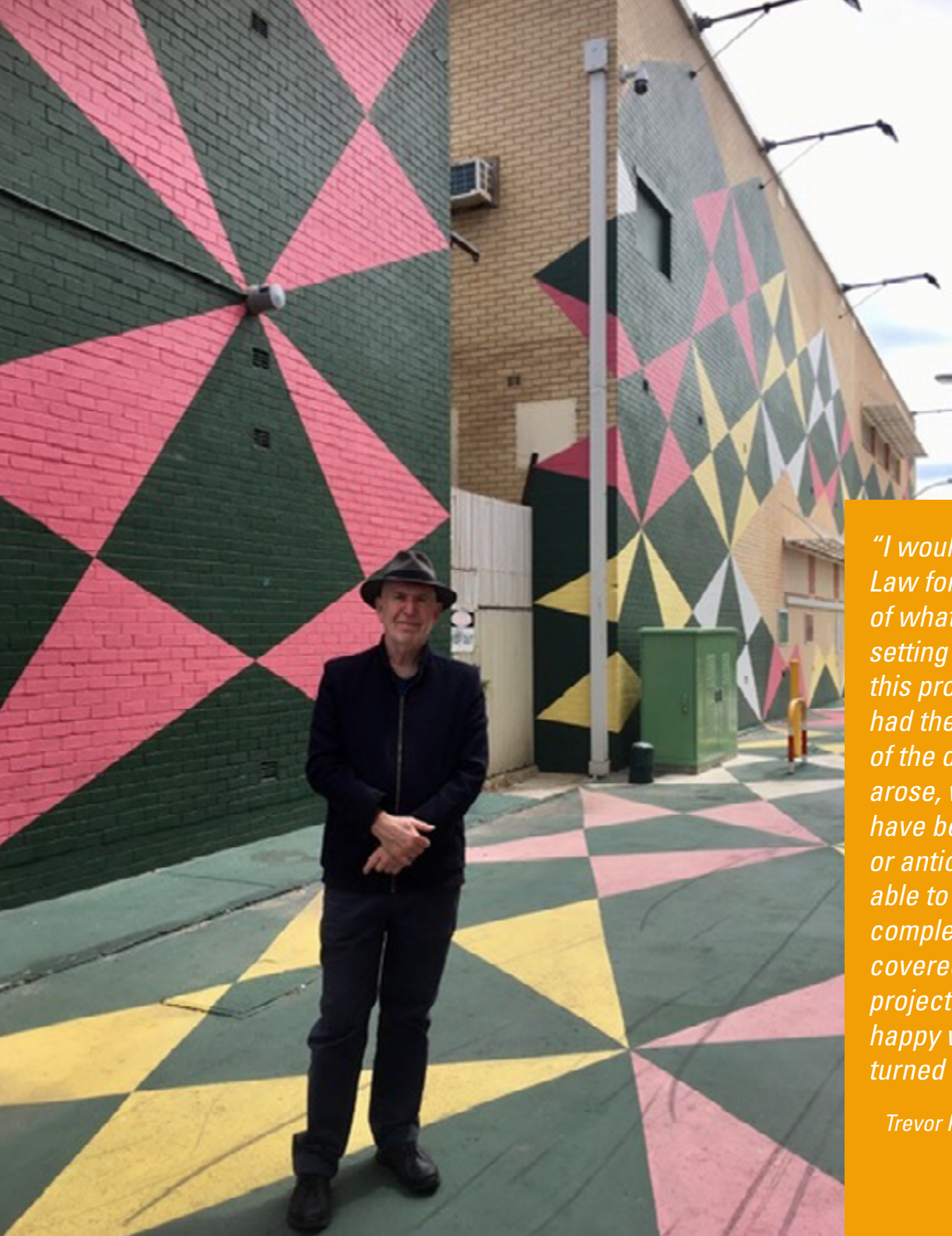
WE PROVIDED 94 OPPORTUNITIES FOR ARTISTS AND ARTS WORKERS TO ADVANCE THEIR PROFESSIONAL DEVELOPMENT.

Our professional development program meets people where they are, whether that is in a major city, out in the country, in remote communities or online. For the first time this year, Artists in the Black professional development represented more than half of our sessions. 954 artists and cultural practitioners attended one of 59 Artists in the Black workshops and webinars.

WE UP-SKILLED 1993 ARTISTS AND ARTS WORKERS WITH PRACTICAL LEGAL KNOWLEDGE.

