

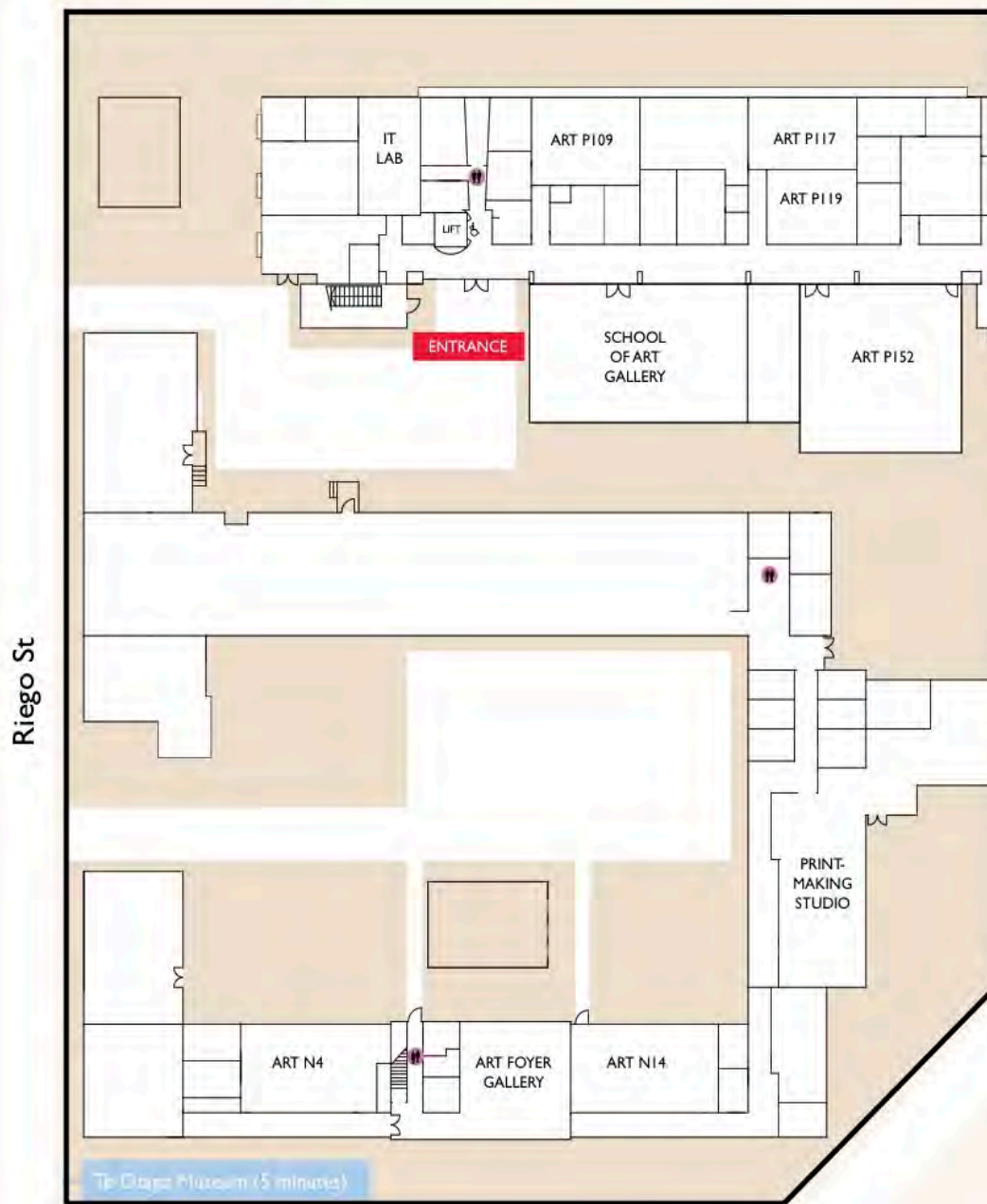
ART AND LAW

**SYMPOSIUM
SPONSORED BY THE
FACULTY OF LAW,
UNIVERSITY OF OTAGO AND
THE DUNEDIN SCHOOL OF
ART, OTAGO POLYTECHNIC**

OCTOBER 29 2010

**DUNEDIN SCHOOL OF ART, RIEGO ST., DUNEDIN
ROOM P152, LEITH BUILDING**

SCHOOL OF ART - GROUND FLOOR



Riego St

Albany St

ART AND LAW

29 OCTOBER 2010, DUNEDIN SCHOOL OF ART

Organised by Peter Stupples, Senior Lecturer in Art History and Theory, Dunedin School of Art

Art and Law have long intercepted each other in human history. Images belong to groups and cultures where they act as symbols of authority, religious sentiment or marks of identification. The way they are used and by whom are often fraught with disputes over rights. Within each culture these disputes of use are couched in different forms and contexts – custom, oral heritage, documented history, case proceedings, the established instruments of legal authority. In the twenty-first century rights over images are pulled two ways – towards the freedom of globalised appropriation and towards the restrictions imposed by copyright to protect the rights and incomes of originators and owners of property. Artists are both more and less free.

