

# CAMLA COMMUNICATIONS LAW BULLETIN

Communications & Media Law Association Incorporated

Volume 40, No 1, March 2021

International Women's Day Edition

## The Honourable Justice Lucy McCallum

Justice of the New South Wales Court of Appeals

**Ashleigh Fehrenbach**, Senior Associate at Reynolds Porter Chamberlain LLP and co-editor, speaks with **the Honourable Justice Lucy McCallum** about her honour's career as a judge on the NSW Court of Appeal and International Women's Day.

Her Honour started practising with the commercial litigation team at Malesons Stephen Jacques, before gaining experience in criminal law as prosecutor in the Commonwealth Director of Public Prosecutions Office and the Queensland Director of Public Prosecutions Office. In 1991, her Honour commenced practice as a barrister in New South Wales on the Sixth Floor at Selborne Wentworth Chambers, before taking silk in 2005, and being appointed to the Bar Council in 2007. During her time at the Bar, she had a wide and varied practice including: administrative law, environmental law, professional negligence, defamation, trade practices, and competition law. Her Honour has long held a very strong sense of justice and belief that the law should serve the underprivileged, reflected in the extensive pro bono work she has carried out during her time in legal practice, including: working at Redfern Legal Centre, working with PIAC to represent refugees in immigration detention, and providing pro bono representation to Greenpeace and the Environmental Defender's Office. Whilst still at university, her Honour helped to create the school's Legal Education Group for the purpose of organising law students to teach six-week courses in legal rights for disadvantaged intercity schools. In 2008, she was appointed to the Supreme Court of New South Wales as Justice in the Common Law Division. In January 2019, Justice McCallum was elevated to the New South Wales Court of Appeal.

**ASHLEIGH FEHRENBACH:** Did you always aspire to be a Judge? How did your career path lead you to where you are today?

**JUSTICE MCCALLUM:** I wouldn't say that being a judge was ever my ambition but I certainly reached a point where I hoped that might be where I would end up. Unlike many young women I now see, who are strategic and disciplined in the pursuit of their goals, the course of my time at the Bar was more in the nature of an unplanned adventure than anything that might be described as a "career path". A number of my so-called career choices were almost accidental. There was pretty much nothing I wouldn't turn my hand to, if asked.

I was extremely fortunate to be in the right place at a number of turns and to have the chance to work with people who gave me opportunities to establish a diverse practice and to spend a lot of time on my feet in court. I think that put me in good stead to be appointed to the Common Law Division, which has a very diverse range of jurisdiction. My eleven years on that Court in turn gave me a breadth of trial experience that was evidently considered likely to be helpful on the Court of Appeal.

**FEHRENBACH:** If there is one thing you would celebrate about International Women's Day in the legal profession, what would it be?

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CAMLA

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# Editors' Note

Dear readers,

We hope you had an inspiring International Women's Day on 8 March. At CAMLA, we like to celebrate International Women's Month, because we believe it deserves more recognition than just a single day.

In connection with this important time of year, we are excited to share a special edition of the CLB celebrating the many illustrious and diverse contributions of some of our industry's leading women.

We've compiled a series of short interviews with around 30 leaders from a range of backgrounds and experiences across media, communications, IP, advertising, privacy, sport, entertainment and tech. We have celebrated the voices of brilliant women from the bench, the bar, private practice, in house, and executive roles. The CAMLA industries in Australia are driven by the intelligence, grit, warmth, leadership, talents and wisdom of many incredible women – and we can only capture a small sample of that in these pages.

One of our favourite questions asked is “who is one woman you really admire, and why?” If you're reading this, think about celebrating International Women's Month in 2021 by telling or emailing a woman you really admire to say that you look up to her, and what impact she has had on you.

We hope that we can repeat these special editions in future years and continue celebrating the achievements of women in our industry. If this Special Edition has demonstrated anything, it's that we certainly won't struggle for examples.

We'd love to hear how you celebrated International Women's Day/Month. Please send us an email at [clbeditors@gmail.com](mailto:clbeditors@gmail.com) - we'll try to include some of the responses in the next edition. Do you have any photos from the day? Even better – we'd love to see them too.

Finally, thank you to the wonderful women who gave their time to be featured, and to the Young Lawyers who conducted the interviews. Happy reading!

Always,

**Ashleigh and Eli**

**MCCALLUM JA:** I would answer that question by repeating a comment made by one of my colleagues after the ceremonial sitting to welcome the Honourable Justice Jacqueline Gleeson to the High Court, just a week before International Women's Day this year. It was a very warm occasion and the courtroom was brimming with excitement about Justice Gleeson's appointment. The remark my colleague made when we were driving back to Sydney was that, for the many women who attended the ceremony, the mood in the courtroom was joyful and welcoming. That might not sound particularly surprising, but her point was that, unlike the position, say, twenty years ago, we did not feel as though we were intruding on the hallowed ground usually occupied by men. It felt perfectly natural to be celebrating the appointment of a female judge

to the High Court in the presence of a crowd of senior judges and practitioners, many of whom just happened to be women.

**FEHRENBACH:** What important developments do you see as being on the horizon for the communications and media legal landscape?

**MCCALLUM JA:** The Uniform Defamation Law has recently been the subject of a significant overhaul led by the NSW Attorney General, Mark Speakman. Probably the most significant change from the point of view of the media is the proposed introduction of a defence of publication of matter concerning an issue of public interest. A source of frustration for journalists over the years has been the difficulty of establishing a defence of qualified privilege for a mass media publication, owing to the difficulty of proving reciprocity

of duty and interest as required to establish the defence at common law. Section 30 of the *Defamation Act 2005* was intended to extend the defence to circumstances where that reciprocity did not exist but was largely unsuccessful, partly due to a hard-line approach to the question whether the journalist had acted reasonably. The statutory defence thus failed to provide the protection anticipated. It will be interesting to see what difference the new defence makes.

**FEHRENBACH:** What energises you about your work?

**MCCALLUM JA:** I think what I love most about the work of a judge, and what gets me out of bed in the morning, is having the intellectual freedom to write what I consider to be the just outcome (according to law), rather than being paid, as barristers are, to adopt one or

another side of the argument. That is not to say that I did not enjoy the intellectual challenges of advocacy, but deciding cases is a whole different kind of discipline and one that I think suits my personality. I love the challenge of analysing whether the result that seems fair according to the interests of justice is the correct result according to law. Sometimes the answer is “no” and I think I even enjoy the discipline of accepting that, so long as I have done the best I can to immerse myself in the principles in question and work out why the case demands the result it does.

**FEHRENBACH:** If you could have dinner with any woman – living or passed, real or fictional, who would it be?

**MCCALLUM JA:** I would probably have answered this question differently at different times in my life. Today, the answer is that the woman I would most like to meet is the French rock-climber, MéliSSa Le Névé. But I think I would rather go outdoor climbing with her than have dinner. I recently saw a short film (part of Reel Rock 15) about her attempt to climb “Action Directe”, a famously difficult sport climb in Germany. She explained that, from the time it was first ascended in 1991, Action Directe became the holy grail of professional climbers. A number succeeded before her but, as she says in the film in her beautiful French accent, “only men”. Spoiler alert: she became the first woman to ascend the climb after training and trying and failing for six years. She quit the French national bouldering team to devote herself entirely to this one climb. The first move is a dynamic jump upwards and backwards to a two-finger hold. The film showed her falling time and again on that first move. Her story resonated with me because I sometimes feel overwhelmed, especially since joining the Court of Appeal, by the challenges of working in what remains a male-dominated profession. Watching this incredibly strong French woman train her body to achieve a seemingly



impossible task and throw herself relentlessly at the same piece of rock again and again was humbling and inspiring. Also she has the same breed of dog as me (a blue merle border collie). Surely that’s a sign? I would love to meet her.

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

**MCCALLUM JA:** I don’t think I could function without my amazing circle of strong, kind female friends. My advice would be to foster your

friendships with other professionals and perhaps particularly with professional women. Be honest with them about your own struggles and be kind to those who are struggling themselves. My friends and I support each other, make cakes for each other (actually, it is mainly Natalie Adams J who makes cakes for everyone else), we make each other laugh and share our joys and our anxieties. We don’t compete with each other; we work together to be the best lawyers we can possibly be.

# Beverley McGarvey

## Chief Content Officer and Executive Vice President, ViacomCBS Australia and New Zealand

**Emma German** and **Eli Fisher**, Senior Legal Counsel, ViacomCBS Australia and New Zealand, sit down with **Beverley McGarvey**, Chief Content Officer and Executive Vice President, ViacomCBS Australia and New Zealand, to discuss a career in the Australian media industry and International Women's Day. Beverley's role at Network Ten is sometimes described as "co-lead", in the sense that she – with Jarrod Villani – shares the function of Chief Executive at Network Ten and ViacomCBS's other businesses in Australia and New Zealand. Beverley possesses vast experience as an Australian media business and creative leader. She is responsible for all content and creative activities related to the company's networks and digital properties in Australia and New Zealand including 10, 10 Peach, 10 Bold, 10 Shake, 10 Play, 10 Speaks, MTV, Nickelodeon, Comedy Central, Spike and Paramount+.

Since joining Network 10, Beverley has been responsible for the successful launch of many franchise series, including *MasterChef Australia*; *Have You Been Paying Attention?*; *Gogglebox Australia*; *Australian Survivor*; *The Masked Singer Australia*; *I'm A Celebrity... Get Me Out of Here!*; *The Living Room*; *Ambulance Australia*; *Hughesy*, *We Have a Problem*; *The Project*; *The Bachelor Australia*; *The Bachelorette Australia* and *Bachelor In Paradise*. With a strong and successful catalogue of Australian produced drama, under the direction of Beverley, the network has also launched acclaimed drama series including *Offspring*; *The Wrong Girl*; *Five Bedrooms*; *My Life Is Murder* and, most recently, *The Secrets She Keeps*.

**ELI FISHER:** Beverley, on behalf of our readers, thank you so much for chatting with us about International Women's Day and your observations of the Australian media industry. With over 25 years' experience in television internationally and in Australia, could you explain your current role and how your career led you to this point?

**BEVERLEY MCGARVEY:** I started my career in the creative team at UTV in Belfast before working in programming and production at TV3 Ireland and at ITV's Meridian Television in England. I later joined TV3 New Zealand, where I was Director of Programming for several years. Before I was appointed Chief Content Officer and Executive Vice President, I had been Chief Content Officer at Network 10 since 2016 and Chief Programming Officer since 2012, after joining the company as Head of Programming in 2006.

**EMMA GERMAN:** What trends in the Australian media industry most occupy your thoughts?

**MCGARVEY:** I think the trend that most occupies my thoughts is diversification of platform. I think we have lots of amazing content. The quality of content has improved

dramatically in recent times, and there is so much choice. That in turn forces the content being produced to be even better. So the question becomes: how do you get the audience to watch your content as the platforms expand?

There is a challenge for us to keep the audience within the ViacomCBS ecosystem. We want to support different platforms – of course, our Paramount+ SVOD service is about to launch – and it is vital to maintain a good balance and work out where the tipping point is. This would be a shared challenge among most media companies – being where the audience is.

For us at ViacomCBS, we are striving to maintain our linear strength, and growing our BVOD business. The free side of the business is important, and growth comes from the subscription business – which is Paramount+ as well as our arrangements with Foxtel. So our aim is to make sure we can grow the pay business as we maintain the free business. People can make it as complex as they like, but there are fundamentally two main ways for a content company

to generate revenue – either the audience watches your ads or the audience give you cash. We are in both those verticals.

**FISHER:** Are there legal or regulatory reforms that are sorely needed, or legal challenges that keep you up at night?

**MCGARVEY:** From a regulatory point of view, we had some reforms last year that gave us some flexibility in our business, in terms of making content choices that work for our audiences. When people talk about regulatory in Australia, what they really mean is Australian content. The thing for me is that the marketplace is really demonstrating that Australians want to watch Australian content on free to air services. On the SVOD services, they want to watch the best content in the world. And some of that is Australian, and lots of that is international. It's American, it's from the UK – and increasingly, it's also foreign language, which is something relatively novel for the Australian market. One of the shows that I've been watching, which loads of people are watching at the minute, is a French show called *Call My Agent*. We as part of ViacomCBS have a brilliant Israel production company. There are lots of Israeli shows, like *Fauda*.

That breadth of content is really interesting. But, if you look at the top 100 shows last year, they were Australian. So the market is determining that Australians want to watch Australian content, although

the regulatory reforms last year did help us with flexibility. So I think that's probably the key thing. Other things like making sure that film and television are treated the same in terms of tax benefits and offsets are ongoing things that we've been pushing. That's the broad regulatory perspective.

From the legal point of view, ensuring that we have enough rights to effectively commercialise the content that we pay for is probably the biggest challenge. Content is so valuable, it's really heating up. And everybody wants more rights; but in order for us to really invest in content, and in many cases pay 100% of the underlying production costs, we need really strong rights in order to make that investment back. Production companies, IP owners, format owners – everybody wants a piece of the pie, and the pie is getting more and more complex. It's no longer a matter of a purchaser buying three runs over two years on a one page contract, and everybody goes home. It requires a lot of skill on all sides of the transactions, and it requires more and more time. That's going to be a constant battle in the coming years.

**GERMAN:** What's the best professional advice you've ever received?

**MCGARVEY:** The best professional advice I've ever received is actually so cliched that I'm embarrassed to tell you. But it really is the best advice that I've ever received, so I'm going to tell you: It's to be really good at the job you have now. And this is particularly true for people at the beginning of their career. Be brilliant at the job you have now. Get expert. Get really skilled. Don't try to run before you can walk, because you will get promoted and your career will be better if you are good at your core skills at the beginning. So get good at it, learn from people, then move forward, as opposed to getting promoted after a year before you've really learned anything yet. Being good at the job you're in is a really good stepping stone to the next job. These days, it is not enough. You have to be really good at what you do and 55 other things, but without



being good at what you do now, you can't move forward. Somebody told me that a long time ago, and I think it's really true.

**FISHER:** How did you celebrate International Women's Day as a media exec? What is the triumph that pleases you most?

**MCGARVEY:** I think that's interesting because it's posed as an optimistic question, so therefore I feel like I have to give you an optimistic answer. There's something a little depressing about International Women's Day to the extent that it is annual confrontation that we are still dealing with these same issues. The most interesting thing I did this year on International Women's Day is that I went to the launch of Sandra Sully's book. She puts together this amazing book that celebrates amazing women every year. This year, she focused largely on frontline workers. So, I was lucky enough to go to this lunch that Sandra has, and there was a firefighter in her 80s or 90s. She worked last year as a firefighter in the bushfires. There were also young women who had this great idea of filling an esky, and they got people to donate eskies filled with food, so they could take them up to people in rural areas during the bushfires. There were really interesting guest speakers, including a lady who had been the Deputy Director-General of the ABC in the 80s and had forced

them to hire their first female newsreader. I think for me, more broadly, what I have experienced over the last number of years is that, probably five and definitely 10 years ago, I was quite blasé about IWD. Because being mid-level in my career I didn't experience any gender bias. Being mid-level, there are lots of men and lots of women and, in my experience, you get treated fairly equally and gender issues were less visible to me. As I've become more senior, I have become much more acutely aware of gender bias. And I notice it now more than I did 10 years ago – and I find it depressing.

If you look at people like Sandra Sully, she's incredible in this way. She will speak up. We did this panel together for International Women's Day and Sandra has many stories to tell and has been in the business for a long time. She has always been bold enough to speak up. I think it's incredible that she uses her voice in that way, because it would be easy to not do so, but she always has. There are lots of other people like her who have a powerful voice and they use it. I really respect that. If you have a voice like that, and you're not using it, I think that's a sad waste.

Diversity is a really important issue at ViacomCBS. We talk about diversity a lot, but diversity means a lot of different things across

different markets. In Australia, improving diversity means having greater representation of a range of things including race, socioeconomic background and sexual orientation. But in Australia, it also still means gender in a way that maybe it doesn't in other markets. There are no female CEOs of any of the major production companies in Australia. The situation is quite different, say, in the UK. It's quite different with some of the big tech companies in Australia – Twitter, Google, Apple – and it's probably fair to say that commercial free-to-air broadcasters have been the slowest to advance in this regard.

**GERMAN:** Present company excluded, there are, and have historically been, very few female leaders of major Australian media companies. Why do you think that is? Is change happening at a satisfactory pace? What should be done differently?

**MCGARVEY:** There are some women in senior roles in the industry. For example, Amanda Laing is very senior at Foxtel and has a large portfolio of work there. Amanda is very impressive. When I was in the UK and NZ, I didn't notice it as much, or until relatively recently. But there are fewer female executives at top jobs at production companies and on the free to air side in Australia. It's clearly not changing quickly enough because it would be more balanced if it were changing quickly.

Why is this the case? I honestly don't know. There are so many talented women. I think having a leading role in a broadcaster and a production company requires a mix of commercial and creative skills – which is something that many women are really good at. There are many women who have that ability to multitask and mix the commercial with the creative.

I hope that the underrepresentation is changing. There are certainly many brilliant women coming through in the mid-to-senior levels – will they go the whole way? I don't know. When you look at Board composition and the number of CEOs of ASX-listed companies, the data tell you that the

Board piece is getting better. That's interesting because the director commitment is different from the commitment of being a full-time CEO. The numbers actually aren't getting better for CEOs. What you hear is that some women actually self-select out because you have to push so hard. I don't really have a good answer. It's not good enough. It needs to be better, and we all need to work really hard to bring other women through the system.

**GERMAN:** The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

**MCGARVEY:** I think that obviously, we have to tackle the big stuff. Issues like maternity leave and flexibility. These issues have been well progressed and are often spoken about – especially in our business. But #ChooseToChallenge, to me, also means choosing to not accept the small things that accumulate and add up to systemic gender bias.

Choosing to Challenge for me is about being vocal about it. ViacomCBS is part of Champions of Change, Ten is one of the founding media companies of that organisation I find that really interesting, because they talk about everyday sexism. It's the sort of thing that I and most others would typically let go.

There are a couple of examples that come to mind. The first one is including the whole room in a meeting, not just the men. I've been in meetings in the last week where people would address all of the conversation to the male in the room – and I let that stuff go. And I think #ChooseToChallenge means not letting that everyday sexism go, and to be brave enough to say to somebody "Excuse me, I'm here too. Could you look at me when you're talking to me? And, actually, what you're pitching is something that I'm the one who is going to say 'yes' or 'no' to, so actually it would be good to include everybody in this conversation." It's about manners.

The second thing is how we colloquially refer to women in a professional context, things like 'babe' or 'darl'. In the last 12 months, I have had people refer to me in those ways. They don't mean it derogatorily, but they would never talk to a male colleague in that or an equivalent way: "Dude" or "Bro" or something like that.

Over the years, I've tuned that stuff out and chosen not to notice it. #ChooseToChallenge means for me that the big stuff is important but also sweating the small stuff is important too, and not letting that stuff go. I'm bad at that. I default to politeness, and I brush things under the carpet because it's the non-confrontational thing to do. But for the women who are coming up behind us, it's important that we choose to challenge that sort of behaviour.

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

**MCGARVEY:** One woman isn't enough. Leonie Lowe, who was the CEO of ITV here when I first started working in Australia, comes immediately to mind. I have great admiration for Sandra Sully and people like her who speak up for what they believe in. She puts a lot of effort and time into her Agenda books. It takes her all year to do that, and they and she are amazing. Obviously, Amanda Laing is doing a great job at Foxtel. There are lots of strong female creatives, and there are lots of strong women coming through. Amelia Fisk is doing a great job as Head of Television at Shine, and Beth Hart is Head of Television Content at ITV. I work with lots of really impressive women. There's also something that I find really impressive and admirable about men and women who manage family life and professional life really well. When you put those two together, it's about 120% of every day, which doesn't leave you much time for other things. So, all women who juggle and get through their day – I find that really admirable.

# Rebecca Dunn

## IP Partner at Gilbert + Tobin

**Calli Tshipidis**, Legal Counsel, Fox Sports, chats with **Rebecca Dunn**, IP partner at Gilbert + Tobin about International Women's Day.

