

Katherine Giles

Head of Legal and Operations,
Arts Law Centre of Australia

Dominic Keenan, Lawyer at Clayton Utz, sits down with **Katherine Giles**, Head of Legal and Operations at the Arts Law Centre of Australia, to discuss her career and thoughts on International Women's Day. Katherine is a former Senior Associate at MinterEllison. Before joining MinterEllison, she worked as a Senior Lawyer at the ABC. Katherine is currently an ex-officio member of the Board of CAMLA, and was previously past Treasurer and public officer of CAMLA.

DOMINIC KEENAN: What does a typical day look like for you?

KATHERINE GILES: A typical day starts with a local walk with my dog Polly and then getting the kids on the bus and off to school. After that I either sit down at my desk at home or head into the Arts Law office. I'm really grateful that like lots of post-COVID workplaces, Arts Law has a flexible WFH/office policy and everyone in the team works a compressed week of 5 days over 4 (with no one working on Wednesdays). For the staff who are based in Sydney we all try and go into the office on Tuesdays and Thursdays. It means that for those based in Sydney we get time together to collaborate, and everyone gets a day off during the week to juggle family, creative pursuits, life admin and exercise. In addition to working at Arts Law, quite a few of the staff are writers, visual artists or musicians outside the office so the compressed working week gives people time to be creative.

Every day at Arts Law is a bit different! Arts Law is unique as it is a not-for-profit organisation and the only national community legal centre working across the arts and the law. We provide free or low cost legal advice, professional development and education and other resources which artists and creative organisations could otherwise not afford. The individual practitioners we advise include visual artists, craft practitioners, writers, performers, musicians, composers, actors, filmmakers and other screen creators, dancers, choreographers, game creators, designers, and community cultural development artists. Some of our clients are Aboriginal and Torres Strait Islander artists and arts organisations, including arts centres that are often in regional and remote parts of Australia. Creative organisations can also access Arts Law's services. The breadth of issues we advise on at Arts Law includes copyright and moral rights, trade marks, designs, contracts, business structures, governance, defamation, contempt, censorship, privacy, confidential

information, debt, employment, tax, and wills and estate management. Arts Law also runs the Artists in the Black program which provides legal support to Aboriginal and Torres Strait Islander artists, organisations and communities.

In addition to providing advice across this wide range of legal issues that artists and arts organisations deal with, a typical day at Arts Law may also involve reviewing an agreement for an artist or arts organisation, organising or developing a professional development or education session, writing a new information sheet or template contract, or working on law reform submissions. Arts Law plays an important role in advocacy for the arts. For example, the Fake Art Harms Culture campaign which calls for measures to address the harm caused to Aboriginal and Torres Strait Islander culture and incomes, as well as to consumers, when inauthentic 'Indigenous-style' art and souvenir productions are made and sold. The Fake Art Harms Culture Standing Committee is made up of Arts Law, the Indigenous Art Code and the Copyright Council.

An exciting part of my role at Arts Law is also working with the dedicated pro bono lawyers who volunteer their time to assist with providing advice to artists and arts organisations across Australia, and the amazing and very dedicated members of the Board of Arts Law. I also get to work with very large financial spreadsheets with a lot of tabs, and funding and grant applications. In addition to that, there is also the day-to-day management of operational matters such as making sure everyone gets paid and sorting out issues such as Arts Law's office space. Arts Law has just moved from the Registrar General's Building (near the old Land Titles Office) into the new Haymarket Creative space run by Create NSW in the old UTS Law Faculty building. Those are definitely the 'operations' aspects of a typical day at Arts Law.

DOMINIC: Did you always want your current role? If so, what did you do to position yourself to get it?



KATHERINE: I have come full circle as I worked at Arts Law as an Admin Assistant while I was finishing my law degree, and then after a couple of years' experience as a lawyer I worked at Arts Law again as a Solicitor and then a Senior Solicitor. After a few years at Arts Law, I went off and worked in-house at the Australian Broadcasting Corporation and then in private practice at MinterEllison where my supervising partners were the amazing Zeina Milicevic and John Fairbairn – I learnt so much from working with both of them. In 2022 I also did a short stint doing some IP work for a start-up. Over the years I've also done some teaching at UNSW where I taught the subject 'Censorship, Contempt and the Media'. After all of that, in December 2022 I came back to Arts Law to take up the position of Head of Legal and Operations. During the time I was not working at Arts Law I was a pro bono volunteer lawyer for Arts Law, and I really tried to keep up my support for Arts Law over the years while I juggled work and had kids. When I was working at MinterEllison I also did a lot of pro bono work for Arts Law, Biennale of Sydney, Sydney Gay and Lesbian Mardi Gras and other organisations and social ventures that MinterEllison supports through its amazing pro bono program run by Keith Rovers, Kate Cato and Anna Lyons. Ultimately, I think my career path and my heart were always leading me back to Arts Law. I feel very lucky to be back there and working with a passionate and dedicated team who aim to empower creators and creative communities through the law.

DOMINIC: What recent events in the Australian media law landscape most affect your work?

KATHERINE: There are so many things happening in the current Australian media law landscape, and all of this affects the work we do at Arts Law as

we are often working on law reform submissions, and then looking at ways that we can communicate these changes to artists and creative organisations around Australia.