This symposium – the first on this topic in New Zealand – covers all of these issues, from historical examples of artists working with patrons, through art and colonisation, customary rights and the sovereignty of centralised legislation, to copyright and protection.

The initiative for this symposium followed the successful meeting a year ago at the Dunedin School of Art, *Illustrating the Unseeable: Reconnecting Art and Science*.

The organisers of this event would like, in particular, to thank Professor Mark Henaghan, Dean of the Faculty of Law and Professor Leoni Schmidt, Head of the Dunedin School of Art, for their support and co-sponsorship of this symposium.

Visitors are asked not to take food and drink into Room P 152, nor to sit on tables.



PROGRAMME

8.30-8.50 Mihi whakatau. Opening by Phil Ker, Chief Executive Officer, Otago Polytechnic and Prof. Mark Henaghan, Dean, Faculty of Law, University of Otago

8.50-9.10 Tea and coffee

Session 1: History

Chair: Peter Stupples

9.10-9.30 Assoc. Prof. Mark Stocker, Art History and Theory, University of Otago, 'A Monumental Agreement: Lord Curzon, Bertram Mackennal and the Curzon Monument'

9.30-9.50 Prof. Leoni Schmidt, Dunedin School of Art, 'The Forgeries of Vermeegeren: Art, Law and Politics'

9.50-10.10 Olivia Crisp, Anderson Lloyd, Queenstown, 'Republic of Austria versus Altmann'

10.10-10.25 Discussion

Coffee

Session 2: Issues 1

Chair: Prof. Leoni Schmidt

10. 45-11.05 Jenny Harper, Director, Christchurch Art Gallery, 'Art is Not Above the Law'

11.05-11.25 Dr Peter Shand, Elam School of Fine Arts, University of Auckland, 'Art Law: the Artists' Pharmakon'

11.25-12.05 Dr Oliver Watts, University of Sydney, 'Princesses and Other Sovereign Bodies: Hockney, Myth and the Effigy'

12.05-12.25 Dr George Petelin and Lynden Stone, Queensland College of Art, Griffith University, 'Avant-Garde Art in the Age of Mass Plagiarism'

12.25-12.45 Giovanni di Lieto, Faculty of Law, University of Otago, 'The Price of Everything. The Value of Nothing: International Trade Law and Creative Expression in the Digital Age'

12.45- 1.10 General discussion

Lunch, Walk through exhibition 'Censored'

Session 3: Issues 2

Chair: Dr Oliver Watts

1.45-2.05 Ngarino Ellis, Art History, University of Auckland, 'Halt! Who Goes There: Looting in 19th-century Aotearoa New Zealand'

2.05-2.25 Jane Raffan, Artifacts Aboriginal Art Consultancy, Double Bay, NSW, 'The Final Frontier: Australian Law and Indigenous Rights'

2.25-2.45 Dr Mark Williams, solicitor and Royal Melbourne Institute of Technology University, Melbourne, 'Authenticity and Value in the Context of Art Disputes: Recent Legal Experience'

2.45-3.05 Bronwyn Holloway-Smith, Director, Creative Freedom Foundation, 'An Artist's case for Fair Use in New Zealand'

Discussion: 3.05-3.15

Afternoon tea

Session 4: Censorship, Protest

Chair: Jenny Harper

3.30-3.50 Dr Erika Wolf, Art History and Theory, University of Otago, 'Amateur Worker Photography and the Development of Soviet Law Under Stalin'

3.50-4.10 Dr Dorothy Pauli, School of Art and Design, Christchurch Polytechnic Institute of Technology, Christchurch, '*The Art of Protest*'

4.10-4.20 40 Ten minutes exercise, lead by...