Rebecca is a partner in Gilbert + Tobin's Intellectual Property group. She is an experienced intellectual property litigator who has worked on some of the leading copyright cases in Australia. In addition to copyright, her focus is on trade mark litigation and Australian Consumer Law litigation. She advises clients across industries including health care, media and entertainment in relation to the multiple legal issues associated with branding. Rebecca has particular expertise in the online space in relation to copyright, consumer law, social media, privacy, data protection and defamation.



**CALLI TSIPIDIS:** Did you always want this job? If not, how did your career path lead you here?

**REBECCA DUNN:** No! When I was young I wanted to be a writer, and then at some stage that morphed into journalism. I was a shy child/teenager and spent a lot of my time inside books and just loved words. I also had an interest in social issues and politics so I thought journalism would combine my love of writing with my interest in the way the world worked. My first degree was a Bachelor of Arts (Communication Studies) with majors in Journalism and English. I enrolled in an LLB at Sydney because I thought of law as another way of looking at society, a set of rules based on morals or values or politics, which were a gateway or a text to analysing societies and cultures. I ended up loving the study of the law, in particular the intellectual challenge and the analytical way of thinking.

I did a clerkship at G + T which was my number 1 choice because of its strength in communications and technology law, and its commitment to pro bono and social justice issues.

I was extremely fortunate to join the IP team at a moment in time when we were running law-testing cases about copyright infringement on the internet. As a very young lawyer I was given amazing opportunities by the partners I worked with (Michael Williams and Siabon Seet). I worked on the Full Court Appeal in *Universal v Cooper*, and later on *Roadshow v iiNet* from inception all the way to the High Court. I loved the chance to assist in applying the classic authorisation laws to the new digital environment – it was creative, an intellectual challenge, and I got to work with (and write with) brilliant thinkers and writers. I loved that stage of my career and was quite settled in it. Only later (after my mini-career break - see below) did I realise that I could aim high, be a partner at this firm and a leader in this space, which I aspire to be.

**TSIPIDIS:** What recent events in the Australian media law landscape most affect your role as an IP Partner at Gilbert + Tobin?

**DUNN:** There are multiple hot button issues in the media law landscape at the moment – as a firm we have done a lot of work consequential to the Digital Platforms report, and

there are other huge developments like the defamation law reforms and the various codes in relation to social media platforms. Stepping sideways into IP, an issue I have an interest in is the way data-based works and AI-generated works are treated under copyright and other IP laws – this is one of the new frontiers for copyright to grapple with and it will play out over the coming years.

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

**DUNN:** I actually resigned from G + T in 2013 with no job to go to – I wasn't sure if I wanted to go in house so didn't want to commit to that course, but I knew I needed a change. I think in retrospect I was really burnt out. I decided to do a Masters in a non-law area that I had always been interested in, which was media and cultural studies. I ended up doing a Masters of Research focusing on the ways social media and traditional media interact and what that means for the public sphere, from a democratic theory perspective. It was so interesting and refreshing and I also had the chance to work with my inspiring supervisor (Catharine Lumby) to develop and

teach a subject in Social Media, Law and Ethics. I learnt then that I loved teaching.

All of that flowed from taking that leap. Mind you, when I tried to resign my boss advised me/ convinced me to take a leave of absence which was a great idea, as after a year of academic study it was so lovely to come back to G + T and be surrounded by this team of people who are brilliant and devoted to excellence every day. For some reason, the break also kind of cut any shackles I had in terms of limiting my ambition. I saw a path to my current role as an IP/media law partner which actually draws together all of these different threads of interest and endeavour from my life and career so far and also gives me the daily gift of managing a team of bright and dedicated young lawyers, which I love doing.

**TSIPIDIS:** How do you unplug from work?

**DUNN:** Reading! (Everything – novels, chick lit, crime, poetry, my book case is a broad church). Spending time with my family including my darling nephews. Trashy TV, good TV. Chilling with my cat Scarlett White Paws. Also NYT crossword before bed and podcasts (true crime or investigation ones are my fave) in transit.

**TSIPIDIS:** The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

**DUNN:** This is such a great theme. It has two meanings to me – the first is about challenging myself. To be brave, to believe in myself (quell the imposter syndrome as best I can), to take risks, do the scary thing. Secondly and more

broadly, particularly in my role as a partner in a law firm and a manager of a team, it's about participating in a values-based way and speaking up for and looking after people.

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

**DUNN:** You are powerful women! I am so inspired by you and can't wait to see what you do. Please know that there are many different ways of being and operating in a workplace, you do not have to fit one "type" or change who you are to be an effective leader. Also, almost every woman I know has imposter syndrome, don't worry, just remind yourself that you have done it before, you can do it, you will do it. And lean on and build up other women. Together we are a mighty force.

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# Karen Hayne

## Partner at Addisons

**Ellen Anderson**, Solicitor at Addisons, chats with **Karen Hayne**, Partner at Addisons about Karen's career and her thoughts on International Women's Day.

Karen has been a partner with Addisons since April 2005. She is the joint leader of Addisons' trade mark practice and is well known and respected in Australia and internationally for her intellectual property advice, particularly to businesses where brand is the key to ongoing commercial success.

Karen advises some of the world's best-known brand names, as well as iconic Australian brands. Her practice includes: maintaining the integrity of her clients' trade marks, as well as advising on their trade mark portfolios, intellectual property strategies and brand protection, piracy and infringement issues. She also deals with commercialisation issues including licensing and branding guidelines.

Karen advises on a broad range of intellectual property issues. Specifically, Karen's trade mark expertise includes: trade mark disputes, including all aspects of litigation; all facets of trade mark practice including portfolio management, brand strategy, registration, oppositions and related issues; commercial issues including licensing, sale and acquisition, brand guidelines, ownership and related strategies; Australian Consumer Law – consumer protection advice and related proceedings; domain name advice, registration and disputes; and parallel importation, customs, piracy and anti-counterfeiting matters.



**ELLEN ANDERSON:** Did you always want this job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

**KAREN HAYNE:** Not at all. I had no exposure to the law or lawyers (other than what I saw on television, and let me tell you, it's nothing like *LA Law* or *Alley McBeal!*). My journey to the law was not traditional. I attended a primary school in a small country town in Victoria and a high/technical school where I did woodwork, metalwork and ran a radio station.

I originally was interested in studying architecture and was accepted into an architectural course, but I deferred for a year so I could earn some extra money. During that year I worked in the mail room of a law firm. I was quickly promoted to junior, then senior, secretary in this firm and then was later promoted to

paralegal. I decided at this stage that I was very much enjoying the legal arena and wanted to pursue it further.

I attended night school at RMIT completing an Associate Diploma in Business/Law over 5 years, completing this in 1994. However, within six months it was clear to my new boss and I that I needed to fulfill my desire for learning and working in the law. I applied under the mature age entry scheme to various law schools and in 1995 I was accepted by Melbourne University to do a Bachelor of Laws.

In 1996 Gledhill Burrige & Cathro merged into Norton Smith & Co (partnering with the then Sydney firm). Ultimately the Sydney firm merged with Coudert Brothers and I moved to Sydney in 2000. I was admitted and became a Senior Associate that same year. In 2004 I became a partner with Coudert

Brothers. In 2005 I moved to Addisons as a Partner and have now been a Partner with Addisons for 16 years.

**ANDERSON:** What advice would you give to your younger self?

**HAYNE:** That's a tricky one. Part of me would say not to make some of the choices I made as a younger person, but on the other hand, everything that happened to my younger self (good and bad) led me to where I am today. I think I am a better person and better lawyer for the route that I took, albeit far from the traditional one. It also came with good practical insight into how to be self-sufficient and just get things done.

I think I would say to the younger me, "You are stronger than you think you are, and you are worthy and valued," and that, adopting Collingwood as your AFL team when you were five years old may

not have been the easiest team to support, but will make you fiercely loyal and stronger, so stick with it.

**ANDERSON:** What's the best work-related advice you've ever received?

**HAYNE:** At a micro level – to “think outside the box”. So basically, what are you trying to achieve really – whether it be for the client, the firm, yourself or otherwise. I like rules, structure, lists and so on to help me navigate work and life. I think my younger self may have focused too much on those things which stopped me actually seeing the best path forward. So, for a client it is not just tick all these boxes and follow this process to get from A to B – it is do you want to get to from A to B? What really do we (or the client) want or need to achieve, and perhaps that is not the right or best way to get there.

At a macro level – pick your fights. That does not mean do not be true to yourself or what you believe, but sometimes you need to focus on what is really important and what you want to spend your energy on. I suppose it is a bit like the adage of accepting what you cannot change and focusing on what you can.

**ANDERSON:** Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

**HAYNE:** I don't think there is anything desperately needed. I suppose, as an observation, the thing we see regularly is a lack of understanding or awareness by businesses as to what a business or company name is and what intellectual property rights it gives them. I know that ASIC and IP Australia give information about this, but it seems to be routinely missed, so parties registering business or company names confuse this with an intellectual property right, like a registered trade mark. There was some discussion in previous reviews of ASIC relevant legislation and process to try and implement some form of IP Australia or trade mark cross-checking, although I see how

this could be difficult to implement. There is also the issue of the ASIC automated business name process and how it deals with similar names, and if this is working as it should.

Generally, there is also the problem of cost of enforcing trade mark rights, as there is generally no avenue for trade mark owners to do this effectively which does not involve a significant investment of time, money and resources.

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

**HAYNE:** I would celebrate what we have here at Addisons – and our efforts to be an employer of choice for women. We have over 50% female employees, seven out of our 21 Partners are female, as well as nearly 80% of our Consultants, Special Counsel and Senior Associates. There is always more to be done and more that can be learned, but I am proud of what we have achieved so far and hope that we offer flexibility, career

paths and support for all our female employees and Partners.

Additionally, I would like to celebrate all the fabulous women in the intellectual property space at every level, here and abroad (as I have a large network of fabulous women I work with overseas as well).

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

**HAYNE:** The following tips come to mind:

1. Find your “tribe” – they will be your sounding boards, friends, confidants and lifeline in good times and bad.
2. Choose a good mentor. You may not have all of the answers and neither may they, but do not underestimate the benefit of being connected to someone with experience (in the life and the law).
3. Be yourself and be kind and support one another. Follow your own moral compass and never give up.

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# Anne Petterd

## Partner at Baker McKenzie

**Dominic Keenan**, Lawyer at Allens, sits down with **Anne Petterd**, Partner at Baker McKenzie, to discuss Anne's career and International Women's Day.

Anne is a partner in the technology team at Baker McKenzie Sydney. She is currently the Chair of the firm's APAC International Commercial and Trade practice group. Showing excellent timing for once, Anne returned to Sydney in February 2019 after having worked in the Baker McKenzie Singapore office for 3 years, focusing on ASEAN tech projects. Her plans to be back in Singapore every 4 weeks or so, have not quite eventuated so far, so like everyone else, zoom and other platforms have been the main way of keeping connected with clients and colleagues in the past year.

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

**ANNE PETTERD:** Much of my work is with businesses outside Australia, so the start of the day is going through the overnight emails and crossing fingers that my plans for the day have not been turned upside down by a data breach or an urgent project. There's usually a bit of triage working out what needs to be actioned straight-away and whether we need to try to catch someone in another timezone before they log off for the day.

My work is a mixture of long running tech projects and advisory work around tech product reviews and data breaches, so the rest of the day is spent progressing these. Like most lawyers, more often than not, something urgent pops up, so flexibility is key.

I have a few responsibilities for various firm APAC and global initiatives so, in addition to the client work, each day there are usually a couple of planning calls or steering committee meetings. Some of these are a little late in the day - joys of a truly global law firm!

**KEENAN:** What recent events in the legal landscape most affect your organisation/role?

**PETTERD:** A focus for me is what's happening with global trade issues impacting tech products and tech R&D. Issues around COVID and trade tensions have manifested into supply chain disruption issues

for our clients. We've needed to track the issues and develop solutions to support clients with a vast array of issues.

**KEENAN:** Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

**PETTERD:**

not call out any particular reform as desperately needed. However, one of the biggest challenges for governments in making laws in recent years has been making effective laws that are not unintentionally disruptive to new technology and technology-based business models. For example, some of the changes to telecommunications laws over the past few years have raised questions and uncertainty about who is intended to be regulated. I don't have a magic solution to future proofing new laws for technology developments - but perhaps a bit more workshopping for unintended consequences would assist.

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

**PETTERD:** This is actually a really hard question. I'm very pleased to say there are lots of female colleagues I admire. I know lots of inspirational women who are leaders in their field. But, the women I work with that I particularly admire are those that



somehow, despite ridiculously busy schedules, find some time to check colleagues are OK, do something thoughtful and provide support. Random acts of kindness to help people get through the day cannot be overstated.

**KEENAN:** What is the best work-related advice you've ever received?

**PETTERD:** I was very lucky to receive lots of great tips when I first started work. The most memorable tip I can remember receiving was to speak up when I didn't understand something. In context, in a meeting a client asked me what I thought about what the other side had just proposed. I'd only been a lawyer I think for 3 weeks. I had not followed a word of what the other side said. So I said to the client I was sorry but I wasn't quite following the conversation. To my relief the exact point the client wanted to make was that the other side's proposal was nonsensical. Whew!

# Zeina Milicevic

## Partner at MinterEllison

**Jess Millner**, Lawyer at MinterEllison, sat down with **Zeina Milicevic**, Partner at MinterEllison to discuss Zeina's career as an IP lawyer in private practice, as well as Zeina's thoughts on International Women's Day.

Zeina is a Partner at MinterEllison in the Dispute Resolution, Intellectual Property Team. Zeina specialises in resolving complex intellectual property, advertising and branding disputes across a range of industries, including media, entertainment, education and cosmetics. Zeina has successfully represented clients in copyright, trademark, confidential information, passing off, and Australian Consumer Law disputes, in the Federal Court, High Court, and Copyright Tribunal of Australia. Over the past two years Zeina was also the President of the Copyright Society of Australia. Outside of work, Zeina is a mum to two young girls who definitely keep her on her toes! Managing their busy schedules is a full-time job in and of itself.

**JESS MILLNER:** What does a typical day look like for you?

**ZEINA MILICEVIC:** My day begins with a series of hard fought, intense negotiations with the ultimate aim of getting my children out the door to school. After that, it's easy! I normally head into the office, where I catch up with my team over a coffee and then I am either in Court, meetings or otherwise working on various advices, evidence, licence agreements etc. No two days are ever the same and I like it that way. The best part about being an Intellectual Property lawyer is that I really get to know my clients, their businesses and the

markets they operate in and so I am always learning something new.

**MILLNER:** What advice would you give to your younger self?

**MILICEVIC:** Work out who you want to be and what is important to you and then own it! Don't ever be afraid to do things differently or hide the fact that you are balancing work with other important parts of your life e.g. exercise, family, children. I think it is something to be proud of.

**MILLNER:** What energises you about work?

**MILICEVIC:** Getting to work with really interesting, intelligent people

(clients, barristers and colleagues) solving complex problems and coming up with workable solutions. It is nice to feel like you have helped someone and made a difference to their day! It is also pretty sweet when my daughters talk about me proudly as being "the boss!"

**MILLNER:** Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

**MILICEVIC:** There are a few but the first that springs to mind is that I think the question of whether you can contract out of a copyright exception needs to be resolved.

**MILLNER:** If you could have dinner with any woman – living or passed, real or fictional, who would it be and why?

**MILICEVIC:** The first people that came to mind were Princess Diana and Meghan Markle (possibly something to do with the fact that I am watching *The Crown* at the moment).



# Emma German

## Senior Legal Counsel at ViacomCBS ANZ

Jess Millner, Lawyer at MinterEllison, sat down with Emma German, Senior Legal Counsel at ViacomCBS ANZ to discuss International Women's Day and Emma's career in media law.

Emma is Senior Legal Counsel (Programming) at ViacomCBS ANZ, specialising in the production, acquisition and distribution of content across Network Ten, Viacom Australia's pay television businesses of Nickelodeon, MTV and Comedy Central, and Viacom's SVOD service Paramount+. Prior to Ten, Emma had both legal and non-legal roles at Stan Entertainment. Emma began her career in private practice at King & Wood Mallesons after studying at the University of Sydney. She has always held a strong passion for the media and entertainment industries. Outside of lawyering, Emma is a qualified personal trainer and dog-mum to 2 extremely spoilt French Bulldogs.

**JESS MILLNER:** What does a typical day look like for you?

**EMMA GERMAN:** When the weather and my enthusiasm levels permit, I put on a podcast and start the day with an early morning run.

From there on, as I'm sure many in-house lawyers would agree, a typical day is nothing other than unpredictable.

I spend the early hours sifting through emails and setting priorities for the day. However media never sleeps, so priorities often shift and the day is spent triaging queries from colleagues across all departments – including production, finance, streaming, marketing, technology, HR, news, sport and sales.

The world of content production is a particularly collaborative and dynamic one, all the more so in a COVID-19 environment. My typical '9 to 5' day is spent in meetings with internal clients discussing the production, distribution and licensing of content across all platforms (including free and pay television, streaming, on demand and podcasts) and the engagement of on-screen talent. When the meetings wrap up, I actually get a moment to sit down and get the work done! A typical day is almost always punctuated by unimagined challenges – just last week I found myself scrutinising the chemistry

of "slime" for the Nickelodeon Slime Fest!

At the end of the day, I relax by taking our two dogs to the park or, of course, watching some television (my go-to program is Have You Been Paying Attention?).

**MILLNER:** Did you always want this job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

**GERMAN:** Without doubt, I always knew I wanted to work in media and entertainment.

I initially had my sights set on becoming a journalist, however the lure of the law was too strong. I'm grateful to be part of an incredibly talented legal team at ViacomCBS ANZ, pursuing a profession I love while immersing myself in an industry I'm passionate about.

There's been no 'neat' career blueprint to date. Prior to 10, I spent time in private practice (King & Wood Mallesons) and in-house (Fuji Xerox and Stan). I was also fortunate to spend time at Stan in a non-legal content acquisition role, with some Channel 9 reporting and personal training on the side, just to keep things extra interesting!



Along the way, the key constants have been work ethic, authenticity, seeking out relevant experience, absorbing as much information as possible about the industry and, perhaps most importantly, investing in relationships. Of course, there's been a sprinkling of "sliding doors" moments thrown in for good measure.

**MILLNER:** What developments do you see on the horizon in 2021 for the communications and media legal landscape?

**GERMAN:** It's clear that the way Australians consume content has changed significantly. I think 2021 will see the legal and regulatory framework continue to grapple with these changes.

On the back of previous reviews (the Digital Platform Inquiry and even as

far back as the 2012 Convergence Review), and with the entry of more international streamers into this market, I expect one 2021 spotlight will be on the Department of Communications' Media Reform Green Paper as free to air networks and VOD services jostle to optimise the impacts on their business models (including the potential for streaming quotas, optional re-allocation of radiofrequency spectrum, and greater investment in locally produced content). If meaningful reform occurs, this will have ramifications on the landscape well beyond 2021. Together with a promising COVID-19 recovery, the upshot for the local production industry is that the future looks bright. For lawyers in this space, one ongoing challenge will be future-proofing agreements, particularly the commercialisation of content across a shifting labyrinth of platforms, mediums and windows.

Another potential development I'll be keenly monitoring in 2021 is

the Copyright Access Reforms, in particular, the proposed broadening of the library, archive and education exceptions, each of which would have a revenue impact on copyright owners.

Of course, I think we'll all remain on high alert as we continue to see what evolves out of the ACCC's News Media Bargaining Code and their ongoing Digital Advertising Inquiry between the likes of Facebook, Google and content providers.

**MILLNER: Which actor would you want to play you in a movie about your life?**

**GERMAN: Margot Robbie.** Being a fellow Queenslander, I'm sure Margot would capture the idiosyncrasies of growing up in the Sunshine State. In the spirit of International Women's Day, I particularly admire that Margot launched her own successful production company, LuckyChap, with the mandate of telling women's stories on screen, and supporting women creators behind the scenes.

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

**GERMAN: I'm thrilled to say this is a particularly hard question to answer as there are countless women in the industry whom I admire.**

However two standout names come to mind:

Beverley McGarvey, Chief Content Officer and EVP of ViacomCBS Australia and New Zealand. Beverley is an industry trailblazer, one of only a handful of female company leaders in the Australian media industry and also member of the Champions of Change (dedicated to advancing gender equality across Australia).