Our professional development program equips artists with tools to help them protect their rights and build sustainable arts businesses. We also teach artists how to use contracts, where to find them and how to get legal advice when they need it.





BLOOMING WILDFLOWERS : TREVOR RICHARDS' STORY

"I would commend Arts Law for their knowledge of what was involved with setting up a contract for this project. They certainly had their heads around all of the different issues that arose, which I would never have been able to predict or anticipate. We were able to knock out a really complete agreement that covered every part of the project. I couldn't be more happy with how things turned out. "

Trevor Richards, Arts Law client

Trevor Richards is an artist who lives and works in Fremantle, Western Australia. His practice encompasses painting, sculpture, video, photography and installation. He has exhibited extensively in Europe, and in recent years has been exploring colour, pattern and its relationship with architecture.

In 2019, the City of Greater Geraldton approached Trevor to commission a piece of public art for the Rocks Laneway. Trevor reached out to Arts Law because he needed some help setting up a contract for the commission based on requirements he had been provided by the City.

Over a number of meetings with Arts Law, we were able to advise Trevor about legal documents that the City had given him, and help him set up a contract for the commission. We worked with Trevor on a number of issues, including:

- Ownership of copyright and the scope of a copyright licence to the City
- The acceptance and rejection process for the design
- Moral rights and how Trevor would be credited in promotional material
- Responsibility for insurance
- Maintenance of the work

After close consultation with Arts Law, Trevor was able to sign a contract with the City and get to work on this exciting project. Trevor said that because of the scale of the project and the number of moving parts, it needed to be well managed. He was dealing with a building company and with the City. Arts Law was able to help him set up a robust process for this project.

For this commission, The Wildflower Project, Trevor created a wildflower artwork that responded to the native flora of Geraldton, juxtaposing the hot pink of Geraldton Wax with a dark seaweed green (pictured at left). The work has been embraced by the City and the local community and has become popular on Instagram.

IMAGE: Trevor Richards with his work, The Wildflower Project, for the City of Greater Geraldton. Photo by Mary Burns.



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.

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 40 years.

WE REVIEWED THE T&Cs OF 8 PRIZES AND COMPETITIONS.

Prizes and competitions can provide significant professional exposure and financial income for artists. We work with prize organisers to improve terms and conditions to create artist-friendly outcomes. By implementing best practice T&Cs all artists who enter these competitions benefit.

WE MADE 12 SUBMISSIONS TO GOVERNMENT ON ISSUES AFFECTING ARTISTS RIGHTS.

Arts Law regularly responds to calls from the Government to contribute to studies or policy-making research. We use our experience working with artists to make recommendations that can improve working conditions for artists, remove obstacles to their practice, or better recognise artists' rights. This work has a real-world impact on law and policy reform.

IMAGE: L-R: Jo-Anne Driessens (Artists in the Black Coordinator), Leah Armstrong (CEO First Nations Foundation), and Josh Riley (Consul General, Senior Trade & Investment Commissioner) at APEC San Francisco, 2023.

"Extremely empowering to have this kind of service offered to us not so legally literate musicians and artists. Thank you for offering a great service!"

- Arts Law client

FAKE ART HARMS CULTURE & PROTECTION OF INDIGENOUS CULTURAL & INTELLECTUAL PROPERTY

Arts Law has been advocating for laws to protect Indigenous Cultural and 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 First Nations communities.

In early 2023, the Australian Government, through the National Cultural Policy, expressed a commitment to introducing stand-alone legislation to protect First Nations peoples' traditional knowledge and cultural expressions, which includes addressing the harm caused by works such as fake art, merchandise and souvenirs. We continue to advocate for the introduction of this stand-alone legislation and prepared a joint submission with the Indigenous Art Code and Copyright Agency Limited to the National Policy Inquiry and provided evidence to the Senate Environment and Communications References Committee regarding the National Cultural Policy.

COPYRIGHT REFORM

In 2023 Arts Law made a submission to the Attorney-General's Department Copyright Enforcement Review. For the purpose of this submission, Arts Law surveyed our clients about their experiences when attempting to enforce their copyright. We also spoke directly to a selection of Arts Law clients who have faced repeated copyright infringements to better understand the drivers of that infringement and the efficacy of the enforcement options currently available. Our submission focused on the rise in copyright infringement, the unreasonable burden current enforcement options place on creators, the need for minimum standards for online platforms, and the need for a small accessible claims forum for copyright infringement.

