



A Creative Career

Interview with Arts Law's CEO Robyn Ayres

Robyn Ayres, CEO of the Arts Law Centre of Australia (Arts Law), and **Katherine Giles**, Head of Legal and Operations at Arts Law, discuss Robyn's upcoming retirement and 20-year tenure in the role.

Arts Law was established in 1983 with support from the Australia Council and is Australia's only national community legal centre for the arts. Arts Law is unique in its role working across the arts and the law, and provides legal advice, professional development, and other resources to creators that they could not otherwise afford. Arts Law assists individual arts practitioners, including visual artists, craft practitioners, authors, performers, musicians, composers, screen creators, filmmakers, actors, dancer choreographers, game creators, and designers as well as arts organisations including peak bodies, theatre companies, festival organisers, artist-run initiatives and Aboriginal and Torres Strait Islander artists and arts centres, community development artists and artists with disability as well as the organisations which support Australian artists. The breadth of legal issues Arts Law provides advice on includes copyright, moral rights, trade marks, contracts, business structures, governance, insurance, defamation, censorship, privacy, confidential information, employment, debt, and wills and estates management.

The Australia Council is a major public funder of Arts Law, and support is also received from the Commonwealth Attorney General's Department and Department of Infrastructure, Transport, Regional Development, Communications and the Arts, and, since 2013, from all other State and Territory Governments. In 2004, with seed funding from the Australia Council, Arts Law established Artists in the Black. This tailored service provides culturally appropriate legal advice, professional development and resources to Aboriginal and Torres Strait Islander creators and creative organisations.

KATHERINE GILES: I first met you back in 2002 when you started in the role of Executive Director (now a CEO role). The Arts Law office was in The Gunner in Woolloomooloo, and it was a much smaller organisation with a team of about 7 staff. That number has more than doubled since then, and the breadth of the services provided by Arts Law has also grown. What do you remember from those early days when you arrived at Arts Law?

ROBYN AYRES: It was a bit of a baptism by fire. On my first day, 2 September 2002, it was also my first Arts Law board meeting. So, I went straight into the board meeting. I had met the staff the week before, but the first day was spent preparing for the board meeting. Everyone was lovely and excited to have their new Executive Director in the role, but there was also a lot to sort out as Arts Law had been without an Executive Director for 6 months. There were a lot of finance and governance processes and procedures to put in place. These are the issues that a lot of arts organisations deal with day-to-

day, and I have used what I have learnt from all the challenges over the years in this area to assist and benefit the arts community, and arts organisations and other organisations, that also deal with these issues on a day-to-day basis.

KATHERINE: Before you arrived at Arts Law you were a lawyer with the Royal Commission into Aboriginal Deaths in Custody (1988-1991), a Public Interest lawyer at the Aboriginal Legal Service WA (1993-1998) and then the Executive Director of the Mental Health Law Centre WA (1998-2002). When you saw the role at Arts Law, what drew you to it?

ROBYN: I wasn't looking for a change at that time. Quite a few friends brought the role to me, and I was drawn to it because I was very involved in the arts community in Western Australia. My husband Andrew Leslie is an artist, and at the time I was also on the board of an arts organisation. So, it seemed like a lovely way to bring together my love of the arts, and the skills and ability I had built running and managing an organisation.

KATHERINE: Arts Law was established in 1983 and will celebrate its 40th birthday next year. How much do you think Arts Law has changed in the 20 years you have been there?

ROBYN: It has changed in lots of ways, but in other ways it is still providing the same core services. The focus is still on 'artists first' and ensuring that artists get the best possible advice given it is a very lean organisation. Of course, it is not like going to a silver service law firm but that focus on providing artists with quality advice is at the core. Some of the ways the service is delivered has changed. We don't have in-person volunteer lawyer advice service on a Monday night; it is now a document review service that volunteer lawyers provide over the phone at a time that works for them. But we still do the education/professional development and advocacy work, and the publications work in the form of resources such as information sheets, guides and template contracts. The big change was in 2004 establishing the Artists in the Black service. The service came out of the recognition at Arts Law, and via discussions with Australia Council, the Aboriginal and Torres Strait Islander Commission (ATSIC), and stakeholders within the Aboriginal and Torres Strait Islander community, about Arts Law setting up that sort of service. The Artists in the Black service was a pilot, and now 20 years later the Artists in the Black clients are now 30-35% of Arts Law's client base. And the service has had a big impact on the outcomes for Aboriginal and Torres Strait Islander artists and arts organisations in Australia.

KATHERINE: Shane Simpson set up Arts Law in the early 1980s, and when I read the account he has written of founding Arts Law and the work the Arts Law team undertook in those early days, it is still very similar to the work Arts Law does today: thousands of telephone legal advices per year; delivering professional development and education sessions;

developing resources such as template contracts and information sheets; advocacy and public policy reform; and the ongoing work that goes into the search for funding and support.