Amanda Laing, former General Counsel of ACP Magazines and Nine Entertainment and now Chief Commercial and Content Officer at Foxtel (being just a few of the hats Amanda has worn during an extremely impressive career).

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# Shanti Berggren

## Deputy General Counsel, Business Legal for Optus

Justin Kardi, Lawyer at Clayton Utz, speaks with Shanti Berggren, Deputy General Counsel, Business Legal for Optus about International Women's Day and Shanti's career.

**JUSTIN KARDI:** Could you explain your role and what a typical day looks like for you?

**SHANTI BERGGREN:** In reality, my role is like a poorly drafted Statement of Work – it is very broad in scope! I am the Deputy General Counsel for the B2B units at Optus. My primary role is a legal one but it incorporates elements of leadership, risk, governance and commercial acumen. The beauty of being an in-house lawyer is that my typical day is like Forrest Gump's box of chocolates – I never know what I am going to get but the high level focus is always the same, pushing Optus Enterprise to be better at CX (customer experience) and EX (employee experience). I am very involved in the Optus Diversity and Inclusion program and I am the Exec Sponsor of the Optus Enterprise Graduate Program. I feel lucky that I get to spend time working on these two areas that I feel so strongly about as part of my day job. A quick snapshot of my calendar for this week has me involved in the following activities - business trading, risk committee, women's affinity group, 2021 grad program planning, licensing issue, supplier back to back review, partner dispute, customer negotiation, legal tools training, product vendor risk, agile product planning, review of legal training video, team member 1:1s. At some stage, I also need to get my favourite pair of earrings fixed. Staying on top of and responding to emails thoughtfully, respectfully and in a timely manner is 'business as usual' and happens in addition to the other things in my calendar.

**KARDI:** Is there anything you have learned through your career that you would like to give as advice to your younger self?

**BERGGREN:** Take care of yourself. Work on yourself and learn your 'why'. If you know your why, the how will fall into place. Put working on yourself ahead of everything else including taking care of others. If you are not in a good space, you are no good to other people. For starters, I would tell my younger self to put on the sun screen that doubles up as a moisturiser everyday before you put anything else on your face. The harsh Australian sun will catch up with

you eventually. Good posture is another thing I really should have taken much more notice of but didn't! You learn a lot of things by osmosis, practice patience. Managing risk and ambiguity will become easier. Accept that your career will never go in a straight line, it will zig and zag, it will go backwards and forwards. What is important to look at is the trend lines. Over time, you will appreciate how much you have learned, that your reserve of resilience is building and that overall your experience and capability is trending more strongly.

**KARDI:** What's the greatest challenge you've faced or risk you've taken in your professional career?

**BERGGREN:** The catalyst for the greatest risk I faced in my professional career had nothing to do with my profession. It was a choice I made as a mother. 3 years after I began at Optus in Sydney, I chose to move back to Adelaide so my daughters could go to school where I went to school because I believed it was the best choice I could make for their 12 years of school. I was single-minded about this decision and offered to resign from Optus but instead Optus told me to grab a laptop and keep working from the Adelaide office. What this meant was that I did a lot of heavy lifting to make this work for me, for Optus, and my girls. Moving back to Adelaide after living interstate and overseas for 15 years was tough but I was clear about my why! I travelled back and forth a lot between Adelaide and Sydney getting up at 4am on a Monday to make a 6am flight to Sydney and be in my seat at the Optus campus for a 9am meeting. I found I worked harder at staying in touch with my interstate colleagues. It sharpened my communication skills and strengthened my networks. I worked hard to do a good job, to earn trust and buy in. The result is that I have a strong reputation, strong relationships and deep networks. Working remotely now away from headquarters is not a big deal. I like to think that I was a shepherd of this evolution.

**KARDI:** The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you and how might that be



implemented in our readers' work and personal lives?

**BERGGREN:** In 2021 the International Women's Day #ChooseToChallenge is based on the same principles that have been around forever but now with a female centred lens coming to grips with what it means to be a contemporary woman. For me it means to lean into the causes that are bigger than you – stay connected and pay attention to them. When you are presented with new information take time to examine the facts on their own merits, question the source, identify your own bias and challenge your preconceived notions. Model self-determination, lift up your voice, take ownership and play your part in remaking a situation better for the women that come after you. If you want to go faster go alone, if you want to go further then we need to go together.

**KARDI:** If there is one thing you would celebrate about the legal industry on International Women's Day, what would it be?

**BERGGREN:** I love being a lawyer and more importantly an in-house lawyer. I am always asking 'why' to find ways to continually improve. The legal industry is perfectly positioned to ask 'why' and challenge the way society has operated, currently operates, and proposes to operate in the future. My experience is that collectively we use our voice, our influence and our talent to raise awareness on issues such as equity being the sense of belonging and safety you have when others see and treat you as equal.

# Marina Olsen

## Partner at Banki Haddock Fiora

**Antonia Rosen**, Senior Associate at Banki Haddock Fiora, chats with **Marina Olsen**, partner at Banki Haddock Fiora about Marina's career and her thoughts on International Women's Day.

Marina has extensive experience in litigation relating to both defamation and intellectual property, as well as in general commercial disputes.

**ANTONIA ROSEN:** Did you always want this job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

**MARINA OLSEN:** I initially wanted to be an investigative journalist, so for my first degree I studied Communications at UTS majoring in Journalism, and gained work experience writing stories for community newspapers and volunteering on community radio. But then I had a Media Law subject and was instantly hooked – I was that annoying student up the front of class who'd done all her reading and had a view on all the discussion topics. So when I finished Communications I studied Graduate Law with a view to becoming a media lawyer. As it turned out, I spent the first ten years of my legal practice focusing on IP and it's only in the past five years that my practice has focused more on defamation. Even though it's a pretty niche, technical area, I've found that defamation litigation has a lot of parallels with IP litigation. Now I would describe myself as a media lawyer with both defamation and IP expertise. It feels like the right fit for me, although I can't say that I planned it that way!

**ROSEN:** What energises you about work?

**OLSEN:** There is a lot that energises me about my work, but I do find the people I work with really make it a rich experience. I consider a number of my BHF colleagues, and clients and barristers that I work with, close friends. Litigation can involve late nights and stressful days, so working with a team of people that you trust and enjoy being around, and that make you laugh, is essential.

**ROSEN:** Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

**OLSEN:** It's more of a procedural issue, but I think the way the Federal Court deals with determining meaning in defamation cases needs an overhaul. Currently, an applicant defines their case at the outset by pleading the imputations they say arise from a publication, and a respondent has to meet that case, including for imputations that are ambiguous or are ultimately found not to be conveyed. The parties don't generally learn of the meanings conveyed until after the trial is complete and final judgment is handed down. It just doesn't strike me as efficient or fair to spend an entire trial trying to meet imputations that are not conveyed (or that are difficult to understand). The old practice of having section 7A trials meant that questions of meaning were determined early on (by a jury) and so time wasn't wasted considering imputations that didn't need to be defended. I think it would be worth trying to replicate this with a judge deciding the issue as a separate question before a defence is put on.

**ROSEN:** What advice would you give to your younger self?

**OLSEN:** When I was a younger solicitor I was so focused on not coming across as pushy or arrogant, and so I avoided asking for things that I wanted. As Sheryl Sandberg said in *Lean In*, many (but not all) women think that if they sit quietly in their office, work hard and are nice to people, they'll progress and succeed. Unfortunately, it doesn't generally work that way. I would tell 25 year old me that, even though it feels



uncomfortable, you have to be willing to ask for what you want and tell people why you deserve it, otherwise you'll get left behind. It's just a matter of finding a way of doing this while staying authentic and dignified.

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

**OLSEN:** Leanne Norman, who is one of my partners at BHF. She has immense experience in defamation law - I think there is only a handful of people in Australia who could match her for that level of experience. She has been centrally involved in so many of the seminal cases in the area. She is very wise, always calm, generous with her time and supportive of younger lawyers coming up through the ranks. She doesn't put herself out there in the spotlight but she works so hard behind the scenes and she cares deeply about her cases and her clients.

**ROSEN:** How do you unplug?

**OLSEN:** It's a cliché, but exercise – I walk to and from work every day, I run, and I have recently taken up meditation. It's hard to find the extra time to meditate (I have three wonderful "energetic" kids to add to the mix) but I have found it a great tool for managing the stress that inevitably accompanies a busy job and home life.

# Kate Barrett

## Co-founder of Markster

Diana Lee, sat down with **Kate Barrett**, co-founder of Markster.

Kate is an experienced intellectual property lawyer and co-founder of Markster - an alternative legal service provider that makes trade marks easy. Markster combines legal excellence and expertise with a purpose-built user-friendly platform to deliver trade mark legal services in a revolutionary way. Kate's passions include all things IP, legal tech, innovation and helping in-house legal counsel better manage their intellectual property portfolios.

Kate is admitted with the High Court of Australia and Supreme Court of Queensland, and has experience working in a top-tier law firm and in-house for an international technology company. Kate holds a Bachelor of Laws and Bachelor of Economics from the University of Queensland.

**DIANA LEE:** What does a typical day look like for you?

**KATE BARRETT:** Since we started Markster, I've found each day has been very different. When you start your own business, you constantly discover new challenges and opportunities. I tend to start each day with a strong coffee and a priority list of things that need to get done, but other important things tend to pop up along the way.

In the early days when we were starting Markster, the days were filled with interviewing potential customers about their trade marks and pain points and building, iterating and re-iterating the Markster platform based on this feedback. We are still in the early stages of our start-up journey, but now that we have several foundation clients, more time is spent assisting these clients with and advising them on their trade marks.

Other things that I might do during the day when working on Markster include arranging meetings with clients and potential clients, drafting pitches and proposals, business



admin (super fun!), developing and implementing strategies for the business, talking with our software engineer Adam to further improve the Markster platform, learning about the business environment in which we operate, and connecting and networking with people in the industry.

**LEE:** Did you always want this job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

**BARRETT:** I've always wanted to be a lawyer. There is an old family video of my mum filming my little brother and in the background I can be heard proudly telling my grandparents "when I grow up I'm going to be a lawyer". However, I never imagined I'd be running my own legal practice or delving into the legal tech space.

I started out my legal career as a graduate in a mid-tier firm in Brisbane. I had three rotations -

banking and finance, insurance and construction law. I got my choice at the end of my grad year and settled in the insurance practice, but I knew it wasn't for me long-term. So, when a chance came up to go in-house at an international technology company called Megaport, I took it. I remember at the time, most people I spoke to told me that it was too early for me to go in-house. I didn't know enough. I didn't have enough legal skills. But I've never been a big believer in listening to other people when they tell you that you can't do something. I think I took it as a personal challenge. And I'm so glad I did.

Making the move in-house changed my life. It opened my eyes to a whole new career path that I never knew about. I met so many amazing people, working closely with the other lawyers in my team, but also people in the business – the marketing team, sales team and software engineers, people I still consider close friends. It was in this role I was exposed to intellectual property, charged with managing the company's IP portfolio, which I really enjoyed. This was when I fell in love with IP and knew this was the area I wanted to specialise in. I eventually went back to a firm to deepen my skillset and increase my knowledge in this area.

Both these experiences led me to co-found Markster. Working on the client side, I understood the pain-points of managing a large intellectual property portfolio and the problems in-house counsel face. While my experience on the external counsel side taught me the intricacies of intellectual property law and the trade mark process, but also how administrative, inefficient and costly trade mark work can be without the use of technology. I thought there had to be a better way. And so, Markster was born.

**LEE:** How do you unplug from work?

**BARRETT:** My partner and I temporarily moved to the Gold Coast last year. It was only meant to be for a few months, but then

Covid-19 hit, and we have been here ever since. Being so close to the beach allows me to escape from my desk, take the dogs for a walk and reset. It is great way to start or finish the day. I have also recently taken up surfing, which is an amazing way to unplug. I am an absolute beginner, but it is so much fun! There is something very grounding about being in the ocean. You have no choice but to be in the moment, or you'll soon find yourself getting smacked in the face by a wave.

**LEE:** If you could have dinner with any woman – living or passed, real or fictional, who would it be and why?

**BARRETT:** The women on my dinner list would include Gloria Steinem, AOC, Nina Simone, RBG, Emma Watson, Malala Yousafzai, Amal Clooney, but at the top of the list would honestly just be my mum. Family is the most important thing to me and life is so short. It's important to spend time with those who mean the most to you. An inspiring woman in her own right, as a single mum who worked hard to raise two kids, my mother has always supported me, encouraged me and believed in me. I credit her with a lot of the traits that have enabled me to be where I am today. Michelle Obama would definitely be a close second though...

**LEE:** The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

**BARRETT:** #ChooseToChallenge is such an important theme. The legal industry in Australia still has a long way to go to achieve true gender equality, from the lack of women representation in partnership or at the Bar, to the expectation that women will leave their careers to go and become mothers, to the inappropriate comments made in meetings or over afterwork drinks, to the issues of sexual harassment and discrimination faced by women in our industry every day. It's important that people choose

to challenge the status quo of inequality at whatever level they feel comfortable, whether that is calling someone out for a sexist joke, speaking up when they see gender bias or discrimination at play, or celebrating the achievements of the women in their lives loudly and proudly.

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

**BARRETT:** Believe in yourself. If someone says you can't or shouldn't do something, respectfully listen to them (if you think they have your best interest at heart). But if you don't agree, back yourself and do it anyway.

# Felicity Drexel

## Legal Counsel for The Walt Disney Company Australia and New Zealand

**Jessica Norgard**, Senior Legal Counsel (Communications, IP and Commercial) at nbn sat down with **Felicity Drexel** to discuss her exciting career, taking the road less travelled, helping protect the magic of the Disney brand and her tips for the next generation of female leaders in the media and communications space.

Felicity Drexel is a media, entertainment and intellectual property lawyer with over ten years' experience working with multinationals in the Australian film and television industry. As Legal Counsel for The Walt Disney Company Australia and New Zealand, based in Sydney, Felicity provides legal advice across a range of commercial matters including Disney+, media distribution, production, music, ad sales and marketing. Previous experience includes working as in-house counsel for Viacom International Media Networks, providing advice across the MTV, Nickelodeon and Comedy Central brands, and in-house counsel for Screen Australia in its legal and international co-production teams. Felicity holds Bachelor's degrees in Media and Law from Macquarie University, a Graduate Certificate in Journalism from Charles Sturt University, and a Master's degree in Law and Management from the University of NSW.

**JESSICA NORGARD:** Working at Disney sounds like every kid's (or big kid's) dream, how did your career path lead you there?

**FELICITY DREXEL:** I've had anything but a traditional career trajectory, and am a strong advocate for taking the road less travelled to get to your destination. I have always wanted to work in media and entertainment law, and specifically chose my university degree based on that – I went to Macquarie University, which at the time was the only school in Australia offering a combined Media and Law degree. I chose travel over graduate positions, and unintentionally ended up working in the ski industry for about three years after finishing university.

I got the urge to get back on the path to a legal career in 2006,



and was offered a role as office assistant to a small boutique firm that did mostly music and media work, which quickly reignited my passion. From there, I went to the Australian Film Commission to work in their research team for a few months before joining the legal team of the newly forged Screen Australia, where I worked across film development and co-production projects, and cemented my love of production work. After a few years there, I moved on to an in-house role with MTV Australia, later Viacom, and there worked across everything from a local Geordie Shore season to Comedy Central roasts in New Zealand to Nickelodeon's Kids' Choice Awards

and Slimefest. I was there for five years before joining Disney. At the time of joining we had three television channels, and my work largely focused on supporting all of the work that went along with them. Over the nearly six years I've been in this role, the company has changed significantly, as has my work, which is now very focused on our Disney+ SVOD service. I was fortunate to be heavily involved in the launch of the service for Australia and New Zealand, and continue to support it day to day.

I feel very lucky to work for such a beloved brand, and one that has been a part of my life for as long as I can remember. There are certainly

times when I get goosebumps, sitting in a screening, or watching a sizzle of the work we've done, when the Disney castle introduction starts. Working for a brand as adored as Disney is very special, however it does carry with it great responsibility. Protecting the brand and the magic that children and families believe it holds is paramount, and means we all work to ensure a high quality of work, while as lawyers we work hard to minimise the risk of damaging that very special reputation.

**NORGARD:** What would a typical day look like for you?

**DREXEL:** As most in-house lawyers would know, there's no such thing as a typical day! Even the best laid plans for a productive day can be scuttled by a last-minute crisis or an urgent request from management, and then it's all hands on deck. Ultimately this means that time management is not just a useful skill – it's an essential part of the work we do.

Typically, it's a pretty fast-paced job, but the move to working from home during the last year has allowed me to develop a much more relaxed day to day schedule. Most days start with a walk around my local neighbourhood catching up on podcasts (an eclectic mix of true crime, politics and pop culture), grabbing a coffee, and then logging on to catch up on any business developments overnight – working for an international company means there's always something happening while we're sleeping. My day can then be a mix of Zoom meetings, phone calls and emails, along with various project work that largely involves drafting, advice and clearances, working closely with our team in Melbourne, and often with our teams in Burbank and other offices around the world. The two key business areas I support are content licensing and distribution, and Disney+, so my work predominantly includes providing advice across content sales and acquisitions, marketing, clearances, creative materials, production, music and lots and lots of contract drafting and negotiation.

**NORGARD:** What developments do you see on the horizon in 2021 for the communications and media legal landscape?

**DREXEL:** The Federal Government's Media Reform Green Paper has really set the scene for the next big developments in the communications and media sector in Australia. Content quotas in particular are an extremely hot topic, and it will be interesting to see how this matter is dealt with.

The rollout of 5G will also present some interesting opportunities and will likely bring with it significant changes in viewing habits and introduce devices that encourage new ways of watching. COVID has also really changed the way we view content and when and where consumers expect to see it, and it will be something that leaves its fingerprint on the industry for years to come.

I'm also looking forward to a time when we see a more diverse range of faces, voices and abilities on our screens. The representation and inclusion standards set last year by the Academy of Motion Picture Arts and Sciences are ground-breaking, and it will be interesting to see if these have flow-on effects for our local production industry.

**NORGARD:** The 2021 IWD campaign theme is #ChooseToChallenge. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

**DREXEL:** I'm incredibly passionate about diversity and inclusion, and am an active member of our company's Diversity and Inclusion Council. When we #ChooseToChallenge, we should actively look to challenge our own unconscious bias in the workplace, to speak up when we see behaviours that aren't in-keeping with principles of equality and fairness, and to constructively urge changes that make workplaces more diverse and more accessible to everyone (physically, culturally, and in respect of gender). Recreationally, I also think we need to challenge our own habits, and encourage reading widely across a diverse range of

authors, and making a conscious effort to incorporate content into our viewing schedules that includes a cast or crew that reflects a broad spectrum of people and cultures. Consuming diverse content opens our minds to diverse ideas, and diverse ideas help to foster greater empathy and create more inclusive spaces.

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

**DREXEL:** Mentor and be mentored. Even in the early stages of your career, there are people who will benefit from hearing about your experiences, and you are also never too old to learn from others, both more and less experienced than you. I've been really fortunate in my career to have come into contact with some incredible women who have been generous enough to give me their time, to provide advice or guidance, and often good networking connections and opportunities. I try to pay that forward whenever I can, and have found that the opportunities I have had to mentor have been very satisfying and I have gotten as much out of those experiences as I have from being mentored myself.

Also, prioritise and normalise making time for exercise and mindfulness. As women we tend to put ourselves last, especially in our early careers, but both of these things are fundamentally important, improve our work output and make us better colleagues, contributors and collaborators.

# Alexandra Tselios

## CEO and founder of The Big Smoke

**Nick Perkins**, Senior Associate at Ashurst, chats with **Alexandra Tselios**, CEO and founder of The Big Smoke, about her career as a media executive and her thoughts on International Women's Day.