Session 5: Speculation

Chair: Peter Stupples

4.20-4.40 Prof. Kim Economides, Faculty of Law, University of Otago, and Zoe Economides, Royal Melbourne Institute of Technology University, Melbourne, 'Eyes on Law: Making Legal Research, Law and Justice Visible'

4.40-5.00 Adam de Hamel, Inder Lynch, Auckland, 'Legal Rights to Freedom of Speech and Expression'

5.00-5.45 General discussion

Drinks and nibbles

ABSTRACTS

Crisp, Olivia

Republic of Austria v Altmann

In this paper I intend to discuss the 2004 U.S. Supreme Court decision *Republic of Austria v Altmann* and its effect on international law and the international art world.

In order to understand the circumstances which subsequently resulted in the State Gallery of Austria having to return five nationally important paintings by Art-Nouveau artist Gustav Klimt to an American citizen, I will briefly look at how the law was used to enable the expropriation of Jewish owned property on racial grounds during and after the Nazi Anschluss of Austria in 1938.

I will then discuss the history of the most famous of the five paintings named in the claim, *Portrait of Adele Bloch-Bauer I*, how it came to be that Maria Altmann was able to request that it, along with the others, be returned to her as the heir of the rightful owner and will review the decision made by the Ninth Circuit of the Supreme Court, with a focus on what it meant for the State Gallery of Austria, the paintings and Maria Altmann personally.

The outcomes and effects of the decision provoked much debate both legally and in the art world and I will review the reactions of both at an international level. I also intend to look into whether the decision has had any influence or effect here in New Zealand on either a legal or artistic level and whether any New Zealanders have made claims for the return of aryanised art works in either New Zealand or international jurisdictions.

De Hamel, Adam

Legal Rights to Freedom of Speech and Expression

This paper explores the cases of *R v Sidley* in 1663, *R v Hicklin* in 1868, and *R v Curl* in 1727. It summarises legal attempts to reconcile the interests of artistic expression with the perceived need to protect the public from the effects of obscenity. It also examines how religion acts to define obscenity and the ways in which the work of contemporary artists like Mapplethorpe, Tunick and Kovat have tested public opinion and the law.

Di Lieto, Giovanni

The price of everything. The value of nothing. International Trade Law and Creative Expression in the Digital Age

The international expansion of copyright law reflects the threats and opportunities of creative expression in a digitized world. On the one side, the rise of digital technologies has made creative authors and artists' interests particularly vulnerable to disregard, infringement and abuse. On the other side, the commodification of knowledge has improved the economic power of cultural industries, channelling

the individual creative expression in the rough current of global trade, where the preservation of heritage and encouragement of creativity struggle to float.

In the context of a digital environment that makes creating and contributing to the culture easier than ever, the public is increasingly involved in the creative work of author and artists and opposed to their commercial exploiters. Copyright activists advocate approaches such as 'free culture', 'open source' and 'copy left' in order to unchain and promote creative expression outside copyright-tight, corporate control. In 'permission (or read only) culture' societies, copyright holders require payment for each use of even derivative work, which is the key concept of a permissive and participatory system ('read/write culture') where efforts to improve upon, change, integrate or 'remix' knowledge encourage creativity.

This paper attempts to answer the following questions:

- Does the greater ease of copying and distributing require more or less stringent intellectual property laws? What would be their impact on creativity?
- Is the international trade law upsetting the delicate balance between artists, publishers and public, the traditional actors of copyright law?
- Does the digital environment entitle the public to a participatory role in the creation of knowledge? Does it also challenge the artists not to stand by an oblivious role subordinate to the corporate side of the creative industries?
- Is there a better way beyond intellectual trade law for the creative industry to adapt to the digital age while still paying its artists their due?

Economides, Kim and Zoe Economides

Eyes on Law: The Use of Images in Making Legal Research, Law and Justice Accessible

Law and legal narrative is normally written, understood and communicated by lawyers through the medium of the text. Although formal oral argument takes place in court it is only the written judgment, preserved for posterity in a law report, which endures beyond the memory of those involved in litigation, as visual records of the trial will, whether mobile or static, normally be subject to strict legal controls. Consequently, legal practice, scholarship and education – in both civil and common law jurisdictions - all focus primarily on doctrinal analysis and mastery of legal texts, expressed in the form of the written word. In this paper we ask whether the photographic medium can capture successfully alternative representations of law and legal consciousness in novel ways that might facilitate the education of lawyers and the wider public. Can photography, often portrayed as a threat to an individual's right of privacy, intellectual property or even national security, be used instead to make law more comprehensible and accessible for ordinary citizens?

Ellis, Ngarino.