ROBYN: Yes, all those core elements are there, and they are the core issues for all community legal centres (CLCs). Arts Law is a classic CLC model organisation in many ways. It's just that Arts Law is the only CLC in Australia that focuses on the arts and protecting the rights of Australia's creators. I used to laugh with Shane Simpson that Arts Law really was established on the smell of an oily rag, and it's a bit sad how extensive our reach is geographically now and in terms of the number of artists we assist and the arts issues we cover, and yet Arts Law is still running on the smell of an oily rag. We could reach a lot more artists if Arts Law were better funded.

We have had to use internal resources to work out how we can help ourselves and increase our capabilities for fundraising and income earning. This has also included increasing the pro bono support for Arts Law. When I started, we already had over 100 pro bono lawyers, and it was much more than we had at the WA Mental Health Legal Centre. But over the years that base has grown, and we now have over 350 pro bono lawyers – and engagement from sole practitioners to big law firms, who all want to provide support for Arts Law and Artists in the Black. This reflects the increased engagement and particularly the support for Aboriginal and Torres Strait Islander artists.

Financially, donors have grown from 'Guardian Angels' into 'Arts Law Allies'. This was with the help of Her Excellency Margaret Beazley (the immediate past President of the board of Arts Law), who has also maintained her status as a donor and an Ally and is keen to see us grow our income. We have also worked on attracting money from philanthropists. The George Brandis cuts to Australia Council funding in 2015 when he was Minister for the Arts, had a big impact on Arts Law. We had to do some soul searching about our funding base and looked at other ways to support the important work that Arts Law does, for example the outreach trips to deliver face-to-face services to artists.

KATHERINE: For many years Arts Law's office was in The Gunnery building in Woolloomooloo, which also housed Artspace, Biennale of Sydney and Museums and Galleries of NSW. During the pandemic, Arts Law was forced to move from The Gunnery to make way for redevelopment of the site into an Artspace gallery and moved into the

1970s annex adjoining the Registrar-General's building (also known as the 'old' Land Titles Office). With the announcement in 2022 that the 1970s annex will be pulled down to make way for a memorial for The Queen, Arts Law moved again in February 2023 to the Haymarket Creative office space set up Create NSW in the former offices of the UTS Law Faculty. This space is only available until 2026 when Arts Law will be forced to move again! I landed back at Arts Law in December 2022, and we moved in February 2023 – that was an exhausting exercise and I still have some excess office furniture that doesn't fit in the new office stored in my garage. Are you hopeful that Arts Law will have a permanent office space again in the future?

ROBYN: We had a stable home for most of the time I was CEO, and it was very sad that we had to move out of our long-term home at The Gunnery and since then the NSW Government hasn't been able to assist us with finding long term secure accommodation. That is an increased stress for the organisation, and each time we move there is a massive increase in rent – over a short period of time. There is a real need for Arts Law to have a long-term stable home so that we can focus on doing what we have been established to do.

KATHERINE: Arts Law is unique in Australia and internationally as a CLC as it provides legal advice to creators and creative organisations all around Australia in all arts sectors.



Lara Yash (AITB Paralegal), Katherine Giles (Head of Legal and Operations), Robyn Ayres (CEO, Arts Law) at the Yabun Festival 26 January 2023. Photo: Jeremy Heddle

ROBYN: Yes, Arts Law is so unique and other countries have huge admiration for Arts Law as a service, in part because we have a First Nations advice service. While in the United States there are organisations like New York Volunteer Lawyers for the Arts, there is nothing like the scope of Arts Law. And so, we have had visitors and interns that have come from overseas to see the model and how Arts Law works. We even had a French intern who came here and has since established a similar service le Barreau des Arts in Paris, and we have hosted a representative from the Canadian



Outreach trip with Utopia Art Centre and Desert February 2023. Shane Simpson and Robyn Ayres talking to artists Josie Kunoth and Dinni Kunoth. Photo by Sophia Lynn of Utopia Art Centre

Artists' Representation/Le Front des artistes canadiens (CARFAC), a not-for-profit organisation that acts as a voice for Canada's professional visual artists.

KATHERINE: In 2004 you established the Artists in the Black (AITB) service at Arts Law, with a focus on providing a legal advice service specifically for Aboriginal and Torres Strait Islander artists and arts organisations. I remember when Arts Law's Aboriginal staff members Blanch Lake (the first AITB Coordinator), and Samantha Joseph (AITB Lawyer), came up with the name 'Artists in the Black' from the phrase 'in the Black' meaning to be profitable/making a profit. The idea being that the service would support artists to build sustainable, profitable arts practices. I also remember when in 2006, AITB was approached by the Association of Northern Kimberley and Arnhem Aboriginal Artists (ANKA), one of the peak Aboriginal art centre bodies, to provide information to the Aboriginal arts centres in the Northern Territory and Kimberley about the benefits of artists having Wills. The request arose from problems art centres and the families of artists were experiencing after an artist had passed away. The lengthy delay in distributing estates, and the complexity of the legal issues the arts centres were dealing with led ANKA to make the request. Often the arts centres had no clear instructions regarding an artist's estate – and how to deal with artworks left with the art centre, licences the artist had entered into, and any payments received by the art centre for the sale of artworks or licensing fees. Skip now to 2023, and in the last year Arts Law and AITB have visited 32 arts centres and prepared 248 Wills. The Wills program has also been accompanied with amazing amount of advocacy on the issue of intestacy laws and the Public Trustees Offices. This is an amazing legacy.