Alexandra is an Australian entrepreneur, social commentator and business columnist. She is the founder and CEO of opinion site The Big Smoke and the Tselios Media Group. Tselios was noted in Business Insider for her entrepreneurship in Australia. Alexandra Tselios appears regularly on ABC TV including ABC's The Drum. She writes a business column in CEO magazine and appears regularly as a commentator on nationwide radio in Australia, including 2GB, 2UE and ABC. She has been published in The Huffington Post, The Australian, The Age, The Sydney Morning Herald, News.com.au, The Daily Mail UK, Australian Financial Review, Business Insider, BRW, Management Today, mUMBRELLA, The Hoopla, Australasian Lawyer and Business First Magazine.

**NICK PERKINS:** Tell us about your role, and how your career led you here?

**ALEXANDRA TSELIOS:** I am the Founder and CEO of The Big Smoke Media Group. I dropped out of law school when I launched the company, and while my background was not in media whatsoever, I found that gap to be an incredibly useful and challenging starting line when bringing to market a new media company. Prior to my company launch, I had done a Master's in Business and managed a small team, but neither that education nor experience was able to prepare me for what I was attempting to build (fortunately I had no clue how tough it would be).

**PERKINS:** What's the best work-related advice you've ever received?

**TSELIOS:** My chairman Philippa Lewis said to me 'Be brave enough to believe you are entirely able to do this but always give your "gut" the last word. It's rarely wrong.' Many commercial decisions I've made I've done so by weighing up evidence and then relying on my gut. I would never say I always rely on my gut solely because our own biases tend to be an obstacle but if you can learn to be in tune with your gut and then also survey a commercial landscape critically, you have a higher probability of making successful decisions.

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

**TSELIOS:** Launching the company with no safety net, I was never conservative in my commercial approach and made every mistake possible, but survival and growth made the risks worth taking, encouraging me to continue

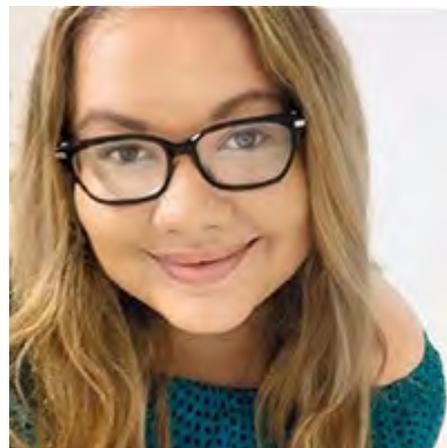
building the company into what it is today. I am also really fortunate regarding some of the risks I have taken in regards to hiring people. Not every risk paid off, but I have made some hires that were done based on the individual, not their experience which is a huge risk - but for a few of my key leaders who have grown into the C-suite, it was a risk that led to me engaging the people that could not only understand my vision but execute it.

**PERKINS:** What does International Women's Day mean to you?

**TSELIOS:** Broad reflection, for some of us we nurture the discipline of reflecting on personal achievements and individual lives, but rarely do we reflect on a large scale the influence women have had in this industry and how much opportunity there is. IWD prompts us to reflect broadly at the big picture. It is also really easy to feel quite alone, especially in the C-suite. IWD reminds us that we are not only intrinsically connected but that our collective experiences create a sense of belonging.

**PERKINS:** The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

**TSELIOS:** It to me is simply a reminder we should be building a life of resilience - implementing this in our work and personal lives means challenging ourselves and the world around us through bold participation in the matters that add value to our lives and the world around us. Another element of the #ChoosetoChallenge theme is also



about ourselves in terms of how we perceive our success and failures. It's easy to get so caught up in the relentless pursuit of ambition that it's then possible to obsess over the losses so much that it overshadows what runs on the board have been achieved. I try to each year write a list of what I achieved the year prior, and it's a challenge for me, but reflecting on that and being ok with the tougher times has meant I have felt stronger around how I choose to move the dial, ultimately challenging my mindset.

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

**TSELIOS:** One of my favourite women in media who I admire, while less known, is Sheila Nevins. She used to head up the documentary division of HBO and (at the age of 80!) was hired to lead the same division for MTV. Her ability to remain focused, relevant and challenging while refusing to allow age to matter is hugely exciting to me. I also grew up loving Lucille Ball, and while 'I love Lucy' was definitely one of my favourite shows, it was Lucille's ability to market her concepts and bring them to life during a period where it was rare for a woman to do so. Her career really took off in her 40s-50s, and she was the first woman to own a major studio - it is remarkable when considering the climate she achieved this in, and what prejudices she had to overcome.

# Kim “Busty Beatz” Bowers and Lisa Fa’alafi (Hot Brown Honey)

Jennifer Ashlan, Lawyer at McCullough Robertson Lawyers, sits down with Kim “Busty Beatz” Bowers and Lisa Fa’alafi (Hot Brown Honey) to discuss their careers in the entertainment industry and International Women’s Day.

**JENNIFER ASHLAN:** Busty Beatz and Lisa, thank you so much for taking the time to talk with me about your experiences in the media and entertainment industry. In light of International Women’s Day, this edition we are putting a spotlight on some of the talented women in the media and entertainment industry. Could you please tell us about yourself, Hot Brown Honey and its members, and how it all began?

**BUSTY BEATZ:** Hot Brown Honey. Who we are. We are the theatrical explosion you didn’t know you needed!! Steeped in the Word of the Mother and packing a potent punch of Hip Hop politics, Hot Brown Honey will make you laugh until you cry, clap until your hands bleed and shake every part of what your mama gave you. With lighting, music and costume set to ignite the change we want to be, Hot Brown Honey is an extraordinary production that spins tradition on its head, going above and beyond to challenge boundaries and embrace resilience. Equal parts theatrical masterpiece and social activism, a stellar posse of phenomenal women smash stereotypes in an unapologetic celebration of our similarities and differences. Hot Brown Honey have lit centre stage at the most prestigious venues and festivals across the globe, making noise with their fierceness and shattering preconceptions in an inspiring explosion of Colour, Culture and Controversy. Fighting The Power Never Tasted So Sweet!



Hot Brown Honey was born of the desire to see more (much, much more) hot black, brown and mixed bodies on stage. Hot Brown Honey started as a club night for Black, Brown and Mixed women to tell their stories – those of us that do not fit the boxes or adhere to the tropes that are so limited across the stage, page and screen for Women of Colour.

**LISA FA’ALAFI:** Hot Brown Honey is our attempt to break through those gates. To play the main stage, the stages as the leads, to gather

some of our talented sisters and give voice and reclaim stories from misconstrued, twisted images that bombard our televisions and newspapers while having a shitload of fun doing it. We have created a space to tell our stories and create theatrical representations to counter and dismantle structural oppression, stereotypes and daily micro-aggressions. It is the space where we decolonise and moisturise. It is where we re-imagine our identities and our world as a Matriarchy. Word to the Mother!

**ASHLAN:** Did you have any goals in mind when putting Hot Brown Honey together? What challenges have you faced in working towards those goals? What successes have you celebrated?

**FA'ALAFI:** Our inspiration comes from Intersectional Feminism, theatre as a vehicle for social change as well as our personal experiences of being Black, Brown and Mixed women intersecting on stolen land known as Australia. In a time when movements like #blacklivesmatter are hitting our Facebook feeds asking everyone to examine their own position, we are adding to this conversation. Hot Brown Honey represents a unique point of view coming out of Australia that isn't blue eyes, Neighbours, Home and Away unreality. In the Words of Audre Lorde, "The master's tools will never dismantle the master's house". In the case of Hot Brown Honey, we have stolen the keys, turned up the beats and started a riot.

**BEATZ:** The biggest challenge we've faced, and continue to face, in putting the show together is colonisation. It has not been good for any of us. Post colonisation ain't a thing. We live the continuing effects daily. Structural oppression, racism, stereotypes and micro-aggressions follow us, as do the actions of the powers that be. As Black and Brown Women, as Women of Colour, as Women of First Nations heritage including Xhosa (South African), Tongan, Gamilaroi (Indigenous Australian) Samoan, Indonesian and Maori, we come up against massive issues that intersect, including race, gender, misogyny, body image, sexuality, culture – there are so many more. The personal is political and we carry the load. But it is where we intersect that makes us powerful. The spark where our pathways connect and combine gives us strength. We are resilient. We are creative. We laugh in the face of adversity. We celebrate our similarities and differences. We Fight the Power. In the words of Arundhati Roy: "Our strategy should be not only to confront the empire, but to lay siege to it. To

deprive it of oxygen. To shame it. To mock it. With our art, our music, our literature, our stubbornness, our joy, our brilliance, our sheer relentlessness – and our ability to tell our own stories. Stories that are different from the ones we're being brainwashed to believe." We also have a three metre high Bee Hive who embodies the Word of the Mother. Try moving that across the world!

**ASHLAN:** What is your favourite thing about performing in Hot Brown Honey?

**FA'ALAFI:** I love watching our audience transform throughout the show. You feel their energy go from shocked, to elated, dance party vibes to raging against the system. It's hard to describe, but you can feel the journey, you can see the faces of Black and brown women, smiles wide as we sing our earworm track *Don't Touch My Hair*, or the women giving a standing ovation in tears after an act around domestic violence, or the white men and women who feel empowered to rise with us screaming at the top of their lungs #MakeNoise. Before COVID-19 we were loud and proud and taking over spaces with next level Matriarchal power!

**ASHLAN:** Hot Brown Honey has performed all over the world, including at the Edinburgh Fringe Festival, and in London, Vancouver and New York. Have you found the Hot Brown Honey message resonating in some locations more than others?

**FA'ALAFI:** Our message is basically asking for everyone no matter what their skin colour to rise to make change. And the injustices felt by marginalised people is a universal issue. So from Stockholm to Brisbane, Dublin to Auckland our audiences could identify with us, even if it wasn't their first-hand experience. I think our hardest shows have been in Australia, when you challenge parts of the ingrained Australian identity it can be too confronting for some. In Perth, we played 36 shows straight and most nights we played to probably a 50% elated audience and 50%

hostile audience. It was hard, to say the least, knowing that literally sharing our lived experience can bring people to rage. But to counter that, some of our best shows have definitely been at Queen Elizabeth's Hall, London, where a superbly multi-race audience over 800 large were standing on their seats making noise with us. It was an incredible moment and it felt like we were literally Decolonising the Queen's kitchen!

**ASHLAN:** Hot Brown Honey's cast changes quite regularly, and there is obviously no shortage of amazingly talented women of colour available to work with you. Do you have any thoughts on the arguments often heard that there simply isn't the talent available to cast people from minority backgrounds, or to represent their stories on screen and stage? Do you have any thoughts about how representation can be increased?

**FA'ALAFI:** This argument is so outdated and incorrect. There are so many talented POC performers ready to go, making work on the fringes. Most people use that ideology to stick with what they see as safe programming or "what the market wants". Representation can be increased when people in those positions of power step aside!! When top down roles are held by people of colour then we will see real change. There is no longer any excuse, Black Lives Matter has made it impossible for Arts companies and organisations to continue to not diversify their admin and production teams, their front of house and even their Boards. The industry is now demanding change, people are speaking up, some people are stepping down and organisations are being asked to be accountable. I see some real change coming and I cannot wait!! Our sector needs to reflect the diverse faces of Australia!! In the words of Margaret Cho: "The power of visibility can never be underestimated".

**ASHLAN:** Having worked in the industry for many years, what has been the biggest change you have seen? What changes do you think (or hope) are on the horizon in the next few years?

**FA'ALAFI:** I want it to be normal to see a female and or a person of colour as CEO or the Artistic Directors of major arts organisations. I want to see more diverse stories on our major television stations. I want to see the government acknowledge how important artists are to the wellbeing of the nation. Look, it's the same thing I've wanted since I began in the industry 20 years ago and maybe, just maybe, it might be easier for young artists starting out today.

**ASHLAN:** COVID-19 has hit the entertainment industry hard, particularly for touring acts who were suddenly grounded. Hot Brown Honey released an amazing range of merchandise in 2020. Can you tell us about the particular challenges (and any wins!) Hot Brown Honey has dealt with during the pandemic?

**FA'ALAFI:** Unfortunately for us having international touring come to a halt has meant we have had to just stop, re-evaluate and primarily put our families' health and wellbeing first. Most of the team lives all over the country so for us to come together even in Australia is a huge financial risk for our small company. We relied on touring the world to sustain our team, and without that it's been very difficult to recover. We, like many artists, have had to reimagine our entire practice. We tried some fun digital content, tried creating shows via ZOOM, started working on our HBH Album remotely, mentored people across the world in phone conversations, and out of necessity finally took merch online. We knew pretty early on that our show really only works live so we have chosen to wait out this unprecedented time in history and then do what we do best, Decolonise one stage at a time and have an amazing, powerful time doing it.

**ASHLAN:** What advice would you give to young women, and particularly young women of colour, wanting to break into the entertainment industry, and make it a viable career?

**FA'ALAFI:** Find and connect with other women of colour in the arts. You can become each other's best supporters and advocates. You don't

have to navigate this primarily white patriarchal system alone, there are many women who have come before you, reach out to them! As far as viable, that's a trickier one. Our industry right now is really struggling to exist. I have my fingers crossed for all the amazing young artists to come that our wider community starts to see us as valuable, otherwise it's going to be a pretty boring world without music, dance, theatre and beautiful art to look at.

**ASHLAN:** International Women's Day is all about celebrating the progress of women's achievements and forging a gender equal world – the theme this year is #ChoosetoChallenge. Are there any champions of equality or particular women in the industry that inspire you?

**FA'ALAFI:** Over the last six years of touring nationally and internationally, we have had the opportunity to build in-depth relationships with creatives, thinkers and game changers from around the world, sharing experiences and forging bonds that nourish on many fronts.

The ongoing value of these communications have been immeasurable. We have had the opportunity to connect into a global story, a universal truth telling and connection which has resonated for us as artists as well as audiences. So shout out to the game changers:

- **Yvette walker** - Artistic Director Black Bleep / QLD Independent Artists Alliance
- **Teila Watson** - Indigenous Poet / Singer / Advocate
- **Bhenji Ra** - Transdisciplinary Artist / House of Ra
- **Kim Senklip Harvey** - Indigenous Theorist and Playwright
- **Rosanna Raymond** - Pacific Sisters / SaVAage K'lub / Artist poet cultural commentator.

This list could go on and on!!!

**ASHLAN:** Thanks once again for you time, Busty Beatz and Lisa. On behalf of CAMLA's readers, we appreciate you sharing your experiences and hopes for the future of the industry.

# Electronic COMMUNICATIONS LAW BULLETIN

CAMLA is pleased to offer our members the Communications Law Bulletin in electronic format.

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# Cassandra Heilbronn

## Regulation Legal Manager in Sports & Entertainment at the Royal Commission for AIUla in Saudi Arabia

**Calli Tsipidis**, Legal Counsel at Fox Sports, sits down with **Cassandra Heilbronn**, Regulation Legal Manager in Sports & Entertainment at the Royal Commission for AIUla in Saudi Arabia, to discuss International Women's Day.

Prior to her move to Saudi Arabia in May 2019, Cassandra was a Senior Associate in Sports, Insurance & Corporate Risk at MinterEllison. Her practice areas saw her acting in commercial matters with worldwide sporting organisations, corporations and sponsors and in player disputes on behalf of clubs and governing bodies. Cassandra is a sought after keynote speaker, travelling worldwide to present on sports and corporate risk issues and is a frequent commentator on matters affecting women in sport and women in the legal profession. She was the President of Women Lawyers Association of Qld from 2016 to 2018, previously held directorships at Surfriider Foundation and Squash Australia; and was an Advisory Board Member for Brisbane Heat. Cassandra is the Founder of The Prominenti Society; a speaker platform featuring only female speakers worldwide. In 2017, Cassandra was named in the Top 20 under 40 in Queensland Business Monthly. She has been named in the 2015 and 2017 Who's Who List of Australian Women.

**CALLI TSIPIDIS:** What does a typical day look like for you? What is involved in your current role?

**CASSANDRA HEILBRONN:** I am the Regulation Legal Manager in Sports & Entertainment at the Royal Commission for AIUla in Saudi Arabia. The project I am currently working on is overseeing the drafting of secondary regulations on two projects: Sports & Entertainment and Foreign Investment, for the region of AIUla, which is an area here in Saudi Arabia. AIUla is full of beautiful landscapes (including a UNESCO World Heritage site) and is currently a residential region. The Royal Commission is helping to develop the natural sites and increase tourism in the area. As such, we need to make sure the regulations are suitable for the residents, as we are enhancing their local community, and are also



attractive for foreign investors while making sure we are covering off all tourism requirements, such as safety and security. In short - I am drafting secondary regulations for some areas of law for this town – it's absolutely amazing!

What has been really different from my previous jobs is that I am not necessarily the woman with the pen in the hand at all times and there is more of an oversight and managing role. There is a team of lawyers who are drafting the regulations in accordance with our project requirements and deliverables. The secondary regulations are being finalised for approval – so we are in the midst of finetuning wording and making sure the language is easily readable and can also be translated to Arabic, so no meaning is lost.

My work day will typically start later and finish later – which is part and parcel of Middle Eastern corporate culture. The biggest change for me moving from Australia was not being

such an early bird! In the past, I had a daily alarm at 4:55am, would go to the gym and would typically be at my desk by 6:30 - 6:45am each day. I've been here for 18 months and I am still training my body to adjust to more of a sleep in. The other major change is adjusting to the different demands involved with working in-house and in a government role... and not recording my time, though I feel I am the only lawyer who would actually say that I miss recording my time!

The pressures here are different from those of a more 'westernised' practice, for example something that is urgent in Australia you would stay up for all night – but here, they use the word "urgent" on a more realistic basis. It is not necessarily a slower way of practice or a lesser workload, but there is a shared understanding of the importance of work-life balance so that timeframes are more realistic.

Also, being someone who has worked in advocacy for women whilst in my role as President of

the Women Lawyers Association of Queensland, it is interesting to note that the theory and issues around flexible work, maternity leave, equal pay and the like – that we have been battling in Australia and continue to battle – is not on the radar here as it's almost a “non-issue” and what we would call a “benefit” in Australia is simply “the normal” here. Flexible work is readily accessible and actually put into practice (both pre and during Covid). Everything is based on respect and I enjoy being part of this culture.

**TSIPIDIS:** Did you always want this job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

**HEILBRONN:** I wanted to be a lawyer from when I was 8 years old, so it's safe to say that I am all for career planning and setting life goals. I set myself quarterly, yearly, 3 and 5 year goals and I work regularly with my Executive Coach on these goals.

In 2018, I decided I wanted to make the move overseas by 2020. I always thought I would go to the US given the sports market there – the money in sport in America is vastly different to what we see in Australia, it's a different type of dynamic and skillset required and something I was very keen to explore. However, in November 2018, as I was about to board a plane, I received a phone call about an opportunity in the Middle East. It sounded almost too good to be true, so I told them to call me back after my flight – and they did. I was shocked that they were serious about the offer, I knew nothing about practice in Saudi Arabia, the law or even life here. It had been a while since I had interviewed for a role, so I thought to myself “let's just do this”. In January 2019, they flew me to Dubai for an interview. By late February I had the job and I moved over in June 2019. The Middle East was not on my radar at all but it is one of the best decisions I have ever made.

I would still like to make the move to the US one day, but my project is ongoing and I still have things I want to accomplish here. As Saudi is opening up for tourism,

we are seeing developments and opportunities arise, so you never know what is next.

**TSIPIDIS:** What advice would you give to your younger self?

**HEILBRONN:** Slow down and enjoy the time. At university, I was in such a rush to start working and to be a lawyer. Getting a job as a law clerk was a priority, to the point where I was working 4 days a week in my final year, whilst studying 5 subjects a semester. In hindsight it wasn't the best decision. Yes, there are benefits to putting your career and studies first. You certainly build up a great skillset and learn discipline in managing competing priorities, however I wish I had taken more time to just enjoy being a university student.

**TSIPIDIS:** What developments do you see on the horizon in 2021 for the communications and media legal landscape?

**HEILBRONN:** When I focus on Australia, the biggest development I foresee is in defamation – will we see a unified, national approach enacted? It will take a lot of work but I think it could be worthwhile.