“Halt! Who goes there?” Art Crime in 19th century Aotearoa/New Zealand

Art crime is ranked as the third most profitable crime globally according to the FBI. Such criminal activity is nothing new – looting (the subject of this paper) has been an integral part of warfare for at least the past thousand years. Within Maori culture, the removal of *taonga* (treasures) was aimed at dismantling the spirit of the group from which it was taken. In addition, with Western colonization, a new set of thieves entered the playing field, from the common soldier looting from dead Maori after battle, to museum directors working in tandem with government officers to acquire authentic Maori objects for their collection. Museums benefitted around the nation and around the globe. Private collectors benefitted. Maori did not.

This paper seeks to frame such looting as a form of art crime operating in New Zealand in the 19th century. The types of looting will be outlined, and several case studies presented. Changes to the nature of looting will also be surveyed and finally questions will be raised about how best to consider such issues today in light of current debates about the repatriation of culture heritage. The challenge ‘who goes there?’ is as much a question for the *taonga* to us, as it is for us to them.

Harper, Jenny

Art is not above the law

The law impinges on the public display of art in several ways from the everyday undertakings to lend and borrow works, to agreements to purchase new items. We must be aware of customs legislation in connection to importing temporary exhibitions, and New Zealand does not yet have a law to cover Immunity from Seizure with regard to international loans. Technological advances have leapt ahead of our copyright legislation; and health and safety risks often need to be negotiated within a given building or display. There are also a range of related issues which are perhaps more properly described as ethical than legal.

However, it is with regard to censorship, including that which is self-imposed, that art gallery directors often walk a tightrope, with our judgements effectively mediating colliding public values. A given gallery’s funding structure and the independence this assures (or doesn’t) becomes crucial to decisions we make about what we show with discernible trends to more conservative values over the last 35 or so years. While New Zealand’s censorship law makes it clear that art is not above the law, who is better placed to defend artistic freedom than those responsible for public galleries? This paper traverses a range of issues negotiated or observed in New Zealand and provides some practical insights into what needs to be taken into account.

Holloway-Smith, Bronwyn

An artist's case for Fair Use in New Zealand

With international copyright law being affected by new media, and tougher copyright laws being sought by content industry powers, the balance of Copyright is becoming an issue of increasing concern for artists. Copyright is a legal concept giving the creator of an original artistic work a temporary monopoly over their work for a limited time with the presumption that this will encourage further creativity and innovation. Importantly, however, copyright also aims to balance private property rights with specific public rights in a way that encourages public and professional engagement with creative works.

The public aspect to copyright law means that there are many legitimate uses of copyrighted material that don't require a Rights Holder's permission. In New Zealand the term for this is 'Fair Dealing'. The United States' provision is called 'Fair Use' and is based on their constitutional right to Freedom of Speech. While Fair Dealing is effectively a list of allowances chosen at the time it was put into law, Fair Use gives US citizens a greater freedom of expression, allowing many plausible defences to what would be deemed copyright infringement in a New Zealand setting. New Zealand doesn't have a Parody and Satire exception to its Copyright Law, for instance. As members of the public who also engage with and respond to copyrighted works, artists benefit greatly from the public aspect to copyright law.

By discussing several examples of New Zealand artistic work that might be protected by a US-style Fair Use allowance, but that have been challenged by NZ's narrower Fair Dealing allowance, this presentation will make a case for why the replacement of NZ's Fair Dealing allowances with a US-style Fair Use allowance would be of lasting benefit to NZ artists.

Pauli, Dorothee

The 'Art of Protest'

For much of the history of western visual culture, artists have attempted to use their works as a form of protest, addressing a wide range of social and political issues. This paper will focus on printmaking as the medium of choice for artists who do not subscribe to the notion of 'art for art's sake' and instead address specific topics such as war, racism, religious persecution and human rights violations. Examples will include recent works by European, American and New Zealand artists.

Petelin, George and Lynden Stone

Avant-Garde Art in the Age of Mass Plagiarism

Postmodernism and the growth of the internet and digital media have contributed to widespread appropriation of imagery. Moreover, avant-garde tradition obliges art to challenge any limitations that society places on it. What scope is there for an avant-garde project that pushes appropriation to its legal limits but not beyond them? Lynden Stone argues that the context of interpretation is paramount in determining the legality of appropriated images. Then might not an avant-garde take refuge in a context that is legally safe?