During 2023, Arts Law also took part in the Attorney-General's Ministerial Roundtables on Copyright held in February, June, August and December. Along with Arts Law, the Roundtables brought together organisations from a wide range of sectors with an interest in copyright, including publishing, broadcasting, screen education, research, music, gaming, technology and cultural collections. The aim of the Roundtables is to develop practical and achievable copyright reform proposals for Government.

NEW TECHNOLOGIES AND GENERATIVE AI

New technologies and Generative AI represent uncharted territory for many artists. These are growing concerns for our client base and we have noticed an increase in enquiries in these areas.

Part of the Attorney-General's Department Roundtables on Copyright involved discussions focusing on the implications of AI for copyright law. Following the Roundtable held in December 2023, the Attorney-General established a Copyright and AI Reference Group. Arts Law has been appointed to the Steering Committee of the Copyright and AI Reference Group.

In addition, Arts Law made a submission in response to the Department of Industry, Science and Resources *Safe and responsible AI in Australia* discussion paper.

We will continue to monitor developments in this space in relation to creators and copyright. Arts Law has also been educating artists on some of the legal issues they need to consider through our legal advice services, education sessions and publication resources.

IMAGE: Katherine Giles (Head of Legal and Operations) with Stephen Davis on the set of the recording of 'IP Law for Creatives' for UNSW. Photo courtesy @ UNSW Edge.



"Customer service was friendly and helpful. I live with anxiety, but felt none during this process. Thank you"

- Arts Law client

PRO BONO SUPPORT

Thank you to all our wonderful volunteer lawyers, pro bono partner firms, secondees and interns for 2023. Your contribution is invaluable and makes our work possible.

OUR VOLUNTEER LAWYERS GAVE 6703 HOURS OF THEIR TIME TO ARTS LAW.

Pro bono lawyers provide advice to clients, accompany Arts Law staff on outreach trips, help draft submissions to government and write plain English resources for artists. This work amplifies our capacity and greatly increases the number of artists we are able to reach.

IMAGE: Shane Simpson (Simpsons Solicitors) talking to Motorbike Paddy. Photo by Robyn Ayres, 2023.

\$4,975,000 COMMERCIAL VALUE OF PRO BONO SERVICES DONATED TO ARTS LAW.

As a not-for-profit, our resources are finite and the value of pro bono support is above and beyond what we could afford. Without the ongoing support of our pro bono partners we would not be able to continue to do our vital work. It's that simple.



Each year we recognise the extraordinary contributions of volunteer lawyers, firms and other professionals at our annual Pro Bono Awards event. In 2023 the awards were generously hosted by New Chambers in Sydney, where James Sheller SC warmly welcomed our guests and spoke passionately about the significance of Australia's artists and Arts Law's place in supporting them.

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.

IMAGE ABOVE: Bushashb, from the Imaginarium series by artist Hootan Haghshenas. 36 x 54 cm (Special Editions). 35 Editions + 1 Artists Proof. Inkjet print on Archival Matte Paper, (Cut sheets of Canson Rag Photographique).

IMAGE RIGHT: The King & Wood Mallesons team accepting their 2023 Pro Bono Award. Photo by George Zeaiter, 2023.

Pro Bono Award winners each received a limited edition print *Bushashb*, from the *Imaginarium* series by artist Hootan Haghshenas (image above). Hootan is an Iranian-based artist known for the art of cinematic and television colour grading and digital image making. His digital image works often explore themes of a hyper-realistic and imaginary world in his interpretations of Persian stories or narratives.

PRO BONO AWARDS 2023



CONGRATULATIONS TO ALL OF OUR 2023 PRO BONO AWARD WINNERS.