Additionally, I am intrigued as I follow the continued intersection of social media and the law. As we grow in our understanding of the perils of social media, that is, the increase of misinformation, the instantaneous access to information, potential for ‘censorship’ and ‘independent fact checking’, I anticipate we may see reforms in this space in the near future.

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

**HEILBRONN:** Definitely the move to Saudi Arabia. My life in Australia was easy (so to speak) and I had things sorted – I had a great job, I had a great network and I could have stayed and just kept going. Without knowing what life would be like or what to expect, I sold everything I owned and moved over here to Riyadh. It was a big risk – personally and professionally. If I moved here and realised the role or location were not for me, I feel like

I would be coming back to Australia with egg on my face, however the risk paid off well and truly. From all of this I hope people realise the Middle East is a potential destination for a career move, especially for lawyers. It's nothing like what people would expect – I mean, yes it is hot, but it's a fantastic market full of opportunities and experiences you may not have considered before. I am truly living my best life here!

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

**HEILBRONN:** There are many women I'd like to mention here – I'll narrow it to two if possible. Firstly, Margaret Cunneen SC, who was a Crown Prosecutor and Deputy Senior Crown Prosecutor for many years and now Barrister at Law at State Chambers. Margaret is someone I admire for her perseverance. Where she has had a job to do, she persevered through the obstacles and just got it done. No grandstanding or shirt-fronting tactics necessary – which I think is something that is needed by females in law. Secondly, Edwina McCann, editor-in-chief of Vogue Australia. When we look at media in Australia, we were not seen as one of the front runners when it comes to fashion, particularly when compared to America and Europe. However Edwina has helped bring Australian fashion to the forefront, so we have more of a spotlight which, in turn, has helped to showcase Australian fashion and Australian designers – so much so that we are seeing Australian designs being worn on red carpets on a regular basis now. I admire that Edwina used more discreet publicity tactics, and sought to change how people consider Australia and the fashion industry here. I think she has made such a difference to Australian media publications, fashion and Australian business generally.

I admire these women not for their business practices, political viewpoints or the area they work in, but because of their personal values and attributes – their perseverance, they are dynamic and they are true to themselves.

# Sophie Malloch

## Director of Legal for Facebook Australia, New Zealand and the Pacific

**Justin Kardi**, Lawyer at Clayton Utz, chat with **Sophie Malloch**, Director of Legal for Facebook Australia, New Zealand and the Pacific about Sophie's career and her thoughts on International Women's Day.

**JUSTIN KARDI:** Could you explain your role and what a typical day looks like for you?

**SOPHIE MALLOCH:** My role is Director of Legal for Facebook Australia, New Zealand and the Pacific. I am part of the wider APAC regional team and I work with business stakeholders in Australia and New Zealand (**ANZ**) and legal colleagues beyond on all legal matters touching the ANZ markets and across our family of apps and products. There's really no typical day at Facebook, which makes it incredibly interesting. However, most days will involve working within cross-functional teams to help navigate our approach and response to both typical legal risks (like litigation and regulatory requests) as well legal counselling around advancing our company objectives to give people voice and build community. It also could include collaborating on how we'll respond to new laws or the submissions we'll make on a relevant inquiry; or involve working with commercial teams on the roll out of new products. At the heart of a typical day will be collaboration with my colleagues, so there is always lots of face to face time (mostly virtually now days!)

Facebook has a democratic and open culture where people are encouraged to voice their views and to challenge existing ideas. Against this backdrop I try to make sure that I'm connecting with my team regularly and we're discussing relevant issues and prioritising. Increasingly, my role is about anticipating future risks, developing news processes and setting ourselves up for success. Many of the matters we're involved in are not well traversed and can



involve novel legal issues. Taking the time to look around corners and connect the dots on different legal risks is often interspersed in my day.

**KARDI:** What recent events in the Australian media and communications law landscape have most affected your Facebook and your role?

**MALLOCH:** Like most companies, we deal with a wide range of factors in the legal landscape that impact our business and mission. There's been a lot of focus on the role of digital platforms recently. This has evolved as we all engage more online and as the internet becomes the place

to search, to engage in commerce and to connect – it’s a ubiquitous space and it’s obviously impacted the development of laws in the media and communications landscape as well. This means the regulation of traditional business models versus new business models are being looked at more closely. We really see a lot of this playing out economy wide in Australia at the moment.

**KARDI:** What’s the best work-related advice you’ve ever received?

**MALLOCH:** I feel so lucky to have worked with many supportive, talented and thoughtful colleagues over the years. There are many characteristics that I have encountered that I really try to emulate; like being an ally to others, and being an authentic leader and creating a culture of trust and support. There are two main pieces of advice that I have received that I keep coming back to: (1) Always keep challenging yourself. It’s the uncomfortable experiences that make you and keep you learning. I have to keep reminding myself of this one when I am really feeling at sea (2) Take the time to acknowledge the contribution of others. I’ve always felt most grateful

and more empowered when I’ve been acknowledged by others – sometimes it’s as simple as asking someone’s opinion on a particular topic at a meeting to show that you care about their contribution. I try to remember this when I work with my peers by calling out the great work that others do.

**KARDI:** The 2021 International Women’s Day campaign theme is #ChooseToChallenge. What does this mean to you and how might that be implemented in our readers’ work and personal lives?

**MALLOCH:** I love this theme! It’s a reminder that we cannot coast and should always be challenging ideas and ways of doing things. I think it also means creating a culture that gives people the space where they can challenge the norms – in the workplace and outside it. It could be as simple as taking the time to celebrate our success – as women are promoted or career milestones achieved as reminder that we need to keep acknowledging the inroads. It also means challenging bias when we think it exists, even if it’s unconscious, by asking ‘why’ more often: why am I briefing this barrister and not another? why are some women less inclined to speak up in a meeting?

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

**MALLOCH:** I’m going to state up front that I’m ducking a bit and not naming one particular woman! There are so many of us doing great things that are less widely known and there are women across the media and communications industries and that making headway today that are not necessarily in a leadership roles, but they are forging a path for the next generation of women lawyers – they are dealing with imposter syndrome, returning from parental leave, discovering their voices, managing work and family. Their successes are something we all can admire. I have had the great benefit of meeting women in law firms, within Government, at our regulators in and within businesses that I admire – too many to name. And I look at the amazing women that I work with at Facebook and I think so many of them are breaking the mould in their own ways.

## 2020 CAMLA Essay Competition Winners

Congratulations to the winners of the 2020 CAMLA Essay Competition who were celebrated at the CAMLA Young Lawyers Networking Event earlier this month.

**First Place:** Isabella Barrett (Sydney University): Comment is free, but at what cost?: An evaluation of the impacts of Voller on the concept of defamatory publication

**Second Place:** Kate Mani (Monash University): Social media and suppression orders: the end of e-secrecy?

**Third Place:** Anna Kretowicz (University of Queensland): Don’t Ask Journalists To Keep Your Secret: Source Confidentiality In Australian Media.

Congratulations to all our winners for their outstanding submissions, and to everyone who entered the competition!

# Sue Chrysanthou SC

## Barrister at 153 Phillip Barristers

**Isabella Boag-Taylor**, sits down with **Sue Chrysanthou SC**, to discuss International Women's Day and Sue's career at the bar.

Sue Chrysanthou SC is a leading defamation barrister whose practice also includes intellectual property matters. She was called to the bar in 2004 and was appointed Senior Counsel in 2020. Sue has acted in a number of key cases including *Rush v Nationwide News*, *Hanson-Young v Leyonhjelm*, and *Stead v Fairfax Media Publications Pty Ltd*.

**ISABELLA BOAG-TAYLOR:** Did you always want this job? If not, how did your career path lead you here?

**SUE CHRYSANTHOU SC:** Definitely not. When I was in school, I wanted to be a filmmaker. My parents didn't want me to go to film school, so I found a way of making that career path appear acceptable to them by choosing a degree at UTS that was a combined Bachelor of Laws / Bachelor of Communications (Media Arts and Production). The year I enrolled was the first year the degree had been offered – I was one of about 10 students, and had never even considered law as a career path before that – it was simply a way of keeping my parents happy. Once I began studying law, though, I found it fascinating. And the people in law were less competitive than the people in my film degree.

At first, I wanted to be a legal academic after graduating. I began my Masters of Laws at UNSW, and worked as a lecturer and as a research assistant for Associate Professor Penny Croft and Professor Patrick Keyzer. The summer clerkship process didn't suit me at all, and as I was completely opposed to ever becoming a solicitor, I went for a position as a tipstaff instead. I worked for Justice David Levine and Justice Carolyn Simpson AO, who both presided over the defamation list and who told me that it was possible to go straight to the bar, if I



wanted to. I also worked for Justice Jeff Shaw for a few months. I took the bar course at 24 and became a reader at Blackstone Chambers, which had one of the largest defamation floors in Australia at the time. As a baby barrister I went to court every single day, and gave myself as many opportunities as I could to stand in front of a judge – from Local Court contract disputes, to Trade Marks Office matters, to AVOs. It was shockingly hard work.

In the end, defamation is what I enjoyed the most, and I was lucky to be working with some of the best defamation practitioners in the profession.

**BOAG-TAYLOR:** What's the greatest risk you've taken as a professional?

**CHRYSANTHOU SC:** Coming to the bar wasn't a risk – at 24, I had no liabilities or obligations. Being a barrister isn't necessarily "risky" either, as the cab rank rule means

you simply take the next brief that comes across your desk – professional risk can't be a factor in those decisions. I take a few speculative cases every year, but I don't see those as risks, it is worth it to offer my services to an aggrieved client who would otherwise be financially unable to run the case.

However, the *Mercedes Corby v Channel 7* case in 2007, which was one of my first big cases after coming to the bar, felt incredibly risky: it was just so extremely high profile. The trial was also set to take five weeks, which we knew would mean very high costs for our client. When I took the case I didn't fully realise how much attention it was going to get, and then when I did, I was so nervous. The highest risk was the prospect of public ridicule for losing – I didn't want to be known as one of the barristers who lost the biggest defamation case in 10 years. The media came to every single day of the five week trial. On top of that, Stuart Littlemore QC and I had devoted a huge amount of time to preparation and so there was a lot riding on the result. When the jury retired, we were paralysed with anticipation – I couldn't do anything except play solitaire on my computer for hours whilst I waited for their decision.

**BOAG-TAYLOR:** Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

**CHRYSANTHOU SC:** I find the reforms to the Defamation Act hugely controversial – in my opinion, the issues that exist with the Uniform Defamation Laws have not been addressed by the recent changes. An ordinary person can still be sued in the District Court and face costs of over \$100,000 for something regrettable they posted on Facebook, took down the next day and apologised for. We need to be making defamation law reforms for *that* person.

The first wave of changes also has the potential to increase costs for parties, not reduce them – including

the new serious harm test and the new requirement to issue a Concerns Notice. The amendment to section 10, which allows a court to still determine the costs of a proceeding if either party dies, is going to be really difficult in practice, and the same goes for the new public interest defence in section 29A, which is similarly incomprehensible.

Defamation law should be changing all the time – it needs to keep up to date with the big developments, including from the digital platforms. Instead, it hasn't changed for fifteen years. This affects people every day. I think it's time for the Commonwealth to step in and pass a national defamation law – we have left it up to the States and Territories for long enough, and it's not working.

**BOAG-TAYLOR:** The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

**CHRYSANTHOU SC:** We cannot allow gender stereotyping – female lawyers should not be differentiated simply because we are female. We don't want to be differentiated *at all*. But the attention directed at female lawyers is still incredibly gendered, no matter how competent or experienced we are.

We have to speak our minds and not be afraid to stand up for ourselves. Don't put up with bullying from anyone, no matter who it is.

**BOAG-TAYLOR:** What advice would you give to the next generation of female leaders in the industry?

**CHRYSANTHOU SC:** The best advice is to work hard and do the job better than the people around you. Don't be distracted by what other people are doing and saying – people will always talk, and there will always be someone who doesn't like you. Do your job, do it well, and people can't fault you.

**BOAG-TAYLOR:** Who are the women in the industry whom you really admire, and why?

**CHRYSANTHOU SC:** I have always really admired Her Excellency the Honourable Margaret Beazley AC QC, and I loved appearing before her when she was a judge.

More personally, I count Justice Lucy McCallum and Judge Penny Wass as mentors. Both are fabulous judges – smart, fair, and judicial, and they treat barristers with respect. They are also fundamentally good people. They are everything you want to be as a female lawyer.

# Jade Tyrrell

## Litigation and Dispute Resolution Associate at Johnson Winter & Slattery

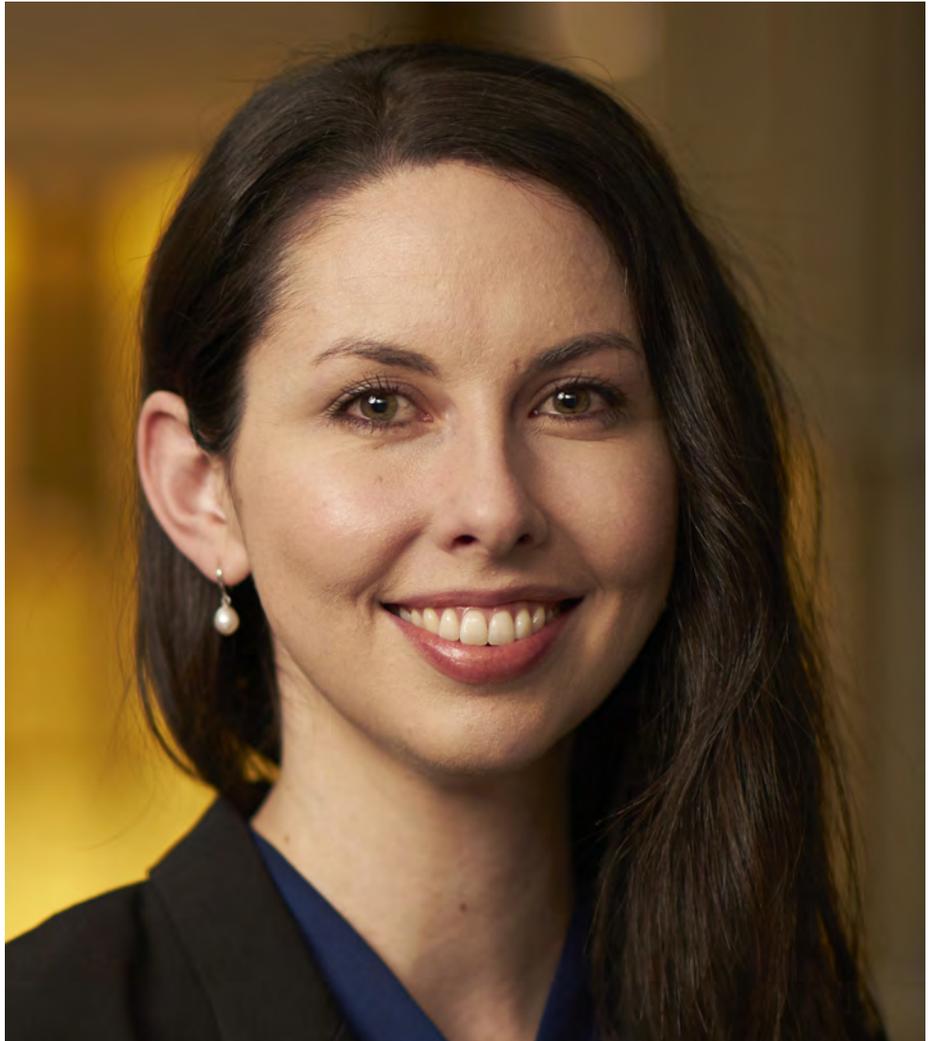
**Angelina Yurlova**, Lawyer at Corrs Chambers Westgarth, sits down with **Jade Tyrrell**, litigation and dispute resolution Associate at Johnson Winter & Slattery, to discuss Jade's career in law and International Women's Day.

Jade has acted in various proceedings in the Federal Court of Australia and in numerous state courts and tribunals, with a focus on proceedings concerning competition and consumer law disputes, defamation, as well as general commercial litigation. She also has experience in employment-related disputes. In addition to her commercial work, Jade has a strong interest in supporting pro bono projects, and in 2020 she completed a Johnson Winter & Slattery secondment at the Public Interest Advocacy Centre. Jade was also the 2017 Tipstaff to the Honourable Justice Michael Slattery AM RAN in the Equity Division of the Supreme Court of New South Wales. Jade is a Councillor of the Law Society of NSW and was recently appointed as a director of the Public Interest Advocacy Centre.

**ANGELINA YURLOVA:** What does a typical day look like for you?

**JADE TYRRELL:** As all litigators (and lawyers generally) will appreciate, there really is no 'typical day'. On a good day, I might begin with a walk/run before my standard ferry ride into the city, followed by my non-negotiable caffeine boost. By the time I reach my desk, I've reviewed my go-to morning updates (at least the AFR, Lawyerly, LinkedIn, and my BarNet Jade Alerts), and emails - of course.

A 'typical day' could then involve considering strategic aspects of matters with various partners with whom I work, drafting court documents or correspondence, taking instructions from clients, liaising with counsel on the more complex aspects of a case, preparing advice in relation to ongoing disputes, or assisting with evidence preparation for a court deadline. Everything is different if you're swept up in the fast pace of



a trial - I find that one of the most rewarding aspects of my job. Of course, sometimes your anticipated to-do list is thrown out the window if something urgent pops up - the world of LDR keeps you on your toes and you have to stay adaptable.

**YURLOVA:** Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

**TYRRELL:** In the class actions space, there are a number of reforms which could be introduced to increase

access to justice and returns to group members. Last year, I was involved in preparing a NSW Young Lawyers submission to the Parliamentary Joint Committee on Corporations and Financial Services (which was referred to a number of times in the Joint Committee's Report released in December 2020). We recommended that the ban on contingency fees be lifted and that the *Federal Court of Australia Act 1976* (Cth) be amended to give the Federal Court of Australia authority to grant a common

fund order at any stage of the proceedings, among other things. For those who may be interested, I would encourage you to read the Young Lawyers submission. Unfortunately, not all of our recommendations were adopted in the final Report but the reforms we recommended are needed in my view.

Otherwise, I will adopt a broad interpretation of 'sector' and take this opportunity to say that urgent reform is needed to raise the age of criminal responsibility to 14, in line with international standards. I don't work in criminal law, but I think it is incumbent upon lawyers to use their privileged position to voice support for important causes when they see injustices occurring. Organisations in which I am involved have been very vocal on this issue and I am strongly in support of raising the age for the protection of young people and for the proper administration of justice.

**YURLOVA: What advice would you give to your younger self?**

**TYRRELL:** There are many things I wish I had known when I started out in this profession. I would tell my younger self at least the following – whether she'd listen to me is a different story:

*It's a marathon, not a sprint* – a former colleague told me this repeatedly (often when he was leaving the office to go home to his family at a decent hour). If he's reading this, those were wise words and the more I progress through my career, the more I appreciate them (admittedly, sometimes the life we lead as lawyers doesn't make it easy to adopt this approach in practice).

*Don't be so hard on yourself* – this piece of advice remains relevant as I (like many others) have the tendency to doubt myself or to suffer from imposter syndrome at times. If Jacinda Ardern can feel that way and admit it publicly, we should all feel encouraged to face it and channel it into something more productive to help us succeed – we shouldn't ever allow it to hold us back.

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

**TYRRELL:** The first thing that springs to mind was my decision to run in the NSW Law Society Council elections. As a 'young' practitioner, it can be rather daunting to put yourself out there and to ask your colleagues to trust you with their votes. It so happened that I was also in the process of applying for a new job and I needed to inform the managing partner at Johnson Winter & Slattery that I was a candidate well before the election took place. Luckily, I was successfully elected to Council (and I was offered the job) so that was a huge relief on all fronts. That could have ended very differently.

The Councillor role also comes with all the risks and responsibilities of being a director. While that is always on my mind, the opportunity I've been given to serve the profession is a very rewarding experience and it makes it all worthwhile. The trust the profession has placed in me is something for which I am truly grateful and I don't take it for granted.

**YURLOVA: If you could have dinner with any woman – living or passed, real or fictional, who would it be and why?**

**TYRRELL:** This was an incredibly difficult question!

If I really had to narrow it down to one person, I would choose Ruth Bader Ginsberg – the feminist icon who keenly embraced her "Notorious RBG" moniker. Her death last year was a real tragedy.

