

Happy Birthday Arts Law! by Amandi Macri*

In 2003 the Arts Law Centre of Australia turned 20 years old, and on Friday 31 October 2003 we celebrated with a cocktail party in the new Asian Wing of the Art Gallery of NSW. The event commemorated the Centre's significant contribution to Australia's cultural life and the dedication of more than 300 lawyers and barristers who have either worked with or donated their time to our service over the past two decades.

Our guest speaker, The Honourable Justice Michael Kirby AC CMG, first President of Arts Law, honoured the Centre and the artists it strives to protect. He paid special tribute to the work of the Centre's founder, Shane Simpson, who was in attendance, recalling with affection the early days of the Centre in premises in Surry Hills and the great range of issues the organisation has had, and continues to have, an influence over since then.

In keeping with the spirit of the evening, soloists from the Pro Bono Philharmonic Orchestra played to a crowd of artists and lawyers alike. It was a fantastic opportunity to gather so many of the Centre's loyal supporters from both sectors.

Many thanks to everyone who contributed to the event: in particular to sponsors Minter Ellison, Mallesons Stephen Jacques and Gilbert + Tobin; the soloists from the Pro Bono Philharmonic Orchestra (Durham Grigg, Ian

McCourt, Kirillie Moore, Gary Tui and Natalie Craig); UTS Design students Karen Wong and Hyeon Cho who designed the invitation; and volunteers Valerie Marshall, Kate Erman and Lauren Mason.

A key part of the celebrations was the announcement of the Council of Patrons, many of whom were present at the party. The Council includes leading representatives of the arts: authors **Frank Moorhouse AM** and **Prof. Sally Morgan**; composer **Peter Sculthorpe AO**; film producer **Jan Chapman**; artistic director and performer **Robyn Archer AO**; musician **Peter Garrett AM**; visual artists **Margaret Olley AO** and **William Yang**; and screenwriter, **Ian David**.

The Council of Patrons will also be comprised of past Presidents of the Arts Law Board: **The Hon Justice Michael Kirby**; **The Hon Acting Justice Jerrold Cripps**; **The Hon Acting Justice Jane Matthews**; **The Hon Justice Antony Whitlam**; **The Hon Elizabeth Evatt** as well as **The Hon Justice Malcolm Gray RFD (ACT)**; **The Hon Justice David Angel (NT)**; **Julian Burnside QC**; **Justice Terry Buddin** and **Shane Simpson**.

Keep an eye on future issues of Art + Law for more about the Council of Patrons.

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Arts & Law in the Whirligig of Time

An edited speech by The Hon Justice Michael Kirby AC CMG*

It is convenient to the human mind to divide limitless time into segments. Only that makes time, and its infinite capacity, comprehensible for us. And so we impose upon the whirligig of time, years, decades and other jubilees. We celebrated the foundation of the Arts Law Centre of Australia when it occurred in 1983. We celebrated its growth in 1993. Now, in 2003, we celebrate 20 years of fine achievement.

I start by paying my respects to the people of the arts who join in the celebration. We are truly blessed in Australia to have so many mighty spirits. It is fitting that the law, which also searches for the spirit of justice, should come together with the worlds of art, music, literature and film in this Centre. If we look around and see the creative people in our midst, we must pay them due honour. In a hundred years when the writings and thoughts and efforts of the rest of us are no longer remembered, their creative works will continue to inspire the human family. Truly, the arts provide their exponents with a kind of immortality.

I recall how I became involved as the first President of the Centre. The remarkable Shane Simpson, a lawyer of great talent, came to see me in my offices at the Australian Law Reform Commission. It is true that he came at 5 am. But there was a difference. He was coming home from partying, doubtless in the company of artists. I was starting my day's work.

The idea of the Centre was modelled on one that had been established earlier in the United Kingdom. It was founded in the belief that artists were vulnerable in respect of their legal rights. The Australia Council from the beginning gave great support. Shane Simpson brought his prodigious efforts to bear in building the Centre. He made even more speeches than I did. He was



Justice Kirby, Justice Levine and Mrs Levine

dynamic and enterprising. He wrote books. He lobbied for law reform. He reached out to artists in every discipline. He helped set up an Advisory Board. He incorporated the Centre. The Annual Report for 1983 told of the many initiatives established in that first year. Most of the credit for those early achievements, and for the original inspiration for this organisation, belong to Shane Simpson. I pay a fulsome tribute to him.