Paul Mersiades - Allens
Richard Potter SC - 153 Phillip Barristers
Moira McKenzie - Moira McKenzie Legal
Mandy van den Elshout - ABC
Rachel Chua - Australian Government
Solicitors

Sophie Ciufo - Marque Lawyers
Chloe Taylor - Hall & Wilcox Lawyers
Darren Sanicki - Sanicki Lawyers
Derek Baigent - Griffith Hack Lawyers
Harry Knight - Xero
Howard Adams - Corner Soul
Lee Elsdon - Simpsons Solicitors
Tom Bridges - Webb Henderson
Emma Berry - Dentons
Lucinda Edwards - SBS
Nicholas Linke - Dentons
Jack Collings - Griffith Hack Lawyers
Jennifer Arnup - ABC
Jo Teng - SBS
Marcus Walkom - Media Arts Lawyers
Bella Cameron - Allens
Wendy Ng - Aesop
Amy Grondal - Simpsons Solicitors
Melissa Michael - Eastern Suburbs
Mediators

Jennifer Goh - Lander & Rogers
Guy Donovan - Holding Redlich
Ed Lyons - Lander & Rogers
Stephen Dodd - Dentons

FIRMS:
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King & Wood Mallesons
Lavan
Allens

THANK YOU

Thank you to all the lawyers who volunteered their time to Arts Law. The following lawyers all volunteered their time to give advice to artists through our Document Review Service.

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Amanda Teoh	Allens/Linklaters
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Max Jones	Allens/Linklaters
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Lynette Ladhams	Macquarie Group Limited
Sophie Ciufu	Marque Lawyers

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Jules Munro	Simpsons Solicitors
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Marcus Walkom	Media Arts Lawyers
Yasmin Naghavi	Media Arts Lawyers
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Jeff Bergmann	Solubility Pty Ltd
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Kristin Churley	Unified Music Group

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Delwyn Everard	Everard Advisory

INTERNATIONAL

Harry Knight	Xero (based in Singapore)
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IMAGE: ‘Spinifex country, coming in to land at Tjuntjuntjara. Population less than 200’. Photo by Donna Robinson, 2023.

BREWING A FIRST NATIONS COLLABORATION: LISA ANNE CARUANA'S STORY

"Arts Law's advice was crucial for me, because I had limited understanding. Chatting with the lawyer at Arts Law gave me confidence in the process and in the fact that a contract was being drawn up. Moving forward, I felt at ease that everything was above board and fair for both parties. I wouldn't have been able to do any of that without Arts Law's help."

- Lisa Anne Caruana

Lisa Anne Caruana is a First Nations artist who has lived on Turrbal country in Queensland for over 25 years. Her traditional name is Gilinggilingba: Flying Fox. She is a proud cultural woman of the Great Larrakia Nation of the Northern Territory. Her arts practice spans painting, digital art, and pattern design. She also hand crafts jewellery and artifacts.

Lisa was approached by First Nations owned beer business, Jarrah Boy, to create artwork for their website, beer cans and other branding. They also wanted her to hand carve unique tap-handles for their brewery.

Lisa wanted to set up a contract for the commission, so that her rights and responsibilities would be clear.

Arts Law had helped Lisa before. So, this time, Lisa reached out to Arts Law early to get some advice on her new commission for Jarrah Boy.

As part of Arts Law's *Licensing the Right Way* program for Aboriginal and Torres Strait Islander artists, we were able to

help Lisa right from the start of the project through to the contract being successfully signed.

Lisa started by getting advice about the commission and which Arts Law contract template she would need. With Arts Law's Graphic Designer Services Agreement as a starting point, we were then able to help Lisa with advice on:

- How she structured her fees
- The way she wanted her copyright to be treated (and how Jarrah Boy would be allowed to use her work)
- How she would be credited

After getting this advice, Lisa was able to finalise the contract with Jarrah Boy. Knowing that her rights and responsibilities were set down on paper, she felt comfortable completing the work.

Arts Law's support gave Lisa confidence going into this project. It helped set the foundation for a strong relationship, and Lisa is continuing to work closely with Jarrah Boy's business.

IMAGE: 'Lisa working on the tap handles.
Photos by Kobe Caruana.



FUNDRAISING

THE 2023 ARTS LAW ART AUCTION

Arts Law's 2023 Art Auction was our second most successful on record. Raising \$88,803, the auction engaged bidders both online and in-person at our first art event since 2019. Ultimately, Arts Law took home \$36,425, with the remaining \$52,378 going directly back to the artists as part of our commitment to supporting Australia's artists.

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

IMAGE: Victoria Aktinson (Studio A artist) and Gabrielle Mordy (CEO/Artistic Director at Studio A) at the 2023 Arts Law Art Auction.
Photo by George Zeaiter.