RBG's work ethic, commitment to justice, and her lifelong advocacy outside her paid work were truly remarkable. She clearly also maintained a sense of humour despite all the challenges she faced.

It would be such a thrill to meet RBG and to hear her discuss her life experiences, landmark cases, and her views on the ways in which the legal and political environments changed during her time as a judge. I am sure she could also offer some

words of wisdom on how we can continue her legacy. I'd no doubt learn a few life lessons in the process (she might even volunteer a few of her famous workout tips). I'd eat my dinner very slowly to maximise the time!

**YURLOVA: The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?**

**TYRRELL:** We need to constantly push for more tangible action in order to remove systemic barriers to gender equality - in the workplace and beyond. This theme makes it clear to me that everyone has a role to play in order to achieve progress in this area, including to challenge all forms of bias and discrimination against women.

Importantly, one of the key challenges is to ensure ongoing accountability. Depending on the opportunities available to readers, this may include incorporating systems to regularly audit and review progress for gender equality in the workplace or challenging inappropriate behaviour towards women at work or in social settings (which includes addressing any inherent gender biases that may exist). It should also include keeping yourself accountable by frequently asking whether there is more you could be doing to achieve equality in a way that recognises and celebrates diversity, and taking appropriate action to achieve better outcomes.

There is so much more work to do. A huge part of this ongoing challenge is to stay informed about these issues, including how the changing landscape of work may affect women in different ways, so that we may understand how best to tackle gender bias and inequality together.

# Clarissa Amato

## Barrister and Member of Banco Chambers

**Madeleine James**, Associate at Corrs Chambers Westgarth, sits down with **Clarissa Amato**, a barrister and member of Banco Chambers to discuss International Women's Day.

Clarissa has been in practice at the Bar since 2008 and practises in commercial litigation, defamation, intellectual property and media law. Most recently, Clarissa was briefed to appear for the ABC in defence of a defamation claim brought by the Commonwealth Attorney General, Christian Porter, arising from reporting of a historical sexual assault allegation.

Clarissa's experience and expertise are widely acknowledged. She is recommended in Doyles Guide to the Legal Profession for media, technology, and communications matters. She is also ranked in the World Trademark Review as one of Australia's leading trademark Counsel, which describes her as "a commercial, defamation, IP and media litigator with an excellent record."

In addition to her media and entertainment matters, Clarissa also maintains a diverse commercial practice encompassing contract disputes, cross-border insolvency matters and consumer law claims.



**MADELEINE JAMES:** What does a typical day look like for you?

**CLARISSA AMATO:** I tend to get up around 5.30am and do some form of exercise (fuelled by coffee), then come into chambers. I have a quick breakfast while I catch up on the news. Then it is either Court or if not, then reading, preparation or conferences. I do my best thinking in the morning so I try to tackle anything tricky then. Lunch is usually at the communal bench in chambers with colleagues. It is always hilarious and gives me the energy to push on through the afternoon slump (or the afternoon session of Court). Home time depends on workload but I do try to get there for family dinner or at least stories with the kids as often as possible.

**JAMES:** Did you always want this job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

**AMATO:** Sheepishly, I confess I wanted to do this job since I was very young. I grew up in a small coastal town (think Porpoise Spit) in an academic family but with zero connections in the law. I have no idea how I got the idea in my head that becoming a barrister would be a good idea – maybe it was a

way to escape to the big smoke. Anyway, after a standard Arts/Law degree at Sydney University, I worked as a solicitor at Phillips Fox, then a boutique media firm (Schillings) in London before coming to the Bar.

**JAMES:** What's the best work-related advice you've ever received?

**AMATO:** Read the brief. Read every single page in the brief, even the boring bits. Facts win cases.

**JAMES:** What developments do you see on the horizon in 2021 for the communications and media legal landscape?

**AMATO:** Perhaps the amendments to the *Defamation Act* will actually commence.

**JAMES:** The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

**AMATO:** To me, it means challenging views or habits that are not serving you well and implementing a sustainable solution. That challenge

may be a work habit, a way of relating to others or a lifestyle habit. For me, it was learning to ask for help and advice rather than feeling like I had to do it all on my own. I also took up ocean swimming a couple of years ago which has brought great joy.

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

**AMATO:** I have the great privilege to be in chambers with a group of brilliant, accomplished, insightful and funny women that I cannot pick just one (nor will I embarrass them by naming them). They know who they are.

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

**AMATO:** Read the brief (or the file), get enough sleep, exercise and be assertive.

# Melissa Corbutt

## Head of Legal APAC at Bravura Solutions

**Kosta Hountalas**, Legal Counsel (APAC) for Bravura Solutions, chats with **Melissa Corbutt**, Head of Legal APAC at Bravura Solutions, about Melissa's career and her thoughts on International Women's Day.

Bravura Solutions is an international fintech company listed on the ASX. Outside of work, Melissa enjoys spending time with her family including her energetic 2 year old.

**KOSTA HOUNTALAS:** Did you always want this job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

**MELISSA CORBUTT:** Since studying law (with a minor in Journalism) I have always had a passion for IP and media. I was fortunate to have undertaken an internship at Channel 9 News while I was still completing university but decided I wanted to pursue a career in law. I commenced my career in private practice gaining experience across a range of areas but always with an underlying focus on IP. Once I realised I wanted to transition to an in-house environment, I started looking at job descriptions for in-house lawyers to upskill where needed so I would be well placed to make the transition.

**HOUNTALAS:** What advice would you give to your younger self?

**CORBUTT:** During your life, the path you take will have many twists and turns. Take the time to reflect on where you are at and whether you are happy. If not, decide what needs to change. Your goals when you start your career will change over time and it is ok that those goals evolve or take an entirely different direction – be open to it and learn from each experience along the way as it will shape who you become. None of it will be a waste.

**HOUNTALAS:** How do you unplug from work? Do we ever unplug from work in current times?

**CORBUTT:** Despite how accessible we have become with laptops and mobile phones, meaning we can now effectively work anywhere and at any time, it is important to have some boundaries and to take some time away from work to avoid burning out.



When I unplug from work, I like to be present in what I am doing and not checking my emails during that time - for example, taking my dog for a walk or taking my son to the park. I think these simple things can bring so much joy and perspective.

**HOUNTALAS:** Which actor would you want to play you in a movie about your life?

**CORBUTT:** Nicole Kidman - I have always been a big fan of Nicole!

**HOUNTALAS:** What's the best work-related advice you've ever received?

**CORBUTT:** "No-one is going to die" – lawyers tend to have a lot of Type A personality traits including being very conscientious; but sometimes we need to take a step back and not take ourselves so seriously. That was the intention behind this one little phrase

imparted on me by a wise former manager.

**HOUNTALAS:** What energises you about work?

**CORBUTT:** Working with an exceptional team of intelligent people that all have a great sense of humour and collaborating with the business to achieve common goals.

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

**CORBUTT:** There may be more challenges for females to overcome to reach leadership roles as opposed to male counterparts, but times are changing. In the meantime, find ways to influence key stakeholders, find sponsors within the business that will support your growth and development and be true to yourself.

# Melissa Quinn

## Senior Corporate Counsel at Optus

**Lornagh Lomax**, Lawyer at McCullough Robertson, sits down with **Melissa Quinn**, Senior Corporate Counsel at Optus to discuss Melissa's career and International Women's Day.

**LORNAGH LOMAX:** Melissa - on behalf of CAMLA's readers, thanks very much for taking the time to talk media and entertainment law with me. In celebration of International Women's Day, this edition we are putting a spotlight on some of the talented women in the media and entertainment industry. Could you please tell us about yourself and the sorts of work you and your team at Optus do?

**MELISSA QUINN:** I've been working in-house in the media industry for over 12 years, with a particular focus on sports broadcasting and streaming. As an avid sports fan,

it's a dream job! I joined Optus in 2016 to work with its emerging television and content business. I do a broad range of work to support Optus' sport and entertainment services, including negotiating and drafting commercial agreements for sports rights, channel and content distribution, technology, production, sponsorship, advertising, talent and general procurement. I advise on a range of issues including regulatory compliance, rights exploitation, copyright and fair dealing, piracy, competition and consumer law, privacy, production and defamation.

**LOMAX:** What does a typical 'day in the life' look like as Senior Corporate Counsel for TV & Content at Optus? What's your favourite thing about your role or working at Optus?

**QUINN:** Like many in-house roles, there's no such thing as a typical day, and that's one of my favourite things about it! On any given day, I may be negotiating a content acquisition deal, drafting amendments to a software agreement, answering questions about advertising regulations and running legal training for the Optus Sport production team. I enjoy working



closely with my business colleagues on complex deals and new service offerings – seeing a project through from inception to launch is very rewarding.

**LOMAX:** Working in the growing broadcasting video on demand (BVOD) sector sounds like an exciting space to be in the sports entertainment industry. Can you tell us about the past roles you have had leading up to this point?

**QUINN:** I started my career at Blake Dawson Waldron (now Ashurst) in the Intellectual Property & Communications team. While I was there, I did a client secondment to Telstra's BigPond team which gave me a great insight into the challenges and rewards of working in an in-house media role. I then joined the legal team at Fox Sports Australia and was fortunate to work on some of the most significant sports rights deals in the country during my time there. I joined Optus in 2016 when it was preparing to launch Optus Sport.

**LOMAX:** What are the biggest legal or industry challenges you foresee for the sports entertainment industry over the next few years?

**Quinn:** It isn't unique to sports entertainment, but media law reform is long overdue. When I tell my business clients that the same piece of content is subject to different rules depending on whether it is broadcast on television or streamed online, they find it very hard to believe. The current analogue-era laws create undue complexity and we need to move to a platform-neutral approach to content regulation.

**LOMAX:** Is there a woman in the media industry, perhaps even a competitor, you admire?

**QUINN:** Rebecca McCloy, Director of Acquisitions and Sport Partnerships at Fox Sports Australia, stands out for me. I was fortunate to work closely with Rebecca when I was at Fox Sports and she is one of the most energetic, commercially astute and hard-working colleagues I have ever come across. Rebecca is also a passionate and authentic leader who champions her team and motivates them to deliver results. Not only that, but she is a pleasure to work with!

**LOMAX:** We understand you have been involved in Optus Sport's expansion of its sports broadcasting rights, which has included increased investment into the broadcasting of women's sports. Where do you see sports streaming services in 10 years' time in terms of broadcasting women's sports content? (Do you think Australia will ever see regulation around women's sports content quotas?)

**QUINN:** I've seen the level of interest in media rights for women's sports increase over the past few years and I expect this to continue. There is obviously still a significant gap between men's and women's sports in terms of broadcast and sponsorship revenue, but I think more and more broadcasters and streaming services will see value in investing in women's sports rights. The combination of comparatively lower prices, positive brand associations for advertisers who sponsor women's sports and broader social issues around diversity and

equality make women's sports rights an increasingly appealing investment. The success of domestic competitions such as the Women's Big Bash League, Super Netball and AFLW and international events such as the FIFA Women's World Cup has been very encouraging. I don't think we'll see regulation around content quotas for women's sports – I think investment will increase without the need for regulation.

**LOMAX:** What advice would you give to any young lawyer aiming for a position in the media and entertainment industry like yours (or to a not-so-young lawyer looking to make the switch)?

**QUINN:** Get to know people in the industry – going to seminars and events is a great place to start. You'll learn about the different roles people have, industry issues and future trends, and it may even lead to your next job (I found out about my current and previous roles through friends and colleagues in the industry). And volunteer roles in the arts can be a great way to get more experience and develop your skills, while also being very rewarding. I sat on the board of the Screen Culture Association, a not-for-profit organisation that runs the Antenna Documentary Film Festival, and learnt a lot about different governance frameworks, arts funding programs and sustainability strategies.

**LOMAX:** Thanks once again for your time, Melissa. On behalf of CAMLA's readers, we appreciate your insight and advice.

## Contributions & Comments

Contributions and Comments are sought from the members and non-members of CAMLA, including features, articles, and case notes. Suggestions and comments on the content and format of the Communications Law Bulletin are also welcomed.

Contributions in electronic format and comments should be forwarded to the editors of the Communications Law Bulletin at: [clbeditors@gmail.com](mailto:clbeditors@gmail.com)

# Marlia Saunders

## Senior Litigation Counsel at New Corp Australia

**Eli Fisher**, Senior Legal Counsel at ViacomCBS / Network Ten and co-editor, chats with **Marlia Saunders**, Senior Litigation Counsel at New Corp Australia about Marlia's career and her thoughts on International Women's Day.

**ELI FISHER:** Tell us about your role, and how your career led you here?

**MARLIA SAUNDERS:** I'm the Senior Litigation Counsel for News Corp Australia - I've been in the role for just over 3 years after working at Ashurst (nee Blake Dawson nee Blake Dawson Waldron) for 13 years. I always wanted to be a media lawyer, so I studied a Journalism/Law double degree at UTS, then started at Blakes as a graduate. As soon as I rotated into the IPC team, I started working on defamation matters (mainly for News) and loving it. As the end of my rotation drew nail-bitingly near, the amazing Kiah Officer accepted an in-house role at Nine, and I was lucky enough to inherit her office (including an original Paul Mallam artwork) and all of her defamation files - it was a very steep learning curve but I felt so fortunate to be exactly where I wanted to be. Over the years, I worked on some high profile defamation cases (including the Daniel Snedden matter, in which we successfully defended "war criminal" imputations), and also worked on copyright, trade mark and consumer law litigation; sponsorship, production and licensing deals and privacy advices. I also did a few secondments, including at Foxtel and Telstra, and really enjoyed in-house life, but wasn't ready to make the move until my current role came up for grabs. It was the perfect in-house role for me because I have the opportunity to run my own defamation litigation in-house, as well as working with a range of incredible external law firms and barristers. Our editorial legal team has six lawyers and we all work together doing a range of prepublication advice work, complaints handling, litigation, commercial work, training, suppression orders and law reform.

**FISHER:** What's the best work-related advice you've ever received?

**SAUNDERS:** To trust your own abilities and push through your

comfort zone. I think taking on diverse opportunities and throwing everything you have at them improves your resilience as well as your confidence.

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

**SAUNDERS:** Leaving Ashurst after being there so long and having built up a lot of support and respect was a huge decision for me. I had a lot of sleepless nights wondering if I was doing the right thing for my career. But I think I always would have wondered if I hadn't taken up the opportunity, and I haven't regretted it for one minute. I've been at the coalface of some extremely high profile matters, including the Geoffrey Rush defamation litigation, the George Pell contempt proceedings (in which I was cross-examined for the first time in my career) and in the Dylan Voller case concerning liability for the publication of third party comments on Facebook which is soon going to the High Court. News' key role in the Australia's Right to Know coalition of media organisations has meant I was heavily involved in drafting submissions and participating in consultation throughout the defamation law reform process. I feel that coming in-house enabled me to become fully immersed in the media industry, which I am incredibly passionate about. So I think the risk paid off!

**FISHER:** What does International Women's Day mean to you?

**SAUNDERS:** International Women's Day is about having a designated day each year where we celebrate women and how we can work together to achieve equality. It's hugely important to me that women are recognised, remunerated and rewarded as equals to men. I feel that I've been fortunate in working with women and men throughout my career who don't seem to operate along gender lines,



however I think there are still so many improvements that need to be made, particularly around flexible work (although COVID has assisted with that), the mental load, remuneration and career advancement. I would love it if it could be International Women's Day every day!

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

**SAUNDERS:** Can I have two? I would say Anita Cade, who was one of my partners at Ashurst, and was and still is a mentor and role model for me. She is an incredible lawyer, which is an inspiration in itself, but she is also an extremely caring and patient boss. I always appreciated how she takes time out of her busy schedule to talk things through with junior lawyers so that they learn and develop. Anita also showed me how it is possible to be both an amazing partner and an amazing mum. My other, equally admirable choice is Lyndelle Barnett. We started as peers in adjacent offices, where we would pop next door to debate a legal point or case strategy with each other (she always beat me in the verbal stoushes, of course). Now she has forged such an inspirational career as the go-to barrister for the media and I am very proud of her and all she has achieved.

# Claudia Wallman

## Senior Legal Counsel at Spotify

**Nick Perkins**, Senior Associate at Ashurst, sat down with **Claudia Wallman**, Senior Legal Counsel at Spotify, to discuss Claudia's career and International Women's Day.

**NICK PERKINS:** Tell us about your role, and how your career led you here?

**CLAUDIA WALLMAN:** I work as Senior Legal Counsel in the Licensing and BD team at Spotify, where I help with label and publishing licensing across APAC and other partnership deals. I started my career at Allens just over 20 years ago in the wonderful IP team there before heading overseas to do a masters at Stockholm University. I didn't plan to stay very long, but (a bit by chance) ended up working in the IP and media team at Mannheimer Swartling, one of Scandinavia's big law firms. During my first year in Stockholm (which was during the Pirate Bay days), two of my colleagues moved to a small music tech start-up called Spotify – I went to one of their early pre-launch events and came home with a beta version of the client. Five years later I also joined their in-house team, first working in the Stockholm office and then relocating to Sydney.

**PERKINS:** What's the best work-related advice you've ever received?

**WALLMAN:** That people will remember you not for what you do, but how you do it. Regardless of how hard we work or what amazing things we may achieve, it's the way we interact with other people and contribute to their work and their lives that's so important.

**PERKINS:** What does International Women's Day mean to you?

**WALLMAN:** To me it's a celebration of the incredible power of women as well as a reminder that we still have a fair way to go. I'm fortunate to work in the AU/NZ business at Spotify where the female leadership is exemplary – we have (and have had) some amazing women leaders and a culture where diversity and inclusion is at the heart of everything we do. IWD is an opportunity to



recognise and celebrate how lucky I am to be part of that.

**PERKINS:** The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

**WALLMAN:** I think #ChooseToChallenge is a great initiative as it calls for us all to make a real and conscious commitment to empowering women everywhere. Creating a culture where we can all stand up to all types of bias and inequality is crucial if we want to create a more inclusive platform for all women. Make sure to do unconscious bias training and put it to work! This year as part of

#ChooseToChallenge, Spotify created a hub called EQUAL which aims to amplify women's voices on the service globally. I've had the Women of AU & NZ playlist on repeat for the past few weeks.

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

**WALLMAN:** I don't think I could single out anyone in particular, but along the way there have been many women who have inspired me in very different ways. Whether they have been a shining example of female leadership, or a constant champion for change in the industry, or have simply offered an encouraging word when things got tough, I am grateful to all of them.

# Jenna Adamson

## Legal Counsel at L'Oréal A/NZ

**Damiano Fritz**, Lawyer at Clayton Utz, chats with **Jenna Adamson**, Legal Counsel at L'Oréal A/NZ about Jenna's career and her thoughts on International Women's Day.

Jenna spent 8 at MinterEllison before transitioning to L'Oréal in the middle of 2019. Jenna supports the eCommerce-focused CMO team and embraces the intersection between digital transformation and the law (including as leader of the Communications Portfolio for the newly-formed Digital Law Association).

**DAMIANO FRITZ:** What does a typical day look like for you?

**JENNA ADAMSON:** Each day in-house with L'Oréal A/NZ is next-level indescribable and, as stereotypical as it may sound for an in-house legal counsel, no two days are the same.

By way of example I deal with at least 10-15 matters each day on any- and everything (no understatement), including across areas of competition and consumer law (including the evolving area of eCommerce, digital and social media), privacy, data and IT security, property and construction law, international law, IP law and general corporate/commercial matters.

Across our 30 brands, I individually partner with our leading CMO team, which places me at the forefront of legal digital transformation within our corporate functions such as operations/supply chain, procurement, HR, communications, media, finance. This enables me to solve problems across all pockets of the organisation, as well as to help manage major projects insofar as legal (and in most instances reputational and commercial) risk is concerned.

I also partner closely with our Active Cosmetics Division (including brands such as SkinCeuticals and La Roche Posay), which is our fastest growing division in the organisation, with a strong expertise in science and beauty tech and a commitment to social causes which absolutely



resonates with me ('Health is the future of beauty').