Arguing that the visual image may be more subtle than its verbal legal description, George Petelin creates photographic images that simulate such an avant-garde within what may be a 'safe' overall interpretive context – that of research and study. Each image poses questions about the kind of defence possible and the implications it would have if it were placed outside that context. Drawing on her knowledge of cases both in Australia and overseas, Lynden Stone discusses how these images might then be treated in court.

Raffan, Jane

The Final Frontier: Australian Law and Indigenous Rights

Frontiers are imagined spaces with invisible, shifting boundaries. In Australia, a recent map reproduced a line separating the country into remote and settled parts. The so-called Rowley Line is an outdated artefact that has been described as representing a 'frontier within the Australian psyche' about Indigenous art making. This frontier exists in other discourses, such as health and education, but it is most pronounced in the disciplines of art and law.

Artists working in the densely settled regions of Australia have long fought for recognition of the validity of their practice, which has suffered from the perception that it somehow lacks 'Aboriginality'. Over the same time and on the other side of the line, Aboriginal art from remote communities has been fighting an ethnographic label, striving for recognition as a contemporary practice. In law, the positions and fortunes of the art makers are reversed. Practitioners working in contemporary western art idioms are well served with Australian legal safeguards over intellectual property, while Aboriginal artists from remote communities struggle to have rights and interests in traditional communal imagery recognised and protected.

Art has played an important role in influencing changes to Australian jurisprudence affecting Indigenous rights from the first copyright case in 1966 through to the land rights and native title breakthroughs of the 1990s. Art is also now challenging assumptions and strictures in other legal domains, such as cultural criminology,

where the basis and implications of art as a valid expression of Aboriginal law, as opposed to lore, is being explored.

This paper will address the import and impact of art and cultural property debates on the legal landscape for Indigenous Rights, the final frontier.

Schmidt, Leoni

The Forgeries of Vermeegeren: Art, Law and Politics

This paper begins with a short documentary film on the dubious visual arts practice of the now infamous Dutch constructor of fake Vermeer paintings. The paper goes on to analyse key issues suggested through viewing the documentary. A particular context is mined for its complex interactions between the construction and reception of forgeries; complicity with totalitarian politics; interfaces between art and law; and vagaries around the academic identification of provenance and the popular response to the unmasking of provenance through legal process. A central question of the paper is: who benefits from forgeries in the visual arts?

Shand, Peter

Art Law: the Artists' Pharmakon

Art is habitually viewed as a practice of expressive freedom, law its putative other, with a focus on the establishment and maintenance of order. In Common Law systems this opposition can seem exacerbated by the legal system's focus on precedent and relative predictability, which may be contrasted with a contemporary artistic system that seems to favour conceptual innovation. This paper questions the extent to which art and law are not just inconveniently matched but to which there is a fundamental level of estrangement between the two, particularly with respect to the Common Law.

It begins with the suggestion that the history of copyright in artistic works is predicated on the analogising of visual practices to text-based ones. It extends from that premise to consider the consequence for different features of art objects and practices and how they are considered in law. It argues that textually-based analogue or analysis necessarily fails to account for art's operation, that the material, phenomenological and conceptual concerns of many forms of artistic practice are antithetical to the ways in which such practices come to be regulated for or responded to in the Common Law. While not repudiating the efficacy of legal resolution for some practitioners in some circumstances, the contention of the paper is that Art Law is a pharmakon. This is a signal of not only the difficulties inherent in translating art into a legal context but that for practitioners that context is both cure and poison.

Stocker, Mark

A Monumental Agreement: Lord Curzon, Bertram Mackennal and the Curzon Monument

The agreement between grandee, viceroy and Conservative politician Lord Curzon and Bertram Mackennal relating to the Curzon monument in All Saints' Church, Kedleston, England (1908) is a unique document in British sculptural history. What were Curzon's motives for initiating the agreement? How did the self-made Australian sculptor Mackennal respond? What kind of legal advice did Curzon get and did he follow it? How well did his lawyer understand artists? Was the contract honoured and how closely does the actual sculpture reflect the two parties' aspirations? These questions will be examined in relation to the monument itself, a superb late example of the so-called New Sculpture and almost certainly the last non-royal double effigy to have been commissioned in Britain. While art history traditionally stresses the sculpture as a *fait accompli*, the agreement provides crucial and fascinating insights into the relationship between patron and artist while the commission progressed.