But tonight we celebrate in unison the achievements of twenty years. Most of those achievements belong to the Directors and staff of the Centre. But they also belong to the pro bono lawyers and to the people of the arts who worked with them. They belong to the sponsors and supporters, especially the Australia Council that has been a faithful supporter throughout. And to the Government of New South Wales that facilitated the splendid new facilities now enjoyed by the Centre in a part of Sydney that is fast becoming dangerously fashionable. To the Australian Film Commission, the Copyright Agency Ltd, Arts South Australia, the State of Western Australia through Arts WA & also Arts Tasmania.

The Arts Law Centre is not a body to rest on its laurels. Under its most recent directors, Delia Browne and Robyn Ayres, it has launched out into new projects of contemporary relevance. The Centre's website which has been established can boast of nearly 800,000 visits a year. This is a mighty service. It provides legal information to artists everywhere in the nation, and indeed across the world. This is something we would not have anticipated twenty years ago. It shows the need for artists and lawyers to go with the flow. Who knows what a world of art lives, in potential, in cyberspace?

The Newsletter now distributed by the Centre is newsworthy and readable. The Centre gives a huge amount of advice to people in the arts. It now looks to a panel of 170 pro bono lawyers. It organises seminars. It

has supported the introduction of a university course at the University of Technology, Sydney on law and the arts. It has secured several beneficial partnership arrangements, as with KPMG Legal whereby skilled lawyers work with the Centre for a time in discharge of the principle of pro bono service. It is foremost in lobbying for tax reform and law reform. One of the latest projects concerns the protection of Indigenous artists. This is now receiving great emphasis, once again not before time.

The law of Australia concerning the arts is increasingly complex as copyright, business and contractual legislation impinge upon the world of artists. It is an area of high expertise in the law. I congratulate the President, the Executive Directors, the staff, the pro bono lawyers, the sponsors, governmental and corporate and indeed all who have played a part in mobilising all this talent.

To mark the maturity of the Arts Law Centre, a Council of Patrons has been created. The Patrons will be available for advice and encouragement. They will certainly be ready to attend celebrations such as this. On occasion, they may be able to steer the Centre in particular directions and to encourage public and governmental appreciation of the importance of its work.

We therefore rejoice in the twenty years of practical service. I declare now that I will be available for the next celebration of thirty years, and of forty, fifty and possibly more decades. We little knew that the enterprise that Shane Simpson founded in a dingy room in Surry Hills would grow and flourish to a body known through Australia and far beyond. It is a small thing for lawyers to do to support and defend the arts. But it is a practical enterprise. It enriches everyone who is associated with it.

**Justice of the High Court of Australia. One-time President of the Arts Law Centre of Australia*

Arts Law Week in the ACT

On 8 October Arts Law was privileged to have His Honour Justice Malcolm Gray of the ACT Supreme Court launch our Legal Advice Night Service (LANS) in the ACT. Arts Law was generously assisted by Gorman House, which not only provided the venue for the launch but also for future LANS appointments. This service provides face to face legal advice for creators and arts organisations. Private legal practitioners from the ACT legal community are generously donating their time to the Arts Law service. At this stage lawyers from Malleson Stephen Jaques, Minter Ellison, Phillips Fox, Clayton Utz and Deacons are participating on our pro bono panel.

In addition to the launch, Arts Law Executive Director, Robyn Ayres, and senior lawyer, Christopher Sexton presented 2 seminars, one at the School of Art at the ANU on copyright, moral rights and contracts for creators, and the other at Gorman House where, following the launch, there was a panel discussion on current issues in the arts with a focus on public art. We thank the panel participants, Michael Le Grand, sculptor and Head of the Sculpture Workshop at the School of Art ANU and Jane Barney, Public Art Program Manager at Arts ACT for a stimulating discussion. We would also like to thank Merryn Gates of the ANU who assisted with the organisation of the event.

Arts Law Week in Western Australia

In November, Robyn Ayres and Peter Carstairs spent 5 days in Western Australia presenting Arts Law Week WA. Based out of the Film & Television Institute (FTI) in Fremantle, Robyn and Peter gave a number of lectures to filmmakers, writers and visual artists on copyright, contracts and legal issues affecting Indigenous artists. Robyn also travelled to Bunbury with Jenny Wright to

talk with Indigenous artists, while Peter spoke at the Vancouver Arts Centre in Albany. Arts Law Week WA was made possible thanks to a funding grant from the Copyright Agency Limited (CAL) for Arts Law to present a week of information seminars in each state over 2003/04. Coming up in 2004 are Arts Law South Australia Week and Arts Law Tasmania Week.