

Editors' Note

It is axiomatic that art divides people. To the George Bernard Shaws of the world: "Without art, the crudeness of reality would make the world unbearable". On the other hand, Oscar Wilde aficionados proclaim: "All art is useless".

Like it or not, art intersects all avenues of life – including the legal world. In this special edition of the CLB, we dive into some of the most pertinent legal and ethical issues confronting the art community. In the following pages, we cover not just artists creating art, but museums acquiring and displaying art, foundations supporting artists, a government initiating a new roadmap for Australian artists and the lawyers who navigate the legal channels within the artistic community.

Notably, this edition is being written at a time when Australia's art scene is getting a fresh coat of paint with its new national culture policy, *Revive*, being implemented. We hear from the Minister for Employment and Workplace Relations and Minister for the Arts, **the Hon. Tony Burke MP** in his discussion with **Ashleigh Fehrenbach** about *Revive* and how it is setting the course for Australia's art sector for the next five years. **Jane Owen** (Bird & Bird) continues the conversation and takes us through the recommendation of the Art Council in *Revive* to introduce specific legislation protecting IICIP following the recommendation of the Productivity Commission.

Marlia Saunders and **Amelia Causley Todd** (Thomson Geer) examine the Supreme Court of the United States' *Andy Warhol* decision. **Nick Kraegen** and **Kelly Choo** (Baker & McKenzie) walk us through the latest developments in AI and art. And **Dougal Phillips** (BHF) investigates current trends in litigating value and transparency in the visual art industry.

We also feature Head of Legal and Operations at Arts Law Centre of Australia, **Katherine Giles** speaking to colleague and outgoing CEO **Robyn Ayres**, on the inspiring work accomplished by Arts Law Centre and Robyn's incredible 20-year tenure at the organisation. **Chloe Hillary** (Australian Government Solicitor and currently a secondee at Arts Law Centre) follows up with an intriguing piece about the start of the art centre movement and Papunya Tula Artists.

If that wasn't enough, you have more exciting interviews in this special edition to look



Ashleigh Fehrenbach



Eli Fisher

forward to. CAMLA YL Chair **Belyndy Rowe** (Bird & Bird) interviews General Counsel of The National Gallery of London, **Richard Barnett**, where they discuss the legal intricacies involved in running a gallery, cross-border partnerships and his favourite artwork in the gallery.

Ashleigh Fehrenbach sits down with artist and IP lawyer at HSF London, **George McCubbin** about his life and work in London and how he balances his successful dual careers.

Turning now to the social calendar, on 31 August 2023 many of our readers joined us at Sky Phoenix in Sydney for one of the most hotly anticipated events on the social calendar, the CAMLA Cup. CAMLA Young Lawyers' **Belyndy Rowe** (Bird & Bird) and **Erin Mifsud** (IP Australia) report on what was a hugely entertaining evening.

We have plenty left on the CAMLA agenda for 2023 – about ten seminars and events before the end of the year, spanning such topics as Generative AI, social media, live performances, sport, misinformation and the Online Safety Act. And, of course, CAMLA is pleased to confirm that on 16 November 2023, it will be holding its **Annual Oration** at Ashurst Ballroom. You are invited to hear a keynote address from **Nick McKenzie**, one of Australia's most decorated investigative journalists and a key defendant in the defamation case of the century. Registration details will follow on the CAMLA website soon.

Special editions of the CLB are just that: special. This one is no exception – we hope you enjoy it. Thank you to all our brilliant contributors.

Eli & Ash