Watts, Oliver

Princesses and Other Sovereign Bodies: Hockney, Myth and the Effigy

In Foucault's disciplinary society the image of sovereignty is replaced by capillary and invisible power structures. Modern positivist law has equally effaced any pre-modern divine right or other irrational qualities from the law. This paper is a corrective to these concepts and suggests that the law still uses sovereignty and the sovereign effigy to seduce and control citizens. Using David Hockney's illustrations to the Grimm Fairy Tale, the Sea Hare, as metapictures, the magic of the king effect (of princesses and princes) is shown still to have currency in modern law.

Current jurisprudential study has looked at the commanding image. Peter Goodrich and Costas Douzinas particularly have conflated the father figure with the image of law as sovereign. Similarly in his recent book *What do Pictures Want?* Tom Mitchell has also suggested in passing the efficacy of the image that commands and authorises. In this paper I show the similarity of these two approaches and explain how the image is used to interpellate the citizen, subjectivising them, through a desirable and desiring image.

Williams, Mark*Authenticity and Value in the context of art disputes: Recent legal experience*

The Australian art market has been scrutinised by the courts in two recent landmark judgments. In *R v Liberto*, the defendants became the first in Australia to be found guilty in criminal proceedings of the faking of works purporting to be by the eminent indigenous artist, Rover Thomas. In a second case, decided in the Victorian Supreme Court and brought by the Australian artists Charles Blackman and Robert Dickerson against the gallery proprietor and valuer, Peter Gant, the right of the artist to remove fake works from circulation was upheld against the owners and dealers of 'authentic', albeit fake, art. These two cases provide an insight into current practices regarding the function of authentication, the weighting of the relationship between connoisseurship and more objective, evidence-based scientific analysis; as well as the forensic concerns of the legal process in and the market effects of 'authentic' and 'problematic' art-works in that changing context. Certain other pending effects, including taxation treatment and the implementation of the resale royalty scheme for artists in Australia from 12 July 2010 present further challenges to the philosophical, legal, aesthetic and market concepts applicable to contemporary arts practice which revolve around the twin stars of authenticity and value.

Wolf, Erika*Amateur Worker Photography and the Development of Soviet Law Under Stalin*

In the mid-1920s, worker photography began to flourish in the Soviet Union. As the economic crisis that followed the Russian Revolution waned, a new generation of amateur photographers arose, many from the working class. Despite encouragement from the trade union movement and cultural sectors of the Soviet state, these amateurs faced numerous legal difficulties in realizing their work. The laws concerning photography were contradictory and vague, leaving photographers in a grey zone between legality and criminality. Without the credentials routinely provided to professional photojournalists, amateurs encountered difficulties when attempting to photograph public places or events. The situation regarding photographing workplaces was not much better, despite the fact that such activity occurred under the auspices of the local factory press committees and the trade unions. The leading popular photography magazine *Sovetskoe foto* (Soviet photo) attempted to clarify the legal situation for photographers, even carrying out a lengthy correspondence with the People's Commissariat for Internal Affairs (the secret police). In 1929, shortly after Stalin secured a controlling role in Soviet governance, the Council of People's Commissars issued a new law concerning the

conduct of photographic and cinematic shoots. Resolving the ambiguity of earlier statutes, this law proscribed and controlled photography in public places. My presentation will trace the development of Soviet laws related to photography with the rise of Stalinism. Drawing upon Soviet print and archival sources (including transcripts from worker photography conferences, entries in comment books from exhibitions, and secret police records), I will examine the legal difficulties that faced Soviet amateur photographers during this period of growing constraint.



PARTICIPANT BIOS

Crisp, Olivia

Olivia Crisp studied Law and Art History & Theory at the University of Otago, writing an honours dissertation on Oamaru-based artist Donna Demente, which was subsequently published in *Art New Zealand*.

Olivia previously worked at the Dunedin Public Art Gallery and Southland Museum & Art Gallery and is currently employed as a corporate/commercial solicitor at Anderson Lloyd in Queenstown.

Although she has finally chosen to work in the law, reading, writing and talking about art as well as, more importantly, looking at it, very much remains a fundamental part of her life. olivia.crisp@andersonlloyd.co.nz

De Hamel, Adam

Adam de Hamel read law and arts at the University of Otago. He graduated with an LLB in 2008 and BA(Hons) in Media, Film and Communications in 2009. He is now a solicitor with Inder Lynch in Auckland. adehamel@yahoo.com.au

Di Lieto, Giovanni

Giovanni di Lieto is an Italian researcher and lecturer with international experience and a global outlook.