The new *National Cultural Policy – Revive: a place for every story, a story for every place*, which was launched on 30 January this year, is really exciting. This policy will have a big impact on the Australian art, entertainment, media and cultural sector. The government's National Cultural Policy is based on the five pillars first launched by the former Prime Minister Julia Gillard in 2013. The five interconnected pillars in the policy include 'First Nations First' and 'Centrality of the Artist', which are really exciting for the communities that Arts Law works with and speak to an array of values that Arts Law has been championing for decades. The 10 principles that will guide the Government's actions and investments over the next 5 years include a focus on First Nations arts and culture that is First Nations led, access to participate in arts and culture, fair remuneration for creative talent, and ensuring that Australian stories are seen and heard, regardless of platform.

One of the key measures within the policy which is also a positive for many of Arts Law's clients is the introduction of stand-alone Indigenous Cultural and Intellectual Property (ICIP) legislation to protect First Nations knowledge and cultural expressions, including to address the harm caused by fake art, merchandise and souvenirs. The introduction of this legislation is a recognition of First Nations voices on this issue.

DOMINIC: What developments do you see on the horizon in 2023 for the communications and media legal landscape?

KATHERINE: I recently attended the Attorney-General's inaugural Ministerial Roundtable on Copyright on behalf of Arts Law. Also attending the Roundtable were 29 other arts, publishing, broadcasting, screen, education, music, and cultural organisations. The topics discussed included ICIP, orphan works, fair dealing for the purpose of quotations, contracting out of copyright exceptions, remote learning environments, AI, the Copyright Tribunal, and issues with the definition of 'broadcast' in the *Copyright Act 1968* (Cth) and the *Broadcasting Services Act 1992* (Cth). There was a recognition from all parties that Australia needs an effective copyright system that keeps pace with new technology and learning environments, while also protecting creators and other copyright owners. After years of copyright reviews and pages and pages of submissions written by a variety of organisations, this push

for change will hopefully see reforms that will provide certainty as technology changes, but that do not minimise the control that creators have over their work or diminish each creator's ability to make an income from their arts practice.

DOMINIC: What's the greatest risk you've taken as a professional?

KATHERINE: I think every time I have done something different or changed roles, I have taken a professional risk. I've worked in a community legal centre, in-house at a public broadcaster, in private practice, and in a purpose-for-profit start-up. Each change has been a professional risk, and a leap into something a little bit different and unknown. But along the way I've worked with lots of different and amazing people, and I've learnt a lot from each role and the people I have worked with.

DOMINIC: The 2023 International Women's Day campaign theme is #EmbraceEquity. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

KATHERINE: I love this theme, and to me it means actively supporting equity, diversity and inclusion to collectively impact positive change. Implementing it in our work and personal lives will come from a place of reflection and action – reflecting on what each of us can do with any privilege or position we have, and then taking positive and direct action to ensure equity and diversity, but also inclusion within our own sphere of influence. This might mean speaking up, offering support, mentoring others, or supporting an organisation that works towards this type of change.

DOMINIC: Who is one woman in the industry whom you really admire, and why?

KATHERINE: That is a hard question for me to answer! I have had the opportunity to work with lots of amazing women in the legal, arts and media industries and some of them have also been supportive mentors and friends.

If I had to pick one woman, it would be Robyn Ayres the CEO of Arts Law. She has worked at Arts Law for over 20 years now, and in that time the organisation has grown and has done amazing things with very small amounts of funding. Robyn has worked as a lawyer with the Royal Commission into Aboriginal Deaths in Custody, and at the Mental Health Law Centre, and at Arts Law she has been committed to ensuring that creators and creative organisations understand their rights and legal responsibilities

and are also able to make an income from their arts practice. In 2004, while working at Arts Law, she recognised the critical need to support Aboriginal and Torres Strait Islander artists and communities and with seed funding from the Australia Council for the Arts, established the Artists in the Black service. This service mirrors Arts Law's core service but is tailored to address the needs of Aboriginal and Torres Strait Islander artists and arts organisations, including via outreach trips to visit arts centres in some of the most remote parts of Australia. Just last week Robyn was on an outreach trip with Utopia Art Centre and Desert. Located 250km north of Alice Springs, Utopia Art Centre work across 16 remote homelands with the incredible Utopia artists, including senior artists such as Emily Kame Ngwarreye. Look that up on the map! Truly inspiring!

DOMINIC: If there is one thing you would celebrate about International Women's Day in this industry, specifically, what would it be?

KATHERINE: As an Australian lawyer in this industry, I want to celebrate the steps that we are taking in Australia to embrace equity for First Nations women by putting 'First Nations First' in the National Cultural Policy, in stand-alone ICIP legislation, and in the Referendum on Indigenous Constitutional recognition through a Voice to Parliament. I am very privileged, and sometimes that is an uncomfortable place to exist in. By embracing equity this International Women's Day I hope we can reflect on where we are, what country we live and work on, who the traditional owners are, where we have come from, and the steps we can take to move toward to the exciting possibility of a different future for women and in particular, First Nations women.

DOMINIC: What advice would you give to the next generation of female leaders in the industry?

KATHERINE: Follow your heart and your head and find something that you like doing and feel passionate about. Look for mentors and be a mentor. Give back and do some pro bono work – it's also a great way to get experience and meet other lawyers and people in the industry. If you can't donate your time, you can always make a donation. If you would like to support Arts Law to help Australia's artists, you can sign up to be a pro bono lawyer or make a tax deductible donation at www.artslaw.com.au/support/donate. And lastly, just because you are not the loudest person at the table or you don't fit the mould, this doesn't mean that you don't have experience and something to offer. You can also have a seat at the table!