ROBYN: We did our own research to present this at an ANKA conference, and after that everyone wanted Arts Law to come and prepare Wills for the artists. That was the genesis. The first Wills outreach trip we thought we would be lucky to do 5 Wills, but we did 25 Wills. That outreach trip was undertaken with two young pro bono lawyers who came with me on the trip from a law firm. They were a great help with the work. At the ANKA conference, Patricia Adjei (Arts Law's AITB Solicitor at the time) gave a Wills presentation, and when she stood up and spoke as a First Nations lawyer you could feel the pride in the room – a First Nations lawyer talking about the service. It has always been a goal to develop this First Nations workforce. The Wills work has enabled us to have a lot of other conversations about issues that affect artists, and to develop connections

with the artists in communities and arts centres. Delwyn Evered (at Arts Law from 2001-2017) also helped, including with Arts Law's 'Adopt a Lawyer' program, which became an important way to increase the support to arts centres.

KATHERINE: The Board of Arts Law play such an important role in running Arts Law. In Shane Simpson's history of the founding of Arts Law he reminisces about visiting Justice Michael Kirby to ask him if he would be on the board of Arts Law as the first President and Chair of the board: *'The only time Justice Kirby could see me was 5 am before he raced off for a flight inter-state. Unlike the good judge, I am not at my best at that time! However, having read the brief he was intrigued, he asked searching questions and, after some days of reflection, agreed to be the first President of the Arts Law Centre of Australia.'* Over the last 20 years you have worked with a number of different dedicated board members, and the President has always been a NSW Supreme Court Judge.

ROBYN: I have worked with Supreme Court Justices David Levine, George Palmer and Her Excellency the Honourable Margaret Beazley, who is currently the Governor of New South Wales. The current President is Justice John Sackar, who is also a Judge of the Supreme Court of New South Wales. The President of the board of Arts Law has always been a Supreme Court judge, and Justice Peter Heerey, a Judge of the Federal Court of Australia, was Deputy President for several years. Having this leadership has been incredibly important for Arts Law. One of the goals has also been to diversify the board, so that it is not just made up of lawyers, but also people with a diverse range of skill sets and creative people from different parts of Australia. I have also worked on ensuring there are First Nations directors on the board, and Arts Law now has three First Nations directors – currently Tina Baum, Bobbi Murray and Brian Robinson.

KATHERINE: You have also worked on the Fake Art Harms Culture campaign with the Indigenous Art Code and the Copyright Agency. In January 2023, the Federal Government launched the *National Cultural Policy – Revive: a place for every story, a story for every place*. The Revive Policy includes an explicit commitment to develop stand-alone Indigenous Cultural and Intellectual Property (ICIP) legislation. What are the next steps beyond this commitment?

ROBYN: Arts Law has been pushing for ICIP laws for a long time, and it has been on the agenda ever since I started at Arts Law. When Richard Alston was Minister for Communications,

Information Technology and the Arts (1996-2003), there was a push for Indigenous moral rights, but it was a complicated model. The Fake Art Harms Culture campaign was an opportunity to tackle the widespread sale of fake art that has the 'look and feel' of being Indigenous but has no connection to Aboriginal and Torres Strait Islander communities. The campaign also highlights the exploitation and misuse of Indigenous culture through what some artists call 'fake deals', where there is an authentic connection between the art and the goods being produced, but the arrangement with the artist is exploitative.

It is so great that Patricia Adjei has been appointed to the position of Director, Visual Arts and Design Policy at the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, where she will work on the development of stand alone ICIP legislation. This is a legacy of her time at Arts Law as a Solicitor. The introduction of the ICIP legislation needs to be properly funded, with an education package that needs to go with it, and support for Indigenous communities to access those ICIP rights. Work also needs to go into training so that people who want to engage with Aboriginal and Torres Strait Islander people are also educated about the importance of these rights. Arts Law is already doing fantastic work supporting and providing professional development to organisations. Hopefully the ICIP legislation will introduce accessible laws that can make it easy for Aboriginal and Torres Strait Islander peoples and communities to have proper protection and respect for ICIP. So much work has gone into this over the last twenty years, and it started with people like Sally McCausland when she was at Arts Law.

KATHERINE: Got any plans for 2024?

ROBYN: I'm very open to whatever comes next, and I have no definite plans. I'm going to breathe, and walk, and travel. I want to find ways to be useful with everything I have learned over the last little while by making myself available to assist other organisations and arts organisations.

I have loved it. That is why I have stayed. It is hard to step down because I have loved the work and loved the people I have worked with, but I'm also leaving the organisation in great shape, and with a great team. It's an exciting time.

If you would like to support Arts Law to help Australia's artists, you can make a tax deductible donation at www.artslaw.com.au/support/donate