After completing a Master of Laws and practicing as a lawyer in Italy, Giovanni travelled extensively working in international trade and lecturing law and business in Australia, China, USA and Europe.

Giovanni is also currently undertaking a doctoral research at the University of Otago on the global governance of migration, focusing on international labour and trade law.

Giovanni has presented and published papers on the link between free trade agreements and labour law, as well as on migration and the sense of allegiance. giodilie@gmail.com

Economides, Kim

Kim Economides is Director of the Legal Issues Centre and Professor of Law at the University of Otago in New Zealand (2009-). Previously, Professor of Legal Ethics and a former Head of Exeter Law School (1999-2004). Before joining Exeter University in 1979 he was a researcher on the Florence Access to Justice Project based at the European University Institute in Italy. He co-directed the ESRC-funded Access to Justice in Rural Britain Project (1983-1987) and from 1993-95 was seconded as Education Secretary to the Lord Chancellor's Advisory Committee on Legal Education & Conduct (ACLEC). He was Founding General Editor of the international journal *Legal Ethics* (1998-2008) and chaired the Board

of Trustees of the Hamlyn Trust (2004-09). In 2006 he was appointed Specialist Adviser to the Joint Parliamentary Committee on the Draft Legal Services Bill, now the Legal Services Act 2007. He has held visiting positions at universities in Japan and Australia. (kim.economides@otago.ac.nz). **Zoe Economides:** Candidate, BA Photography, RMIT, Melbourne, Australia (ze.economides@gmail.com).
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Ellis, Ngarino

Ngarino Ellis (Ngapuhi, Ngati Porou) teaches in the Art History Department at the University of Auckland; this year she is running a new stage 2/3 paper entitled 'Art Crime' which examines the art market, theft, illicit antiquities, looting, forgery and vandalism, focusing on New Zealand as well as overseas. She has published on various aspects of Maori art, including two edited collections *Te Ata. Maori Art from the East Coast* (with Witi Ihimaera, 2001) and *Te Puna. Maori Art from Te Tai Tokerau Northland* (with Deidre Brown, 2007). She is currently completing her PhD entitled 'A Whakapapa of Tradition. Ngati Porou carving, 1830-1930'.
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Jenny Harper

Jenny Harper is director of Christchurch Art Gallery Te Puna o Waiwhetu. Immediately before her return to the art gallery field in late 2006, she was at Victoria University of Wellington, where she was head of Art History and, latterly, Assistant Vice-Chancellor (Academic). She held various curatorial positions, before becoming the last director of the former National Art Gallery in Wellington in 1990. Harper was commissioner for New Zealand's presentation at the Venice Biennale in 2009 and is again in 2011. She has published in the area of art museums and the management of controversy. jenny.harper@ccc.govt.nz

Holloway-Smith, Bronwyn

Bronwyn Holloway-Smith is an artist based in Wellington. She is co-founder and Director of the Creative Freedom Foundation – a not-for-profit organisation that represents NZ artists on issues of change in New Zealand law that threaten to undermine both artistic and public rights. The organisation has been influential on the recent Copyright debate in NZ, successfully running a widespread Internet Blackout campaign in protest of a law that threatened to cut off New Zealander's internet based on accusations of copyright infringement. Alongside this work she is a Trustee for the Enjoy Public Art Gallery, holds a part-time position in the Massey University College of Creative Arts' Research Office, and runs around after an 8-month-old. bronwyn@holloway.co.nz

Pauli, Dorothee

Dorothee Pauli is a Senior Lecturer at the School of Art and Design at CPIT, Christchurch. A trained printmaker herself, she has always had a strong interest in the graphic arts, and at CPIT enjoys working alongside some of New Zealand's best known printmakers. Her other research interests include New Zealand and Australian art and architecture, and biography as a genre of art historical writing. PauliD@cpit.ac.nz

Petelin, George

George Petelin is Convener of Research Higher Degree Studies and lecturer in art theory at the Queensland College of Art, Griffith University. His PhD analysed the relation of discourse to politics and economics in Sydney Biennales. He exhibits as a digital photographer and conducts research in critical theory. g.petelin@griffith.ed.au