We are always working towards advancing our team's legal innovation and operations as we continually assess and brainstorm how we can do things differently including collaborating with our legal tech vendors to, for example, build and improve our 15 legal Apps on a platform that empowers the business to 'self serve' on routine legal tasks, or by building a chat bot (called 'Lippy') that helps our business better navigate and self-service certain key legal documents, guidelines and playbooks.

In addition to L'Oréal A/NZ, I am the Communications Lead for the newly-formed Digital Law

Association, where I connect with some of the most exceptional women and have the opportunity to raise awareness of how we approach the uptake of technology globally – on any given day of course I manage the Association's external communications ie our Instagram, LinkedIn and Facebook accounts which is naturally the perfect complement to best serve the world's leading beauty company.

**FRITZ:** How do you unplug from work?

**ADAMSON:** The million dollar question [*laughs*] – work ethic and conscientiousness are often a given for legal professionals, so I do believe that what is determinative of 'switching off' is one's mindset at the end of the day (when the

reality is there will always be unanswered emails and outstanding tasks). It has only been in the past few years (and perhaps even more during the pandemic) that I have grown confident in not only setting, but staying true to, my personal boundaries. Like all of us, I am the best version of myself when I am at the top of my game mentally, emotionally, spiritually, physically and socially – so I do need to self-regulate often and know what my non-negotiables are. Movement each day is a must, whether it be Pilates or even just getting outside for a walk (ideally with the sun and a decent podcast or music) - it's something that I cannot afford to compromise on (which aligns with decent sleep and nutrition). Similarly, I choose very carefully whom I spend my spare time with and it's those loved ones that give me life and ground me at the end of the day.

To be honest, the ability to 'unplug' has always been a challenge of sorts for me (and it is certainly easier to master sometimes more than others) but I have grown to accept that we are doing our best each day and that is enough (and perhaps more than enough for those like myself with 'perfectionist' tendencies) – so own it and live your life beyond your occupation.

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

**ADAMSON:** Given that I was certainly a 'law firm baby' of sorts and had specialised in property law for the majority of my career (not to mention the very niche area of leasing), my biggest career risk would have been the move in-house.

I was a Senior Associate at MinterEllison in Brisbane (where I was fortunate to work with the best clients and an incredible team) and resigned to take up a 12 month contract in-house for L'Oréal A/NZ in Melbourne. It's said that: *"One of the biggest fallacies about change is that it can only come from a place of restless dissatisfaction."* You can love your life (or job in this case) and choose to change it in any way,

just because you want to. It was certainly one of those moments where I discovered how valuable fear can be – it was a real concern for me having not had experience in other areas before this in-house role – yet in hindsight that has been the least of my concerns.

Of course it would have been more convenient to have more in-house experience, but it has by no means held me back. I have developed and worked to perfect the technical and soft skills that any lawyer is expected to have in private practice and, although at the time I may have taken them for granted, I am now appreciative that they have formed the best foundation for my in-house career and are second nature: attention to detail, articulate use of language and communication skills, drafting, time management, research and the like.

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

**ADAMSON:** Own it – own who you are, own what you do, and how you do it.

I'm currently managing our A/NZ legal team's first in-house clerk, Betty, as part of the ACC Australia & The Learned Crew's drive to create in-house clerkship opportunities in addition to the traditional law firm path, and there is nothing more inspiring to me than seeing Betty empowered and owning who she is as a person and her abilities as a lawyer and partner to our business.

**FRITZ: If you could have dinner with any woman – living or passed, real or fictional – who would it be and why?**

**ADAMSON:** My answer for this absolutely changes over time! At this stage, I would say Brene Brown – for those who are not familiar with her, Brene is a phenomenal woman who I believe leads the way in her research into vulnerability, courage, shame and empathy.

One of my most valuable mentors who is always close to my heart introduced me to Brene's work when I was at somewhat of a turning

point in my life, both personally and professionally, and understanding my earlier 'wiring' or 'conditioning' of sorts was key to my future growth: *"Owning our story and loving ourselves through that process is the bravest thing we'll ever do"*.

I personally have taken so much from Brene's work and it has truly shaped who I am today and how I do now own my story. That said, it is an ever-evolving process: truth be told I am a not-quite-yet recovered perfectionist, but I challenge myself each and every day to continue to grow.

Brene's research helps me navigate my mindset amidst that (because it certainly isn't easy – but that's why I love it) so, of course, a dinner with her on a personal and self-developmental level would be incredible, not to mention the opportunity to explore her own personal development and those she has interviewed as part of her research.

**FRITZ: If there is one thing you would celebrate about International Women's Day in our industry, what would it be?**

**ADAMSON:** First and foremost, the empowerment and collaboration of women – that's a given, but perhaps if we go further, we as women are beginning to no longer recognised by our occupation alone but rather who we are as people. While there is always further room for improvement (#growthmindset), I do believe that we are now recognised as women and people, not only on a more even scale, but as our wholehearted selves - including those traits that were traditionally perceived as 'weaknesses' like empathy, emotional intelligence, self-regulation and self-care, or being mindset-oriented. That has taken a world of growth in what was formerly a less-diverse and more conservative industry where our collective commitment (all-inclusive – not women only) to face our fears and be our authentic selves has helped to erode any earlier misconceptions and break down stereotypes.

# Rebecca Lindhout

## Special Counsel at McCullough Robertson

**Belyndy Rowe**, Senior Associate at Sainty Law, chats with **Rebecca Lindhout**, Special Counsel at McCullough Robertson.

Rebecca is Special Counsel in McCullough Robertson's Digital & IP Team. She acts across a broad range of TMT matters, including telco, media rights, sponsorship, talent, marketing, technology procurement and technology services agreements. She also advises on general commercial arrangements and the IP/IT aspects of corporate transactions. Rebecca obtained her law degree from Oxford University and trained at Slaughter and May in London, including on secondment to ITV. She also spent a number of years working at FOX SPORTS Australia.

**BELYNDY ROWE:** Did you always want this job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

**REBECCA LINDHOUT:** Funnily enough, I didn't grow up wanting to be a lawyer. I studied law at uni because I knew it would open lots of doors, and then when I graduated from Oxford I was offered a grad role at Slaughter and May in London and so I started their 2 year program.

I went on secondment in my third rotation to one of the UK's main TV stations – ITV – and spent 6 months as a commercial lawyer in the sports space, negotiating sports rights deals and also acquiring some factual programming. After that, I knew I wanted to be a lawyer and to work in the TMT space. After a few years at Slaughters, I returned home to Sydney and soon found myself at Fox Sports which was definitely a dream role. I was exposed to the real commercial and strategic drivers behind a deal, got to work as part of a team which produced awesome content and services, and really felt like I was a part of the company (rather than an external legal cost).

Fast forward a few years and I made the very unusual decision to return to private practice. Despite the return to time sheets, I really enjoy



being in private practice for the mix of work – including across different areas and sectors – and having a range of clients that I get to work alongside.

**ROWE:** Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

**LINDHOUT:** There are a couple of key areas I'm keeping a keen eye on.

First, the changes to defamation law – and in particular the long-term approach which is taken following the decision in *Voller*. With recent high profile defamation claims – including Christian Porter's commencement of proceedings this month, and the proliferation of information sharing through social media platforms – including pages facilitated by traditional news

outlets, it's an area which doesn't benefit from the fairly slow reforms process.

The other area which I'm watching is around the anti-siphoning list, the operation of which has just been extended for another 2 years. With both changes in consumption via TV compared to online, and the increase in digital streaming platforms (which are not caught by the regime), some change is definitely required. Recent data suggests that over 17 million Australians (about 80% of us) watch subscription services – and so the argument that premium content needs to be accessible on free-to-air TV is definitely worth reconsidering. Although I admit the market fragmentation – and potential need to have multiple subscriptions to access content is an issue – I don't

think that's a good enough reason to provide preferable treatment to free-to-air TV compared to pay TV in the current multi-platform environment.

**ROWE:** What's the best work-related advice you've ever received?

**LINDHOUT:** Definitely to surround yourself with really smart people in a place with good culture.

I love working as part of a team – I've always worked in roles where I was surrounded by smart people who wanted to help lift each other up, and I feel like that makes a huge difference. Whether it's someone who is helping teach you the finer points of a really technical argument, helping you with your negotiation skills, or as you get more senior, the ability to act in more of a mentoring role, it's definitely these 'soft' aspects of my job that keep me motivated. In my experience, the more people around you are focused on lifting each other up, the less room there is for petty politics. I think it's also the best way to achieve continued professional development in a pretty organic way.

**ROWE:** What energises you about work?

**LINDHOUT:** The best part of being a lawyer in this space is that the environment we're working in constantly changes – both because of changes in technology and media and also in the way people are interacting with that technology and media. No sooner do we get our heads around the way a piece of technology operates, and how it needs to be addressed from a regulatory and contract perspective, something new enters the market – whether it's new ways for people to interact with live content; the role of AI; a new market entrant which doesn't quite fit within the regulatory landscape; or a change to overseas regulations which has an impact on Australian businesses. It's great for keeping me on my toes.

That also means it's especially important to get to know our clients and their businesses and really understand their key drivers so that

advice continues to be relevant and appropriate – and I think that deeper client connection makes work more meaningful because you're doing more than negotiating an agreement, or providing advice, you're actually impacting your clients' experiences too which gives our jobs that human element which might otherwise be lacking if you spend a lot of your time behind a computer / negotiating over Zoom.

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

**LINDHOUT:** I think probably moving in-house at the stage that I did (around 5-6 years). At the time, I was working in private practice in a team with really talented lawyers and interesting work. But when my recruiter called and said Fox Sports was looking for a new lawyer at my level, it was too good an opportunity to miss (even though stepping off the traditional law firm ladder seemed a bit scary at the time).

Moving in-house definitely exposed me to a greater range of matters – my background was in the M&A/TMT space and at Fox Sports the work ranged from pre-publication advice, negotiating talent agreements, cutting edge telco and technology deals, and of course the coveted media rights negotiations for a range of fantastic sports. It also gave me the opportunity to be fully embedded in the business – so the advice we were giving was commercially focused and strategically aligned (something which is a bit harder to achieve when you're a step removed in private practice). I also really enjoyed being part of a team – both legal and commercial – where we all had really diverse career experiences which meant we had a positive impact on the way each other approached tasks and worked together.

So, while at the time, stepping away from the traditional trajectory of law firm life seemed risky, it's definitely the step which has added the most depth to my working experience.

**ROWE:** If you could have dinner with any woman – living or passed, real or fictional, who would it be and why?

**LINDHOUT:** Since this is CAMLA, I'll focus on someone in the media space! I think it would have to be Liz Ellis. As a keen netballer, I grew up watching Liz Ellis play for the Swifts and the Diamonds. She always struck me as someone who was both a great leader and team player (not to mention an incredible defender). As with most of the Australian netball elite, there were never any scandals surrounding Liz's career – she is a world champion and did it with class (for want of a better word). Since retiring from netball, Liz has been a prominent netball commentator and seems to speak pretty candidly, even in relation to difficult topics. She's also not afraid to use her voice for good – evidenced just this week as she spoke out against sexist and derogatory comments made by Toby Rudolf.

# Samantha Walker

## Legal Counsel for NOVA Entertainment

Justin Kardi, Lawyer at Clayton Utz, speaks with **Samantha Walker**, Legal Counsel for NOVA Entertainment about Samantha's career in media law and International Women's Day.

**JUSTIN KARDI:** Could you explain your role and what a typical day looks like for you?

**SAMANTHA WALKER:** As Legal Counsel for NOVA Entertainment, I'm part of a close-knit team of three lawyers supporting and advising the business nationally. A typical day requires me to be flexible and responsive, to prioritise my workload and time in order to meet urgent and often last-minute deadlines, while at the same time keeping on top of business-as-usual workstreams. A typical day usually involves reviewing and negotiating a few different types of agreements (these could be in relation to tech and digital services, sponsorships and events, IP and podcast licences, contractor and talent engagements or advertising campaigns); advising on various topics such as compliance with advertising and consumer laws, intellectual property and brand protection matters, privacy and data protection issues, pre-publication issues including defamation and contempt; keeping myself across and advising on changes to legislation and regulatory issues affecting the industry; and attending meetings with various stakeholders. Every day is jam-packed, different and interesting.

**KARDI:** Can you tell us about one experience, event or person who was instrumental in sparking your interest in communications and media law or in leading you to your current role?

**WALKER:** In my final years of University I was fortunate enough to land a Paralegal position at NOVA. This exposure to practical, hands-on experience in a media company early on in my career gave me invaluable insight into what it would be like to work as in-house counsel for a media company, and I was hooked. After graduating I worked in private practice for a few years – this was great for developing my technical legal skills, and I met and learned from some amazing people many of whom are now close friends, but it was always my goal to end up working in-house. I love that I can put my skill set to use as a lawyer while working in such an exciting and

creative environment, for a company where I genuinely feel passionate about the product. My experience working as a Paralegal at NOVA definitely sparked my interest in this regard and I've come full circle with my current role as Legal Counsel at NOVA.

**KARDI:** Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

**WALKER:** I think there are many laws in need of reform as they struggle to keep up with the pace of digital transformation. In my current role, one example of where this is particularly evident is advertising laws that are piecemeal between different products within an industry, different advertising mediums (print, broadcast, online, streaming etc) and with differing approaches amongst Australian states/territories. Take for instance gambling advertising laws, the laws differ between Australian states/territories which is not such a problem for more traditional forms of advertising such as print and broadcast, but does become problematic when the internet makes advertising content available in a location where certain things contained in an ad might be prohibited. It would be great to see a uniform national law covering all states/territories, all different types of products, and different advertising mediums – similarly to what the Therapeutic Goods Administration has done for therapeutic goods advertising laws for example. Also – on the topic of the internet and digital transformation, I am obviously very interested (along with the majority of Australia I'm sure) to see how implementation of the News Media Bargaining Code pans out, particularly given Australia is essentially running a test race for the rest of the world.

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

**WALKER:** I've been privileged to have worked alongside a number of highly intelligent, accomplished



and inspiring women (and men) in my career to date - lawyers I worked with in private practice, my past and present colleagues at NOVA, and others I have met and worked with along the way. Cathy O'Connor (NOVA's former CEO, now the MD & CEO of oOh!) is definitely someone I admire and look up to – highly respected by all who know and work for and with her, a strong and inspiring leader and so clearly passionate about what she does.

**KARDI:** If there is one thing you would celebrate about the legal industry on International Women's Day, what would it be?

**WALKER:** The legal industry has the capacity to facilitate instrumental and necessary change in society and our ways of thinking. The fact that we can advocate for, and work to change our laws to reflect growth and changing ways of thinking about the world is a pretty amazing thing. Take for instance Grace Tame and Nina Funnell's #LetHerSpeak campaign. I am proud to work in an industry that facilitates reflection and enables change for the better – of course this is not only limited to issues affecting women, but on International Women's Day these are the issues I am reflecting on, and in relation to which I am celebrating forward momentum and change.

# Joelle Vincent

## Counsel and Manager, Intellectual Property, APAC at Netflix

**Eli Fisher**, Senior Legal Counsel at ViacomCBS / Network Ten and co-editor, chats with **Joelle Vincent**, Counsel and Manager, Intellectual Property, APAC at Netflix, about Joelle's career and thoughts on International Women's Day.

Joelle grew up in WA, studying Arts Management at WAAPA, then graduate law at UWA. She moved to Melbourne for a graduate position with Allens, where she specialised in Intellectual Property, working with Tim Golder. A secondment at Disney turned into a role as in-house counsel there. She then moved to LA and had another role at Disney. Joelle started at Netflix a bit over four years ago in business and legal affairs for our local language originals. She then moved to her current role as the Intellectual Property lead for Asia-Pacific, working out of Tokyo.

**ELI FISHER:** What does a typical day look like for you?

**JOELLE VINCENT:** A lot of meetings, mostly from home these days, but sometimes from our office in Omotesando. I take breaks to walk my dog through our neighborhood - especially lovely at this time of the year with the cherry blossoms in full bloom.

**FISHER:** What recent events in the legal landscape most affect your role at Netflix?

**VINCENT:** We have a unique approach to risk and always think about it in reality-based terms. While changes to laws all across Asia-Pacific can impact that assessment, we are even more focused on the local and global changes in the entertainment industry and how they impact our business. The industry is changing rapidly at the moment, so it is an exciting time.

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

**VINCENT:** I work with so many incredible women at Netflix. Yayoi Aoki, who heads up Netflix legal for Japan, teaches me a huge amount about working across different cultures and industry norms.



**FISHER:** What is the best work-related advice you've ever received?

**VINCENT:** Curiosity is key, and I am reminded about this by our Netflix Culture Memo and the example of my excellent colleagues every day.

**FISHER:** If there is one thing you would celebrate about the legal industry on International Women's Day, what would it be?

**VINCENT:** My formidable female colleagues, of whom there is a great number, and notably more than at any other time in my career.

**FISHER:** The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you, and how might that be implemented in our readers' work and personal lives?

**VINCENT:** I read it as a reminder to keep challenging gender barriers in the industry as we work toward greater inclusion and diversity.

# Courtney Scallan

## Executive Counsel at Nine Entertainment Co

**Nicola McLaughlin**, Solicitor at Kay and Hughes, sat down with **Courtney Scallan**, Executive Counsel at Nine Entertainment Co to discuss International Women's Day and Courtney's career in media law.

**NICOLA MCLAUGHLIN:** What recent events in the Australian media law landscape most affect your organisation/role?

**COURTNEY SCALLAN:** The trial and penalty hearing in the George Pell media contempt proceedings have raised significant considerations for the media. The proceedings have recently concluded on the basis that the corporate respondents pleaded guilty to contempt by breaching a proceeding suppression order. The proceedings lasted for almost two years and saw members of various media organisations, and their advisors, give evidence.

**MCLAUGHLIN:** Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

**SCALLAN:** Yes, and they are coming. The New South Wales Parliament gave assent to the *Defamation Amendment Bill 2020* in August 2020, and its equivalents should soon be enacted in all States and Territories. Significantly for the media, the Bill: introduces a single publication rule for multiple publications; makes it mandatory for the aggrieved person to issue a concerns notice to allow the time for an offer to make amends to expire before they are able to commence defamation proceedings; introduces a public interest defence to improve protection for journalists and media outlets; seeks to repair the contextual truth defence; and clarifies the cap on economic damages. A further stage of reform is expected to focus on the responsibility and liability of digital platforms for online content, which is also needed, particularly in light of decisions such as *Voller*.

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

**SCALLAN:** I feel like every day in my new role at Nine involves a risk of some sort: each publication, be



it in television, print or on radio, carries an inherent risk. It is a constant balancing act between the important role the media plays in publishing matters of public interest and expressions of opinion, and the rights of the individual; as well as navigating, and ensuring compliance with, the statutory reporting restrictions which exist (and differ) in each of the States and Territories, a task which certainly keeps in-house lawyers on their toes.

**MCLAUGHLIN:** How do you unplug from work?

**SCALLAN:** By spending time with my husband and my 3 year old daughter, Addison. A glass or two of champagne with friends also doesn't go astray. I am fortunate to have a long list of amazing women (and men) in my orbit who are a mix of lawyers, professionals, business owners, mums (and dads!) and all-round stellar humans, who I am so proud to call friends and colleagues.

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

**SCALLAN:** Always maintain a belief in yourself and your abilities. As a junior lawyer, I was once told that I would be more suited to a role in events management or public relations, rather than law. This devastated me at the time, because I loved being a lawyer, and sadly it made me question whether I was capable of my job, and I lost a lot of confidence in my role (which invariably happens to us all, no matter what your level of experience). I knew however that a role in media/defamation law was something I felt strongly about and wanted to hold on to and pursue, and so I did. It's taken me a long time to believe that my contribution to what I do is worthy. I now know my strengths, and make the most of them; and continue to work on overcoming any perceived weaknesses (whether imposed upon myself, or by others). Don't give up on the things that are important to you.

# Lyndelle Barnett

## Barrister at Level 22 Chambers

**Antonia Rosen**, Senior Associate at Banki Haddock Fiora, sits down with **Lyndelle Barnett**, Barrister at Level 22 Chambers about to discuss a career in media law and International Women's Day.