IN 2023 OUR FUNDRAISING EFFORTS RAISED \$150,564

With our core funding fixed, one of our strategic priorities is to increase our self-earned revenue. Fundraising is a large part of this and in 2023 we raised money from donations, our Arts Law Allies program, our art auction and the efforts of the Hearts for Arts Law committee. An extra \$150,000 in our pocket means we can keep more lawyers on the phones, fund more outreach trips and invest in our digital infrastructure to make sure artists, wherever they are in Australia, are able to access the legal advice they need.



"[My lawyer] was absolutely wonderful. The session exceeded all of my expectations, the advice was comprehensive and thorough. It was an excellent experience and made all the difference in handling my issue."

- Arts Law client



"It's free! and it takes the side of the artist. Usually going up against large galleries or corporations is hard as an artist because we cannot afford lawyers."

- Arts Law client

HEARTS FOR ARTS LAW COMMITTEE

Hearts for Arts Law is a group of young professionals who give their time and expertise to raise money for Arts Law. It is made up of legal professionals, arts workers and students working together to support Australia's only national community legal centre for the arts. We focus on hosting casual events for both lawyers and artists that provide networking opportunities and most of all raise money for a great cause.

THE 2023 COMMITTEE

Amy Grondal
Lee Elsdon
Emily Phipps
Marie Boulougouris
Sanjeev Desai
Shon Ho
Daniel Anstey
Gabrielle Hunter
Chantelle Yeung
Georgia Brigg
Liam Slabber

"I would like to thank each member of the Hearts for Arts Law Committee for dedicating their time and effort to support the incredible work of the Arts Law Centre of Australia.

In 2023, the Hearts for Arts Law Committee staged our annual comedy night, Laugh Your Arts Off. Many thanks to the talented comedians who entertained us: Tom Cashman, Steph Broadbridge, Kristen Centorame, Carolyn Swindell, David Mierendorff, Olivia Irvine, Alana Rafter, Emma Wei and MC for the evening, Freya Morton of Freya Reviews.

We also hosted a panel discussion on AI and the arts. We were treated to a vibrant discussion with excellent insights from our panel of speakers comprising of Kaelah Ford (Head of Intellectual Property, Canva), M. Hank Haeusler (Associate Professor, UNSW AI Institute), Rita Matulionyte (Senior Lecturer, Macquarie Law School), Charlton Hill (Co-Founder and Head of Music & Innovation, Uncanny Valley), featuring input from ChatGPT, and moderated by Andrew Wiseman (Partner at Allens). Many thanks also to our generous host, Canva, who donated us their space for the evening.

As always, we have a full program of events in the works for 2024, including a panel discussion on theatre and the law, and we will again be hosting our comedy night later in the year. We welcome any and all to attend our events, so please keep an eye out for us in 2024 – we would love to see you there."

- Amy Grondal, Chair Hearts for Arts Law

IMAGE: Freya Morton performing at Laugh Your Arts Off, comedy fundraiser 2023. Photo by Emily Phipps.



“I’m very appreciative to Arts Law. They have provided great feedback and advice. I feel really supported and feel I can step forward with confidence, knowing I’m doing the right thing by everyone and protecting myself as well. I’m very grateful. Thank you so very much! Plus the lawyers themselves are a pleasure to deal with. All around 10 out of 10 experience for me.”

- Arts Law client

IMAGE: Wattle found on outreach to Utopia., Central Australia. Photo by Donna Robinson.

THANK YOU TO OUR 2023 ALLIES

ARTS LAW ALLIES

Arts Law Allies are 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.

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*IMAGE: Arts Law team, 2023. Photograph
by George Zeaiter.*