Raffan, Jane

Jane Raffan is Principal of *ArtiFacts*, an Australian art services consultancy with a focus on Aboriginal and Torres Strait Islander Art. Jane has been actively engaged with Indigenous issues for over twenty-five years. In 1996 she curated an exhibition on Aboriginal Deaths in Custody, which she negotiated with NSW Parliament House, and in 2005 she co-hosted the Art Gallery of New South Wales' fundraising Aboriginal Art auction to assist Indigenous causes, raising close to one million dollars. Jane is an accredited valuer for the Australian Government's Cultural Gift Program and has worked as a practising Aboriginal art specialist for over fourteen years. Her academic training was in art history at the University of Sydney, where she recently completed post-graduate studies in law, concentrating on ethical dealing in art and cultural heritage. She was interviewed by the national broadcaster ABC Radio on Indigenous rights in May, and most recently published in the August issue of *Art Monthly Australia*; she also writes regular art market commentary. jraffan@ArtiFacts.net.au

Schmidt, Leoni

Leoni Schmidt is currently Head of the Dunedin School of Art and its Academic Coordinator of Research & Postgraduate Studies at Otago Polytechnic in New Zealand. She is particularly interested in the pedagogical possibilities of the visual arts, specifically in how theoretical and historical underpinnings can facilitate studio and study integration. Leoni has been responsible for the establishment of the Master of Fine Arts Programme at her current institution, a programme which is characterized by this kind of integration. She holds a doctorate from the University of Johannesburg (RAU), an MA (Fine Arts) from the University of the Witwatersrand in Johannesburg and a BA (Fine Arts) from the University of South Africa. Her research focuses on contemporary drawing and its relationships with other disciplines and with other materialities in the visual arts and architecture. Her

conference contributions and publications also explore intersections between contemporary drawing and geography and its functions in particular socio-political contexts. leoni.schmidt@op.ac.nz

Shand, Peter

Peter holds a PhD in Art History from the University of Auckland and an LLM specializing in intellectual and cultural property from King's College, the University of London, where he was the top graduate for his year. His research interests are concentrated on contemporary creative practices (particularly art and fashion) and the inter-relation of art and law. Projects concluded in 2010 include: 'Pieces, Seams and Voids', an extensive socio-cultural and theoretical introduction to *New Zealand Fashion Design* (Te Papa Press, 2010); 'Fashion Has No Country', a public lecture theorizing public adoption of contemporary designer fashion at the National Gallery of Victoria; and catalogue essays for solo exhibitions by Nuala Gregory at the Gus Fisher Gallery ('and yes I said yes I will Yes') and Rebecca Hobbs at St Pauls St Gallery ('I'm walking backwards for Christmas'). He is currently working on a major project with the photographer Fiona Pardington. p.shand@auckland.ac.nz

Stocker, Mark

Mark Stocker comes from a lengthy line of lawyers and broke with family tradition to study Art History at university. He is an Associate Professor at the Department of History & Art History at the University of Otago. His areas of interest include nineteenth and earlier twentieth-century sculpture, British art, New Zealand art and Art Deco. mark.stocker@otago.ac.nz

Stone, Lynden

Lynden Stone holds a Bachelor of Arts and Law and a Master of Law from the University of Queensland and a Bachelor of Fine Arts with Honours from Griffith University. She practiced as a commercial lawyer in Brisbane for over 20 years and in 2006 turned her attention to full-time study in Fine Art at the Queensland College of Art (QCA), Griffith University. She conducts seminars on copyright specifically for artists and is currently a PhD candidate at QCA. stonel@optusnet.com.au

Watts, Oliver

Oliver Watts completed his Phd in 2009 at Sydney University entitled 'Images on the Limit of the Law: sovereignty, modernism and the effigy'. He holds bachelor degrees in Art History and Law. His work is interdisciplinary and traverses visual culture, jurisprudence and semiotics. Watts has spoken at the last two International Roundtables for the Semiotics of Law, at Hong Kong and Posen respectively. He has published on issues relating to iconoclasm (Burning Effigies); art and

terrorism; aboriginal cultural rights; and the law and public art. Watts is also part of a Sydney based art collective centred on the Chalk Horse Gallery; this collective has created public art projects in Sydney, Melbourne and Hong Kong. oliwatts@hotmail.com

Williams, Mark

Mark Williams is a solicitor in sole practice in Melbourne in arts, entertainment and technology law and an Adjunct Professor in the School of Art at RMIT University. He holds a D Phil from the University of Oxford relating to seventeenth-century dramaturgy and Australian postgraduate qualifications in intellectual property law. He is a member of the Arts Law Centre of Australia and has served on various boards including the visual arts copyright collecting society, Viscopy and the performing arts publisher, Currency House. His book *Ought and Art: Legal Dimensions of Australian Artistic Practice* is scheduled for publication later this year.

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Wolf, Erika

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