Lyndelle was called to the Bar in 2010 and specialises in media, defamation and intellectual property. Lyndelle regularly appears unled and is often briefed as junior counsel in significant media and defamation matters. Prior to being called to the bar Lyndelle was a solicitor at Blake Dawson, specialising in media and defamation. Lyndelle was the recipient of the Blashki Award for the highest aggregate award in the NSW Bar Exams July 2009.

Lyndelle has been repeatedly recognised as a recommended junior counsel in *Doyles Guide Leading Technology, Media & Telecommunications Junior Counsel – NSW 2016, 2019 & 2020*. Lyndelle has also lectured in Media and Defamation at the University of New South Wales.

**ANTONIA ROSEN:** Did you always want to be a barrister? If not, how did your career path lead you there?

**LYNDELLE BARNETT:** Being a barrister was never really something that entered by mind. At school in particular I was incredibly shy, so the idea of being a barrister and having a speaking role was not something that I had initially considered.

As a solicitor, it was something that sort of crept up on me slowly and organically. I found that more and more I was enjoying preparing pleadings, and helping barristers with submissions, and I bizarrely formed an itch to be the one doing the talking. It was suggested to me by a couple of people that I should consider a career at the bar. It was an idea that I liked and so I went with it.

**ROSEN:** Did you find that oral advocacy came naturally to you?

**BARNETT:** Yes and no. My mother would certainly say that it came to me naturally – she would probably think I was quite argumentative as a child. But no, in the sense that to prepare for an argument in court, you still have to put in a lot of work. I think it's dangerous to rely on a natural ability because so much of the job involves seeking to persuade based on particular facts and a particular application, which requires a degree of preparation.

**ROSEN:** What does a typical day look like to you?

**BARNETT:** Waking up when my three-year-old wakes me, which

could be anywhere from 5.30am to 7.30am – if its 7.30am it's normally a panic because I need to be at work sooner and I didn't expect to sleep in! I've stopped using an alarm clock. Then getting to work – I'm pretty bad with routines, so it's normally breakfast on the go. Then it could be anything from conferences, court, document review, chamber work – there isn't really a typical day in terms of workload. Certainly, the days in court are the ones that are an equal mix of being the most stressful and the most exciting. I usually head home at about 6:00pm, and have dinner with my family (which my lovely husband has cooked for me). Sometimes I have time to watch TV, other times it is back to work before bed.

**ROSEN:** What energises you about your work?

**BARNETT:** It's definitely the court work. It was something that really struck me with COVID this past year and being at home and appearing in online court. The first time I was in a physical court this year and on my feet again, I just remember walking out thinking that felt good – I think I had forgotten the exhilaration of being on your feet in a live courtroom.

**ROSEN:** What is the best work-related advice you've ever received?

**BARNETT:** I think one of the best pieces of advice I received was when I was a junior barrister. I was told not to be afraid to ask for work and to remember that, at the end of the day,



as barristers we are still a business, and sometimes that means you must have uncomfortable conversations. Junior barristers can go through quiet patches and you can worry about when the next brief is going to come. It is nerve-wracking to admit sometimes that you're not busy. But you never know if someone is looking for an extra pair of hands, and if you ask, the next brief will come. So being brave enough to have difficult conversations – to ask for help or for work – that is probably one of the best pieces of advice I have received.

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

**BARNETT:** My advice is to be bold and to not feel that you need to be held back by your gender. There will always be times where you will be treated differently because of your gender and I think we should be brave and not let people treat us like that. If it happens, just crack on, don't let it deviate you from your course. At the end of the day, we can do amazing things as women and we should just forge forward and keep doing it.

# Rebecca McCloy

## Director of Acquisitions and Sports Partnerships at Fox Sports

**Tara-Kate Taylor**, Paralegal at McCullough Robertson Lawyers, speaks with **Rebecca McCloy**, Director of Acquisitions and Sports Partnerships at Fox Sports, about Rebecca's career and International Women's Day.

**TARA-KATE TAYLOR:** Hi Rebecca, thank you for taking the time to talk with me about your career and experiences in the Australian media industry. On behalf of CAMLA readers, I'm very grateful for your insights! To celebrate International Women's Day, CAMLA is publishing a spotlight edition on successful and talented women in the media and communications space. To start off with, could you tell us about your role as the Director of Acquisitions and Sport Partnerships at Fox Sports? What is a 'typical day' for you and what are some interesting partnerships/projects you and your team have recently been involved in?

**REBECCA MCCLOY:** I have been at Fox Sports for almost nine years and as the Director of Acquisitions and Sport Partnerships I oversee the strategy, negotiation and acquisition of sports media rights and sports channels for the Foxtel Group, which includes Kayo. A typical day for my team can involve negotiating commercial deals to acquire multi-year media rights for mainstream sports like AFL, NRL and Cricket through to documentaries and post produced programming for niche sports like dragon boat racing, ultimate frisbee and fencing. Most of my time is spent managing the ongoing relationships with our hundreds of sports partners and agencies around the world. My team has a particular passion for driving the rise of women's sports in Australia and recently we signed a 5-year agreement with Netball Australia and have launched a month-long pop-up channel FOXW, in April, to showcase women's sports and inspiring female athletes and personalities. Increasing the presence of females on our television screens, both as athletes and on-air roles, is an important and rewarding part of my job.



**TAYLOR:** I understand you previously worked as the Business Manager of Sport at Network Ten and prior to that as the Business Director of the Stadium. What drew you to specialise in sports media and how have you navigated what is a largely male dominated field?

**MCCLOY:** It was my passion for sport that drove me to media. I started in financial services while

studying business and law. I had taken a sports management elective for fun, and my university lecturer suggested I would be well-suited to a commercial role in sports and specifically negotiating sports rights. It was something I had never considered but when the role at Network Ten came up I jumped at the opportunity and never looked back.

It is a very niche role, and the sports rights market is quite small globally. Fifteen years ago 95% of my colleagues would have been male. It is still incredibly male dominated, and I am the first woman to have my role in our company, but I have been fortunate to be supported by my male and female colleagues on the path. My gender has certainly made the journey more challenging but ultimately my style has been successful, and my performance has been recognised. I think I probably spent the first 7 years of my career trying not to highlight the fact that I was a woman, and the last 10 celebrating it, and realising that some of the more stereotypical female traits I possess such as empathy, compassion and the ability to seriously multi-task have contributed to my success.

**TAYLOR:** Have your experiences in a male dominated industry shaped the professional you are today? If so, how?

**MCCLOY:** Yes, absolutely. I am a huge advocate for diversity, particularly in the decision-making roles of our organisations. My experiences have really reinforced the need for us to have more women in these critical roles. I often bring a completely different perspective to a discussion. I have strong views and am confident in presenting a dissenting opinion, but this should be the norm not the exception. Things have improved in this area, particularly over the last 5 years, but sport and media still have a long way to go.

**TAYLOR:** Over the past couple of years, there has been a growing appetite for female sport on TV. This is evidenced by the reinvigoration of AFLW, NRLW and Super Netball Competitions, as well as the increase in funding provided by the Federal Government to support the coverage of female sports. Where do you think women's professional sport on TV is headed from here?

**MCCLOY:** Women's professional sports are on a fantastic trajectory. This is a cycle that needed to be started. If we have more women

playing sports, this then increases the quality of the competition, which increases the interest in watching, which increases the commercial interest from sponsors and broadcasters, which increases the money that can be poured back into female athletes, which increases the professionalism etc. You get the picture. There has been so much debate about how to kickstart the cycle and a lot of the investments we have made at Fox Sports were premised on what female sports could become and how we could help kickstart the cycle. The cycle is underway, and we are only going to see it increase more in the coming years. For this to be sustainable, we need sponsors to really get behind the women, both their sports and as individual athletes, and invest for the potential they see in the coming years, not just the eyeballs they are attracting today.

**TAYLOR:** Having worked in the media industry for the past 15 years, what has been the biggest change to the media landscape you have observed? What do you think is on the horizon for Australian sports media in the next few years?

**MCCLOY:** The way people consume their media has changed dramatically. The number of places you can watch your sport today is extraordinary compared to 15 years ago. It was a lot simpler to do my job 15 years ago! The emergence of so many different digital products, most of them being free paying, is still increasing. However, I think there will be a point of consolidation in the coming years as consumers will not be willing to pay for multiple subscriptions from different providers. Further, the cost of sports rights is not sustainable, and can be a major challenge for many new entrants.

In terms of women, I expect to see more women on our screens presenting sport and playing sport. It's an exciting time for my daughters who will be able to see so many opportunities in sport and media for young women.

**TAYLOR:** What advice would you give to those looking to embark (or switch into) a career in the sports media space?

**MCCLOY:** Be comfortable with change because this industry is changing quickly!

**TAYLOR:** International Women's Day is all about celebrating the progress of women's achievements and forging a gender equal world – the theme this year is #ChoosetoChallenge. Are there any champions of gender equality or particular women that inspire you?

**MCCLOY:** Elizabeth Broderick is incredibly impressive in the way she champions gender equality in Australia. I have been particularly inspired by Ruth-Bader Ginsberg and often wear her "dissent collar earrings". I am also greatly inspired by Jaha Dukureh, Founder of Safe Hands for Girls, and Winnie Byanyima of Oxfam. I could list 100s!

**TAYLOR:** On behalf of CAMLA, thank you again for taking the time to discuss your experiences and for providing some helpful tips and insights.

# Natasha Howitt

## Director for Production Security and Intelligence in APAC at Netflix

**Eli Fisher**, Senior Legal Counsel at ViacomCBS ANZ / Network Ten, chats with **Natasha Howitt**, Director for Production Security and Intelligence in APAC at Netflix about Natasha's careers and thoughts on International Women's Day.

Natasha is the Director for Production Security and Intelligence in APAC at Netflix, partially reporting into the public policy team. She's a former journalist who has covered events from earthquakes to plane crashes, corruption scandals to militant attacks. She's a British national who has spent most of her life in Asia and speaks Mandarin.

**ELI FISHER:** What does a typical day look like for you?

**NATASHA HOWITT:** I'm usually rolling out of bed quite early to catch calls with my U.S.-based colleagues as early as 6am. I then tend to take a beat, get myself a coffee and catch up on world events. I like to do this at a cafe or on my little plant-filled balcony. I sometimes squeeze in a refreshing swim. Without this, I doubt I'd be able to keep my head in the game! I then usually dive into a marathon stretch of calls and emails, with scattered moments where I get to chat to sources of mine around the region to check in on how the geopolitical landscape might be shifting. I love how much my job allows me to interact with people - I am constantly learning and meeting inspiring people. Dinner is always different, and almost always a bit of an adventure. Singapore's food scene is a dream!

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

**HOWITT:** Natalie Kalfus, Senior Counsel for Marketing Legal in APAC and the founder of our Employee Resource Group SGWomen@Netflix. She has done an immense job at creating a safe community for women at Netflix to exchange ideas and speak up, while also pulling off all the requirements of her job and more. She is a great listener, and is constantly challenging the status quo with solutions in mind. Natalie also leads by example

by establishing personal boundaries that allow her - and those around her - the space to breathe in the otherwise fast-paced world of Netflix.

**FISHER:** What is the best work-related advice you've ever received?

**HOWITT:** "When you approach a fork in the road, take it." My father, who has always been exceptionally supportive of my dreams and my career, has been telling me this since I was young. It has helped me to lean into risks and break down any creeping doubts that occasionally pop up while making difficult decisions.

**FISHER:** If there is one thing you would celebrate about the legal industry on International Women's Day, what would it be?

**HOWITT:** The legal strides being made around the world in holding perpetrators of sexual harassment accountable for their actions. While sexual harassment is not a gender-specific issue, each effort to tackle it marks a huge step towards a more equal world.



**FISHER:** The 2021 IWD campaign theme is #ChooseToChallenge. What does this mean to you and how might that be implemented in our readers' work and personal lives?

**HOWITT:** To me, it's a reminder of the power we do have. Recognising this does not necessarily need us to make any grand statement. We can make real impact through our everyday interactions, where we get to challenge the status quo and make room for those who don't (yet) have the same privileges to use their voice for change.

# Tracey Scott

## Deputy Commissioner at Australian Professional Leagues

**Maggie Kearney**, Associate at Corrs Chambers Westgarth, chats with **Tracey Scott**, Deputy Commissioner - Professional Leagues at Australian Professional Leagues about Tracey's career in sports administration and her thoughts on International Women's Day.

Tracey Scott is a well-respected sports administrator with a professional career in sport which has spanned over 15 years. Tracey holds an LLM from the University of Melbourne. Tracey's experience cuts across both professional and Olympic sports having held various senior roles at Cricket Australia (CA), Football Australia (FA) and the Australian Professional Leagues (APL), including Senior Legal Counsel and High Performance manager at CA, General Counsel of Regulatory and Integrity and General Manager of Leagues at FA. In addition, up until 2019, Tracey was a Director of Hockey Australia, having spent 7 years on the Board during a period in which Olympic sports have needed to re-imagine themselves given the growth of professional sport in Australia. Currently, Tracey is Deputy Commissioner at the Australian Professional Leagues and in particular, leads the Product Innovation and Stakeholder Management Team as well as providing strategic oversight across all four Leagues of A-League, Westfield W-League, Y-League and the E-League. Tracey also sits on FIFA's Professional Women's Football Task Force, being one of only 10 people selected worldwide and is the only professional leagues representative on the Task Force.



**MAGGIE KEARNEY:** Did you always want your current job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

**TRACEY SCOTT:** When I was admitted to practice law the early 2000s I would have to say that I did not have a prescriptive view on how I wanted my legal career to evolve as I wanted to remain open-minded to different opportunities that might arise. However, early in my private practice career I knew I wanted to work for a sustained period in sports law and/or the not for profit sector and so I took steps to try to allow myself to be well-placed to make the most of any opportunities that might arise - this included completing a masters in law at the University of Melbourne with a focus on sports law as well as volunteering for sports disciplinary tribunals.

Fortunately for me, in 2005 I had the opportunity to join Cricket Australia as one of their two in-house lawyers and I have remained working in professional sport since that time. Whilst I have always loved being a legal advisor in the context of professional sports, I was interested in tackling a broader remit which involved operational and product development strategic input and stakeholder management, as I felt I could make a more lasting and meaningful contribution with a broader remit. Therefore, I would

say that in or around 2017 I was interested in opportunities to transition into a more generalist management role and absolutely love my current job where I feel I have a great balance in pursuing my legal and non-legal passions.

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

**SCOTT:** I feel like the greatest professional risk I have taken was to move out of a dedicated legal role and into my current role, which is very diverse and fluid. At the time of making that decision, I was nervous as in taking that step, I was walking away from a professional identity and a sense of security and definition that I had known for close to 18 years. However, as we all know, any decision that has great risk also has opportunity and I am so thankful I embraced the new opportunity with an open mind.

**KEARNEY:** If you could have dinner with any woman - living or passed, real or fictional, who would it be and why?

**SCOTT:** This is a really difficult question. There are some many incredible women who have made the world a better place through their bravery, strength and vision. However, if I had to choose one, I would love to have dinner with Ruth Bader Ginsburg. I would be so grateful for the opportunity to speak with her about her professional career, what her support networks were and knowledge

she would share about how to so successfully traverse a system from a starting position of disadvantage.

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

**SCOTT:** Personally, as a leader I feel it is important to be authentic, consistent, compassionate and visible. There is no one particular way to lead - it really is about providing an environment for others that is safe, challenging and empowering. I also feel that the saying "the standard you walk past is the standard you accept" are words that all leaders should be cognisant of and reflect on in their everyday behaviours as leaders.

**KEARNEY:** How do you unplug from work?

**SCOTT:** This is an easy one! I unplug from work whenever I am spending time with Babou, my beautiful golden retriever and Jamie, my gorgeous ginger rescue cat. When you work in professional sport you do tend to work / be switched on 7 days a week dealing with issues and trying to improve the product for the fans, players, support staff and everyone that brings game day to life. So before I do anything else I start my day by walking Babou with a coffee and I have realised that apart from having quality time with my eldest furkid, it helps me to decompress, feel refreshed, clear my mind and energised for the day.

# Sophie Dawson

## Partner at Bird & Bird

**Isabella Boag-Taylor**, lawyer at Mills Oakley, sits down with **Sophie Dawson**, Partner at Bird & Bird to discuss Sophie's career and her thoughts on International Women's Day. Sophie is a TMT partner at Bird & Bird. Sophie has more than 25 years' experience as a media and technology lawyer, and leads Bird & Bird's Sydney Disputes practice.

**ISABELLA BOAG-TAYLOR:** What energises you about work?

**SOPHIE DAWSON:** I love working with our team to produce results for our clients. The teamwork both within Bird & Bird and externally with our instructors is for me the best bit. Joint problem solving is a source of genuine delight.

**BOAG-TAYLOR:** What's the best work-related advice you've ever received?

**DAWSON:** "Stick to your knitting!" A previous partner used to always say that when you wonder what to do next, the answer is nearly always to "stick to your knitting". That is, continue to focus on learning, teaching, growing and doing a good job for your clients. And the rest looks after itself.

**BOAG-TAYLOR:** What developments do you see on the horizon in 2021 for the communications and media legal landscape?

**DAWSON:** 2021 is set to be a landmark year in this space. Globally, there is a ground shift towards greater regulation of the internet and support for journalism. Here, that is reflected not only in the privacy, online and defamation law reform processes underway but also in the Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Act 2021, passed on 25 February 2021, and assented to on 2 March 2021. Similarly extensive changes are happening in Europe with the Digital Services Act reforms.

**BOAG-TAYLOR:** The 2021 International Women's Day campaign theme is #ChooseToChallenge. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?



**DAWSON:** This is a fantastic theme and one which we can all bring to our day to day work. It highlights the role that each of us individually has to play in making the world a better, safer place for women. We need to call out bad behaviour whenever it occurs. In many cases the people doing it don't even realise there's a problem with what they are doing, so actually calling it out is also a favour to them.

**BOAG-TAYLOR:** If you could have dinner with any woman – living or passed, real or fictional, who would it be and why?

**DAWSON:** Probably Ruth Bader Ginsburg, who led by example a generation of women (particularly in law) around the world. Closer to home, it is always a pleasure to run into Liz Broderick who has done a great job of leading efforts to bring equality to the Australian legal community, and more recently internationally. She had a role in

supporting me towards partnership when I was a young lawyer at Blake Dawson (as it then was).

**BOAG-TAYLOR:** What advice would you give to the next generation of female leaders in the industry?

**DAWSON:** Keep it real. Choose to Challenge, and also remember that both legal practice and family life will inevitably give rise to both joy and unexpected challenges. Be kind to yourself and others as you and they rise to meet those challenges. Bird & Bird have a really nice video series as part of this year's IWD material in which women talk about those challenges, and how they sometimes find it difficult. I think it is great that the profession is having an honest and supportive discussion about that.

Also be confident, and don't be afraid to pursue whatever it is that you would like to achieve in your career. You can do it!

## About CAMLA

The Communications and Media Law Association Incorporated (CAMLA) brings together a wide range of people interested in law and policy relating to communications and the media. CAMLA includes lawyers, journalists, broadcasters, members of the telecommunications industry, politicians, publishers, academics and public servants. Issues of interest to CAMLA members include:

- defamation
- broadcasting
- copyright
- advertising
- information technology
- freedom of information
- contempt
- privacy
- censorship
- film law
- telecommunications
- the Internet & online services

In order to debate and discuss these issues CAMLA organises a range of seminars featuring speakers prominent in communications and media law policy.

Speakers have included Ministers, Attorneys-General, members and staff of communications regulatory authorities, senior public servants, executives in the communications industry, lawyers specialising in media and communications law, and overseas experts.

CAMLA provides a useful way to establish informal contacts with other people working in the business of communications and media. It is strongly independent, and includes people with diverse political and professional connections. To join CAMLA, or to subscribe to the Communications Law Bulletin, complete the form below and forward it to CAMLA.

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### For further information:

Visit the CAMLA website at [www.camla.org.au](http://www.camla.org.au) for information about CAMLA, CAMLA seminars and events, competitions and the Communications Law Bulletin.



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