FINANCES

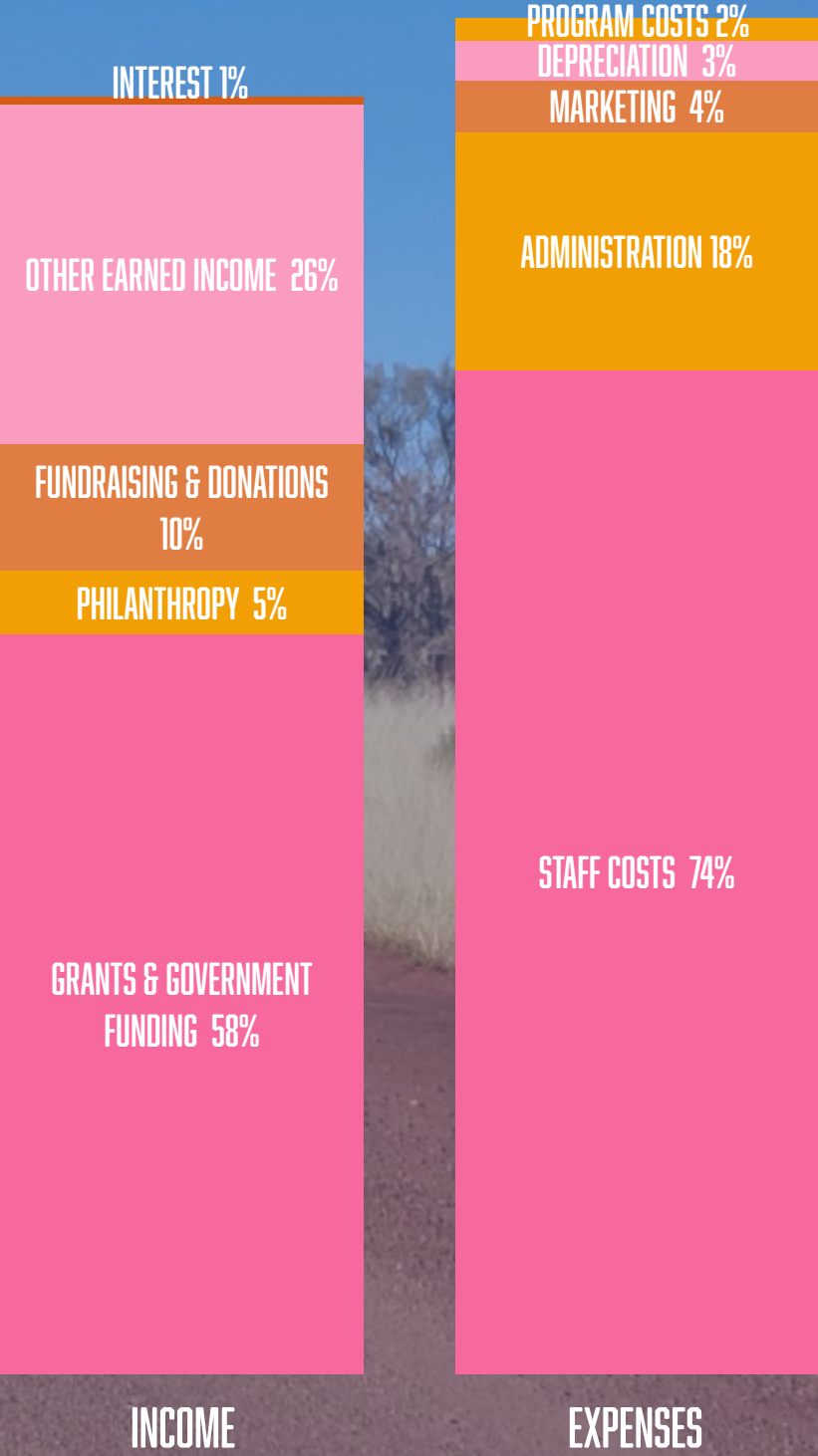
Arts Law receives vital funding from Federal and State Government. This support is what allows us to keep our services free and affordable for artists.

While government support is the core of our funding we are committed to developing our capacity to earn additional income through fundraising, philanthropic support, subscriptions, publication sales, workshops and other legal consulting work. Increasing our earned income will help make Arts Law become a stronger, more sustainable organisation, enabling us to help more artists well into the future.

IMAGE: Photograph by Donna Robinson whilst on outreach to Utopia & Town Camp, 2023.

“Getting the advice has made me feel confident in where I stand right now and has alerted me to some potential issues I had not considered both for now and the future. It has enabled me to start making informed decisions so I can start moving forward with my creative practice... I do actually feel supported which was something I had not expected but is really valuable. For me it was affordable which meant everything, starting out is always challenging and even more so now with the cost of living escalating and the arts still recovering from pandemic closures. Thank you.”

- Arts Law client



PHILANTHROPIC SUPPORT

Arts Law would like to thank our philanthropic partners who have provided their generous support in 2023. 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.

THANK YOU

B B & A Miller

James Kirby Foundation

Lottery West

Foundation for Rural & Regional Renewal

FUNDING

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Arts Law also received support from the Phonographic Performance Company of Australia Ltd, Lexis Nexis, City of Sydney, Desart, First Languages Australia, APRA AMCOS and Legal Aid.

